

COUNCIL MEETING AGENDA

Monday 17 April 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
10 April 2023

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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 17 April 2023 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: 11 April 2023

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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.

04/23.1.0 ATTENDANCE

04/23.1.1 Present

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

04/23.1.2 Apologies

Nil

04/23.1.3 Leave of Absence

Nil

04/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Bec Wood

04/23.2.0 PUBLIC QUESTION TIME

04/23.3.0 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.

04/23.4.0 CONFIRMATION OF MINUTES

04/23.4.1 Confirmation of Minutes – Council Meeting 20 March 2023

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 20 March 2023 be confirmed.

04/23.5.0 COUNCIL WORKSHOPS HELD SINCE 20 MARCH 2023 COUNCIL MEETING

04/23.5.1 Workshop 3 April 2023

There was a Workshop held on Monday 3 April 2023 and the following items were listed for discussion.

- Fraud and Corruption Control Policy and Plan
- Financial Management Strategy 2023/2030
- Review of Policy LG 40 - Rates and Charges Policy
- Whistle Blower Policy
- Fees and Charges 2023-2024
- Long Term Financial Plan Review
- Animal Control Report – March 2023
- Policy Review – AM20 Water Refill Station Policy
- Potential Projects: Local Roads & Community Infrastructure Program – Phase 4
- Reconciliation Action Plan
- Review of the Community Facility Hire Policy – CB07
- Wellbeing Project
- Request for Sponsorship- Suncoast Pony and Riding Club
- St Marys – Local Township Plan
- Ansons Bay – Local Township Plan
- Scamander – Local Township Plan
- Falmouth – Local Township Plan
- Binalong Bay – Local Township Plan
- St Helens – Local Township Plan
- Pending Development Application Updates
- Tasmanian Planning System Reforms
- Land Use Studies Review
- Draft Municipal By-Law & Regulatory Impact Statement
- Appointment of Break O'Day Council Natural Resource Management Committee Representative.
- NRM – Committee Meeting Minutes 7 March 2023. 270
- Discussion paper – Merit-based recruitment in councils
- Discussion paper – Addressing Councillor Misconduct

04/23.6.0 PLANNING AUTHORITY

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

04/23.6.1 DA 305-2022 – 14 Heather Place, St Helens - Residential - Multiple dwellings (2 dwellings)

ACTION	DECISION
PROPONENT	A Virieux
OFFICER	Planning Officer
FILE REFERENCE	DA 305-2022
ASSOCIATED REPORTS AND DOCUMENTS	Attachment A - Plans Attachment B - Responsible Officer Assessment Attachment C - Flood Mapping Information prepared by Hydrodynamica Attachment D – Representations (2) Attachment E – Applicant’s response to representations

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 RESIDENTIAL - MULTIPLE DWELLINGS (2 DWELLINGS) on land situated at 14 HEATHER PLACE, ST HELENS described in Certificate of Title 142222/7 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
Cover Page Proposed Units	A000 Rev 01	CBM Sustainable Design	30/11/2022
Proposed Site Plan 1	A101 Rev 04	CBM Sustainable Design	16/02/2023
Concept Site Services	A102 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles A	A103 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles B	A104 Rev 01	CBM Sustainable Design	15/02/2023
Ground Floor Plan	A201 Rev 06	CBM Sustainable Design	16/02/2023
First Floor Plan	A202 Rev 05	CBM Sustainable Design	15/02/2022
Elevations Unit 1	A301 Rev 03	CBM Sustainable Design	15/02/2023
Elevations Unit 2	A302 Rev 03	CBM Sustainable Design	15/02/2023
Site Elevations	A303 Rev 03	CBM Sustainable Design	15/02/2023
Site Stormwater Drainage Plan	A801 Rev 02	CBM Sustainable Design	15/02/2023
Shadow Diagrams	A702 Rev 02	CBM Sustainable Design	15/02/2023
Letter from CBM Sustainable Design Pty Ltd containing Flood Information prepared by Hydrodynamica	24012023	CBM Sustainable Design	Received by Council on 24/01/2023

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2022/01958-BODC** as attached to this permit.
3. The proposed new crossover from the kerb to the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.
4. The existing entire crossover section for numbers 12 and 14 Heather Place is to be removed. The section adjacent to number 14 Heather Place is to be made redundant and re-instated to kerb and gutter. A new footpath is to be laid and the nature strip re-instated. The crossover to number 12 Heather Place is to be re-laid. The cost of all works will be the responsibility of the Applicant.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossovers, footpath and nature strip.
6. The balcony privacy screening on the deck of Unit 2 is to be extended in length along the eastern side so that the unscreened section achieves a three (3) metre separation distance to the eastern (side) boundary. This condition is required to further limit the potential overlooking of number 12 Heather Place and ensure that performance criteria 10.4.6 P1 is able to be satisfied.
7. The upper level main bedroom window of Unit 1 is to be constructed with double glazing. This condition is required to mitigate potential noise from the adjacent vehicle turning area and ensure that performance criteria 10.4.6 P3 is able to be satisfied.
8. The upper level wet area windows on the western elevation of Units 1 and 2 are to be constructed with obscure glazing.
9. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
10. 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.
11. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
12. 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.
13. 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

14. 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

INTRODUCTION:

The Applicant is seeking approval for a two (2) dwelling (multiple dwelling) development proposal and associated works, located at 14 Heather Place, St Helens.

A copy of the plans and associated documentation is contained in **Attachment A**.

PREVIOUS COUNCIL CONSIDERATION:

Nil.

OFFICER'S REPORT:

1. The Proposal

The proposal is for two (2) dwellings (multiple dwellings) to be constructed on a vacant lot in the General Residential Zone. The lot has a site area of 758m² and is located on the northern side of Heather Place at St Helens. The land is relatively flat and has a sewer easement running along the rear (northern) boundary of the subject land. Heather Court is within a residential locality and has a mix of single and multiple dwelling developments, with examples of two-storey development.

The subject and surrounding land is flood prone, however, works associated with the recently approved subdivision at 62A Tully Street have altered the extent and location of flooding on surrounding properties. For the purpose of this assessment, the most recent flood mapping prepared by Hydrodynamica for the subdivision has been used, as it shows a more accurate depiction of the part of the subject and which may be flood affected.

The two-storey dwellings are to be sited one behind the other, with a shared driveway running along the western side of the lot. A dedicated visitor parking space is to be located at the end of the shared driveway and a turning bay located between the dwellings will allow vehicles to enter and exit the site in a forward manner. An existing formed crossover located at the eastern end of the front boundary is to be made redundant and re-instated to kerb and gutter. This work will involve the re-construction of the crossover of number 12 Heather Place, as the crossovers for both properties were originally constructed as one slab. Council Works Department has provided conditions regarding the new and existing crossover works, which are included as Permit conditions 3, 4 and 5.

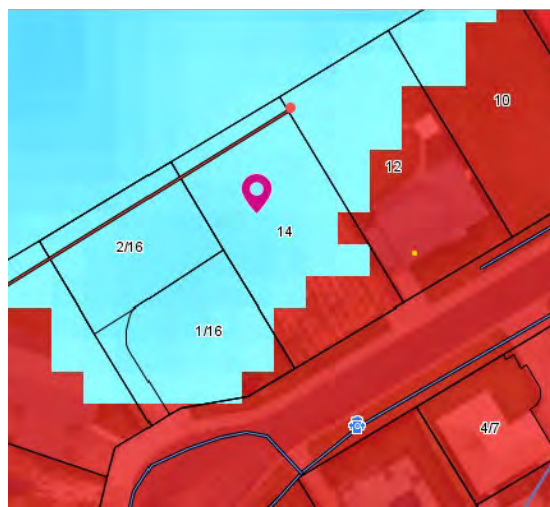
The dwellings have mostly identical floor layouts, with double garaging, entry, study, gym/entertainment, laundry and toilet at ground level, and at the upper level, 2 bedrooms, 2 bathrooms, open plan kitchen/living/dining and a deck. Both dwellings have a lift and incorporate storage areas within the garages. Total floor areas are: Unit 1 - 219.3m² and Unit 2 – 222m². Materials and finishes include a combination of brick, vertical timber cladding, vertical Scyon cladding and Colorbond roofing.

As parts of the site are flood prone, the finished floor levels are to be raised to ensure the necessary clearance from the known flood levels, making the overall height of the buildings not more than 7.4m from natural ground level.

Stormwater run-off from the buildings and driveway is to be directed to an existing stormwater connection located towards the eastern end of the front property boundary and Council Works Department has confirmed that all works will be undertaken within the property boundary (TRIM 23/2973). Water and wastewater connections have been considered by TasWater with conditions provided (TRIM 23/1669).



Aerial photo



Zoning

2. Applicable Planning Assessment

- 10 General Residential Zone;
- E4 Road and Railway Assets Code;
- E5 Flood Prone Areas Code;
- E6 Car Parking and Sustainable Transport Code.

3. Referrals

- Council Works Department
- TasWater

4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the nine (9) performance criteria detailed below:

Break O'Day Interim Planning Scheme 2013- Version 18:

- 10.4.2.P1 and P3 - General Residential Zone – Development Standards – *Setbacks and Building Envelope for all dwellings*
- 10.4.6 P1 and P3 - General Residential Zone – Development Standards – *Privacy for all Dwellings*
- 10.4.13.1 P1 - General Residential Zone – Development Standards - Stormwater Disposal
- E5.5.1 - Flood Prone Areas Code - Use Standards - *Use and Flooding*

- E5.6.1 P1.1 and P1.3 – Flood Prone Areas Code - Development Standards - *Flooding and Coastal Inundation*
- E6.7.2 P2 - Car Parking and Sustainable Transport Code - Development Standards - *Design and Layout of Car Parking*

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.

A copy of the Responsible Officer (RO) Assessment is contained in **Attachment B**.

Planning Assessment

10 General Residential Zone

10.4 Development Standards for Dwellings

10.4.2 Setbacks and Building Envelope for all dwellings

Acceptable Solutions	Performance Criteria
<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> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(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</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>P3 The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>

Performance Criteria Assessment

With regard to the building envelope requirements -part a) - the following information is provided:

Unit 1 (front unit) is contained within the building envelope, except for a minor protrusions (being an eave and a section of the upper level balcony screen) on the eastern side (see north elevation of unit 1). These protrusions are within the acceptable solution as they do not extend 0.9m horizontally beyond the building envelope.

Unit 2 (rear unit) has a small encroachment beyond the building envelope on the north-eastern part of the roof-line (see east elevation of unit 2), which extends 1.2m horizontally beyond the building envelope. This protrusion is not within the acceptable solution distance of 0.9m therefore assessment of this aspect against performance criteria P3 is required.

With regard to the set-back of the units from the side and rear boundaries – part b) – the following information is provided:

The upper level balcony of Unit 1 (front unit) has a set-back from the side (eastern) boundary of 1.31m, at a length of 5m, which satisfies the acceptable solution whereby a set-back of less than 1.5m does not exceed a total length of 9m or 1/3 the length of the side boundary (whichever is the lesser). The upper level balcony of Unit 2 has a small section (less than 0.5m) which has a set-back of between 1.4m and 1.5m. This minor incursion also satisfies the acceptable solution and does not contribute to the overall length of building (including both units) exceeding the 9m acceptable solution length requirement.

Therefore, with regard to the above, the only aspect of the proposal which requires assessment against the performance criteria is the small north-eastern section of the roof of Unit 2 which exceeds the building envelope. The following assessment against P3 is provided having regard to the impact on the properties to the east (12 Heather Place) and north (vacant land), which are the sides on which the building envelope is exceeded:

- a) It is considered that there will be no unreasonable loss of amenity to the neighbouring property to the east with regard to a reduction in sunlight to habitable rooms or overshadowing of private open space, as illustrated in the shadow diagrams included in **Attachment A**. Vacant land to the north is also unaffected by shadowing. Properties to the west will experience some shadowing but only in the morning. It is noted however, that the acceptable solution is achieved on this side of the proposed development with regard to set-backs and building envelope.*

With regard to the visual impact of the development, there is no doubt that the introduction of 2-storey dwellings on a vacant site will have an impact on the current outlook of the neighbours. Despite this, 2-storey dwellings are anticipated in the zone and multiple dwellings are a permitted use. The form of the dwellings are not considered to have a bulk or scale that is excessive for a 2-storey dwelling. The form of the dwellings, with upper level balconies on the eastern elevations may introduce some privacy concerns for the neighbours to the east which is discussed (and addressed via screening and a condition) in the next section below under 10.4.6 Privacy for all dwellings.

b) *Heather Court has numerous examples of multiple unit development, including numbers 1, 2, 7, 13 and 16 Heather Court, which set some precedence for a character where buildings are closely sited and set one behind the other. There are also examples of 2-storey dwellings in the street. The proposed separation between the subject dwellings and dwellings on adjoining properties is considered to be consistent and except for the minor protrusions previously mentioned, meets the acceptable solutions for building set-backs.*

c) *No solar installations are affected by the development.*

Overall, it is considered that the performance criteria is satisfied.

10.4.6 Privacy for all dwellings

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>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</p> <p>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</p> <p><i>Unit 1 has a balcony which is set-back 1.31m from the side (eastern) boundary for a length of 5m, therefore it doesn't satisfy the 3m acceptable solution part a).</i></p> <p><i>Unit 2 has a balcony which is set-back 1.4m (at the closest point) to the side (eastern) boundary and 2.26m (at the closest point) to the rear (northern) boundary, therefore it doesn't satisfy the 3m acceptable solution part a) and the 4m acceptable solution part b).</i></p>	

The balcony of Unit 1 will overlook the private open space of Unit 2, however, has a separation distance of 5m to the fence line and over 6m to the hatched area shown as the private open space area of Unit 2 (Ground Floor Plan A201 contained in **Attachment A**). It is considered that acceptable solution part c) is satisfied.

With regard to the balconies of Units 1 and 2 which do not satisfy acceptable solution parts a) and b), the following assessment against performance criteria P1 is provided:

The Applicant has included balcony screening along sections of both balconies.

The screening proposed for the balcony of Unit 1 screens the entire northern end of the balcony (to a height of 1.7m) and extends along a 2.5m section of the eastern side. This will restrict outlook in a north-easterly direction, and limit the outlook into the rear yard area of number 12 Heather Place to being mostly over the roof area of the dwelling. It will also prevent overlooking into the private open space area of Unit 2 on the subject site. Additional screening to restrict the outlook to the east is not considered critical as this outlook would mostly be over the roof area of number 12 Heather Place.

The screening proposed for the balcony of Unit 2 screens the entire southern end of the balcony and extends along a 2.5m section of the eastern side. This will restrict outlook in a south-easterly direction and limit the outlook into the rear yard of number 12 Heather Place to mostly the rear section of the yard, towards the back fence. It will also prevent overlooking into the private open space area of Unit 1 on the subject site. Because there will still be some overlooking of the private open space area of number 12 Heather Place, it is considered reasonable to require that the screening along the eastern side of the balcony be extended to the point where it achieves the 3m separation distance. While this will not totally screen the balcony, it will further limit the opportunity for overlooking, which will further reduce the impact on the neighbouring land and ensure that the section of the balcony which is not screened, achieves the 3m acceptable solution set-back from the eastern side boundary. The Applicant has advised that a condition requiring the extension of the privacy screening on the balcony of Unit 2 is acceptable.

There will be no overlooking of private open space to the north of the balcony of Unit 2 as this site is vacant.

Overall, it is considered that the level of screening proposed, including a condition of approval requiring the extension of the privacy screening for the balcony of Unit 2, will minimise overlooking of the private open space of number 12 Heather Court, such that the performance criteria is satisfied.

Acceptable Solutions	Performance Criteria
<p>A3</p> <p>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 not less than:</p> <p>2.5m; or</p>	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>

<p>1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	
<p>Performance Criteria Assessment</p> <p><i>The development includes a vehicle turning area located between the dwellings.</i></p> <p><i>For Unit 2, the minimum acceptable solution separation distance is achieved, with the closest habitable room window being an upper level window which has a horizontal separation distance of about 1.5m. Unit 1 has an upper level habitable room window (main bedroom) which has zero horizontal separation to the vehicle turning area so does not meet the acceptable solution. The following assessment against P3 is provided:</i></p> <p><i>The shared driveway area is required to provide a manoeuvring area to allow the vehicles from Unit 2 and the allocated visitor space to enter and exit the site in a forward manner. Given that the affected bedroom is the main bedroom of Unit 1, and the manoeuvring area is for the benefit of Unit 2 and visitors, noise could be an issue. Vehicle lights are unlikely to affect the bedroom given that it is at the upper level.</i></p> <p><i>With regard to noise, it is considered that in order to mitigate potential noise nuisance, the upper level main bedroom window of Unit 1 should incorporate double glazing. The Applicant has advised that a condition requiring double glazing for this window is acceptable.</i></p> <p><i>Subject to the imposition of this condition it is considered that the performance criteria is satisfied.</i></p>	

10.4.16.1 Stormwater Disposal

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>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.</p>	<p>P1</p> <p>Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.</p>
<p>Performance Criteria Assessment</p> <p><i>Rainwater tanks are not proposed for either dwelling, with stormwater run-off from the buildings and driveway area proposed to be directed into the existing stormwater connection located towards the eastern end of the property frontage.</i></p> <p><i>Council Works Department has confirmed that this is acceptable and has not required any on-site detention.</i></p> <p><i>It is considered that the performance criteria is satisfied.</i></p>	

E5 Flood Prone Areas Code

E5.5 Use Standards

E5.5.1 Use and Flooding

Acceptable Solutions	Performance Criteria
A1 The use must not include habitable rooms.	P1 Use including habitable rooms subject to flooding must demonstrate that the risk to life and property is mitigated to a low risk level in accordance with the risk assessment in E5.7.
Performance Criteria Assessment <i>The subject land is mapped as being flood prone and includes habitable rooms, therefore the following assessment against performance criteria P1 is provided:</i> <i>Information of the extent and level flooding has been taken from a report prepared by HydroDynamica for an adjoining subdivision (61A Tully Street, St Helens). This report provides flood mapping which is more recent than the Council's mapping system and factors in mitigation works undertaken outside of the subject land which have reduced the extent and depth of flooding on the subject land – a copy of the revised flood mapping and information is contained in Attachment C.</i> <i>The information provided shows the peak flood depths as being between 0.02m and 0.08m and within the H1 Hazard Vulnerability Classification. The Council Works Department has previously accepted the findings of this report and has provided no additional advice through referral of this development application.</i> <i>It is considered that the performance criteria is satisfied.</i>	

E5.6 Development Standards

E5.6.1 Flooding and Coastal Inundation

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1.1 It must be demonstrated that development: a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or b) 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. 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>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; and b) 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; and d) 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.
--	---

Performance Criteria Assessment

The following assessment against performance criteria P1.1 and P1.3 is provided:

P1.1

- a) Direct access to the water is not required and the use is located in an area subject to a low risk*
- b) N/A – access to the water is not necessary*

P1.2

N/A – the development is not subject to medium risk

P1.3

Raised finished floor levels are proposed to reduce any risk of ground floor flooding during a flood event. This will not:

- a) Interfere with coastal or water course processes*
- b) Surface drainage is proposed within the driveway areas to ensure run-off is directed to the reticulated stormwater system*
- c) The works will not cause pollution of watercourses*
- d) Works outside of the subject land are not proposed.*

It is considered that the performance criteria is satisfied.

E6 Car Parking and Sustainable Transport Code

E6.7 Development Standards

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions	Performance Criteria
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none">a) have a gradient of 10% or less; andb) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; andc) have a width of vehicular access no less than prescribed in Table E6.2; andd) 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; andii) where parking is more than 30m driving distance from the road; oriii) where the sole vehicle access is to a category 1, 2, 3 or 4 road	<p>P2 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none">a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; andb) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.
<p>Performance Criteria Assessment</p> <p><i>The proposal satisfies the acceptable solutions parts a), b) and c).</i></p> <p><i>The access strip width does not comply for 90 degree parking for Unit 1 (needs to be 6.4m) so does not satisfy acceptable solution part d).</i></p> <p><i>The applicant has provided swept path diagrams (contained in Attachment A – Car Turning Circles A and B – A103 and A104), illustrating that the width of the garage opening will allow sufficient room for vehicles to reverse out of the garage of Unit 1 without multiple manoeuvres and exit the site in a forward manner.</i></p> <p><i>It is considered that the performance criteria is part d) is satisfied.</i></p>	

5. Representations

The application was advertised from 25 February 2023 to 10 March 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining land owners. Two (2) representations were received prior to the closing date and time. One of these representations contains multiple signatories. A copy of the representations are contained in **Attachment D**.

The Applicant has provided a written response to the representations, a copy of which is contained in **Attachment E**.

A summary of the key issues and response is outlined below:

Issue	Response
<p>The concerns raised in the representations are summarised below:</p> <ol style="list-style-type: none"> 1. Privacy of adjoining properties will be compromised. 2. Overshadowing of adjoining properties and how it will impact adjoining properties in summer months. 3. Development is out of character (visual and physical bulk) with the established character of Heather Place. 4. No consideration of the existing environment and wellbeing of other residents. 5. Concerns that there will be insufficient suitable installed drainage. 6. Unit designs will prohibit families or elderly tenants because of the size of the units and the stairs. 	<ol style="list-style-type: none"> 1. Issues relating to privacy are discussed under the planning assessment section of this report, but only in relation to discretionary aspects of the proposal. The proposal is only discretionary on 2 aspects relating to privacy – the first being the set-back of the upper level balconies of Units 1 and 2 from the eastern (side) boundary and the rear (northern) boundaries of the subject land, and the second, being the proximity of the upper level main bedroom window of Unit 1 being adjacent to the shared driveway area of the units. The impact of the reduced side set-backs of the balconies has been discussed in terms of how it might affect the occupants of 12 Heather Place and the vacant land to the north, which are the 2 properties sharing the common boundaries from where the balconies have reduced set-backs. The outcome of this assessment is that the proposed privacy screening shown on the plans, as well as an additional condition (condition 6 of the Permit conditions), requiring the extension of the privacy screening to the balcony of Unit 2, will minimise the level of overlooking such that the performance criteria is satisfied. <p>The representations received speak specifically about the overlooking of Units 1/12 and 2/12 Heather Place, which are on the western side of the proposed development. The upper level balconies located on the eastern side of the dwellings will have no impact on the privacy of these units and all of the upper level windows on the northern, southern and western sides of the dwellings have set-backs which meet or exceed the acceptable solutions (3m to side boundaries and 4m to rear boundaries).</p> <p>Notwithstanding this, the Applicant has considered the concerns raised by the occupants of 12 Heather Place and has offered to incorporate obscure glazing to all of the wet area windows on the western elevations of the units. This is included as condition 8 of the Permit conditions.</p> 2. Issues relating to overshadowing are discussed under the planning assessment section of this report, but only in relation to discretionary aspects of the proposal. In this context, the only aspect of the proposal which requires assessment against the performance criteria is the small section of the roof-

line of Unit 2 which exceeds the building envelope (1.2m horizontally on the rear north-eastern corner of the building). This discretion will have no discernible impact on the level of overshadowing likely to be experienced by the occupants of Units 1/12 and 2/12 Heather Place. The proposed units meet all of the building set-back and building envelope acceptable solution requirements in relation to the western (side) and north-western (rear) boundaries.

With regard to the concerns raised about the overshadowing of numbers 1/12 and 2/12 Heather Place, the overshadowing diagrams contained in **Attachment A (Shadow diagrams A702)** demonstrate the worst case scenario for overshadowing (being June 21). The diagrams illustrate that most shadow will fall on these units in the morning, and that from 12 noon onwards, the units will not be affected by shadow. In the response to representations, the Applicant has included a shadow diagram for summer, illustrating that shadowing will be less than in winter due to the higher angle of the sun.

It is acknowledged that the units at number 1/12 and 2/12 Heather Place will experience some shadowing from the proposed development, however because the siting of the proposed units relative to the western boundary meets all of the acceptable solutions for set-back and building envelope (which includes height), it must be concluded that the level of overshadowing is acceptable.

3. The General Residential Zone anticipates dwellings in various forms, including 2-storey and multiple dwellings. The character of the locality is influenced by both 2-storey and multiple dwellings (both present in Heather Place), therefore the proposal is not considered to be out of character. The visual bulk and scale of the dwellings has been discussed in the planning assessment section with regard to discretionary aspects of the proposal.
4. The existing environment and the wellbeing of residents can only be considered in terms of the relevant Planning Scheme zoning and overlays. In this regard, the assessment of discretionary matters relating to boundary set-backs, building envelope, privacy, stormwater, flooding and access, has concluded that all of the relevant performance criteria have been satisfied.

	<p>5. With regard to stormwater drainage, a stormwater drainage plan is provided in Attachment A, which illustrates that all run-off from the dwellings and the driveway will be directed to the reticulated stormwater system. Council Works Department has reviewed the proposal with no further requirements.</p> <p>6. The General Residential Zone encourages a range of housing types and demographics. The policy does not regulate what features a dwelling may or may not include beyond the prescribed use and development standards.</p>
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The recommendation for approval has been made following due consideration of the representations and comments.

6. Mediation

Nil.

7. Conclusion

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

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.

DWG NO.	DRAWING	REV
A000	COVER PAGE	01
A101	PROPOSED SITE PLAN 1	03
A102	CONCEPT SITE SERVICES	02
A103	CAR TURNING CIRCLES A	02
A104	CAR TURNING CIRCLES B	01
A201	GROUND FLOOR PLAN	05
A202	FIRST FLOOR PLAN	05
A203	UNIT 1 FLOOR PLANS	01
A204	UNIT 2 FLOOR PLANS	01
A301	ELEVATIONS UNIT 1	03
A302	ELEVATIONS UNIT 2	03
A303	SITE ELEVATIONS	03
A702	SHADOW DIAGRAMS	02
A801	SITE STORMWATER DRAINAGE PLAN	02

COVER PAGE

A000



NCC BUILDING CLASSIFICATION(S):	
CLASS 1a (DWELLING) AND CLASS 10a (GARAGE)	
BAL ASSESSMENT: (AS3959-2018)	TBC
EX. FLOOR AREA:	N/A m ²
NEW GROUND FLOOR:	213.8 m ²
NEW FIRST FLOOR:	210.7 m ²
TOTAL AREA:	TAM ²
DECKS, RAMPS, ETC.:	DAAm ²
PLANNING ZONE: BREAK O DAY GEN. RESIDENTIAL	
LAND TITLE REF:	142222/7
PROPERTY ID:	2586606
SOIL CLASSIFICATION: (AS2876-2011)	TBC
WIND CLASSIFICATION: (AS4055-2012)	TBC
CLIMATE ZONE: (NCC 2019)	7
ALPINE AREA: (NCC 2019)	N/A
CORROSION ENV: (AS4312-2008)	C3 MEDIUM
DRAWINGS TO BE READ IN CONJUNCTION WITH ANY WRITTEN SPECIFICATIONS AND ANY ASSOCIATED DOCUMENTATION PREPARED BY SUB-CONSULTANTS	
BOUNDARY INFORMATION AND CONTOURS HAVE BEEN SOURCED FROM THE LIST AND ELVIS FOUNDATION SPATIAL DATA AND IS APPROXIMATE.	
WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS	
DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE	
DOCUMENTATION IS SUBJECT TO STATUTORY APPROVALS	
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BRAND: CBM1991-BRAND: BANC TO ARCH: CAD 24022022 14 HEATHER PL - DA REV 15/02/2022



PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216
 STREETWISE DEVELOPMENTS P/L

SCALE: (A3)

ISSUE	REV	DATE
SKETCH DESIGN	01	30/11/2022

PROJECT: P22036



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DWG NO	DRAWING	REV
A000	COVER PAGE	01
A101	PROPOSED SITE PLAN 1	03
A102	CONCEPT SITE SERVICES	02
A103	CAR TURNING CIRCLES A	02
A104	CAR TURNING CIRCLES B	01
A201	GROUND FLOOR PLAN	05
A202	FIRST FLOOR PLAN	05
A203	UNIT 1 FLOOR PLANS	01
A204	UNIT 2 FLOOR PLANS	01
A301	ELEVATIONS UNIT 1	03
A302	ELEVATIONS UNIT 2	03
A303	SITE ELEVATIONS	03
A702	SHADOW DIAGRAMS	02
A801	SITE STORMWATER DRAINAGE PLAN	02

COVER PAGE

A000



NCC BUILDING CLASSIFICATION(S)	
CLASS 1a (DWEILING) AND CLASS 10a (GARAGE)	
BAL ASSESSMENT: (AS3908-2019)	TBC
EX. FLOOR AREA:	NA ^{m²}
NEW GROUND FLOOR:	213.8 ^{m²}
NEW FIRST FLOOR:	210.7 ^{m²}
TOTAL AREA:	TA^{m²}
DECKS, RAMPS, ETC:	DA ^{m²}
PLANNING ZONE: BREAK O DAY GEN RESIDENTIAL	
LAND TITLE REF.:	142222/7
PROPERTY ID:	Z566606
SOIL CLASSIFICATION: TBC (AS2970-2011)	
WIND CLASSIFICATION: TBC (AS4008-2012)	
CLIMATE ZONE:	7 (NCC-2019)
ALPINE AREA: NA (NCC-2019)	
CORROSION ENV: C3 MEDIUM (AS4312-2008)	
DRAWINGS TO BE READ IN CONJUNCTION WITH ANY WRITTEN SPECIFICATIONS AND ANY ASSOCIATED DOCUMENTATION PREPARED BY SUB CONSULTANTS	
BOUNDARY INFORMATION AND CONTOURS HAVE BEEN SOURCED FROM THE LIST AND ELVIS FOUNDATION SPATIAL DATA AND IS APPROXIMATE	
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PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216
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SCALE (A3)

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BAL ASSESSMENT (AS3885:2016)	TBC
SITE AREA	750m ²
EX. FOOTPRINT	N/A
NEW FOOTPRINT	213.0m ²
SITE COVERAGE	28.2%
SOME ITEMS LISTED BELOW MAY NOT BE APPLICABLE	
REFER MATERIALS & FINISHES SCHEDULE FOR FURTHER DETAIL	
BOLL	BOLLARD
EX	EXISTING
FH	FIRE HYDRANT
FL	FLOOR LEVEL
MH	MANHOLE
RL	RELATIVE LEVEL
SH	SHED / OUTBUILDING
WHT	WATER HARVESTING TANK
AG	AG DRAIN
COM	COMMS LINE
GA	GAS LINE
HV	HV POWER LINE
LV	LV POWER LINE
SE	SEWER LINE
SW	STORMWATER
W	WATER LINE
LEVELS AND DIMENSIONS TO BE CONFIRMED ON SITE	
UTILITY CONNECTION LOCATIONS TO BE CONFIRMED ON SITE	
SITE ACCESS TO BE PROVIDED WITH APPLICABLE TURNING AND TRANSPORT REQUIREMENTS	
VEHICLES TO ONLY BE PARKED IN DESIGNATED AREAS	
CUT-OFF AND AG DRAINS TO BE INSTALLED PRIOR TO EXCAVATION OF FOOTINGS	
EXCAVATED MATERIAL TO BE PLACED UP SLOPE OF DRAINS AND SEDIMENT FENCES INSTALLED DOWN-SLOPE OF MATERIAL	
EXCAVATED MATERIAL TO BE USED WHERE SITE WORKS REQUIRE FILL, BEFORE EXCESS MATERIAL IS PROPERLY REMOVED FROM SITE	
DOWNPIPES TO BE CONNECTED TO RELEVANT SYSTEM AS SOON AS ROOF IS INSTALLED	
PRODUCTS AND SYSTEMS TO BE INSTALLED AND / OR USED AS PER MANUFACTURER'S INSTRUCTIONS	
IMPORTANT	
WORKS ARE TO BE IN ACCORDANCE WITH THE APPLICABLE AUSTRALIAN STANDARDS, CONSTRUCTION CODES (NCC) & REQUIREMENTS OF ANY RELEVANT LOCAL AUTHORITIES	

PROPOSED SITE PLAN
 1:500

TOTAL SITE AREA 750M²
 LOT 1 331.6M²
 LOT 2 328.4M²
 DRIVEWAY AREA 230M²

EXTENT OF FLOOD PRONE AREA PROVIDED BY HYDROLOGICAL REPORT



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PROPOSED UNITS
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SCALE 1:500 (A3)

ISSUE	REV	DATE
SKETCH DESIGN	01	01/02/22
SKETCH DESIGN	02	17/02/22
DEVELOPMENT APPLICATION	03	15/03/22
DEVELOPMENT APPLICATION	04	16/03/22

PROJECT: P22036





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PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216

STREETWISE DEVELOPMENTS P/L

SCALE (A3)

ISSUE	DATE
SKETCH DESIGN	01 12/01/2022
DEVELOPMENT APPLICATION	02 15/02/2022

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CAR TURNING CIRCLES A

A103



SITE PLAN TURNING CIRCLES UNIT 1A
1:200



SITE PLAN TURNING CIRCLES UNIT 2A
1:200



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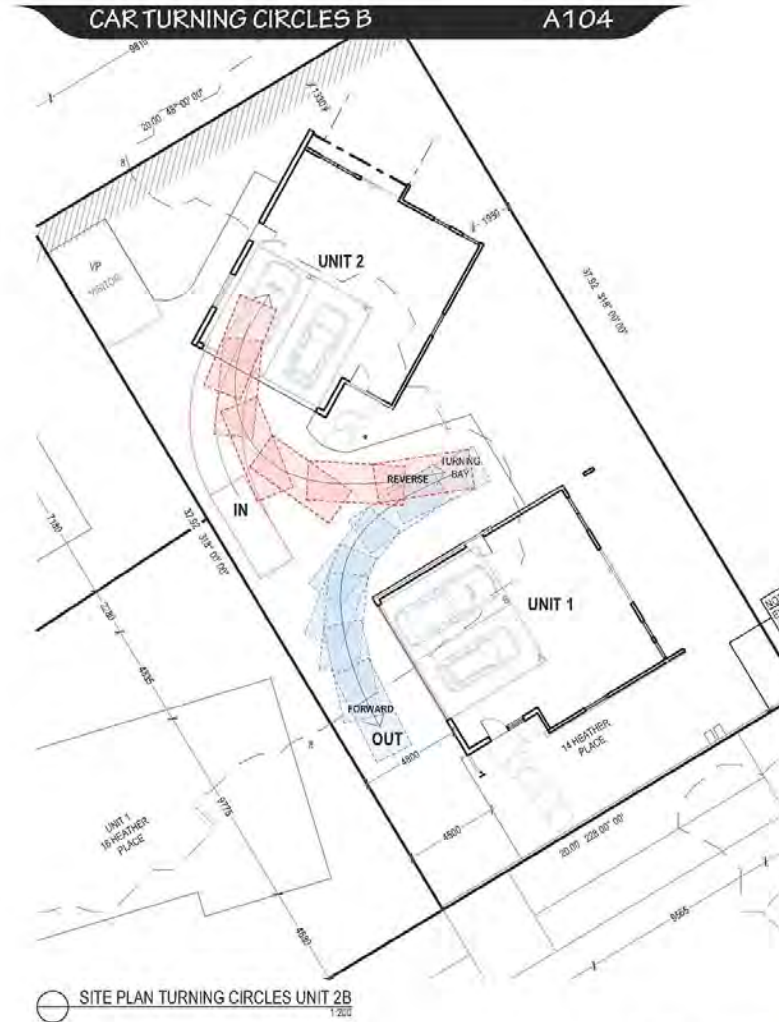
PROPOSED UNITS
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SCALE: 1:200 (A3)

DATE	NO	DESCRIPTION
24/10/23	01	SKETCH DESIGN
19/09/23	00	DEVELOPMENT APPLICATION

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GROUND FLOOR PLAN

A201



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PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216

STREETWISE DEVELOPMENTS P/L

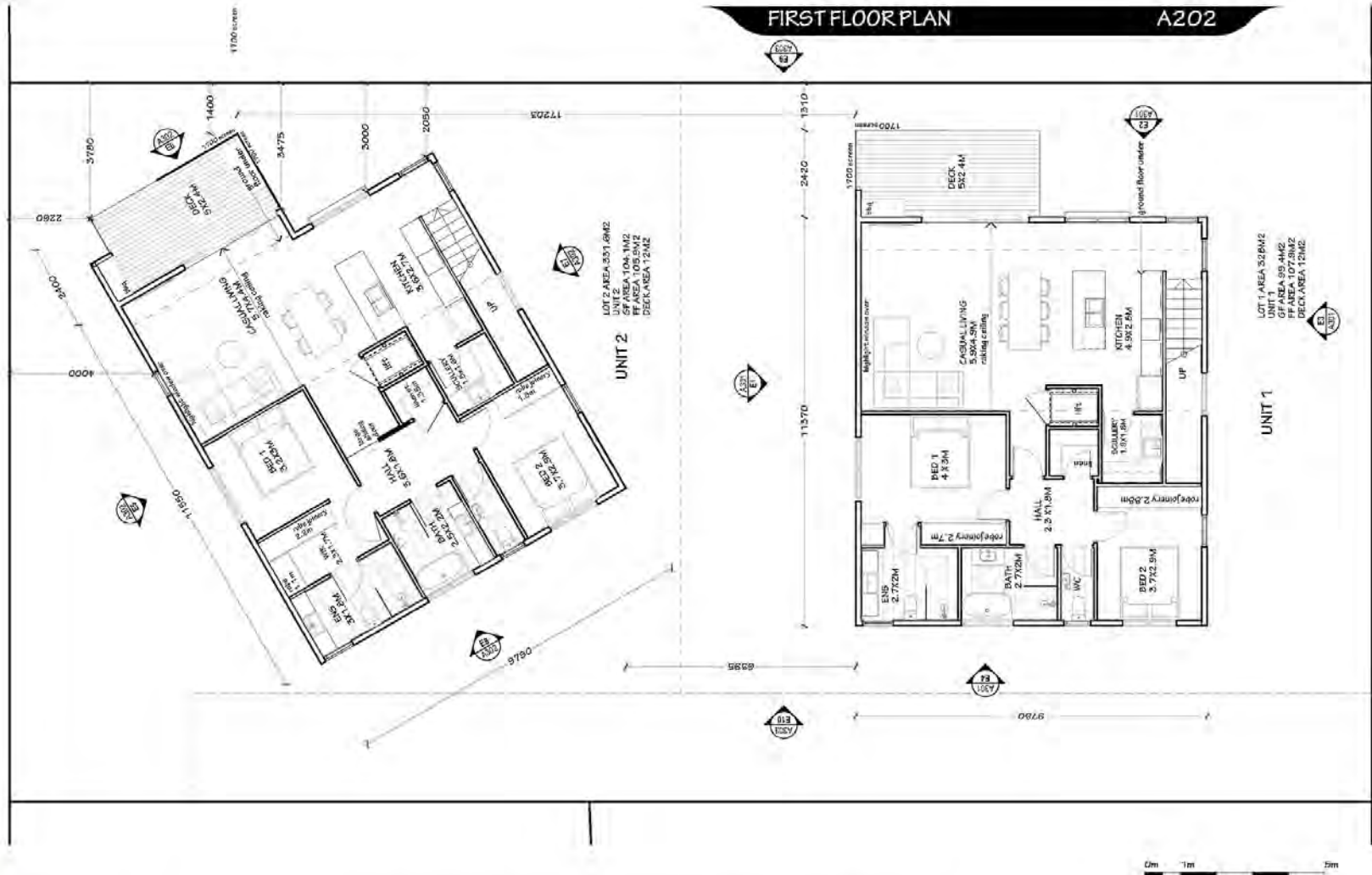
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ISSUE	REV	DATE
SKETCH DESIGN	01	10/10/2023
SKETCH DESIGN	01	24/10/2023
DEVELOPMENT APPLICATION	01	19/09/2023
DEVELOPMENT APPLICATION	01	16/02/2024

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FIRST FLOOR PLAN A202

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PROPOSED UNITS
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 STREETWISE DEVELOPMENTS P/L

SCALE: (A3)

DATE	01/11/2022
DESIGNER	JANINE
APPLICANT	STREETWISE DEVELOPMENTS P/L

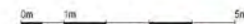
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NO	03	DATE	01/11/2022
NO	04	DATE	01/11/2022
NO	05	DATE	01/11/2022

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ELEVATIONS UNIT 1 A301



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PROPOSED UNITS
 14 HEATHER PLACE ST HELENS TAS 7216
 STREETWISE DEVELOPMENTS P/L

SCALE 1:100 (A3)

ISSUE	REV	DATE
SKETCH DESIGN	01	30/11/2022
SKETCH DESIGN	02	24/12/2021
DEVELOPMENT APPLICATION	03	19/02/2023

PROJECT P22036



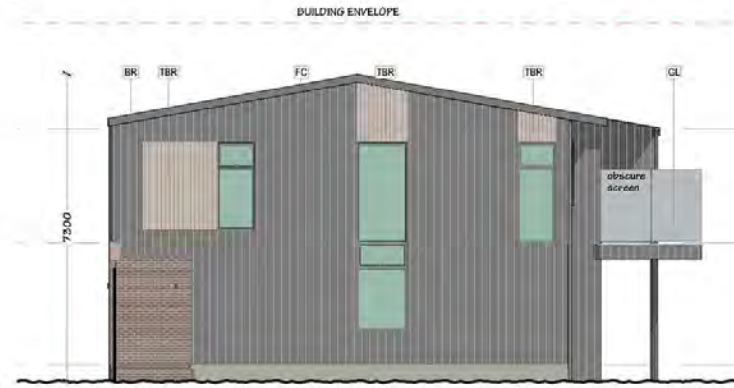
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ELEVATIONS UNIT 2

A302



E5 NORTH ELEVATION
1:100



E7 SOUTH ELEVATION
1:100



E8 EAST ELEVATION
1:100



E9 WEST ELEVATION
1:100



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NORTH

PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216

STREETWISE DEVELOPMENTS P/L

SCALE: (A3)

ISSUE:
 SKETCH DESIGN
 DEVELOPMENT
 APPLICATION

REV: 01
 02
 03

DATE: 20/10/2022
 24/10/2022
 19/10/2023

PROJECT P22036



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SITE ELEVATIONS

A303



E9 SITE EAST ELEVATION
1:200



E10 SITE WEST ELEVATION
1:200

	MRS COLORBOND SHALEGREY SOLAR ABSORPTANCE 0.43		MRS COLORBOND SHALE GREY SOLAR ABSORPTANCE 0.43
	TBR VERTICAL TIMBER CLADDING		TBR VERTICAL TIMBER CLADDING
	COLORBOND BASALT SOLAR ABSORPTANCE 0.69		COLORBOND SHALE GREY SOLAR ABSORPTANCE 0.43
	FC VERTICAL CLADDING SCYON AXON		FC VERTICAL CLADDING SCYON AXON
	BR FACE BRICK OPTION 1		BR FACE BRICK OPTION 1
	BR FACE BRICK OPTION 2		BR FACE BRICK OPTION 2



CBM Sustainable Design
 LTN: 51 York Street, PO Box 6271, Launceston TAS 7250
 MBT: 1 Alyson Place, Cambridge TAS 7170
 VIC: Level 14, 280 St Kilda Road, Melbourne VIC 3004
 NSW: Impact Centre, 19 Chesney Road, Etna NSW 2250

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PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216
 STREETWISE DEVELOPMENTS P/L

SCALE: (A3)

ISSUE	REV	DATE
SKETCH DESIGN	01	30/11/2022
SKETCH DESIGN	02	28/01/2023
DEVELOPMENT APPLICATION	03	13/02/2023

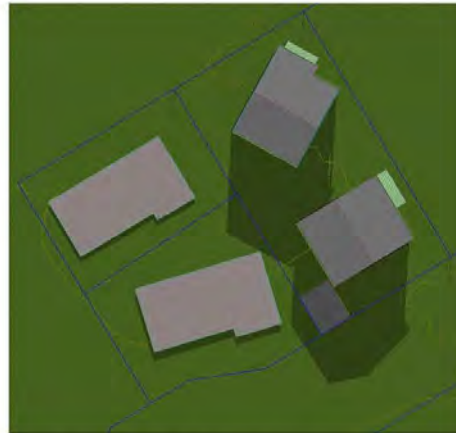
PROJECT P22036



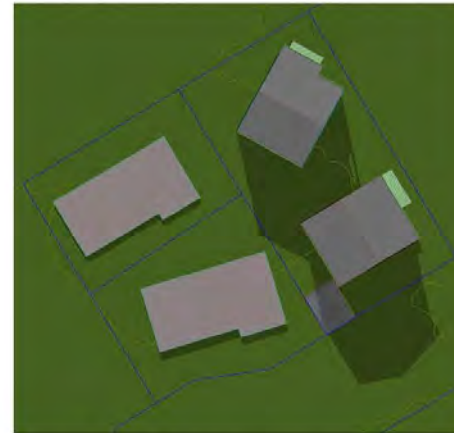
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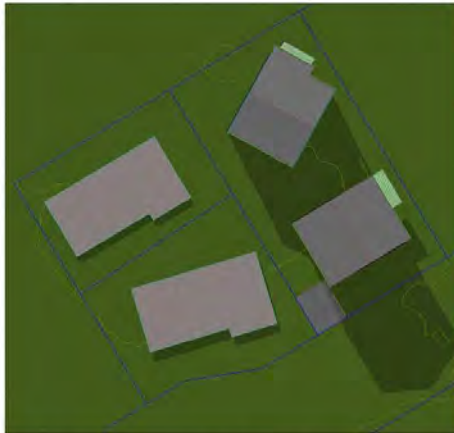
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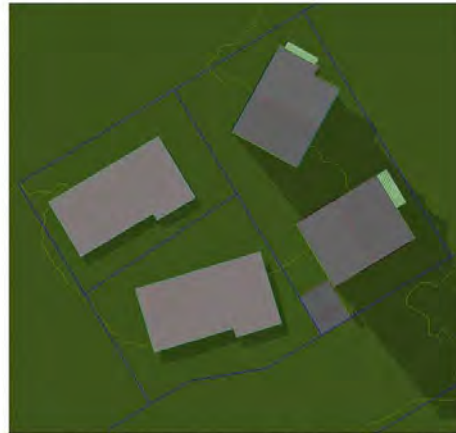
SHADOWS JUNE 21 12



SHADOWS JUNE 21 1PM



SHADOWS JUNE 21 2PM



SHADOWS JUNE 21 3PM

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 LTN: 51 York Street, PO Box 1971, Launceston TAS 7250
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PROPOSED UNITS

14 HEATHER PLACE ST HELENS TAS 7216
 STREETWISE DEVELOPMENTS P/L

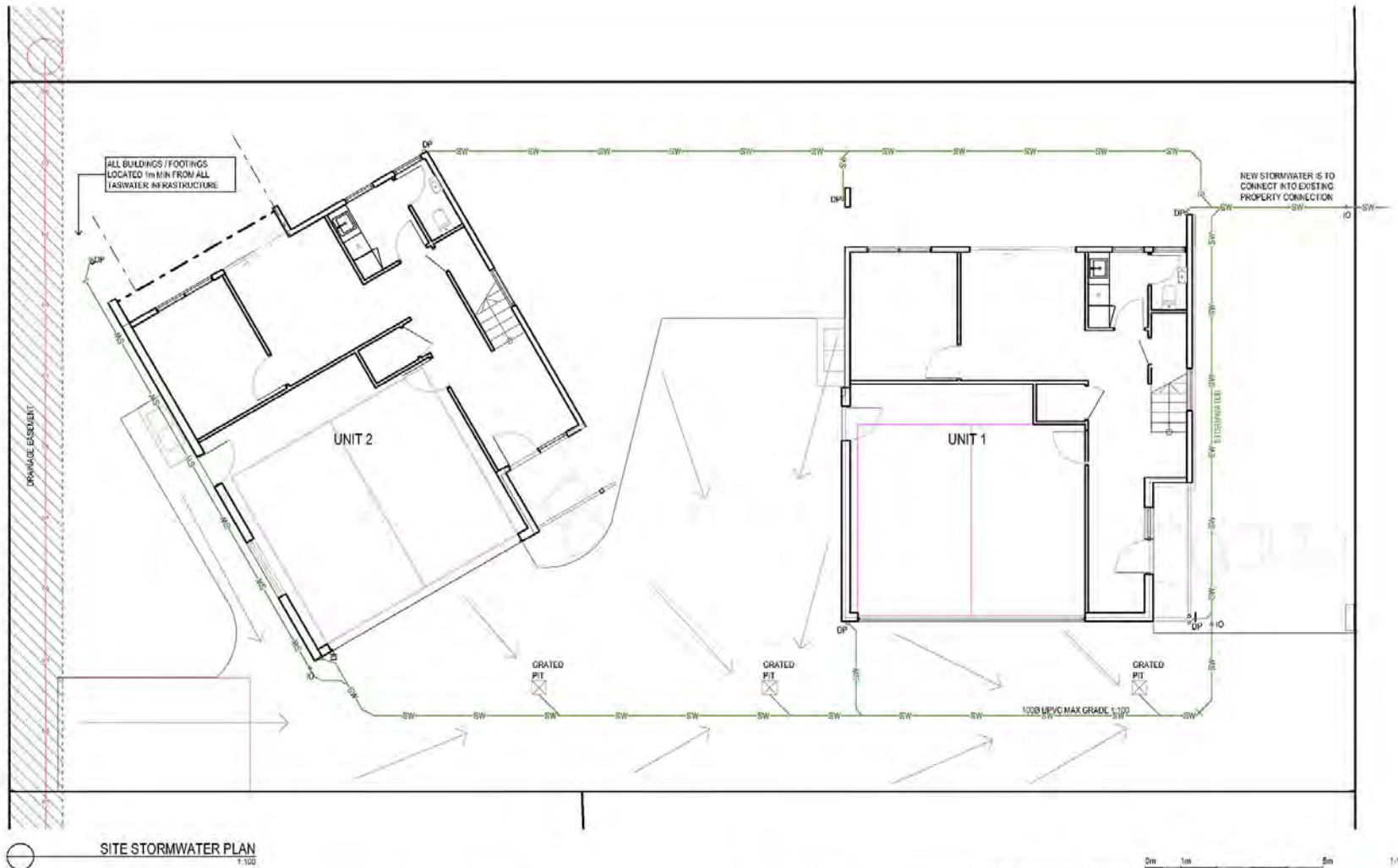
SCALE: (A3)

ISSUE
 SKETCH DESIGN
 DEVELOPMENT
 APPLICATION

REV	DATE
01	30/11/2022
02	15/02/2023

PROJECT P22036





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PROPOSED UNITS
 14 HEATHER PLACE ST HELENS TAS 7216
 STREETWISE DEVELOPMENTS P/L

SCALE 1:100 (A3)

REV.	DESCRIPTION	DATE
01	REVISION HEIGHT / RW	24/01/2021
02	R202C 801	18/02/2021

DEVELOPMENT APPLICATION

ISSUED BY:
 Lisa Davis
 DRAWN BY:
 CBM
 APPROVED BY:
 CBM

SITE STORMWATER DRAINAGE PLAN
 DWG: **A801**
 PROJECT: **P22036**
 REV: **02**



ACTION	DECISION
PROPONENT	P M & J C Amourgis
OFFICER	Alex McKinlay – Planning Officer
FILE REFERENCE	DA 250-2022
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> 1. Draft Approved Plans and associated documents 2. Completed Planning Scheme Assessment 3. Copy of the representation received

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 RESIDENTIAL - CONSTRUCTION OF DWELLING, DECKS & CARPORT on land situated at 40 TRELOGGEN DRIVE, BINALONG BAY described in Certificate of Title 199954/1 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 / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Layout ID 02	Jiri Lev	12/02/2023
Floor Plan – First Floor	Layout ID 03	Jiri Lev	12/02/2023
Floor Plan – Upper Ground Floor	Layout ID 04	Jiri Lev	12/02/2023
Floor Plan – Lower Ground Floor	Layout ID 05	Jiri Lev	12/02/2023
Elevation – East	Layout ID 06	Jiri Lev	12/02/2023
Elevation – North	Layout ID 07	Jiri Lev	12/02/2023
Elevation – West	Layout ID 08	Jiri Lev	12/02/2023
Elevation – South	Layout ID 09	Jiri Lev	12/02/2023
Site and Soil Elevation (Onsite Wastewater Report)	Job # 21014	Seam Environmental	03/11/2021
Stormwater Report	GL23004Ab	GEOTON	23/01/2023

2. 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. stormwater from the concrete driveway must be directed into the Stormwater Tank with subsequent overflow being disposed into the Detention Trench shown within the submitted stormwater report prepared by GEOTON.

3. The vehicle crossover from the carriageway to the property boundary must be **upgraded** and maintained in general accordance with the vehicular crossing requirements of Council's Manager Infrastructure and Development Services. The crossover from the road to the property boundary already exists included the culvert. However, it's very overgrown and therefore will need to be upgraded (concrete or asphalt) and must be financed by the applicant.
4. No works are to commence on the crossover upgrade until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover
5. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. 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.
8. 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.
9. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. 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.
12. 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

13. 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.
14. 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

INTRODUCTION:

The applicant is seeking approval for the development of a Single Dwelling and associated Decks and Carport for residential purposes on the subject site at 40 Treloggen Drive, Binalong Bay. Submitted plans demonstrate that the proposed development is further intended to be serviced by the provision of an internal driveway, installation of an onsite wastewater system and the installation of a stormwater tank with subsequent overflow being directed into an onsite stormwater detention trench.

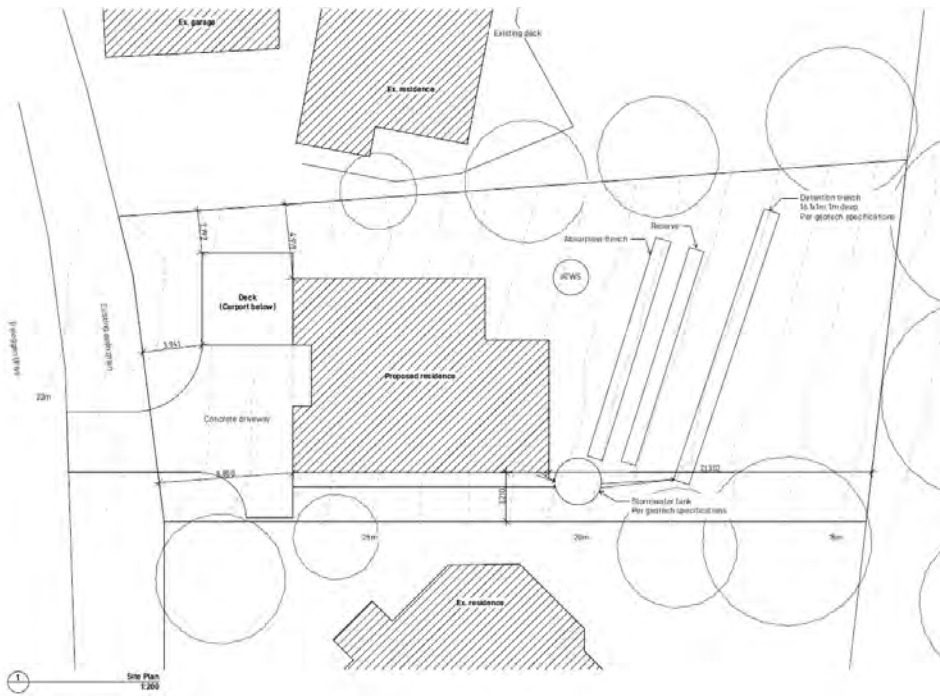
PREVIOUS COUNCIL CONSIDERATION:

- Nil prior Council considerations associated with the subject site

OFFICER'S REPORT:

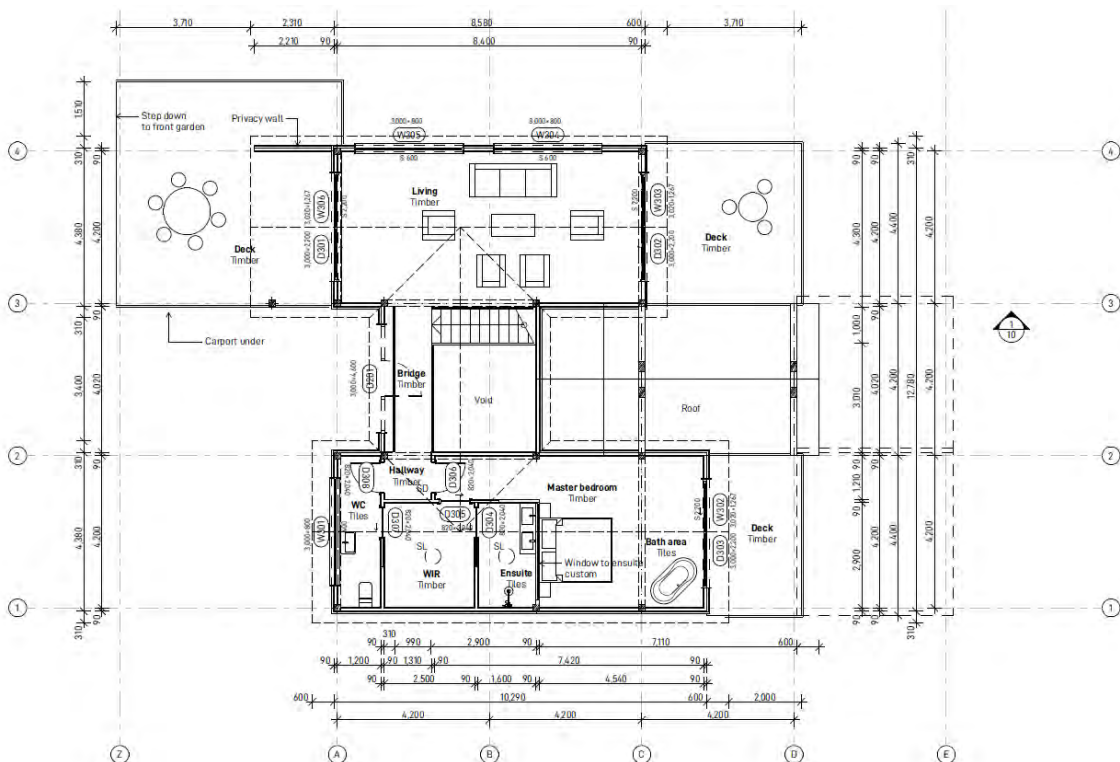
1. Proposal

An application was submitted by Mr Paul Amourgis and Mrs. Janette Amourgis on the 7th of October 2022, as the owners of the land situated at 40 Treloggen Drive, Binalong Bay, for a single dwelling including associated decks and carport on the property. Elevations included within the submitted plans demonstrate that the proposed single dwelling structure is intended to be constructed into the side of the existing slope. The eastern elevation as shown on Layout ID 06 from the provided plans, illustrates that the dwelling will appear as a three storey structure with an additional basement level. The proposed dwelling structure will have an approximate total building height to the apex of 11.3m as measured from the northern elevation included in Layout ID 07 of the submitted plans and will contribute to an approximate site coverage of 194.41m² or 18.068%. Additionally, it is worth noting that the eastern elevation shown in Layout ID 06 within the submitted plans, demonstrates that the exterior of the proposed dwelling is intended to have a colorbond roof and wall cladding with a dark neutral grey colour.



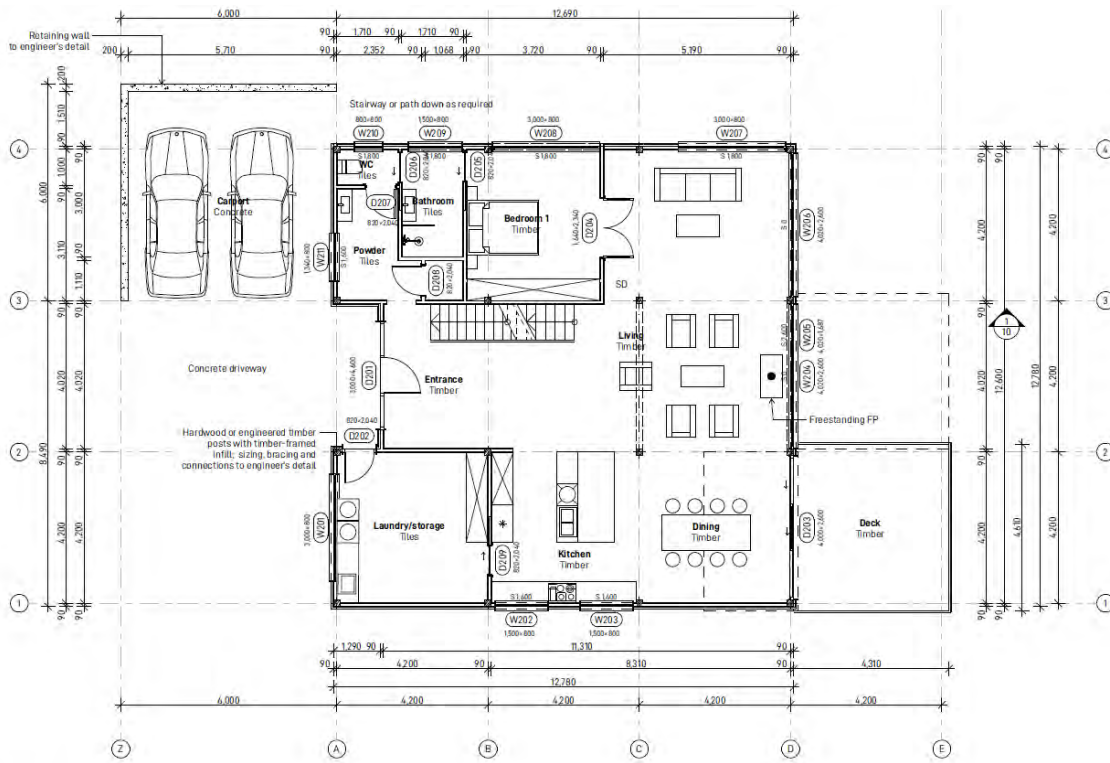
Site Plan Drawn by Jiri Lev
 Layout ID No: 02
 Date: 12/02/2023

Provided floor plan for the proposed single dwelling demonstrates that the first floor is intended to comprise the following room layout: Master bedroom (including ensuite and walk-in wardrobe), Living Room and Deck (Timber Deck with Glass Balustrades). The second floor illustrated in the upper ground floor plan on Layout ID 04, demonstrates the following room layout: Bedroom 01, Bathroom, Powder Room, Living Room, Dining Room, Kitchen, Laundry/Storage, Deck (Timber Deck with Glass Balustrades) and Carport situated beneath the aforementioned deck. The lower ground floor plan on Layout ID 05 demonstrates the following room layout intended for the third floor: Bedroom 02, Bedroom 03 (including walk-in wardrobe), Rumpus, Bathroom, Storage Room and Deck (Timber Deck with Glass Balustrades).



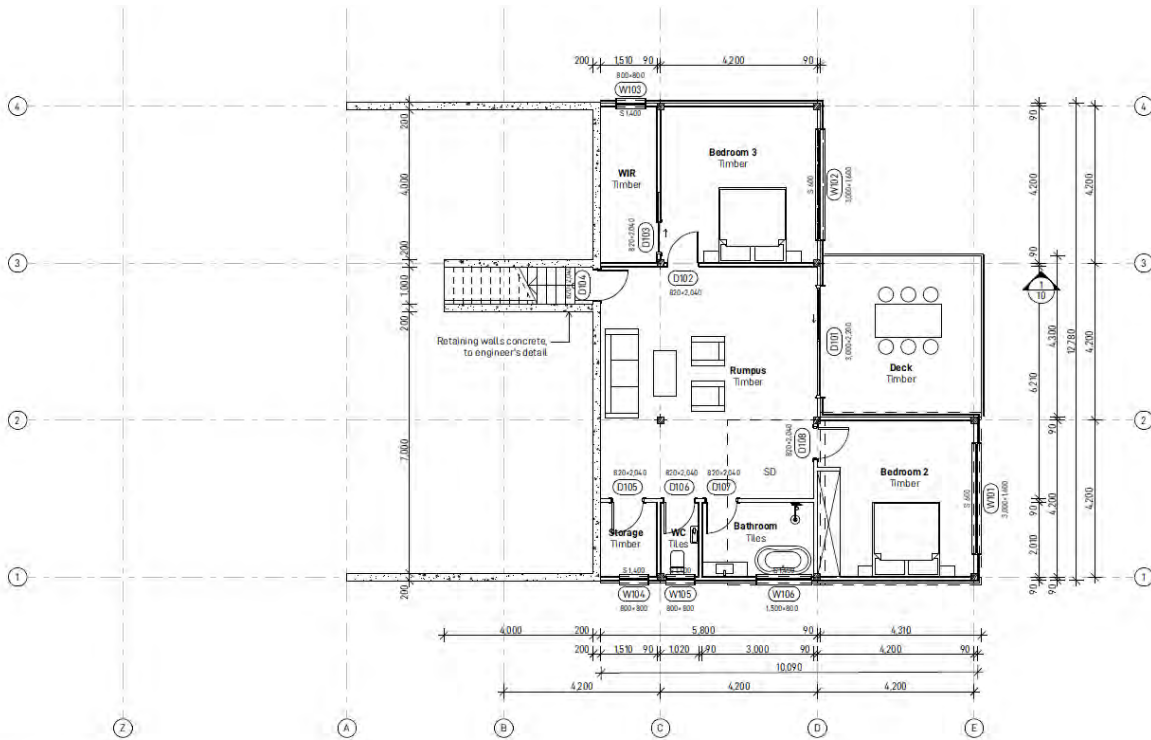
1 First Floor
 1:100

Floor Plan (First Floor) Drawn by Jiri Lev
Layout ID No: 03
Date: 12/02/2023



1 Upper Ground Floor
1:100

Floor Plan (Upper Ground Floor) Drawn by Jiri Lev
Layout ID No: 04
Date: 12/02/2023

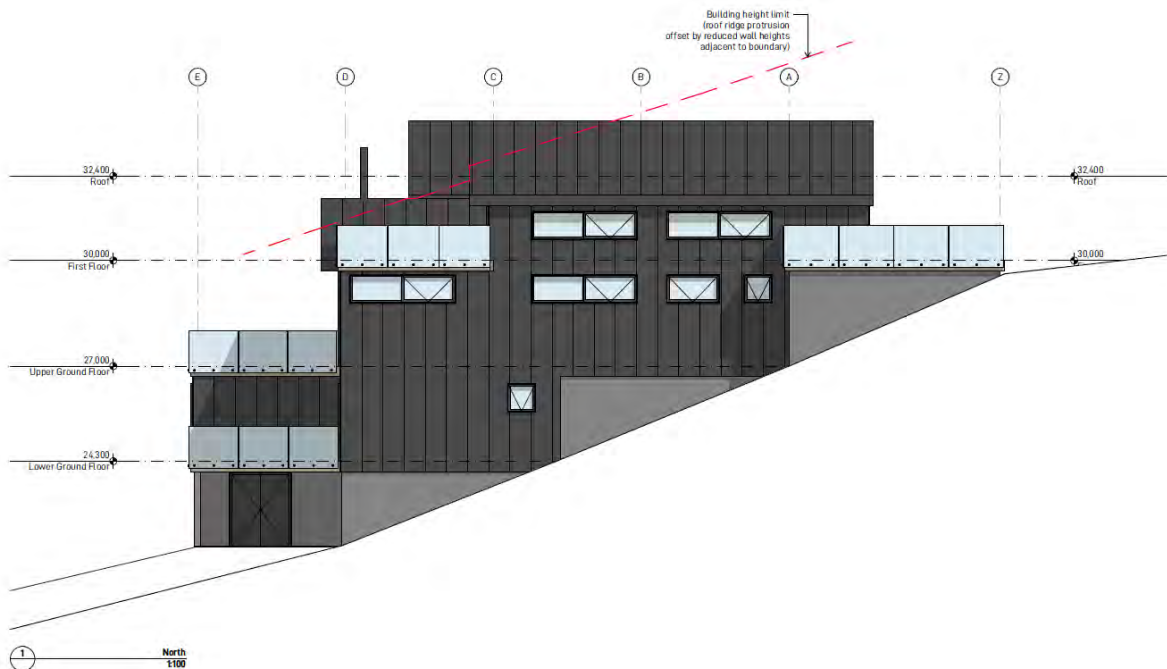


1 Lower Ground Floor
1:100

Floor Plan (Lower Ground Floor) Drawn by Jiri Lev
Layout ID No: 05
Date: 12/02/2023



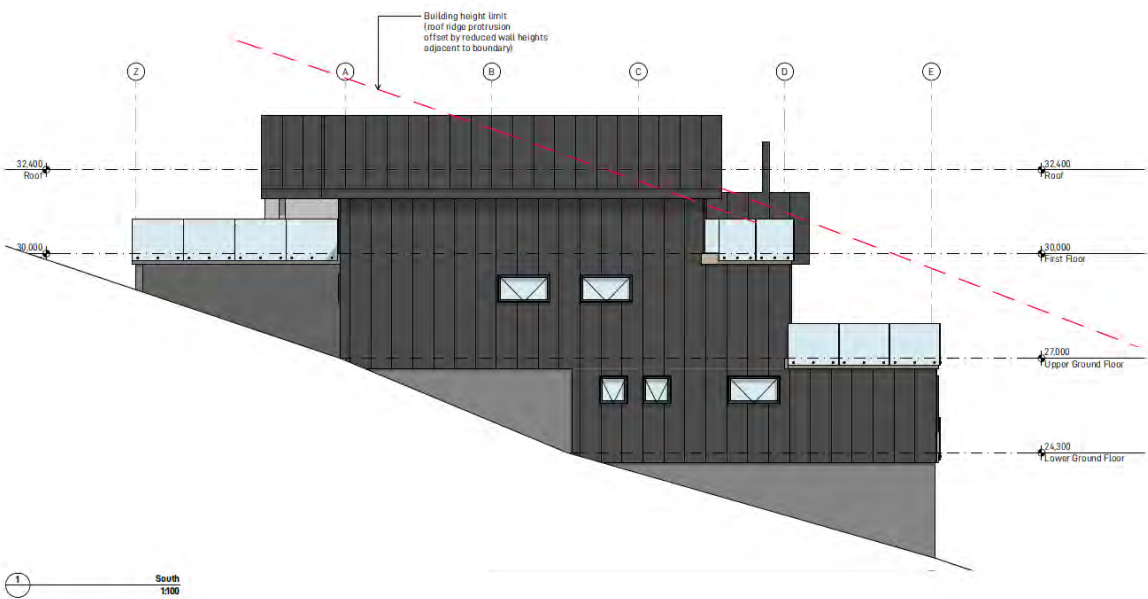
Elevation (East) Drawn by Jiri Lev
 Layout ID No: 06
 Date: 12/02/2023



Elevation (North) Drawn by Jiri Lev
 Layout ID No: 07
 Date: 12/02/2023



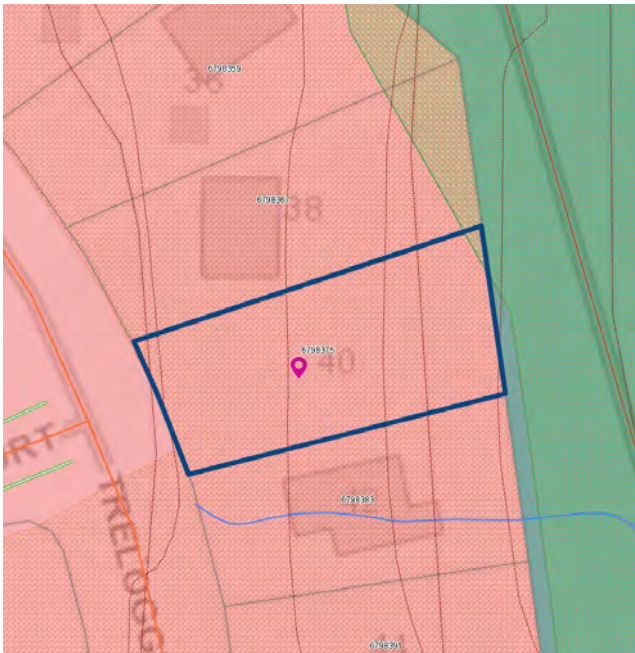
Elevation (West) Drawn by Jiri Lev
 Layout ID No: 08
 Date: 12/02/2023



Elevation (South) Drawn by Jiri Lev
 Layout ID No: 09
 Date: 12/02/2023

1.1. Site Characteristics and Background

The development site at 40 Treloggen Drive, Binalong Bay, has an approximate area of 1076m² and is subject to the 12.0 Low Density Residential Zone, contain sparse scrub vegetation coverage, situated on sloping land as evidenced by the presence of a number of contour lines, not impacted by the flooding overlay and a small section along the northern eastern corner of the boundary is subject to the priority habitat overlay.



Locality Plan



Aerial Imagery

2. Applicable Planning Assessment

- **12.0 Low Density Residential Zone:** Assessment is required for the Development Standards *12.4.1.3 Building Height (P1)*, *12.4.1.4 Frontage Setbacks (P1)*, *12.4.1.5 Rear and Side Setbacks (P2)* & *12.4.4.2 Stormwater Disposal (P1)*.
- **E6.0 Car Parking and Sustainable Transport Code:** Assessment is required for the Use Standard *E6.6.1 Car Parking Numbers (P1)*.
- **E9.0 Water Quality Code:** The proposed development has been determined to satisfy all relevant acceptable solutions outlined within the use and development standards of the E9.0 Water Quality Code.
- **E16.0 Onsite Wastewater Management Code:** Assessment is required for the Use Standard *E16.6.1 Use and lot size (P1)*. Assessment is also required for the Development Standards *E16.7.1 Onsite Wastewater Management (P1.1, P1.2, P1.3 & P4)* & *E16.7.2 Surface and ground water impacts (P1 & P4)*.

3. Referrals

- **Referral to Council's Works Department:** A referral was issued to the Works Department on the 10/10/2022 with regards to the adequacy of the existing crossover. The Works Department responded with the following, *'The crossover from the road to the property boundary already exists included the culvert however it's very overgrown. It will need to be upgraded (concrete or asphalt). Prior to any work commencing on the crossover a permit must be obtained by submitting a Works Permit application form'*.

- Referral to Councils Environmental Health Officer: A referral was issued to the EHO Officer on the 14/11/2022 to review the Onsite Wastewater Report submitted by the applicant. The EHO Officer responded with the following, *‘The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed’.*
- Referral to Council’s Development Services Coordinator: A referral was issued to the Development Services Coordinator/Building Surveyor (Jake Ihnen) on the 13/02/2023 to review the calculations and design details to support the installation of onsite stormwater disposal system. The Development Services Coordinator responded with the following, *‘Report is adequate for planning purposes’* (review the note included on TRIM ref. 23/3088).

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 Version 18:

- 12.0 Low Density Residential Zone: *12.4.1.3 Building Height (P1), 12.4.1.4 Frontage Setbacks (P1), 12.4.1.5 Rear and Side Setbacks (P2) & 12.4.4.2 Stormwater Disposal (P1);*
- E6.0 Car Parking and Sustainable Transport Code: *E6.6.1 Car Parking Numbers (P1);*
- E16.0 Onsite Wastewater Management Code: *E16.6.1 Use and lot size (P1), E16.7.1 Onsite Wastewater Management (P1.1,P1.2, P1.3 & P4) & E16.7.2 Surface and ground water impacts (P1 & P4).*

Detailed assessment against the provisions of the *Break O’Day Interim Planning Scheme 2013* version 18 where the proposal was reliant on satisfying the performance criteria, is provided below. **The proposal is deemed to comply with the performance criteria applicable.**

Planning Assessment

12.4.1.3 Building Height – P1

Acceptable Solutions	Performance Criteria
A1 Building height must not exceed 8 metres.	P1 Building height must be appropriate to the site and the streetscape having regard to the: a) effect of the slope of the site on the height of the building; and b) relationship between the proposed building height and the height of existing adjacent buildings; and c) visual impact of the building when viewed from a road.
<p><i>Assessment against the Performance Criteria is required.</i></p> <p><i>Performance Criteria Assessment</i></p> <p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required. However the proposed development is able to satisfy the performance criteria as evident in the completed assessment below:</p>	

- (a) The topographical characteristics of the subject site can be described as sloping with a north easterly aspect. Due to the sloping nature of the subject site, the building height of the proposed dwelling is notably impacted on.

Specifically, from the front of the proposed dwelling, the structure will have an approximate building height of 5.46m from the existing natural ground level (*note: excluding the proposed cut shown within the section elevation included on page 10 of the submitted plans*) thereby resulting in the dwelling to appear as a single storey structure when viewed from the council maintained road of Treloggen Drive. However, due to the sloping nature of the subject site, the design of the proposed development effectively results in the dwelling be constructed into the slope thereby resulting in three separate levels/floors in addition to a ground-level basement. Consequently, the slope results in increasing the building height as demonstrated within the northern elevation shown on page 07 of the submitted plans, as the total building height to the apex can be measured to approximately 11.29m (*note: measured from the main roofline down to the existing natural ground level*).

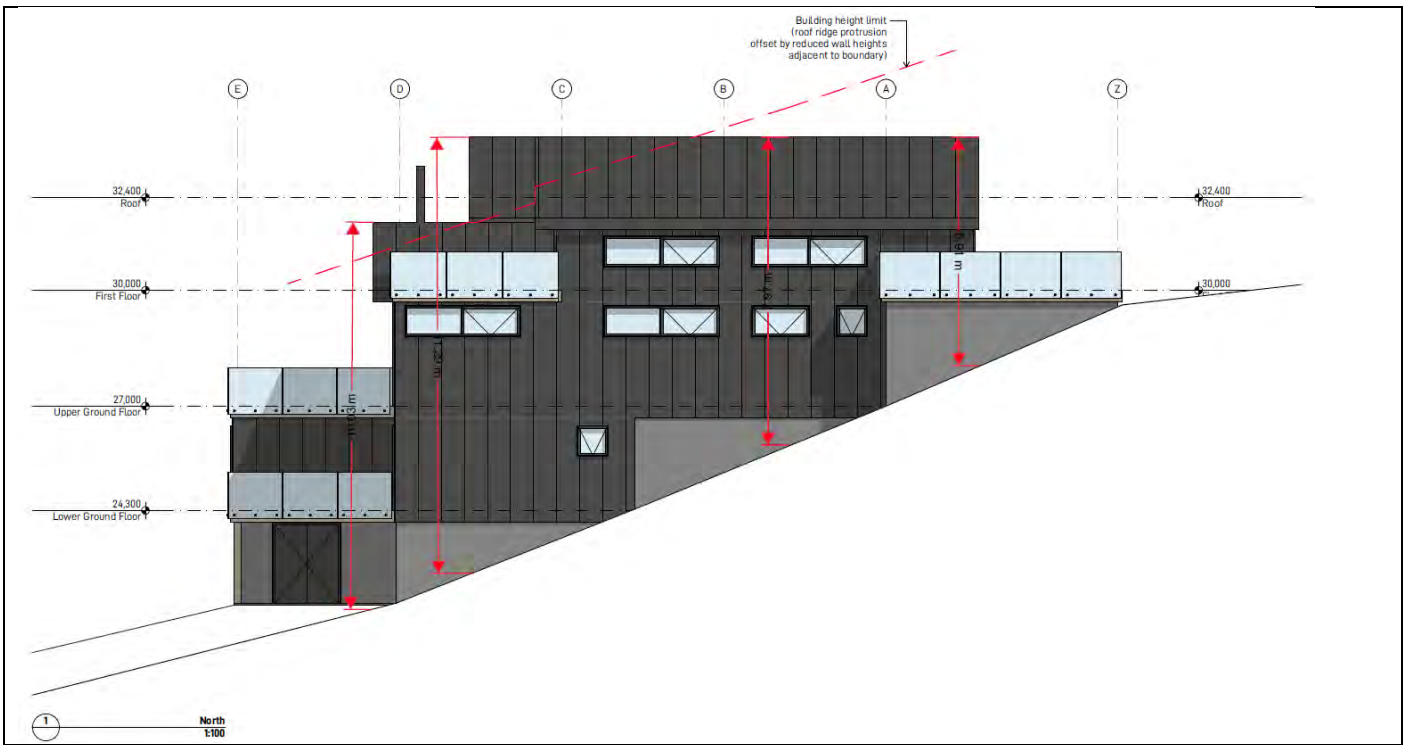
- (b) The front of the proposed dwelling which is situated within relative proximity to the western boundary of the subject site (i.e. frontage boundary) will appear as a single storey structure which is consistent with the properties situated along Treloggen Drive. Due to the sloping nature of the subject site, the height of the proposed dwelling will be impacted upon by the slope which also impacts neighbouring properties along the eastern side of Treloggen Drive. As seen in the screenshot below, the proposed dwelling will exceed a building height of 8m between the sections of the dwelling measured with an approximate height of 10.03m, 11.29m and 7.97m.

Although the proposed dwelling will exceed a building height of 8m as mentioned above which is notably higher than the existing dwellings on the adjoining properties (*note: maximum of 3.3m higher than existing dwellings on neighbouring properties*), the applicant within their written planning scheme response to this particular clause responded in the following manner:

1. *'The building is set back and cut into the slope. The three levels match in with the natural slope of the lot'.*
2. *'b) The wall heights have been reduced adjacent the boundary to offset the roof ridgeline protruding the 8m height limit'.*
3. *'c) The bulk of the building is hidden from the road as it is set into the slope falling away below the road'.*

Therefore, since the applicant has acknowledged within their written scheme response that the building height will be exceeded and have accordingly given consideration to minimising the impact of this exceedance within the submitted plans, this particular criterion can be considered appropriately satisfied.

- (c) Please review the responses provided for criterion (a) and (b) above.



12.4.1.4 Frontage Setbacks – P1

Acceptable Solutions	Performance Criteria
<p>A1.1 Primary frontage setbacks must be a minimum:</p> <ul style="list-style-type: none"> a) of 5m; and b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 12.4.1.3 below; and <div data-bbox="119 1249 635 1603" data-label="Diagram"> </div> <p>Figure 12.4.1.3 – Primary Frontage Setback for Infill Lots</p> <p>A1.2 Buildings must be set back a minimum of 3m from the any other frontage.</p>	<p>P1 Buildings are set back from the primary frontage an appropriate distance having regard to:</p> <ul style="list-style-type: none"> a) the efficient use of the site; and b) the safety of road users; and c) the prevailing setbacks of existing buildings on nearby lots; and d) the visual impact of the building when viewed from the road; and e) retention of vegetation within the front setback.
<p>Assessment against the Performance Criteria is required. Performance Criteria Assessment</p>	
<p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Specifically, the site plan demonstrates that the deck located along the front of the proposed dwelling (note: including the carport below) is intended to be located 3.941m to the front boundary of the property (i.e. less than</p>	

5m). However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) Due to the characteristics of the subject site, a frontage setback of less than 5m is appropriate given the topographical constraints associated with the subject site (i.e. steep slope).
- (b) It is not anticipated that the 3.941m setback of the dwelling to the front boundary will impact upon the safety of road users as there are other properties within the surrounding area that also have existing building structures that have a frontage boundary setback of less than 5m. Some examples include 38 Treloggen Drive, 52 Treloggen Drive and 58 Treloggen Drive.
- (c) Review response provide for criterion (b) above.
- (d) As previously mentioned in the response provided for clause 12.4.1.3 *Building Height* above, due to the sloping nature of the subject site, the front of the proposed dwelling will appear as a single storey structure when viewed from the council maintained road of Treloggen Drive (note: approximate building height of 5.46m from the existing natural ground level). It is worth noting that if the proposed dwelling were to be viewed from Dora Point Road (note: road owned and maintained by Parks and Wildlife Service) which is located east of the subject site, the dwelling will appear to be relatively large in scale as the dwelling will have the appearance of a three storey structure with an additional ground-level basement. However, since the residents of the surrounding area largely utilise the council maintained road (Treloggen Drive) in order to access their properties, this particular criterion can be considered appropriately satisfied in consideration of the above.
- (e) Along the frontage boundary of the subject site (i.e. western boundary) the current vegetation includes grass and shrubs as seen in the below site visit photos. Notably, neither the grass nor shrubs contribute towards providing screening or shading elements for the subject site. Although it is anticipated that some of this vegetation will be removed as part of the construction of the proposed dwelling (note: including the associated driveway intended to service the dwelling), this particular criterion can be considered satisfied as the vegetation that will likely be removed does not include established trees or hedges.







12.4.1.5 Rear and Side Setbacks – P2

Acceptable Solutions	Performance Criteria
<p>A2 Buildings must be set back from side boundaries 3m.</p>	<p>P2 Building setback to the side boundary must be appropriate to the location, having regard to the:</p> <ul style="list-style-type: none"> a) ability to provide adequate private open space for the dwelling; and b) character of the area and location of dwellings on lots in the surrounding area; and c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and e) locations of existing buildings and private open space areas; and f) size and proportions of the lot; and g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.
<p>Assessment against the Performance Criteria is required. Performance Criteria Assessment</p> <p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p>	

The site plan demonstrates that a corner of the deck/carport situated within the front section of the proposed dwelling has a boundary setback to the northern side boundary of approximately 2.792m. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) The noted 2.792m boundary setback to the northern side boundary will not impact upon the ability for the subject site to provide private open space.
- (b) The character along Treloggen Drive can be described as primarily residential in nature and there are other dwellings within the surrounding area that contain side boundary setbacks that are similar to and or less than the proposed dwelling's side boundary setback.
- (c) The deck/carport setback to the northern side boundary of 2.972m is not likely to impact upon the amenity and/or privacy of habitable room windows (if any) of 38 Treloggen Drive (note: neighbouring property which shares the northern side boundary with the subject site) due to the presence of existing vegetation which effectively provides screening between both properties as seen in the site visit photos included in clause 12.4.1.4 *Frontage Setbacks*. Additionally, the deck/carport of the proposed dwelling is not co-located alongside the private open space of 38 Treloggen Drive as evident in the site plan (i.e. the deck/carport is located within proximity to the front boundary rather than the rear boundary).
- (d) See above response provided for criterion (c).
- (e) The subject site does not contain any existing buildings and or private open space areas.
- (f) Subject site can be described as rectangular in shape with the lot being relatively narrow from the front boundary and slightly expanding outward toward the rear boundary. Since the dwelling is sited closest to the front boundary of the property, the abovementioned characteristics of the subject site has resulted in the deck/carport having a setback to the northern side boundary of less than 3m.
- (g) The existing slope on the subject site does not impact upon the proposed variation that the deck/carport is intended to have (i.e. 0.028m).

12.4.4.2 Stormwater Disposal – P1

Acceptable Solutions	Performance Criteria
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P1 Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Site plan demonstrates that the proposed development further includes the installation of an onsite stormwater system. The onsite stormwater system is intended to include stormwater from the proposed dwelling in addition to the driveway being directed into a stormwater tank with subsequent overflow being directed into a 16.1m long by 1m wide and 1m deep retention trench. Notably, the stormwater report provided to support the installation of the proposed onsite stormwater system, was reviewed by Jake Ihnen (Development Services Coordinator & Building Surveyor) and which accordingly confirmed that the stormwater report is adequate for planning purposes.</p> <p>Therefore, in consideration of the above, the performance criteria can be considered appropriately satisfied.</p>	

E6.6.1 Car Parking Numbers – P1

Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) the availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>i) the size of the dwelling and the number of bedrooms; and</p> <p>ii) the pattern of parking in the locality; and</p> <p>iii) any existing structure on the land.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Within table E6.1 it is outlined within ‘Residential use in any other zone or any other residential use in the General Residential Zone’ that either one parking space is provided per bedroom or two parking spaces per three bedrooms and since the proposed dwelling has four bedrooms the parking space requirements are unable to be achieved. However, since the proposed development is for a four-bedroom dwelling and the number of parking spaces intended to service the proposed dwelling is consistent with the number of parking spaces provided for many properties within the surrounding area, the performance criteria can be considered appropriately satisfied.</p>	

E16.6.1 Use and lot size – P1

Acceptable Solutions	Performance Criteria
<p>A1 Residential uses that rely on onsite wastewater management must:</p> <p>a) be on a site with minimum area of 2,000m²; and</p> <p>b) have four bedrooms or less.</p>	<p>P1 Residential use on sites less than 2,000m² or with more than four bedrooms that rely on onsite wastewater management must be able to accommodate:</p> <p>a) the proposed residence and associated buildings and structures;</p>

- b) private open space;
- c) vehicle manoeuvring and car parking;
- d) hardstand and paved areas; and
- e) onsite wastewater management infrastructure

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required. The proposed development is for a 4 bedroom single dwelling but the subject site has an area of 1076m². However, the performance criteria can be considered appropriately satisfied as demonstrated in the completed assessment below:

- (a) Subject site is able to accommodate the proposed development and subservient structures (note: including proposed onsite wastewater and stormwater systems).
- (b) Installation of the proposed onsite wastewater system will not impact upon the ability for the subject site to provide private open space.
- (c) Submitted plan demonstrate that the proposed development will be serviced by vehicle manoeuvring and car parking areas along the front boundary (note: onsite wastewater report demonstrate that the proposed onsite wastewater system is intended to be located within the rear yard).
- (d) Proposed onsite wastewater system will not be located within proximity to hardstand and paved areas as both the submitted plans and the provided onsite wastewater report demonstrate that the proposed onsite wastewater system is intended to be located within the rear yard.
- (e) Refer to response provided for criterion (a) above. It is worth noting that in response to a referral regarding the adequacy of the proposed onsite wastewater system to service the proposed development, the Environmental Health Officer (Chris Wicks) reviewed the provided onsite wastewater report and provided the following comments:

'The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed'.

E16.7.1 Onsite Wastewater Management – P1.1, P1.2 & P1.3

Acceptable Solutions	Performance Criteria
A1 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.	P1.1 Buildings and structures must not be placed over onsite wastewater infrastructure; and P1.2 Buildings and structures within 3m of onsite wastewater infrastructure must not have a detrimental impact on the operation or integrity of the onsite wastewater management infrastructure; and P1.3 Onsite wastewater management must not have a detrimental impact on the foundations or footings of buildings or structures.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

The submitted plans demonstrate that the absorption trench which forms part of the proposed onsite wastewater management system, will have an approximate horizontal separation of 2.6m. However, the performance criteria can be considered appropriately satisfied as demonstrated in the completed assessment below:

- **P1.1** – Submitted plans demonstrate that there will not be any buildings and or structures located over the proposed onsite wastewater system.
- **P1.2** – The proposed dwelling is not likely to impact upon the integrity of the proposed onsite wastewater system (note: the proposed onsite wastewater system is located 2.6m downslope from the dwelling) as the Environmental Health Officer (Chris Wicks) reviewed the provided onsite wastewater report and provided the following comments:

'The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed'.

- **P1.3** - Review response provided for P1.2 above.

E16.7.1 Onsite Wastewater Management – P4

Acceptable Solutions	Performance Criteria
A4 Onsite waste water management infrastructure must be on lots with an average slope of 10% percent or less.	P4 Onsite waste water management infrastructure located on lots with an average slope of more than 10% must have no detrimental impacts: <ul style="list-style-type: none"> a) through waste water seepage, or soil erosion; and b) on the foundations or footings of buildings or structures.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required. However, the performance criteria can be considered appropriately satisfied since the proposed onsite wastewater management system will be located downslope from the proposed dwelling and in response to a referral regarding the appropriateness of the proposed onsite wastewater system to service the subject site, the Environmental Health Officer (Chris Wicks) reviewed the provided onsite wastewater report and stated the following:</p> <p><i>'The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed'.</i></p>	

E16.7.2 Surface and ground water impacts – P1

Acceptable Solutions	Performance Criteria
A1 Onsite wastewater management infrastructure must have a minimum separation distance of 100m from a wetland or watercourse or coastal marine area.	P1 Onsite 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.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.

Notably, the subject site in conjunction with the proposed onsite wastewater management system are located less than 100m from a mapped watercourse located on 42 Treloggen Drive. However, the performance criteria can be considered satisfied as the mapped watercourse is located entirely within the boundaries of 42 Treloggen Drive (note: there is an existing dwelling constructed on 42 Treloggen Drive) and the Environmental Health Officer (Chris Wicks) in response to a referral, provided the following comments regarding the appropriateness of the proposed onsite wastewater system detailed within the applicant's submitted onsite wastewater report:

'The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed'.

E16.7.2 Surface and ground water impacts – P4

Acceptable Solutions	Performance Criteria
A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	P4 Onsite wastewater management infrastructure separated from the limiting layer by less than 1.5m must have no detrimental impacts on groundwater.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development of the Dwelling, Decks and Carport for the subject site at 40 Treloggen Drive, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.

The provided onsite wastewater report confirmed that the soil thickness and depth to bedrock was 1.2m thereby resulting in assessment against the performance criteria. However, the proposed onsite wastewater system is for a secondary treated effluent system which as outlined within Acceptable Solution A6 of section 3. **Standards for Wastewater Land Application Areas** included within the 'Building Act 2016 Director's Guidelines for On-site Wastewater Management Systems', outlines that if the onsite wastewater system is for secondary treated effluent there needs to be a vertical separation of 0.5m. Additionally, it is worth noting that the Environmental Health Officer (Chris Wicks) in response to a referral regarding the appropriateness of the proposed onsite wastewater system detailed within the applicant's submitted onsite wastewater report, provided the following comments:

'The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed'.

Therefore, the performance criteria can be considered appropriately satisfied.

5. Representations

The application was advertised 18th February 2023 to 6th March 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representations were received prior to the closing date and time. The issues raised within the representations are as follows:-

Representation 01

Issue	Response
<ul style="list-style-type: none"> • Number of properties along Treloggen Drive are currently utilised for short-term holiday letting and that it is likely that this property will be used as such in future. • Representer comments on the design of the proposed onsite wastewater system intended to accompany the development which included the following: <i>‘The application puts forth a conventional septic tank and absorption trench based system on the assumption six people will infrequently inhabit the dwelling. Given the size of the property (4 bedrooms, three bathrooms and three separate water closets, not a common feature of neighbouring dwellings, and given its proximity to the foreshore, the council should require a digester system with capacity for eight people with expected frequent use’.</i> • The representer concluded the submitted representation by providing comments on the applicant’s written planning scheme response and specifically focused upon the following: <ol style="list-style-type: none"> 1. 12.4.1.2 Site Coverage (A1) <ul style="list-style-type: none"> - Departure from the preferred neighbourhood character which includes 2 storey buildings nestled into the hillside, Proposed development is the equivalent to four stories which deviates from the character of existing building within the neighbourhood, Impact of visual bulk of the proposed development has not been addressed. 2. 12.4.1.3 Building Height (P1) <ul style="list-style-type: none"> - Building height exceeds 8m, The proposed development will be significantly higher than existing buildings and will result in the development overlooking bedrooms, living spaces and private open spaces of neighbouring properties, Existing buildings along Treloggen Drive have their roofline’s situated below the road, Visual impact of the proposed development when viewed from Dora Point Road has not been considered (note: Dora Point Road is east from the subject site). 3. 12.4.1.4 Frontage Setbacks (P1) <ul style="list-style-type: none"> - Roofline of neighbouring properties along Treloggen Drive is below the road line, Building height is not appropriate to the site and streetscape as well as the building height of the proposed development will exceed the height/s of existing adjacent buildings, Visual impact of the proposed development will result in views of the ocean from Treloggen Drive to be obstructed and therefore is not consistent with the established character of the streetscape. 	<ul style="list-style-type: none"> • If the applicant chooses to utilise the property for visitor accommodation purposes in future, they will be required to submit a development application for an additional use of visitor accommodation. • The design of the onsite wastewater system has been informed by the submission of an onsite wastewater report prepared by a suitability qualified person from Seam Environmental. Additionally, it is worth noting that the onsite water report which details the proposed onsite wastewater management system, was reviewed by Council’s Environmental Health Officer (Chris Wicks) resulting in the following advice: <i>‘The on-site assessment/wastewater report provided by SEAM, is in accordance with the requirements of AS1547 – 2012, therefore I am able to provide consent to the installation. E 16 On-site wastewater management Code has been addressed’.</i> • Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for clarification as to how the Acceptable Solutions and Performance Criteria for the noted clauses from the 12.0 Low Density Residential Zone, can be considered appropriately satisfied.

4. 12.4.1.5 Rear and Side Boundary Setbacks (A1 & P2)

- Proposed development will not be compatible with the established character of the area regarding the relative vertical location of dwellings on neighbouring lots in the surrounding area (A1).
- Relationship of the proposed development's building height in comparison to neighbouring properties has not been clearly articulated, Deck/Carport is not located 3m from the side boundary, driveway is not setback 3m to the side boundary, proposed development has 5 balconies which the representor deems to be excessive, inclusion of 5 balconies will result in the proposed development overlooking neighbouring properties which will significantly impact upon the amenity and privacy particularly for 38 and 42 Treloggen Drive (P2).

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

6. Mediations

Contact was made with the applicant via phone call made on the 20/03/2023 to discuss the representation that had been submitted against the proposed development. The applicant suggested that they might provide a detailed response to the representation that has been received and further sought clarification regarding the process for deciding a discretionary planning application at a Council Meeting. After being advised of the general process, the applicant once again suggested that they may consider providing a response to the representation but since no further correspondence was received, assessment of the proposed development has continued accordingly.

7. Conclusions

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 twelve (12) Performance Criterion. The received representation has been considered.

It is recommended for approval with conditions normally set to this type of development.

LEGISLATION & POLICIES:

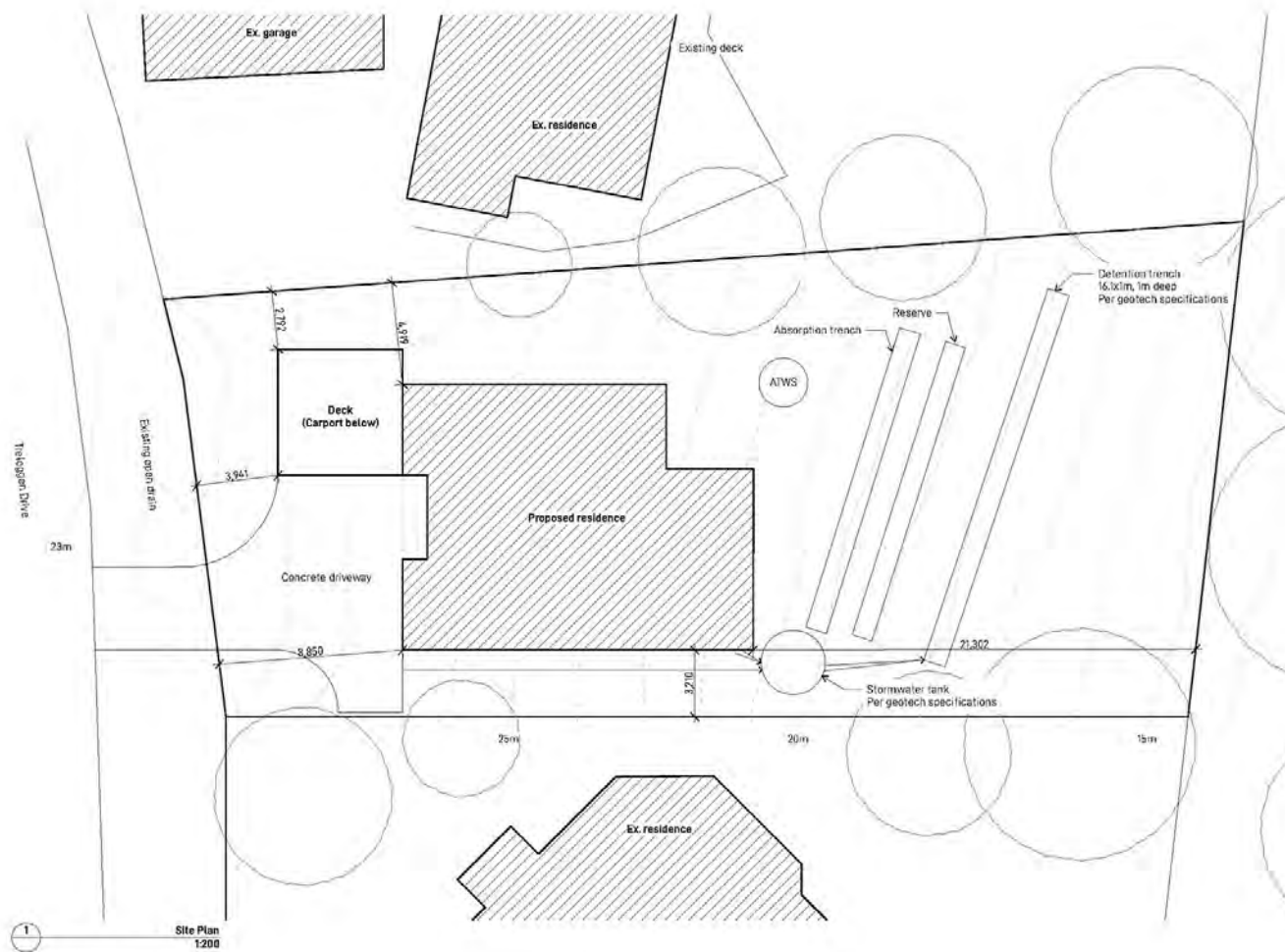
Break O' Day Interim Planning Scheme 2013 Version 17
Land Use Planning and Approvals Act 1993,
Local Government (Building and Miscellaneous Provisions) Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority.



LAYOUT ID
02

LAYOUT SCALE @ A3
2250
SITE ID
01
ISSUE
Construction
ISSUED
12/2/2023
PRINTED
12/2/2023

DATE
10/2/2023
REV ID
01
CHANGE/S

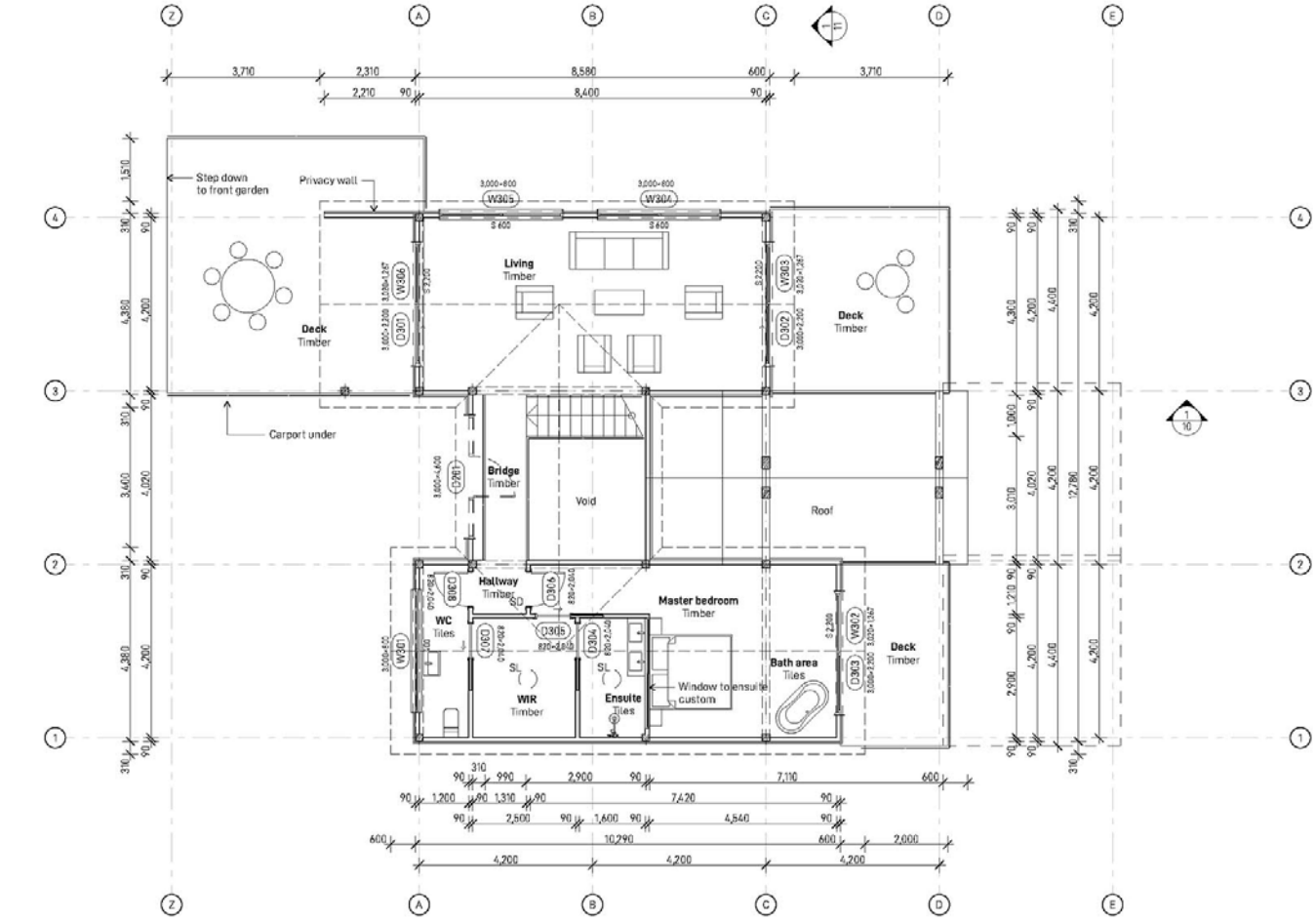
Site Plan
1200

PROJECT
7824
PROJECT
Class 1a Single dwelling
SITE
199954/1
ADDRESS
40 TRELLOGGEN DR BINALONG BAY TAS 7216
CLIENT
P Amourgis



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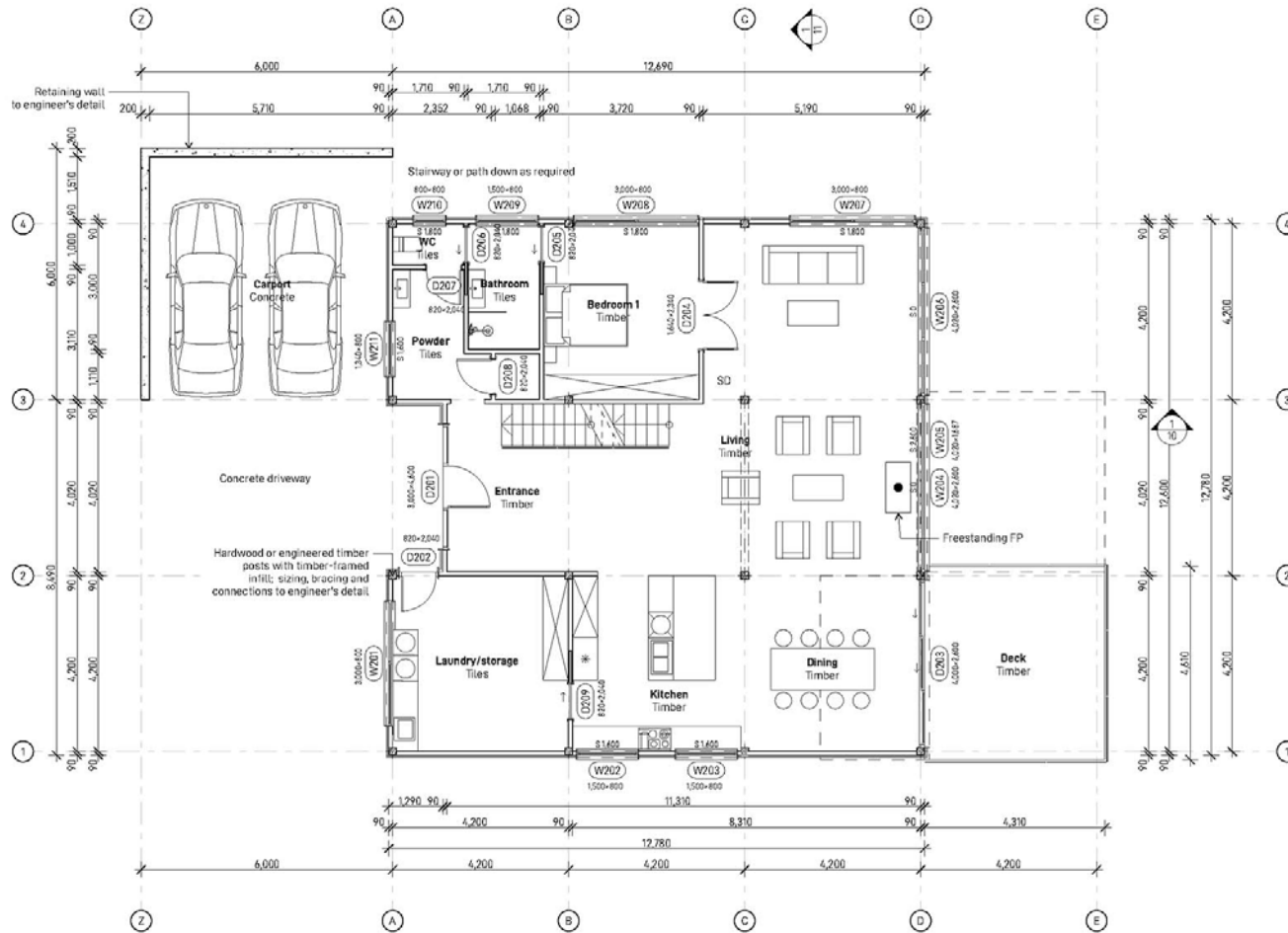
1 First Floor
1:100

LAYOUT ID	LAYOUT SCALE @ A3	Floor Plan	DATE	REV ID	CHANGE/S
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	ISSUE ID	01			
	ISSUE	Construction			
	ISSUED	12/2/2023			
	PRINTED	12/2/2023			

PROJECT ID 7824
 PROJECT Class 1a Single dwelling
 SITE 199954/1
 ADDRESS 40 TRELLOGGEN DR BINALONG BAY TAS 7216
 CLIENT P Amourigs

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1 Upper Ground Floor
1:100

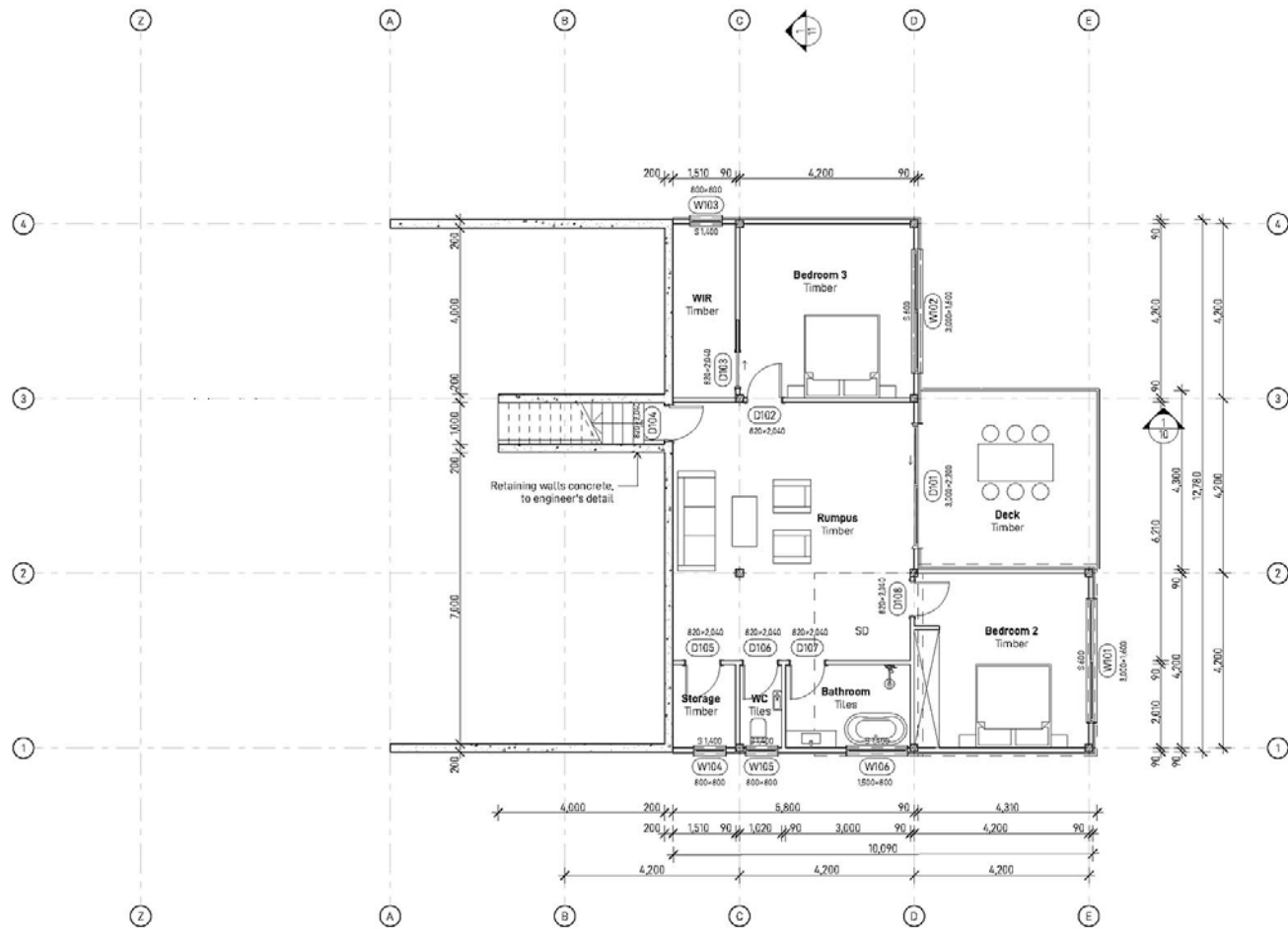
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		ISSUED Construction			
		ISSUED 12/2/2023			
		PRINTED 12/2/2023			

PROJECT ID 7824
 PROJECT Class 1a Single dwelling
 SITE 199954/1
 ADDRESS 40 TRELLOGGEN DR BINALONG BAY TAS 721A
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1 Lower Ground Floor
1:100

LAYOUT ID	LAYOUT SCALE @ A3	Floor Plan	DATE	REVID	CHANGE/S
05	1:100	01	12/2/2023	01	
	ISSUE	Construction			
	ISSUED	12/2/2023			
	PRINTED	12/2/2023			

PROJECT ID 7824
 PROJECT Class 1a Single dwelling
 SITE 199954/1
 ADDRESS 40 TRELLOGGEN DR BINALONG BAY TAS 7216
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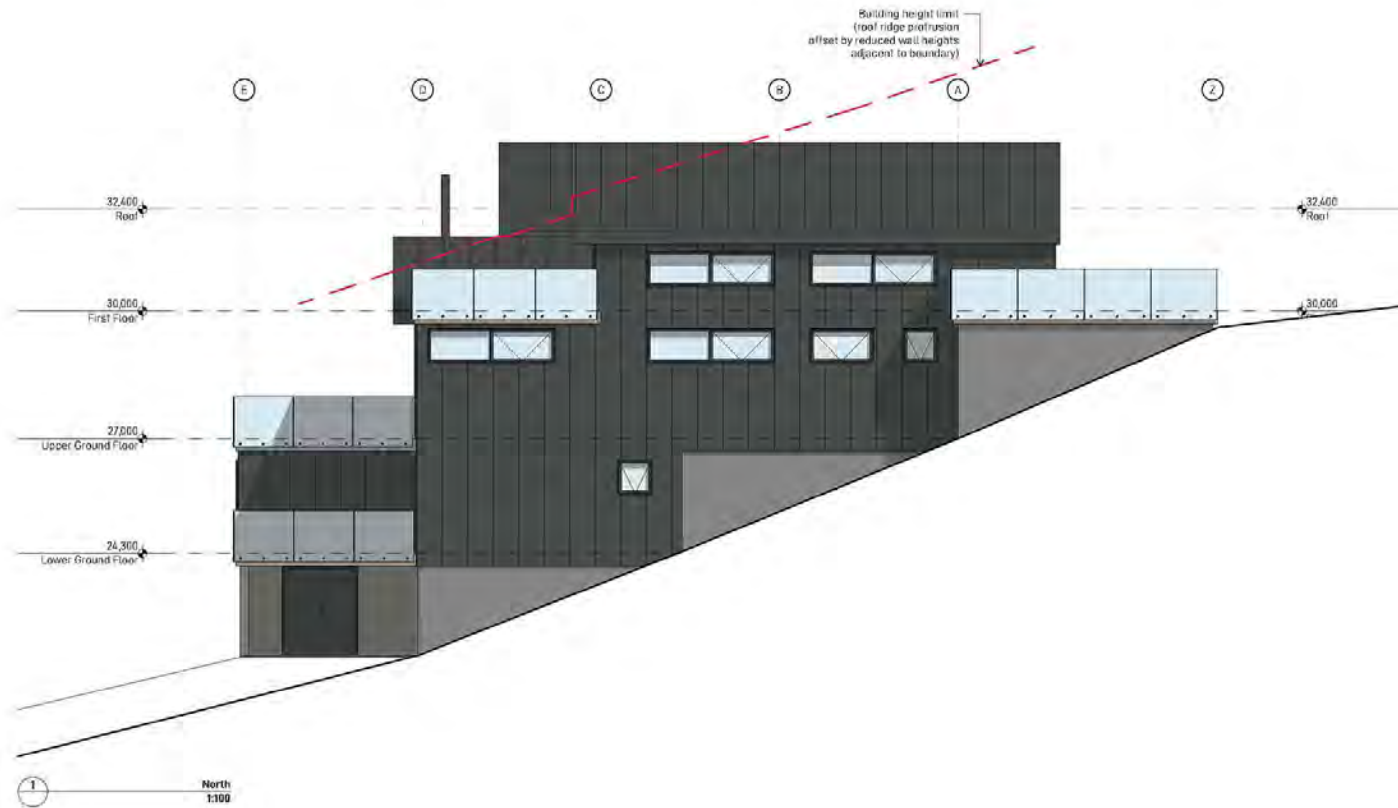
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ISSUE ID	ISSUE	ISSUED
01	Construction	12/2/2023
PRINTED		12/2/2023

DATE	REV ID	CHANGE/S
12/2/2023	01	

PROJECT 7824
PROJECT Class 1a Single dwelling
SITE 199954/1
ADDRESS 40 TRELLOGGEN DR BINALONG BAY TAS 7216
CLIENT P.Amourgis

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LAYOUT ID	LAYOUT SCALE @ A3	Elevation
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	ISSUE ID	01
	ISSUE	Construction
	ISSUED	12/2/2023
	PRINTED	12/2/2023

DATE	REV ID	CHANGE/S
12/2/2023	01	

PROJECT ID: 7824
 PROJECT: Class 1a Single dwelling
 SITE: 199954/1
 ADDRESS: 40 TRELLOGGEN DR BINALONG BAY TAS 7216
 CLIENT: P.Amouris

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LAYOUT: 08
 SCALE: A3
 REVISED: 01
 ISSUE: Construction
 ISSUED: 12/2/2023
 PRINTED: 12/2/2023

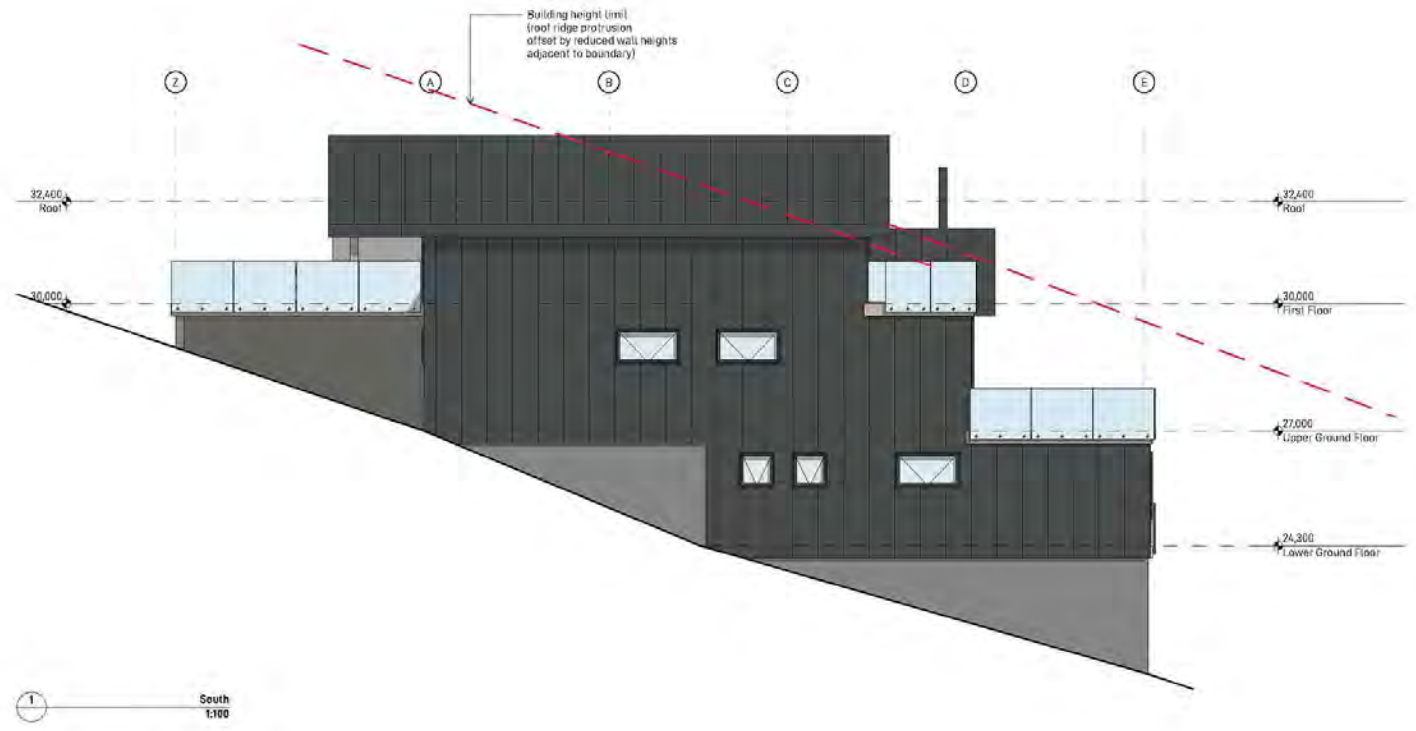
DATE	REV ID	CHANGE/S
12/2/2023	01	

PROJECT: 7824
 PROJECT: Class 1a Single dwelling
 SITE: 199954/1
 ADDRESS: 40 TRELLOGGEN DR BINALONG BAY TAS 7216
 CLIENT: P Amourgis



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LAYOUT ID	LAYOUT SCALE @ A3	Elevation	DATE	REV ID	CHANGE/S
09	1:100		12/2/2023	01	
	ISSUE	01			
	ISSUED	Construction			
	PRINTED	12/2/2023			

PROJECT# 7824
 PROJECT Class 1a Single dwelling
 SITE 199954/1
 ADDRESS 40 TRELLOGGEN DR BINALONG BAY TAS 7216
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COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS - MARCH 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	20/03/2023	30/04/2023	03/23.6.1 DA 027-2022 – Shed - 252 St Helens Point Road, Stieglitz	After due consideration of the application received and Pursuant to Section 57 of the <i>Land Use Planning & Approvals Act 1993</i> and the <i>Break O'Day Interim Planning Scheme 2013</i> that the application for Residential Shed on land situated at 252 St Helens Point Road, Stieglitz described in Certificate of Title 211313/1 be APPROVED subject to conditions.	The development application was approved by Council at its meeting on 20/03/2023.	Senior Town Planner
100%	20/03/2023	30/04/2023	03/23.6.2 DA 207-2022 – Communal Shelter and Tennis Court – 141 Riverview Road, Scamander	After due consideration of the representation received pursuant to Section 57 of the <i>Land Use Planning & Approvals Act 1993</i> and the <i>Break O'Day Council Interim Planning Scheme 2013</i> that the application for Residential - Communal Shelter & Tennis Court on land situated at 141 Riverview Road, Scamander described in Certificate of Title 169359/1 be APPROVED subject to conditions	The development application was approved by Council at its meeting on 20/03/2023.	Senior Town Planner

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
11%	20/03/2023	30/06/2023	03/23.9.1 Submission from St Marys Dog Group – Clr Drummond	To provide acknowledgement and consider the submission from the St Marys Dog's Group for two dog exercise areas in St Marys. That Council acknowledge the submission of the St Marys Dog group, of the preferred dog exercise areas, in St Marys; and consider including the proposed areas as part of the municipal Dog Management Policy.	Acknowledgement letter posted to the St Marys Dog group for their submission of the preferred dog exercise areas, in St Marys; and request for Council to consider including the proposed areas as part of the municipal Dog Management Policy.	Manager Infrastructure and Development Services
11%	20/03/2023	30/06/2023	03/23.14.3 Pedestrian Crossing Points – Main Street, St Marys	That Council consider community feedback and the opportunity that exists to fund a preferred option (Option 1, the construction of an informal crossing in Main Street, St. Marys) as a candidate project for co-funding on a 50% basis under the Vulnerable Road User Program (VRUP). That Council make a provision of \$10,000 in the 2023-2024 capital budget to undertake required works should a VRUP funding application be successful.	Funding submission made to the Department of State Growth. Capital allocation of \$10,000 to be included in draft capital budget.	Manager Infrastructure and Development Services
100%	20/03/2023	30/04/2023	03/23.15.2 Fingal Township Plan 2022-2025	That Council receive the Fingal Township Plan 2022-2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Fingal community for comment.	Fingal community members have been forwarded an email enclosing the draft Fingal Township Plan asking for feedback. A three week timeframe for comments has been provided.	Manager Community Services
100%	20/03/2023	30/04/2023	03/23.15.3 Cornwall Township Plan 2022-2025	That Council receive the Cornwall Township Plan 2022-2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Cornwall community for comment.	Community members in Cornwall have been sent an email asking for feedback on the Draft Cornwall Township Plan - they have been provided with a three week timeframe to provide feedback. It is also on Council's website.	Manager Community Services
100%	20/03/2023	30/04/2023	03/23.15.5 Community Funding Program 2022-2023	That Council fund the listed projects through the Community Grants Program 2022 - 2023.	All successful recipients have been advised of their success in Council's Community Grant program 2022 - 2023 along with those that were not successful have received an email. Those that were successful have been asked to provide their bank details and they have been provided with an acquittal form to complete and forward to Council when the grant has been acquitted.	Manager Community Services

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	20/03/2023	30/04/2023	03/23.15.6 Request for Financial Support – St Helens Online Access Centre	That Council does not provide \$15,000 to assist the St Helens Online Centre to extend the current hours of the Co-ordinator as requested by the St Helens Online Access Centre Committee.	Advised the St Helens Online Centre that they were not successful in securing funding from Council to assist with the funding of additional hours for their Co-ordinator.	Manager Community Services
36%	20/03/2023	30/06/2023	03/23.15.7 St Helens Sports Complex	<p>1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project.</p> <p>2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.</p>	Meeting has been organised with staff to start developing a Brief for this project so that Expressions of Interest can be obtained in line with community feedback and usage.	Manager Community Services
100%	20/03/2023	30/06/2023	03/23.16.2 Review of Conservation Covenant Support Policy (EP03)	That Conservation Covenant Support Policy (EP03) be adopted as amended: with the rate relief support increased to \$6 per hectare and the annual maximum total amount of support increased to \$15,000.	Revised Policy adopted at Council's March Meeting (03/23.16.2.064)	NRM Facilitator
100%	20/03/2023	31/05/2023	03/23.16.3 Open Space Development Guidelines	That Council receive and adopt the Open Space Development Guidelines with the name Open Space Management and Development Guidelines.	The Guidelines were officially adopted at the March 2023 Council meeting. The document is publicly available on Council's website.	Development Services Coordinator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner	
100%	20/03/2023	30/04/2023	03/23.16.4 Amendment to Sealed Plan Process and Review of Applicable Fees and Charges	That Council amend the current 2022/2023 Fees & Charges as set out below Plan – Examination & Sealing Petition to amend a Sealed Plan (all parties signed petition) Additional Fee – Where a petition is required to progress to a hearing Petition to amend a Sealed Plan (if all parties to the Plan have signed the petition)	\$650.00* \$1500.00* \$1500.00* + Councils Legal Fees at cost \$330.00*	Fees & Charges updated - Actions complete.	Development Services Coordinator
100%	20/03/2023	30/04/2023	03/23.16.5 Georges Bay Activation Strategy	That Council receive and adopt recommended actions contained with the Georges Bay Activation Strategy	The Strategy was adopted at the March Council Meeting. Actions contained within the strategy will be implemented and contained within future works programs. Actions Complete.	Development Services Coordinator	
100%	20/03/2023	31/03/2023	03/23.17.2 Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report Oct-Dec 2022	That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period Oct-Dec 2022.	Report received by Council, no further action.	General Manager	
100%	20/03/2023	30/04/2023	03/23.17.3 Australian Local Government Association (ALGA) – 2023 National General Assembly of Local Government – Call for Motions	That Council submit Motions to the ALGA 2023 National General Assembly on the following matters: 1. Extended Producer Responsibility for soft plastics 2. Creation of a new version of the Green Army Program to support environmental protection and conservation	Motions as approved by Council submitted to ALGA by closing date	General Manager	

COUNCIL RESOLUTIONS FEBRUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	20/02/2023	30/06/2023	02/23.9.1 - Short Stay Accommodation Policy – Clr J Drummond	That Council discuss a short stay accommodation policy at a workshop.	A report is currently being drafted by Councils Senior Planner with an aim to have this presented at the May council Workshop and following meeting.	Development Services Coordinator
100%	20/02/2023	31/03/2023	02/23.13.5 Capital Works Budget Review	That Council adopt the revised Capital Works Budget 2022/2023.	Council's decision advised to Accountant who is updating Council documents and financial records.	Business Services Manager
100%	20/02/2023	31/03/2023	02/23.15.2 5-7 Portland Court, St Helens – Hub4Health Building	That under s.177A. of the Local Government Act, the property at 5 – 7 Portland Court, St Helens be classed as public land: 1. Public Land 2. The following land owned by a council is public land: 1. 2. Any other land that the council determines is public land; 3.	Agenda item for February Council meeting - Council accepted for their information only	Manager Community Services
75%	20/02/2023	31/03/2023	02/23.15.6 Policy AM21 – Single Use Plastics Policy	1. That a longer time frame be considered for community members who are participating in events and activities to implement the Single Use Plastic Policy. 2. That Council undertaking more extensive community engagement with community groups as to what options are available for them to use when replacing current single use plastics.	Council approved a longer time frame to enforce the Soft Plastics Policy with our community and engagement has commenced with market groups and leasees of Council owned facilities.	Manager Community Services
75%	20/02/2023	30/06/2023	02/23.16.4 Binalong Bay Foreshore Weed Management	That Council commit to the first year of funding and then look at the following years as part of the budget process.	Weed control and revegetation works by Council and the Parks and Wildlife Service to implement the joint Weed Management Plan started in late March. 2023-2024 budget allocations to be confirmed.	NRM Facilitator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
20%	20/02/2023	31/05/2023	02/23.17.4 Future Aquatic Facility Investigation	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the Break O'Day Council Future Aquatic Facility Strategy Project Methodology (January 2023) for implementation 2. Endorse the Terms of Reference for the Aquatic Facility Investigation Working Group and seek expressions of interest to fill the positions 	Information for communication activities with the community and the process to obtain nominations for the Steering Group is being developed with a view to commencing activity in the next month.	General Manager
	20/02/2023	30/06/2023	02/23.17.5 Live Streaming of Council Meetings	<ol style="list-style-type: none"> 1. That Council resolve to implement Live Streaming of Council Meetings; and 2. That the cost for the implementation for associated hardware and software be considered as part of the 2023-2024 budget deliberations. 		Governance Officer

COUNCIL RESOLUTIONS - JANUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
70%	16/01/2023	30/06/2023	01/23.13.4 Upgrade Cricket Pitch Surface and Relocation of Cricket Practice Nets – St Helens Sports Complex	That Council allocate \$23,000 from “Small Projects” in the existing Capital Works Budget across to “Capital Works Project: St Helens Cricket Facilities- upgrade” to complete the project.	Capital allocation approved by Council at its January meeting. Works scheduled to be complete before the EOFY.	Business Services Manager

COUNCIL RESOLUTIONS - DECEMBER 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
66%	19/12/2022	31/03/2023	12/22.15.3 St Marys Theatre Group – Request for Fee Waiver	That a review be undertaken to examine the parameters for a 5th category to be added to the existing policy to encompass trial projects.	Agenda item to the April Council workshop seeking representatives to be part of a committee to look at the issue	Manager Community Services

COUNCIL RESOLUTIONS NOVEMBER 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	21/11/2022	31/12/2022	11/22.15.8 Request for Financial Support – St Helens Online Access Centre	1. Council staff work with the St Helens Online Centre to attract more volunteers to assist with the delivery of services to our community.	Council staff held an event where community groups and members of the community met to ask questions about volunteering - St Helens Online Access Centre also attended the event and engagement with interested parties	Manager Community Services
35%	21/11/2022	30/06/2023	11/22.16.6 Community Communications support for Off Road Vehicle Management	That Council provide public information and education support to the efforts being made by the Parks and Wildlife Service, private landholders and NRM North to control illegal off road vehicles on St Helens Point.	The NRM Committee recently visited St Helens Point to investigate Off Road Vehicle issues and management options. This is providing background and insight for a communications strategy by Council, in collaboration with the Parks and Wildlife Service and other stakeholders.	NRM Facilitator

COUNCIL RESOLUTIONS JUNE 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	27/06/2022	31/10/2022	06/22.15.3.123 - Outdoor Exercise Equipment - Scamander	That Council seek external funding to cover the cost of this project.	The committee who is looking at projects for the area where the old bridge was removed have approved two pieces of gym equipment to be placed in the open space which is currently being reinstated green area	Manager Community Services

COUNCIL RESOLUTIONS MAY 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	16/05/2022	31/07/2022	05/22.9.1.87 - Notice of Motion - Provision of Crossing in Main Street, St Marys - Clr J Drummond	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council re-consider the provision of pedestrian cross over points and/or traffic islands in the Main Street of St Marys.</p>	Agenda report prepared for 20 March 2023 Council meeting. VRUP application submitted on 15 March 2023:	Manager Infrastructure and Development Services

COUNCIL RESOLUTIONS FEBRUARY 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
60%	21/02/2022	31/03/2022	02/22.16.5.39 - Management of Freshwater Resources and Water Quality	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	Activities to bring information and advice on state water resources and water quality management to Break O'Day through Council remain to be developed. The NRM Committee is following recent issues, such feedback from Taswater on sewage discharges into St Marys Rivulet. Concerns remain for critical reviews and claims of poor freshwater and river management by the Tasmanian Government agencies and bodies.	NRM Facilitator

COUNCIL RESOLUTIONS 2021

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
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.	Governance Officer
98%	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.	Electrical assessment of old lighting infrastructure undertaken during March 2023. Report pending completion.	Manager Infrastructure and Development Services
82%	16/08/2021	14/02/2022	08/21.13.4.178 - Electric Vehicle Charging Station Proposal for Fingal	That management be authorised to enter into a joint funding agreement for the installation and operation of such a charging station.	No further correspondence to report.	Business Services Manager
51%	20/09/2021	28/06/2024	09/21.16.5.208 - Intention to Make a New By-Law - Keeping of Roosters and Other Animals	In accordance with section 155 of the <i>Local Government Act 1993</i> , Council resolves to make a by-law for the regulation of keeping roosters and other animals.	The initial draft has now been completed and presented at the April 2023 Council workshop. Next steps include developing the consultation strategy and obtaining initial feedback from the Director of Local Government Division.	Development Services Coordinator
90%	15/11/2021	31/01/2022	11/21.14.5.249 - Terrys Hill Road, Goshen	Council pursue DPIPWE to fulfil their maintenance responsibilities on Terry Hills Road and that Council approach the State Government with the view of potentially providing the State a road maintenance service paid for by the State Government.	Normal government procurement processes apply. The road was upgraded in the latter part of 2021 via open tender process. The matter of how PWS will undertake ongoing road maintenance remains open for general discussion with the Secretary of Natural Resources and Environment Tasmania (NRET) - yet to be scheduled.	Manager Infrastructure and Development Services

04/23.8.0 PETITIONS

Nil.

04/23.9.0 NOTICES OF MOTION

04/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

04/23.11.0 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.

04/23.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

04/23.12.1 Mayor's Communications for Period Ending 17 April 2023

21.03.2023	St Helens	– Special Committee of Council - Stadium Meeting
23.03.2023	Canberra	– ALGA
03.04.2023	St Helens	– Council Workshop
05.04.2023	St Helens	– Stanley McElory - Wharf Bar re visas for hospitality workers
12.04.2023	St Helens	– Induction service for Rev, John Mahoney
17.03.2023	St Helens	– Citizenship Ceremony
17.03.2023	St Helens	– Council Meeting

04/23.12.2 Councillor's Reports for Period Ending 15 May 2023

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 – Deputy Mayor Kristi Chapple
- NRM Special Committee – Clr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre
- Mental Health Action Group – Clr Barry LeFevre
- Disability Access Committee – Clr Janet Drummond
- Bay of Fires Master Plan Steering Committee – Clr Ian Carter

04/23.13.0 BUSINESS AND CORPORATE SERVICES

04/23.13.1 Corporate Services Department Report

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

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Investments

\$ 1,100,000 4.55% Maturing 25/01/2024
\$ 1,500,000.00 4.34% Maturing 1/12/2023
\$ 1,008,843.21 4.27% Maturing 10/11/2023
\$ 1,007,022.43 4.27% Maturing 10/11/2023
\$1,003,964.11 3.94% Maturing 19/6/2023
\$2,008,166.58 3.84% Maturing 14/6/2023
\$2,017,040.22 4% Maturing 11/5/2023

Rates Summary - 4 April 2023

	2022/2023		2021/2022	
	%	\$	%	\$
Rates Brought Forward				
Outstanding Rate Debtors		470,736.59		390,871.07
Less Rates in Credit		-280,014.02		-227,512.36
Net Rates Outstanding at 30 June	1.70	190,722.57	1.53	163,358.71
Rates and Charges Levied	97.48	10,919,903.46	97.64	10,399,762.84
Interest and Penalty Charged	0.81	91,215.89	0.82	87,639.79
Total Rates and Charges Demanded	100.00	11,011,119.35	100.00	10,487,402.63
Less Rates and Charges Collected	80.63	9,031,967.40	82.28	8,763,781.11
Less Credit Journals and Supp Credits	0.73	82,050.51	1.73	184,027.70
Remissions and Discount	5.02	562,740.87	5.16	549,645.48
Unpaid Rates and Charges 4 April	13.61	1,334,360.57	10.83	989,948.34

	2022/2023	2021/2022
Remissions and Discounts		
Early Payment Discount	105,900.43	105,029.29
Pensioner Rebates	456,840.44	444,606.19
	562,740.87	549,635.48

Number Rateable Properties	6766
Number Unpaid Rateable Properties	3397
% Properties Not fully paid	50.21

Right to Information (RTI) Requests
Nil.

132 and 337 Certificates

	132	337
March 2023	46	21
March 2022	73	43
February 2023	35	22

Debtors/Creditors @ 4 April 2023

DEBTORS INFORMATION

Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 22/23	Month	YTD 21/22
54	\$125,190.88	620	84	726

CREDITORS INFORMATION

Payments Made

Current			Previous Year	
Month	Mth Value	YTD 22/23	Month	YTD 21/22
346	\$1,015,254.53	2141	375	3342

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

LEGISLATION & POLICIES:

Nil.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

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

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 March 2023 be received:

1. Profit and Loss Statement
2. Capital Works 2022-2023

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 31 March 2023.

Profit and Loss

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income					
Rates	10,887,463	10,840,244	0%	10,840,244	
User Fees	1,102,978	1,049,788	5%	1,399,726	
Operating Grants	994,341	624,842	59%	2,423,090	1
Interest & Investment Income	493,850	422,531	17%	563,369	
Contributions	57,550	15,002	284%	20,000	
Other Revenue	101,100	24,002	321%	32,000	2
Total Trading Income	13,637,282	12,976,409	5%	15,278,429	
Gross Profit	13,637,282	12,976,409	5%	15,278,429	
Capital Grants					
Grants - Commonwealth Capital	1,285,799	2,245,785	-43%	2,994,381	
Grants - Roads to Recovery	159,536	323,500	-51%	647,000	
Grants - State Capital	176,424	375,002	-53%	500,000	
Total Capital Grants	1,621,759	2,944,287	-45%	4,141,381	3
Other Non Operating Income					
Net Gain/Loss on Disposal of Assets	70,069	90,000	-22%	120,000	
Total Other Non Operating Income	70,069	90,000	-22%	120,000	
Total Non Operating Revenue	1,691,828	3,034,287	-44%	4,261,381	
Operating Expenses					
Employee Costs	4,146,130	4,284,566	-3%	5,839,111	
Materials & Services	5,063,987	4,685,517	8%	6,128,348	
Interest Expense	160,535	203,508	-21%	271,341	
Depreciation	3,180,210	2,938,975	8%	3,918,626	
Other Expenses	258,208	186,184	39%	246,584	4
Total Operating Expenses	12,809,069	12,298,750	4%	16,404,010	
Operating Net Profit	828,214	677,659	22%	(1,125,581)	
Net Profit (Including Non Operating Revenue)	2,520,042	3,711,946	-32%	3,135,800	
Work in Progress					
Capital Work in Progress	1,958,995	0	0%	0	
Total Work in Progress	1,958,995	0	0%	0	

Notes

- Operating grants are up \$625k (59%) on budget YTD primarily due to the carry forward of unspent grant funds from the prior year and an increase in the Financial Assistance Grants allocation.
- Other revenue is up \$77k on budget YTD primarily due to the retention of unclaimed s 137 property sales funds that have matured and reimbursements received for maternity leave cover and training levies.
- Capital grants are down \$1.3m (45%) primarily due to the timing of payments in line with works completed. Some of these grant funded projects are expected to be spread over multiple years and others are delayed due focus on repairs related to storm events.
- Other expenses are up \$72k (39%) on budget YTD primarily due to election costs.

Profit and Loss

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Mar 2023	Actual YTD	Budget YTD	2023 Annual Budget	% Annual Budget Consumed
Trading Income					
Rates					
Rates - Fire Levy	371	383,440	374,853	374,853	102%
Rates - Waste Management	678	1,488,654	1,487,984	1,487,984	101%
Rates - General	6,905	8,029,482	8,010,311	8,010,311	100%
Rates - Waste Collection	710	975,887	967,096	967,096	101%
Total Rates	8,664	10,887,463	10,840,244	10,840,244	100%
User Fees					
B.C.I Training Levy	6,654	53,893	34,193	45,593	118%
Building Fees	4,360	38,020	34,102	45,471	84%
Building Inspections	3,182	44,082	41,109	54,810	80%
Building Levy	3,327	26,948	17,100	22,797	118%
Building Surveying Assessment Fees	6,264	41,841	37,126	49,504	85%
Caravan Fees and Fines	220	67,303	52,498	70,000	96%
Cemetery Fees	1,330	16,231	19,053	25,402	64%
Commission	3,979	13,766	14,760	19,683	70%
Development Application Fees	12,956	117,578	88,993	118,660	99%
Dog Infringements	50	668	1,873	2,500	27%
Dog Registration Fees	705	11,060	38,475	51,300	22%
Donations and Other Contributions	58,813	60,375	45,000	60,000	101%
Engineering Fees	2,660	9,954	8,928	11,903	84%
Environment Fees - Other	470	3,754	4,500	6,000	63%
Equipment Hire	223	436	0	0	0%
Facilities Hire	7,230	35,106	30,942	41,253	85%
Facilities Leases	11,452	57,658	56,250	75,000	77%
Fire Abatement Charges	0	0	1,502	2,000	0%
Health Licence Fees and Fines	73	1,896	10,502	14,000	14%
Immunisations	592	1,994	748	1,000	199%
Infringements	1,810	1,810	7,498	10,000	18%
Permit Administration	2,720	24,320	31,626	42,165	58%
Planning - Advertising Fee	6,000	50,200	63,630	84,843	59%
Plumbing Fees	4,240	39,425	29,998	40,000	99%
Private Works	950	17,984	48,752	65,000	28%
Property Certificates	8,100	71,450	107,973	143,966	50%
Public Liability Cover	18	18	0	0	0%
Sales	18,731	85,261	50,724	67,633	126%
Subdivision Fees	0	800	6,462	8,617	9%
Waste Charges - User Fees	22,494	209,146	165,471	220,626	95%
Total User Fees	189,604	1,102,978	1,049,788	1,399,726	79%
Operating Grants					
Grants - Financial Assistance	0	786,635	587,340	2,373,090	33%
Grants - Heavy Vehicle Motor Tax	48,822	48,822	0	0	0%
Grants - Operational State	0	158,883	37,502	50,000	318%
Total Operating Grants	48,822	994,341	624,842	2,423,090	41%
Interest & Investment Income					
Interest & Penalties on Overdue Rates	3,470	83,593	60,002	80,000	104%
Interest Income	3,329	119,258	13,779	18,369	649%
TasWater - Tax Equiv & Dividends	97,000	291,000	348,750	465,000	63%
Total Interest & Investment Income	103,799	493,850	422,531	563,369	88%
Contributions					
Public Open Space	32,750	57,550	15,002	20,000	288%
Total Contributions	32,750	57,550	15,002	20,000	288%
Other Revenue					
Fuel Credit	0	0	22,500	30,000	0%
Insurance Recoveries	0	8,158	1,502	2,000	408%
Other Revenue	0	16,386	0	0	0%
Reimbursements	(671)	33,766	0	0	0%
Section 137 Unclaimed funds	42,791	42,791	0	0	0%
Total Other Revenue	42,120	101,100	24,002	32,000	316%
Total Trading Income	425,759	13,637,282	12,976,409	15,278,429	89%

Gross Profit	425,759	13,637,282	12,976,409	15,278,429	89%
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Capital Grants

Grants - Commonwealth Capital	0	1,285,799	2,245,785	2,994,381	43%
Grants - Roads to Recovery	150,671	159,536	323,500	647,000	25%
Grants - State Capital	0	176,424	375,002	500,000	35%
Total Capital Grants	150,671	1,621,759	2,944,287	4,141,381	39%

Other Non Operating Income

Net Gain/Loss on Disposal of Assets	46,773	70,069	90,000	120,000	58%
Total Other Non Operating Income	46,773	70,069	90,000	120,000	58%

Total Non Operating Revenue	197,444	1,691,828	3,034,287	4,261,381	40%
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Operating Expenses

Employee Costs	415,847	4,146,130	4,284,566	5,839,111	71%
Materials & Services					
Advertising	0	30,069	40,500	54,000	56%
Amortisation on Municipal Revaluation	2,102	18,922	18,748	25,000	76%
Bank Charges	2,507	34,448	24,148	32,200	107%
BCI Training Levy	6,654	54,093	34,193	45,593	119%
Building Permit Levy	3,932	26,409	17,100	22,797	116%
Catering	0	15,722	11,548	15,400	102%
Cleaning	14,010	142,449	188,280	251,039	57%
Community Grants & Contributions	16,050	86,706	136,952	182,600	47%
Consulting Services	17,031	323,041	378,465	504,618	64%
Contractor Services	218,124	2,050,336	1,631,694	2,175,591	94%
Contributions In-kind	0	0	1,091	1,457	0%
Debt Recovery Fees	0	1,755	11,998	16,000	11%
Fire Service Levy	95,524	286,571	279,471	372,628	77%
Fuel & Oil	21,042	195,938	295,398	393,862	50%
Gravel Material - Internal Recharge	0	22,139	0	0	0%
Gravel Recovered	(16,860)	(150,375)	0	0	0%
Insurance	0	200,228	174,722	174,722	115%
Interest Expense	0	160,535	203,508	271,341	59%
Internal Audit Fees	0	1,369	5,247	6,996	20%
IT Expenses	24,435	190,355	167,400	223,200	85%
Land Tax	22,291	70,002	42,608	56,813	123%
Leases	3,951	28,285	66,375	88,500	32%
Legal Expenses	15,360	49,895	48,752	65,000	77%
Licence Fees	5,658	59,158	104,460	139,278	42%
Materials	34,833	427,282	305,460	407,282	105%
Pensioner Rate Remissions	1,471	11,760	0	0	0%
Plant Hire - External	1,482	30,984	4,123	5,500	563%
Plant Hire - Internal Recharge	42,062	518,609	422,133	562,842	92%
Plant Hire Clearing - Recovered	(64,161)	(574,532)	(558,900)	(745,200)	77%
Postage & Freight	451	26,194	12,906	17,208	152%
Printing & Stationery	1,105	16,273	18,792	25,057	65%
Rates Remissions	0	88,509	74,234	74,234	92%
Refunds & Reimbursements	(3,208)	(7,270)	0	0	0%
Registration & MAIB - (Vehicle & Plant)	0	42,472	35,667	47,554	89%
Repairs & Maintenance	0	7,986	7,911	10,550	76%
Repairs & Maintenance - (Vehicle & Plant)	25,257	226,379	172,349	229,797	99%
Royalties and Production Licenses	0	25,439	3,752	5,000	509%
Settlement Discount - Rates Payments	(28)	105,722	108,103	108,103	98%
Stock Purchases for Resale	5,470	31,182	22,500	30,000	104%
Subscriptions/Publications/Memberships	1,152	135,861	120,915	161,223	84%
Supplementary Revaluations	5,400	14,300	20,998	26,000	51%
Telephone & Internet	3,426	30,616	36,118	48,160	64%
Travel Expenses	618	3,618	541	724	500%
Utility Costs (Gas, Electricity & Water)	28,343	178,138	197,829	263,770	68%
Venue Hire	0	2,127	936	1,250	170%
Waste Levy	0	4,824	0	0	0%
Total Materials & Services	535,487	5,224,521	4,889,025	6,399,689	82%
Depreciation					
Depreciation - Bridges	37,022	333,198	346,563	462,082	72%
Depreciation - Building	38,698	342,233	324,134	432,176	79%
Depreciation - Coastal Assets	2,406	21,262	0	0	0%
Depreciation - Furniture & Fittings	10,833	96,592	103,563	138,087	70%
Depreciation - Land Improvements	4,954	43,786	154,629	206,169	21%
Depreciation - Plant & Equipment	38,192	345,091	309,310	412,411	84%

Depreciation - Recreation	14,978	133,621	0	0	0%
Depreciation - Roads	173,170	1,558,530	1,420,289	1,893,716	82%
Depreciation - Stormwater Infrastructure	31,658	284,922	280,487	373,985	76%
Depreciation - Waste Infrastructure	2,366	20,975	0	0	0%
Total Depreciation	354,276	3,180,210	2,938,975	3,918,626	81%
Other Expenses					
Councillor Allowances	14,489	128,748	130,186	173,584	74%
Councillor Expenses	2,837	15,604	20,998	28,000	56%
Councillor Training & Development	196	13,710	0	0	0%
Election Costs	0	60,786	0	0	0%
External Audit Fees	320	39,360	35,000	45,000	87%
Total Other Expenses	17,842	258,208	186,184	246,584	105%
Total Operating Expenses	1,323,452	12,809,069	12,298,750	16,404,010	78%
Operating Net Profit	(897,693)	828,214	677,659	(1,125,581)	-74%
Net Profit (Including Non Operating Revenue)	(700,249)	2,520,042	3,711,946	3,135,800	80%

Work in Progress

WIP Current - Contractors & Consultants	341,554	928,958	0	0	0%
WIP Current - Employee Oncosts	9,627	63,210	0	0	0%
WIP Current - External Plant Hire	1,813	4,753	0	0	0%
WIP Current - Internal Plant Hire	22,099	55,650	0	0	0%
WIP Current - Materials & Services	60,384	462,482	0	0	0%
WIP Current - Other	0	2,629	0	0	0%
WIP Current - Plant/Equipment Purchases	71,479	314,967	0	0	0%
WIP Current - Salary & Wages	19,254	126,346	0	0	0%
Total Work in Progress	526,211	1,958,995	0	0	0%

Balance Sheet

Break O'Day Council
As at 31 March 2023

Account	31 Mar 2023	30 Jun 2022
Assets		
Current Assets		
Cash & Cash Equivalents	12,847,102	11,813,436
Trade & Other Receivables	1,624,610	657,289
Inventory	347,289	325,193
Total Current Assets	14,819,001	12,795,919
Non-current Assets		
Property, Plant & Equipment	178,460,686	181,797,388
Right of Use Asset	17,734	17,734
Intangible Assets	52,455	71,377
Investment in Water Corporation	32,937,531	32,937,531
Other Investments	30,000	30,000
Total Non-current Assets	211,498,405	214,854,029
Total Assets	226,317,406	227,649,948
Liabilities		
Current Liabilities		
Trade & Other Payables	825,415	1,040,390
Contract Liabilities	0	1,290,072
Lease Liability	11,800	11,800
Interest Bearing Loans & Borrowings	165,951	389,024
Provisions	873,394	873,394
Trust Funds and Deposits	653,164	676,031
Total Current Liabilities	2,529,724	4,280,710
Non-current Liabilities		
Lease Liabilities	17,734	17,734
Interest Bearing Loans & Borrowings	5,866,821	5,866,821
Provisions	551,270	551,270
Total Non-current Liabilities	6,435,825	6,435,825
Total Liabilities	8,965,550	10,716,536
Net Assets	217,351,857	216,933,412
Equity		
Accumulated Surplus	41,567,985	41,049,730
Reserves	175,783,871	175,883,682
Total Equity	217,351,857	216,933,412

Statement of Cash Flows

Break O'Day Council

For the 9 months ended 31 March 2023

Account	YTD	2022
Operating Activities		
Receipts from customers	1,119,455	1,352,000
Receipts from rates	9,564,829	10,203,000
Receipts from Operational Grants	996,032	4,316,000
Contributions	117,844	97,000
Interest received	202,850	118,000
Dividends received	291,000	466,000
Payments to employees	(4,285,184)	(5,354,000)
Payments to suppliers	(5,754,404)	(7,471,000)
Finance Costs	(160,535)	(303,000)
Cash receipts from other operating activities	647,995	730,000
Cash payments from other operating activities	7,380	0
Net Cash Flows from Operating Activities	2,747,363	4,154,000
Investing Activities		
Payment for property, plant and equipment	(1,984,924)	(4,737,000)
Capital Grants received	460,821	3,500,000
Proceeds from sale of property, plant and equipment	54,763	217,000
Net Cash Flows from Investing Activities	(1,469,341)	(1,020,000)
Financing Activities		
Proceeds of trust funds and deposits	(21,284)	24,000
Repayment of loans	(223,073)	(1,882,000)
Repayment of leases	0	(11,000)
Net Cash Flows from Financing Activities	(244,356)	(1,869,000)
Net Cash Flows	1,033,666	1,265,000
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	11,813,436	10,548,436
Net change in cash for period	1,033,666	1,265,000
Cash and cash equivalents at end of period	12,847,102	11,813,436

Profit and Loss - Corporate Services

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income						
Rates	8,412,573	8,385,164	27,409	0%	8,385,164	
User Fees	126,231	45,459	80,772	178%	60,610	1
Operating Grants	389,204	401,289	(12,086)	-3%	1,070,100	
Interest & Investment Income	493,851	306,281	187,570	61%	563,369	2
Other Revenue	87,521	0	87,521	0%	0	3
Total Trading Income	9,509,379	9,138,193	371,186	4%	10,079,243	
Gross Profit	9,509,379	9,138,193	371,186	4%	10,079,243	
Other Non Operating Income						
Net Gain/Loss on Disposal of Assets	9,157	0	9,157	0%	0	
Total Other Non Operating Income	9,157	0	9,157	0%	0	
Total Non Operating Revenue	9,157	0	9,157	0%	0	
Operating Expenses						
Employee Costs	812,447	683,448	128,999	19%	911,251	4
Materials & Services	1,109,104	1,069,923	39,181	4%	1,328,953	
Depreciation	107,821	106,281	1,540	1%	141,707	
Other Expenses	5,990	3,752	2,238	60%	5,000	
Total Operating Expenses	2,035,361	1,863,404	171,957	9%	2,386,911	
Operating Net Profit	7,474,018	7,274,789	199,229	3%	7,692,332	
Net Profit (Including Non Operating Revenue)	7,483,174	7,274,789	208,385	3%	7,692,332	
Work in Progress						
WIP Current - Salary & Wages	(0)	0	(0)	0%	0	
Total Work in Progress	(0)	0	(0)	0%	0	

Notes

- User fees are up \$81k on budget YTD primarily due to community contribution to purchase a plant item for the mountain bike trails and higher than expected sales through the Visitor Information Centre.
- Interest and investment income is up \$188k (61%) on budget YTD primarily due to the higher interest rates on investments and the timing of the TasWater dividend payments earlier than expected. Interest on overdue rates is also up \$20k on budget YTD.
- Other revenue is up \$86k on budget YTD primarily due to the retention of unclaimed s.137 property sales funds that have matured and reimbursements received for maternity leave cover and training levies.
- Employee cost are up \$129k (19%) on budget YTD primarily due to the higher level of leave taken or paid out during the year so far. The adjustment to employee leave provisions will occur at the end of the financial year which may partially or fully offset this amount.

Profit and Loss - Governance

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income						
Operating Grants	50,000	0	50,000	0%	0	1
Total Trading Income	50,000	0	50,000	0%	0	
Gross Profit	50,000	0	50,000	0%	0	
Other Non Operating Income						
Net Gain/Loss on Disposal of Assets	23,864	0	23,864	0%	0	
Total Other Non Operating Income	23,864	0	23,864	0%	0	
Total Non Operating Revenue	23,864	0	23,864	0%	0	
Operating Expenses						
Employee Costs	453,332	369,713	83,619	23%	492,955	2
Materials & Services	107,376	182,378	(75,002)	-41%	221,168	3
Depreciation	11,486	11,736	(250)	-2%	15,648	
Other Expenses	244,941	181,182	63,759	35%	241,584	4
Total Operating Expenses	817,135	745,009	72,126	10%	971,355	
Operating Net Profit	(767,135)	(745,009)	(22,126)	3%	(971,355)	
Net Profit (Including Non Operating Revenue)	(743,271)	(745,009)	1,738	0%	(971,355)	

Notes

1. Operating grants are up \$50k on budget YTD, which relates to the carried forward of unspent grants from the previous year.
2. Employee costs are up \$84k (23%) on budget YTD which relates to the costing of wages to the Governance function which had been budgeted in other areas.
3. Materials and services are down \$75k (41%) on budget YTD, due to delay in works on the above grant project.
4. Other expenses are up \$64k (35%) on budget YTD primarily due to election costs.

Profit and Loss - Community Development

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income						
User Fees	11,401	11,250	151	1%	15,000	
Operating Grants	114,983	37,502	77,481	207%	50,000	1
Other Revenue	3,549	0	3,549	0%	0	
Total Trading Income	129,933	48,752	81,181	167%	65,000	
Gross Profit	129,933	48,752	81,181	167%	65,000	
Other Non Operating Income						
Net Gain/Loss on Disposal of Assets	8,330	0	8,330	0%	0	
Total Other Non Operating Income	8,330	0	8,330	0%	0	
Total Non Operating Revenue	8,330	0	8,330	0%	0	
Operating Expenses						
Employee Costs	209,434	227,590	(18,156)	-8%	303,454	
Materials & Services	232,397	228,215	4,182	2%	304,276	
Depreciation	22,824	14,535	8,289	57%	19,380	
Total Operating Expenses	464,655	470,340	(5,685)	-1%	627,110	
Operating Net Profit	(334,722)	(421,588)	86,866	-21%	(562,110)	
Net Profit (Including Non Operating Revenue)	(326,392)	(421,588)	95,196	-23%	(562,110)	

Notes

1. Operating grants are up \$78k on budget YTD primarily due to carried forward of unspent grants funds from the prior financial year of \$92k.

Profit and Loss - Works & Infrastructure

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income						
Rates	2,474,890	2,455,078	19,812	1%	2,455,078	
User Fees	385,158	381,598	3,560	1%	508,804	
Operating Grants	440,154	322,491	117,663	36%	1,302,991	1
Other Revenue	10,030	24,002	(13,972)	-58%	32,000	
Total Trading Income	3,310,232	3,183,169	127,063	4%	4,298,873	
Gross Profit	3,310,232	3,183,169	127,063	4%	4,298,873	
Capital Grants						
Grants - Commonwealth Capital	1,285,799	2,245,788	(959,989)	-43%	2,994,381	
Grants - Roads to Recovery	159,536	323,500	(163,964)	-51%	647,000	
Grants - State Capital	176,424	375,002	(198,578)	-53%	500,000	
Total Capital Grants	1,621,759	2,944,290	(1,322,531)	-45%	4,141,381	2
Other Non Operating Income						
Net Gain/Loss on Disposal of Assets	28,719	90,000	(61,281)	-68%	120,000	3
Total Other Non Operating Income	28,719	90,000	(61,281)	-68%	120,000	
Total Non Operating Revenue	1,650,478	3,034,290	(1,383,812)	-46%	4,261,381	
Operating Expenses						
Employee Costs	2,041,809	2,387,430	(345,621)	-14%	3,183,236	4
Materials & Services	3,477,338	3,032,976	444,362	15%	4,026,160	5
Depreciation	3,027,967	2,796,297	231,670	8%	3,728,388	
Other Expenses	7,277	0	7,277	0%	0	
Total Operating Expenses	8,554,391	8,216,703	337,688	4%	10,937,784	
Operating Net Profit	(5,244,158)	(5,033,534)	(210,624)	4%	(6,638,911)	
Net Profit (Including Non Operating Revenue)	(3,593,681)	(1,999,244)	(1,594,437)	80%	(2,377,530)	

Notes

- Operating grants are \$118k (36%) up on budget YTD, primarily due to the increase in Financial Assistance Grants allocation and the earlier than expected receipt of the Heavy Vehicle Motor Tax.
- Capital grants are down \$1.3m (45%) primarily due to the timing of payments in line with works completed. Some of these grant funded projects are expected to be spread over multiple years and others are delayed due focus on repairs related to storm events.
- Net gain/loss on disposal of assets is down \$61k (68%) on budget YTD primarily due a number of planned plant replacements still to be traded.
- Employee costs are down \$346k (14%) on budget YTD primarily due to staff vacancies during the year.
- Materials and services are up \$444k (15%) on budget YTD primarily due to reponding to storm events and necessary repairs and the higher level of mowing needed compared to forecast as a result of higher rain levels.

Profit and Loss - Development Services

Break O'Day Council

For the 9 months ended 31 March 2023

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income						
User Fees	580,188	609,140	(28,952)	-5%	812,197	
Contributions	57,550	15,002	42,548	284%	20,000	
Other Revenue	0	2,338	(2,338)	-100%	3,112	
Total Trading Income	637,738	626,480	11,258	2%	835,309	
Gross Profit	637,738	626,480	11,258	2%	835,309	
Total Non Operating Revenue	0	0	0	0%	0	
Operating Expenses						
Employee Costs	629,109	703,657	(74,548)	-11%	938,208	1
Materials & Services	298,307	391,603	(93,296)	-24%	522,135	2
Depreciation	10,111	10,125	(14)	0%	13,502	
Total Operating Expenses	937,527	1,105,385	(167,858)	-15%	1,473,845	
Operating Net Profit	(299,789)	(478,905)	179,116	-37%	(638,536)	
Net Profit (Including Non Operating Revenue)	(299,789)	(478,905)	179,116	-37%	(638,536)	

Notes

- Employee Costs are down \$75k (11%) on budget YTD primarily due to extended staff leave during the year.
- Materials and services are down \$93k (24%) on budget YTD primarily due to NRM projects still to be completed.

Break O'Day Council
Capital Works 2022-2023
For the period ending 31 March 2023

Project Details	YTD	Revised 2023 Budget	Comments
Plant & Equipment	-	-	
Vehicle Management Tracking System	-	30,000	
Airport Self Starting Generator	-	-	Subject to regional airport grant funding of \$12k - deferred to 23/24
1336 Building Services Coordinator	40,259	45,000	
H66ZW - DS Pool Car	-	40,000	
1339 General Manager	51,919	55,000	
1369 Manager Community Services	34,282	36,000	
1368 Replace Corporate Services Manager	38,833	45,000	Carried forward from Replacement of Trails Project Manager 1338
Manager Infrastructure & Development Services	34,172	36,000	
Turf Mower Replacement	-	-	2nd hand Mower - Contingent of co-funding from St Helens Football Club 50:50- deferred to 23/24
1321 Fuso Fighter	-	130,000	Truck with HYAB (on-board crane)
1219 Street Sweeper	-	150,000	
Mower Trailer	-	20,000	
1084 - Box Trailer	-	3,000	
1252 Box Trailer	-	3,000	
1080 Box Trailer	-	3,000	
1097 - Pavement Roller (self propelled)	-	30,000	
Mobile Porta-loo	-	4,000	Additional unit
Small Plant - VARIOUS	22,641	40,000	
Total Plant & Equipment	222,105	670,000	
Furniture & IT			
Additional sit down/stand up desks	-	1,500	
IT - Exchange Upgrade 2022/23	-	20,000	
Spatial Upgrade	-	10,000	
IT - SANS Server	22,260	30,000	
Air Conditioner - Council Building Incl Server Room	5,730	13,750	
Desktop replacements 2022/23	21,322	21,000	
Tablet/Laptop Replacement - Councillors	21,834	22,000	
Planning & Reporting Software	-	15,000	
Street furniture & signage	6,462	20,000	
Ricoh IM C4500 A3 colour copier/printer/scanner	6,255	6,255	
Total Furniture & IT	83,864	159,505	
Buildings			
Marine Rescue Building - Additions	-	-	Helens Marine Rescue. Additions plus gantry. Defer to 23/24
Fingal Community Shed (Old Tas Hotel)	12,292	378,497	BSBR Grant
Mangana Communications Cell	58,909	115,119	BSBR Grant
St Marys Indoor Recreation Facility	24,166	1,146,727	BSBR Grant
Portland Hall Upgrades	-	6,288	Audio visual equipment to be purchased and installed.

Project Details	YTD	Revised 2023 Budget	Comments
Scamander Sports Complex	-	50,000	Solar Panel & Kitchen upgrades - Contribution from Scamander Sports Complex \$20k
St Marys Hall Upgrades	-	50,000	Solar Panel = \$35K + \$15K for Heating - Refer Council Motion
St Helens Croquet proposal	-	-	Defer to 23/24
St Marys Skate Park Toilet	27,346	34,302	C/fwd project
St Marys Waste Tip Shop Extension	14,235	45,000	
Small Projects	3,697	7,000	Bus Shelters/Small projects and improvements that cannot be considered maintenance
Aerodrome Hanger	10,959	-	
Police Station & Health - 1 Annie St	14,604	-	
Police Station Acquisition	2,550	-	
History Room - Projector replacement	14,019	11,000	
Stadium repaint of floors and replace damaged equipment	95,074	-	Insurance to cover
Council Chambers additions and improvements	199	47,934	New Indoor/Outdoor Kitchen/Lunch Room Extension. Painting outside.
Total Buildings	278,050	1,891,867	
Parks, Reserves & Other			
Special Project - Marine Strategy	33,884	40,000	
Special Project - St Helens Wharf Foreshore Master Plan	-	50,000	
Special Project - Feasibility Study Aquatic Centre & Hydrotherapy Pool	-	40,000	
Fingal Youth Playground/recreation hub	-	345,767	BSBR Grant
Pump Track/s	-	500,000	State Gov't Grant
St Helens Sports Complex - Athletics building	-	48,589	
St Helens Cricket Facilities - upgrade	-	33,000	
Playground equipment replacement program - Cornwall	-	60,000	
Playground equipment replacement program	-	64,261	
Dog exercise area St Helens Improvements	2,197	10,000	
Wrinklers Lagoon Redevelopment Design & Planning - Amenities Building	-	27,646	Transfer \$30,600 from CE110
Parnella/Foreshore Walkway	229,901	234,151	Existing grant prior year (State). Erosion barrier repair.
St Marys Dog Park	3,447	10,000	
Cornwall Soldiers Park - Track upgrade and SW works	-	60,000	
St Marys Cemetery Master Plan - Columbarium Wall & garden	-	55,000	
St Helens Cemetery Master Plan improvements	-	-	Deferred to 23/24
St Helens Football Grounds Fencing	-	50,000	
Kirwins Beach Jetty	773	-	To be expensed
St Helens Sports Complex New Lighting Towers	8,161	14,390	09/21.16.3 Contributed Asset - Council contribution, part of larger grant funded project (total value \$235k)
Special Project: Scamander Coastal Hazards Project		30,000	
Totals Parks, Reserves & Other	278,363	1,672,804	

Project Details	YTD	Revised 2023 Budget	Comments
Roads - Streetscapes			
LRCI Round 3 - Cecilia St St Helens	49,153	320,000	Bayside section - Circassian St down, and intersection with Esplanade
Quail St Parking Bay	-	50,000	
Total Streetscapes	49,153	370,000	
Roads - Footpaths			
Annual replacement of damaged footpaths	5,584	25,000	
Akaroa - Akaroa Ave	22,096	25,000	Replace 100m of path
Maori Place	-	10,000	Replace 40m of path
Penquin St	-	5,000	Replace 95m of path
Irishtown Rd	-	15,000	Relace 285m of path
Akaroa - Carnnell Place	-	23,000	
Main St Mathinna (Wilson St to Community Hall)	-	-	Deferred to 23/24. OB should have been \$8,500, not 85k
Esk Main Rd, St Marys - Pathway	1,260	12,244	C/fwd project
Young St - St Helens	63,923	110,000	
Jason St St Helens	-	25,000	
Medea Cove Footpath	3,489	100,000	
Parkside Foreshore Footpath	174,001	217,278	
St Helens Lawry Heights 580m	7,858	10,000	
Total Footpaths	278,211	577,522	
Roads - Kerb & Channel			
Byatt Court, Scamander	-	-	SW system assessment and new design- defer to 23/24
Falmouth St St Helens	-	-	Penelope to Halcyon - defer to 23/24
Penelope St St Helens	-	-	100 lm on new K&C required to address local flooding issue and includes bus pull over area pavement treatment. Defer to 23/24
Treloggen Drive, Binalong Bay	-	-	
St Helens Pt Rd, near Cunningham St	169	-	To be expensed
Replacements T&A	43,752	50,000	
Total Kerb & Channel	43,920	50,000	
Roads - Resheeting			
1214 - Roses Tier Rd	121,091	60,000	
1215 - Roses Tier Rd	-	60,000	
Eddystone Rd	-	50,000	
Policemans Point Road	-	30,000	
St Mary's Area	60,383	100,000	
Upper Scamander Road, Scamander	55,397	70,000	
41 - Anchor Rd	-	37,000	
2258 - McKerchers Rd	-	8,190	
2259 - McKerchers Rd	-	9,623	
2260 - McKerchers Rd	-	2,662	
2380 - Tims Creek Rd	-	6,880	
2392 - Tyne Rd	-	6,370	
2393 - Tyne Rd	-	7,262	
2394 - Tyne Rd	-	6,166	
2303 - Old Roses Tier Rd	-	6,848	
999 - Victoria St Part C	-	1,400	
998 - Victoria St Part C	-	360	

Project Details	YTD	Revised 2023 Budget	Comments
997 - Victoria St Part C	-	2,100	
2138 - Franks St Fingal	-	3,795	
1024 - Franks St Fingal	-	3,400	
1081 - Sorell St	-	6,700	
1053 - Louisa St	-	2,800	
Ansons Bay Resheeting	1,901	-	
Fingal Streets	-	6,500	
85 - Forest Lodge Rd	-	50,000	
Total Resheeting	238,773	538,056	
Roads - Reseals			
St Marys - Story Street Esk Main Road to Groom Street	-	55,084	Subject to State Growth resealing Story St
70 - St Columba Falls Rd	-	42,874	
166 - Mathinna Rd	15,593	25,901	
251 - Upper Esk Rd	-	16,096	
252 - Upper Esk Rd	-	57,245	
274 - Rossarden Rd	-	18,852	
275 - Rossarden Rd	-	27,882	
324 - Cornwall Rd	-	21,268	
341 - Posiedon St	-	15,638	
342 - Posiedon St	-	801	
343 - Perseus St	-	11,308	
352 - Lawry Heights	-	1,776	
378 - Kings Park	-	2,971	
383 - Cobrooga Dve	-	4,784	
436 - Circassian St	-	8,234	
491 - Beaulieu St	-	13,280	
492 - History Room C/P	-	6,735	
529 - Targett St	-	12,995	
530 - George St	-	18,144	
694 - St Helens Point Rd	-	10,420	
759 - Hilltop Dr	-	6,092	
768 - Highcrest Ave	-	8,806	
789 - Coffey Ct	-	9,867	
891 - Nicks Cl	-	4,186	
913 - Ansons Bay Rd (Priory Rd)	-	5,233	
1001 - Champ St Fingal	-	8,244	
1089 - Seymour St	-	4,196	
1090 - Seymour St	-	17,657	
1155 - North Ansons Bay Rd	-	79,115	
Totals Reseals	15,593	515,684	
Roads - Construction, Digouts & Other			
Mathinna Road	3,552	100,000	Reduction to fund increased digouts below
St Helens Pt Rd - Parkside	-	200,000	
Digouts to be allocated	73,058	200,000	Increase due to extended wet weather
Road Intersection Upgrade Works	-	-	Defer to 23/24
Sealed Roads - Condition Assessments	-	33,000	
Road Network - Sign Replacement	-	25,000	
218 - Mathina Plains Road	-	-	Sealing - Stage 3 works. Defer to 23/24

Project Details	YTD	Revised 2023 Budget	Comments
LRCI Phase 3 Projects allocated to 22/23	-	76,000	Projects determined for 22/23 amount to be carried forward. Projects to be fully funded under the AG Local Roads & Community Infrastructure Program.
LRCI Phase 3 North Ansons Bay Sealing	173,578	539,000	
LRCI Phase 3 Mount Paris Dam Sealing	22,078	50,000	
Medea Cove Esplanade - Reconstruct	113	-	To be expensed
Roundabout Medea/Quail Sts	109,314	111,056	C/fwd project
Medeas St/Circassian St intersection upgrade	805	1,000	Defer to 23/24
Ansons Bay Rd - Seal 800m	42,252	65,000	Carried Forward
Totals - Roads Construction, Diggouts & Other	424,750	1,335,056	
Totals Roads & Footpaths	1,050,400	3,386,318	
Bridges			
B1605 - St Columba Falls Rd	5,343	215,571	Replace timber bridge with concrete structure to SM1600
B2293 - Cecilia St	7,501	224,000	Replace bridge with concrete structure to SM1600
B63 Gardiners Creek Road	-	47,000	renew timber deck and runners
B7027 - Mathina Plains Road	-	-	Defer to 23/24
B2177 St Patricks Head Rd	-	23,483	
B7010 Rattrays Rd	-	40,000	
B160 - Newman Street Footbridge	2,344	10,000	Replace timber deck with FRP
Total Bridges	15,188	560,054	
Stormwater			
Minor stormwater Jobs	4,038	50,000	
Treloggens Track Stormwater	3,825	30,732	
Osprey Drive	994	10,000	Design only
Atlas Drive - Retaining Wall anchor	41,106	69,595	C/fwd project
Beaumaris Ave	-	25,000	
Freshwater St/Lade Crt Beaumaris	9,254	70,000	Previously deferred project
Penelope Street	6,479	120,000	Stormwater Main - frontage of caravan park 275 lm
Falmouth St, St Helens	-	-	Design only.Defer to 23/24
Total Stormwater	65,697	375,327	
Waste Management			
Rehabilitation of former Binalong Bay Tip	-	-	Contingency sum only - no immediate requirement to undertake works. Defer to 23/24.
Scamander WTS - Inert Landfill	1,909	-	Design. Defer to 23/24
Scamander WTS - Waste Paint Container Station	-	14,283	
Scamander WTS retaining wall replacement	-	-	Contingency for potential replacement - condition monitoring in place for existing asset. Defer to 23/24
Total Waste Management	1,909	14,283	
Total Capital	1,995,575	8,700,158	

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

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:**Staff Movements:**

Staffing is normal for this time of year.

Visitor Information Centre Report:

VIC staff noted:

- Main tourists this month were Vic and NSW.
- We have just put in a door counter which has been working well.
- Have had two more local businesses take up our offer of free brochure display.
- Still getting lots of phone calls regarding availability of camping especially for the Easter period.

The History Room Curator Report:

- **Dorset Historical Society Address:** Scheduled for Thursday 7 April 2023 at the Mechanics Institute in Scottsdale. Curator will be speaking on the history of the St Helens History Room and basic museum methods and principles that are followed for the safe keeping of artefacts and archives.
- **New Volunteers:** Both Wendy and Revel are now working on the roster in the Backroom of the St Helens History Room. There are currently 16 volunteers rostered with the St Helens History Room.
- **A Stitch in Time exhibition:** This has been dismantled and all items returned to the Stitchers group.
- **Loans Out:** Several items/objects have been lent to the Break O'Day Stitchers group as props for their Easter exhibition at the Portland Hall.
- **New Exhibition:** This is currently being worked on and will highlight the Ships of St Helens.

- **Image request from Maritime Museum of Tasmania:** Images are currently being scanned of fishing scenes in and around St Helens (c1920s-40s) for a forthcoming article planned for that organisation's newsletter.
- **External Hard Drive failing:** This is the storage for all the images associated with our cataloguing system and on speaking with PEAK Computers staff regarding it, their suggestion was that it needed replacing. I will seek further advice from MOSAIC people (cataloguing software) and PEAK computers about remedying this hardware failure.
- **ANZAC Display:** Foyer cabinet has been turned over in readiness for ANZAC Day commemorations. Grose Collection is now on show with histories associated with other local service men and women (Thorold Collection)
- **Statistics:** March figures represent the fourth highest income revenue in 13 years and the fourth highest visitation tally in 14 years. Continue to receive very positive visitor comments in our visitors book from those frequenting the museum.

Statistics:

Door Counts:

Month/Year	Visitor Numbers	Daily Average	History Room
March 2013	4,360	140.64	146
March 2014	5,578	179.94	146
March 2015	6,810	219.68	208
March 2016	5,080	169.33	212
March 2017	5,124	165.29	177
March 2018	4,492	149.73	216
March 2019	4,318	139.29	266
March 2020	2,936	117.44	196
March 2021	3,196	103.10	164
March 2022	3,286	109.53	128
March 2023	4,483	144.61	240

Revenue 2021/2022:

Month	VIC Sales	HR Entry	HR Donations
July	2,534.48	200.00	72.95
August	1,820.81	Nil	138.50
September	2,460.63	267.00	96.20
October	2,596.31	237.00	114.55
November	3,035.09	209.00	171.30
December	2,783.25	181.00	42.50
January	4,909.95	426.00	86.65
February	6,123.46	427.00	151.66
March	8,054.27	502.00	170.40
April	4,690.85	407.20	126.05
May	4,377.35	290.00	165.80
June	2,972.74	142.00	147.05

Revenue 2022/2023

Month	VIC Sales	HR Entry	HR Donations
July	2,838.51	188.00	80.90
August	2,518.86	0	197.35
September	4,865.29	331.00	58.50
October	6,847.24	532.00	138.80
November	8,437.20	601.00	107.75
December	7,698.94	415.00	148.05
January	9,745.80	647.00	190.60
February	10,381.03	668.00	296.85
March	11,971.72	872.00	176.95

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

LEGISLATION & POLICIES:

Nil.

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Manager Business Services
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\005\004\
ASSOCIATED REPORTS AND DOCUMENTS	Fraud and Corruption Control Policy and Plan

OFFICER'S RECOMMENDATION:

That the Council endorse the Fraud and Corruption Control Policy and Plan.

INTRODUCTION:

The purpose of this report is to seek approval of a revised Fraud and Corruption Control Policy and revised Fraud and Corruption Control Plan. A review of the current Policy and the Plan has been undertaken and rewrite has now been finalised to comply with the latest standard AS 8001:2021 - Fraud and Corruption. The Policy and Plan were endorsed by the Audit Panel at its March meeting.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 15 September 2014 – Minute No. 09/14.11.6.265

Amended 16 October 2017 – Minute No 10/17.12.5.228

Amended 16 November 2020 – Minute No 11/20.12.6.209

OFFICER'S REPORT:

Fraud and corruption costs the Australian economy at least \$3 billion per year and the incident of fraud and corruption is increasing year by year with 63% of Australian organisations experiencing economic crime over a two-year period.

Fraud and corruption in an organisation can be much broader than traditionally considered in the form of financial misappropriation and can include improper or personal use of assets or position to gain illicit advantage. Non-financial fraud and corruption can be potentially the most damaging kind.

The management of fraud and corruption risk should be underpinned by an organisation-wide policy. It should apply the principles of sound risk management, planning, monitoring and remedial action. As a key business risk, the management of fraud and corruption is an important component of corporate governance responsibilities for those in charge with governance and management.

There is no specific law requiring Council to establish policy in relation to the control of potential fraud and corruption. However, as a public body the community should rightfully expect that Council has taken reasonable steps to uphold the principles of honesty, integrity and transparency. To this end, Council initially adopted a Fraud and Corruption Control Policy and Plan in 2014. These documents are now being reviewed at least every four to five years as part of Council's rolling review program.

The revised Policy and Control Plan has been developed post an external audit by an independent assessor. The audit included onsite work that assessed the existence and effectiveness of controls through examining documentation, observations and conducting interviews. With respect to an anti-fraud culture, the audit was undertaken on elements of AS 8001 (Fraud and Corruption Control) and in line with previous work completed by the Tasmanian Audit Office and the Institute of Internal Auditors Fraud Prevention: 10 action steps.

The Auditor observed good engagement from staff and a strong appetite to improve systems and processes across the organisation. They also observed a willingness to receive further education and a desire to improve implementation, communication and control practices to further support an anti-fraud and corruption culture across the organisation.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

Leadership - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.

LEGISLATION & POLICIES:

Criminal Code Act 1924 (Tas)
Integrity Commission Act 2009
Police Offences Act 1935 (Tas) Privacy Act 1988 (Cth)
Public Interest Disclosure Act 2002 (Tas)
Right to Information Act 2009 (Tas)
AS 8001:2021 – Fraud and Corruption Control
Code of Conduct
Fraud and Corruption Control Plan
Gifts and Benefits Policy
Public Interest Disclosure Policy

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Failure to actively manage and control the risk of fraud and corruption could expose Council to risk and financial loss.

VOTING REQUIREMENTS:

Simple Majority.

POLICY NO TBC
Fraud and Corruption Control Policy

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	Leadership - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
LEGISLATION AND RELATED DOCUMENTS:	<i>Criminal Code Act 1924 (Tas)</i> <i>Integrity Commission Act 2009</i> <i>Police Offences Act 1935 (Tas) Privacy Act 1988 (Cth)</i> <i>Public Interest Disclosure Act 2002 (Tas)</i> <i>Right to Information Act 2009 (Tas)</i> <i>AS 8001:2021 – Fraud and Corruption Control Code of Conduct</i> <i>Fraud and Corruption Control Plan</i> <i>Gifts and Benefits Policy</i> <i>Public Interest Disclosure Policy</i>
OBJECTIVE:	To outline Council's approach to the prevention, detection, reporting and handling of fraud and corruption in the workplace.
POLICY INFORMATION:	Draft Policy – New

POLICY

1. DEFINITIONS

Fraud – dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the Council and/or where deception is used at the time immediately before or immediately following the activity.

Corruption - dishonest activity in which a person associated with Council acts contrary to the interests of Council and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by Council or a person purporting to act on behalf of and in the interests of, in order to secure some form of improper advantage for Council either directly or indirectly.

Definitions include:

- theft;
- obtaining property, a financial advantage or any other benefit by deception (benefits and advantages can be either tangible or intangible);
- causing a loss, or avoiding or creating a liability by deception;
- providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- making, using or possessing forged or falsified documents;
- bribery, corruption, collusion or abuse of office;
- unlawful use of Council's computers, vehicles, telephones, equipment, inventory and other property or services; and
- any offences of a like nature to those listed above.



2. SCOPE

This policy assigns responsibility for fraud and corruption prevention management to all Councillors, managers and employees. Specific details are outlined in the *Fraud and Corruption Control Plan*. All Departments will be required to implement practices consistent with this policy and associated procedures.

3. POLICY

Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance.

Council aims to prevent, deter and detect incidents of fraud and corruption by raising the awareness of the risk of fraud and corruption, taking necessary actions for its prevention, providing processes for the reporting and investigation of incidents, and protecting those who report suspected fraud or corruption incidents.

Council will not tolerate fraud or corruption amongst its Councillors, employees, volunteers or contractors. Council is committed to:

- ensuring internal controls are developed to deter, detect and prevent fraud;
- providing a sound ethical environment in which fraud is difficult and honest behaviour is encouraged;
- complying with legislation and relevant policies, procedures and controls;
- proactively managing any allegations or incidences of fraud in accordance with approved procedure including reporting of allegations to law enforcement agencies;
- providing sufficient resources to facilitate the implementation of this policy within Council;
- protecting disclosers in accordance with the *Public Interest Disclosure Act (2002)*; and
- ensuring awareness of the Fraud and Corruption Control Policy and associated procedures through the provision of appropriate training and awareness raising strategies to employees. factor such considerations as whether it demonstrates a course of conduct; the seniority of the person; and the harm or potential harm associated with the conduct or misconduct.

4. PROCEDURES

Procedures relating to the minimisation, detection and reporting of Council's fraud and corruption risk are contained in the *Fraud and Corruption Control Plan*.

5. REVIEW

Council will review at the end of each successive 5 year after formal adoption by Council or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.



Fraud and Corruption Control Plan

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	Leadership - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
LEGISLATION AND RELATED DOCUMENTS:	<i>Public Interest Disclosures Act 2002</i> Public Interest Disclosures Model Procedures <i>Integrity Commission Act 2009</i> <i>BODC Fraud and Corruption Policy TBC</i>
OBJECTIVE:	<p>Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance. Council does not tolerate fraudulent and/or corrupt activity of any kind.</p> <p>Council's Fraud and Corruption Control Plan is designed to reduce the overall risk of fraud and corruption and reflects Council's commitment to promoting ethical and honest behaviour in the workplace.</p>
POLICY INFORMATION:	Link – Fraud and Corruption Policy

POLICY

1. PURPOSE

The purpose of this plan is to:

- outline management's key leadership responsibilities in regard to fraud and corruption;
- inform all employees, volunteers, contractors and Councillors of their responsibilities regarding fraud and corruption, and detail the actions required when fraud and corruption is suspected; and
- summarise Council's anti-fraud strategies.

2. SCOPE

The Fraud and Corruption Control Plan has been developed with guidance from AS 8001:2021 - Fraud and Corruption Control and applies to Councillors, employees, volunteers and any external party involved in providing services to any part of Council, for example, contractors, consultants, outsourced service providers and suppliers.

Employees, volunteers and Councillors are expected to perform their duties for, and on behalf of Council legally, ethically and with integrity and professionalism. Embedding these requirements into day-to-day operations will protect Council by reducing the likelihood of financial loss or reputational damage as a result of misconduct by employees and others.

3. DEFINITION OF FRAUD AND CORRUPTION

Refer to the Fraud and Corruption Control Policy for definitions of *Fraud* and *Corruption*. Please refer to Appendix A for an example of activities that would be viewed as fraud or corruption that relate specifically to Council, Councillors, employees, volunteers and third party providers.

4. RESPONSIBILITIES

4.1. COUNCILLORS

Collectively, as the decision making body, Councillors are responsible for ensuring that Council:

- promotes community awareness of Council's commitment to the prevention of fraud and corruption;
- acknowledges fraud and corruption as a serious risk and has an awareness of Council's fraud and corruption exposures;
- provides adequate security for the prevention of fraud and corruption. This includes the provision of secure facilities for storage of assets, and procedures to deter fraudulent or corrupt activity from occurring;
- provides mechanisms for receiving allegations of fraud or corruption, including the appointment of the Manager Business Services or their delegate as Fraud Control Officer;
- ensures that, where appropriate, proper investigations are conducted into allegations that involve fraud or corruption;
- ensures that all Employees are aware of their responsibilities in relation to fraud and corruption through the provision of appropriate and regular training;
- promotes a culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur.

4.2. MANAGEMENT

Management and any other person supervising employees or contractors carry a shared responsibility and accountability to actively support and implement the strategy including:

- understanding and supporting the Fraud and Corruption Control Plan, and providing employees within their department the necessary information to implement this plan;
- identify and understand the risks of fraud and corruption within their departments;
- undertakes a fraud and corruption risk assessment on a regular basis;
- implement and maintain appropriate internal controls to reduce those risks to an acceptable level;
- promote the importance of ethical conduct and compliance with Council's policies and procedures, set and enforce acceptable standards of behaviours;
- receive and pass on reports of suspected fraud or corruption in accordance with Council's Fraud and Corruption Control Plan and Public Interest Disclosure Policy;
- support individuals who have made reports in accordance with this Plan and Council's Public Interest Disclosure Policy. Protect and maintain the confidentiality of the individual and ensure they are protected from detrimental action;
- formally consider ongoing commercial relationships with contractors or third parties when it is deemed that there is a heightened risk of fraud or corruption in continuing to deal with that party;
- ensuring that new Employees for whom they are responsible are aware of their responsibilities in relation to fraud and corruption; and
- leading by example to promote ethical behaviour.

4.3. EMPLOYEES, VOLUNTEERS AND CONTRACTORS

Employees and others engaged to work for Council have a responsibility to demonstrate fairness, integrity and sound professional and ethical practice at all times in every aspect of their employment.

Employees and volunteers have a responsibility to understand, observe and comply with Council's Code of Conduct and related policies and procedures and to embrace and promote an ethical culture and work environment that is not permissive of fraudulent behaviours or other forms of corrupt conduct.

Employees should:

- be vigilant in their work to prevent and detect fraud or corruption;
- perform their functions and duties with care, diligence, honesty and integrity;
- take care for Council's property which includes avoiding the waste or misuse of Council's resources;
- report any suspected fraud or corruption of which they become aware or suspect on reasonable grounds;
- assist in any investigations of fraud and corruption as required;
- refrain from any activity that is, or could be perceived to be victimisation or harassment of a person who makes a disclosure of reportable conduct;
- protect and maintain the confidentiality of a person they know or suspect to have made a disclosure of a reportable conduct.

4.4. FRAUD CONTROL OFFICER

The Fraud Control Officer has responsibility for the development and review of Council's Fraud and Corruption Control Plan and ensuring that the Plan requirements are implemented and functioning at Council. The Fraud Control Officer will conduct preliminary investigations into reports of fraud or corruption, for the purpose of deciding further action.

5. FRAUD PREVENTION STRATEGIES

Council recognises that the most effective way to prevent the occurrence of fraud and corruption is to promote an ethical environment fully supported and demonstrated by management and in which internal control mechanisms have been implemented. Council's fraud and corruption prevention strategies include the following elements:

- A Code of Conduct which outlines a statement of values and details unacceptable behaviour;
- Recognition from management who adhere to, promote and maintain an ethical culture and actively promote such a culture;
- A program for communicating Council's policies relating to behaviour and ethical standards through regular dissemination of material;
- Ongoing training in the use of codes of behaviour and ethical standards; and
- A mechanism to report ethical complaints or concerns inside and outside the normal channels of communication.

5.1. ENSURING MANAGEMENT COMMITMENT TO CONTROLLING THE RISK OF FRAUD AND CORRUPTION

Management must have a high level of commitment to controlling the risk of fraud and corruption. Management should maintain an understanding of the types of fraud and corruption common within Local Government and any types of fraud and corruption that have been detected in Council within the last five years.

Management should have strong knowledge of the internal control environment and its ability to prevent and detect the types of fraud and corruption likely to occur.

Management (including any person supervising employees or contractors) have a responsibility to be aware of their accountabilities for the prevention and detection of fraud and corruption. In order to reinforce this, Council's Fraud and Corruption Control Plan includes the following elements:

- The responsibility to implement policies and procedures, including the Fraud and Corruption Control Plan, is incorporated within managers position descriptions; and
- Managers receive appropriate training on fraud and corruption control and during this training are informed of their specific fraud and corruption accountabilities.

5.2. MAINTAINING A STRONG INTERNAL CONTROL SYSTEM AND INTERNAL CONTROL CULTURE

Internal controls are often the first line of defence against fraud and Council will ensure the maintenance of a strong internal control system that addresses all business processes, particularly those assessed as having a higher predisposition to the risks of fraud and corruption. In respect to the internal controls, Council will:

- document internal controls;
- communicate internal controls effectively to all employees. The level and means of communication will be based on level of responsibility and position of each employee;
- provide access to documented internal controls to appropriate and relevant employees;
- regularly review internal controls and documentation to ensure continuous improvement; and
- regularly review adherence to internal controls.

Council aspires to achieve a strong culture in which all employees understand the importance of adhering to internal controls and, where deemed necessary, will implement appropriate compliance assessments including regular performance review programs to measure and monitor adherence.

5.3. INTERNAL AUDIT AND AUDIT PANEL

Whilst the primary responsibility for the identification of fraud and corruption within Council rests with management, it is recognised that the existence of an Audit Panel and internal audit activity can be, in the context of addressing business risks, an effective part of the overall control environment.

The Audit Panel plays a lead role in exercising oversight of management's processes for identifying and responding to the risk of fraud or legislative non-compliance and the internal control established to mitigate these risks by reviewing management's processes and internal controls against daily operational requirements of management.

Furthermore Council recognises the internal audit function as a critical tool in detecting and preventing fraud and corruption. An internal audit program is prepared each year and approved by the Audit Panel. This program incorporates fraud risks whereby fraud and corruption related controls are tested for adequacy and effectiveness.

5.4. INFORMATION SYSTEM SECURITY

Council will ensure that an appropriate information system and mobile device controls and policies are maintained for aspects relating to fraud prevention and detection, including server security, logging and backup procedures, password and lock-out requirements and appropriate exception reporting.

5.5. FRAUD AND CORRUPTION RISK ASSESSMENT

Focused fraud risk assessment will be undertaken at least annually as part of a structured risk management process or when there is significant change to operations.

Council's main objective in the prevention and control of fraud and corruption is to minimise the occurrence of fraud and corruption within Council. This objective is generally achieved by:

- identifying and assessing fraud and corruption risks;
- determining strategies to control those risks; and
- defining responsibility for and, the timeframe within which the strategies will be implemented.

All identified potential fraud and corruption risks and control strategies are recorded in Council's organisational Risk Register.

Controlling strategies that result from a fraud risk assessment will be monitored and reported to the General Manager via the Fraud Control Officer in accordance with developed risk management strategies.

To assist with the identification of fraud and corruption risks Managers must be alert to the potential of fraud and corruption to occur and remain aware of factors which may leave Council vulnerable to fraud and corruption, including:

- changes to Council delegations;
- implementation of cost cutting measures;
- contracting out and outsourcing;
- the impact of new technology; and
- changes to risk management practices.

Refer to Appendix A – Examples of activities considered Fraudulent or Corrupt and Appendix B – Fraud and corruption Risk Indicators for items to be considered during the performance of fraud and corruption risk assessments.

5.6. COMMUNICATION AND AWARENESS OF FRAUD AND CORRUPTION

Council recognises that the success and credibility of this Plan will largely depend upon how effectively it is communicated throughout the organisation and beyond.

5.6.1. COMMUNITY AWARENESS

Council will take proactive steps towards ensuring that the wider community is aware of the zero- tolerance stance towards fraud and corruption.

Council will increase community awareness by:

- promoting Council's initiatives and policies regarding the control and prevention of fraud and corruption on Council's website and at Council offices;
- making reference to Council's fraud and corruption initiatives in the Annual Report; and
- facilitating public access to all policy documents that reflect Council's governance and probity framework.

5.6.2. COUNCIL AWARENESS

All employees, volunteers, contractors and Councillors should have general awareness of fraudulent and corrupt conduct and how they should respond if this type of activity is detected or suspected.

Council will provide training in fraud and corruption awareness and control through:

- Ensuring all employees, volunteers and Councillors have access to training in Council's Code of Conduct, Public Interest Disclosure Policy, Fraud and Corruption Control Policy, Fraud and Corruption Control Plan and other relevant policies and procedures;
- Ensuring all employees, volunteers and Councillors have access to fraud awareness training appropriate to their level of responsibility and risk;
- Ensuring contractors are made aware of Council's Fraud Control Policy and Fraud and Corruption Control Plan;
- Ensuring fraud and corruption awareness and standards of conduct are promoted regularly through meetings or internal publications, for example employees newsletters or intranet articles to promote and support the ongoing commitment by senior management;
- Ensuring updates and changes to fraud related policies, procedures and other ethical policies or procedures are effectively communicated to all employees;
- Ensuring employees, volunteers, contractors and Councillors are aware of alternative ways in which they can report allegations or concerns;
- Encourage all employees, volunteers, contractors and Councillors to report any suspected incidence of fraud or corruption.

5.7. EMPLOYMENT SCREENING

Council requires pre-employment screening for new employees to be undertaken prior to appointment of positions being considered.

The types of enquiries which may be carried out as part of the employment screening process include but are not limited to:

- Verification of identity;
- National police check;
- Pre-employment medical screening;
- Reference checks with previous employers;
- Verification of formal qualifications or licences.

Employment screening will be undertaken in line with the Australian Standard on Employment Screening AS 4811-2006 (or relevant standard, regulation, Act).

5.8. POLICIES DEALING WITH ANNUAL LEAVE

Reluctance to take regular leave may increase the risk of occupational injury or disease due to exhaustion or fatigue. It is also a possible indicator that a person may be concealing evidence of fraud or corruption. Where possible Council will address this by limiting the amount of leave an individual can accrue at any one time in accordance with the Enterprise Agreement.

5.9. SUPPLIER VETTING

Managers and other appropriate employees who are responsible for purchasing goods and services on behalf of Council are to undertake all transactions in accordance with Council's approved Purchasing Guidelines whereby effective vetting of suppliers is required.

These processes have been established to ensure transactions are undertaken in an open, honest and ethical manner, promotes fair and open competition, and seek value for money for Council, whilst supporting measures aimed at controlling the risks of fraud or corruption.

6. DETECTION AND REPORTING

6.1. FRAUD AND CORRUPTION DETECTION STRATEGIES

Council has established systems that enable post-transaction review and monitoring to identify suspicious transactions and/or instances of fraud or corruption by analysing and matching data extracted from computer systems and through review and analysis of management accounting reports.

These systems increase the level of monitoring and control over transactions, thereby reducing the likelihood of fraudulent and corrupt activity. Overall responsibility for developing the systems to detect fraud and corruption rests with the General Manager who will work with Management in applying the findings from the fraud and corruption risk assessment process to formulate effective fraud and corruption detection systems and procedures.

Examples of detection strategies include:

- Regular review of supplier master file
- Regular review of capital programs' significant contractors
- Regular review of payroll master file
- Internal audit
- Public Interest Disclosure Program
- Financial accounts month-end reconciliation and reporting processes
- External Audit
- Annual review of delegations register and authority

6.2. REPORTING SUSPECTED FRAUD AND CORRUPTION INCIDENTS

Any employee, volunteer, contractor, or Councillor who has knowledge of fraudulent activity or incident, or has reason to suspect that fraud or corruption has occurred, has an obligation to immediately report the matter through the following alternative channels:

- Their immediate manager
- Higher level managers
- The Public Interest Disclosures Officer
- Councillors
- In accordance with the Public Interest Disclosure Policy

NB - If anonymity is required, reports can be made in accordance with the Public Interest Disclosure Policy.

6.3. IMPLEMENTING A DISCLOSURE PROTECTION PROGRAM

Council has implemented a Public Interest Disclosure Policy. This policy sets out Council's approach to the protection of disclosers and witnesses and is based on the requirements of the *Public Interest Disclosures Act 2002* and has been implemented in order to encourage and prompt reporting of concerns and suspicions.

Management must ensure that all employees are made aware of this policy through training and communication programs and will promote and support Council's commitment to the policy content.

7. RESPONDING

7.1. PROCEDURES FOR THE INVESTIGATION OF DETECTED OR SUSPECTED INCIDENTS

All allegations or suspicions of internal or external fraud or corruption raised must be reported by the notified person to the General Manager or Fraud Control Officer or their delegates immediately. No attempt should be made by any other employee to conduct any formal investigations or interviews in order to determine if fraudulent and/or corrupt behaviour has occurred or is suspected.

An investigation into apparent or suspected fraud and corruption shall be conducted by appropriately skilled and experienced personnel who are independent of the business unit in which the alleged fraudulent or corrupt conduct occurred.

This independent party can be an external law enforcement agency, a manager or other senior person within Council, or an external consultant operating under the direction of an independent senior person within Council.

A formal directive will be issued by the General Manager or Fraud Control Officer to the investigating party authorising the collection of information relevant to the investigation.

Formal terms of reference must be agreed between the General Manager or Fraud Control Officer and the independent party conducting the investigation before the investigation may commence. The terms of reference must include the protocols to be followed during the investigation to ensure appropriate collection and custody of evidence.

7.2. INTERNAL REPORTING AND ESCALATION OF ISSUES

Council's Fraud Control Officer will maintain a fraud and corruption incident register which will include information in relation to all reportable fraud and corruption incidents.

The Fraud Control Officer will regularly supply a report to the management team outlining any recent fraud and corruption events and the actions undertaken in respect to these events.

The General Manager will report fraud and corruption events to Council.

7.3. DISCIPLINARY PROCEDURES

Where there is proven evidence of fraud, appropriate disciplinary measures will be taken.

7.4. EXTERNAL REPORTING

Where fraudulent activity has been identified as criminal, the General Manager will determine the appropriate process for notifying the police and any other relevant authorities.

Unless there are exceptional circumstances, fraud or corruption that involves the committing of a crime will be reported to the police or relevant authority. If the activity is not reported, the General Manager will notify the Council regarding the decision made and the reasons supporting the decision.

Council will take all reasonable steps to assist the authorities in their investigation into alleged fraudulent and/or corrupt conduct.

7.5. POLICY FOR CIVIL PROCEEDINGS TO RECOVER THE PROCEEDS OF FRAUD OR CORRUPTION

Recovery actions will be undertaken at the discretion of the General Manager. The General Manager will make a notification to the Council in relation to the action to be undertaken.

7.6. FALSE DISCLOSURE

A person who knowingly makes a false or misleading statement in a complaint or report may face disciplinary action.

7.7. INTERNAL CONTROL REVIEW FOLLOWING DISCOVERY OF FRAUD

Following an investigation where fraud was substantiated, the General Manager and/or Fraud Control Officer will conduct a review of the relevant controls and determine at which point the system of internal control failed and whether corrective action needs to be taken.

7.8. MAINTAINING AND MONITORING ADEQUACY OF INSURANCE

Insurance will be obtained and maintained to safeguard against damage and ensure continuation of business processes appropriate to Council's risk exposure and appetite. Adequacy of insurance policies is to be assessed by management at least annually.

8. REVIEW

Management will review the adequacy of this plan at least every five (5) years.

APPENDIX A – EXAMPLES OF ACTIVITIES CONSIDERED FRAUDULENT OR CORRUPT

The following list is provided for illustrative purposes and contains examples of activities or actions that would be considered as Fraudulent or Corrupt in terms of this Plan. This list is intended to be consulted during the performance of risk assessment activities to assist with the identification of pertinent fraud and corruption risks.

This list is not exhaustive and any activity identified which seem to represent items on this list will have to be investigated and considered in terms of this Plan.

1. Faking timesheets by taking personal time or performing personal activities during work time and not taking leave (i.e. charging the time to a service order or job)
2. Using Council equipment for personal activities without authorisation. This may include the use of administrative equipment such as stationary and office machines or operational equipment such as tools or vehicles
3. Creating false suppliers, with payment being made to the fraudster's nominated bank account
4. Obtaining kickbacks or bribes from suppliers or contractors
5. Associates of employees providing services to Council at inflated prices
6. Inflated or false reimbursement claims
7. Manipulation of financial data to receive performance based bonuses
8. Private purchases through business accounts or business cards without approval
9. Not returning unused material and inventory to the stores after the completion of a job and using it for personal benefit
10. Providing information to suppliers who are in the process of supplying a tender to Council without providing the same information at the same time to all suppliers who are tendering to deliver the same product or service whilst receiving a personal benefit in return, including hospitality
11. Preferring and promoting the use of specific suppliers in return for any personal benefit, that has not been disclosed to Council
12. Taking or removing any property of Council without proper authorisation for personal use, including cash, vouchers, tools, equipment, stationary, inventory or any other goods, even if the person intend to return the items after use
13. Forging or falsifying any document (including purchase orders, receipts, payment advice, timesheet, Council letter etc.) to gain a benefit
14. Not reporting the misappropriation of Council assets in return for any benefit
15. Altering customer pricing arrangements or payment terms in the rating system in return for a benefit
16. Issuing customers with rebates, discounts or reimbursements in return for a benefit
17. Changing payment details of suppliers or intercepting payments that are made to suppliers to enable someone other than the intended supplier to gain a benefit
18. Approving receipt of goods or services ordered without actually receiving the physical goods or services in return for a benefit
19. Misleading Council by approving reimbursement of expenses that were not incurred on behalf of Council
20. Using Council's equipment, inventory and employees to perform private works for members of the public, any employee or for any Councillor in return for a personal benefit
21. Using Council's telephone or mobile phone for personal use without appropriate authorisation
22. Disclosing customer information including credit card information to any third party without appropriate authorisation or legal requirement to do so in return for a benefit
23. Collusive tendering (the act of multiple tenderers for a particular contract colluding in preparation of their bids)
24. Payment or solicitation of donations for an improper political purpose
25. Serious nepotism and cronyism where the appointee is inadequately qualified to perform the role to which he or she has been appointed

APPENDIX B – FRAUD OR CORRUPTION RISK INDICATORS

The following list contains examples of activities or outcomes that may indicate an increased risk of fraud or corruption.

These indicators do not constitute evidence of fraud or corruption, but should be considered as part of the risk management process and may assist with the identification of suspicious behaviour. If any of these indicators are identified, then they must be reported in accordance with this Plan.

This list is not exhaustive and serves for illustrative purposes only

1. Consistent procurement of goods or services that does not provide the best value for money for Council
2. Unexpected or inexplicable overspend on service orders or projects. This would include delivery of projects at greater cost and timeframe than to the norm
3. A number of suppliers complaining of unfair tender processes for a specific tender, without appropriate evidence of due process taken
4. Lower than expected employees productivity in a division, team or a project, after taking available workload and leave taken into consideration, which may create unexpected delays in the completion of work or higher than expected use of resources (including employees and materials) to complete a service order or project in relation to the complexity of the project without adequate explanation
5. Suppliers complaints received of late or non-payment even though payments have been processed
6. Employees accruing large annual leave balances or refusing to take annual leave without an adequate explanation
7. An unexpected or inexplicable number or value of contract variation requests received from a contractor or subcontractor for a single or a number of projects without an adequate explanation
8. Complaints received from the public relating to suspicious activities of Council's employees, contractors or Councillors
9. Financial accounts, costs centres or service orders not reconciling to actual expenses, or reconciling items that does not clear from the reconciliation over a prolonged amount of time, without adequate explanation
10. Inability to achieve budgeted revenue without appropriate explanation over a prolonged period of time
11. Unexpected cash flow problems or inability to pay suppliers within terms without adequate explanation
12. A greater than expected number of complaints received relating to quality of work performed, without adequate explanation
13. Sharp increase in the use or ordering frequency of specific stores items without an appropriate explanation
14. Lack of segregation of duties between performing an activity, accounting for that activity and processing payment or making a receipt for that activity, including when management insist on overriding controls establishing segregated functions
15. Unexplained discrepancies in inventory, and stock on hand

ACTION	DECISION
PROPONENT	Manager Business Services
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\036\003\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Management Strategy

OFFICER'S RECOMMENDATION:

That Council endorse the 2023-2030 Financial Management Strategy.

INTRODUCTION:

The purpose of this report is to seek approval of a revised Financial Management Strategy 2023-2030. A review of the previous strategy has been undertaken and a rewrite has now been finalised. The revised Financial Management Strategy was endorsed by the Audit Panel at its March meeting.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 18 November 2019, Minute No. 11/19.12.4.270

OFFICER'S REPORT:

A key component of sound financial management is the preparation of longer-term financial strategies, plans and budgets. The development and adherence to longer-term plans is critical to ensure the Council remains financially sustainable.

The key reasons for the development of a financial management strategy are:

- To establish a prudent and sound financial framework over the next ten years to ensure the Council's strategic objectives are achieved;
- To provide an assessment of the financial resources required to accomplish the objectives and strategies included in the Council's Strategic Plan.
- To establish a basis to measure the Council's adherence to its policies and strategies; and
- To assist Council to comply with sound financial management principles, in accordance with the Local Government Act 1993 and to plan for the long term financial sustainability of the municipal area.

The Financial Management Strategy is an important part of the overall financial management activities of Council. The key focus of the Financial Management Strategy is to demonstrate and maintain financial sustainability in the medium and long term whilst achieving the strategic objectives of Council. In order to achieve this, Council must ensure all aspects of its operations are adequately funded, including current service delivery and planning for future service delivery, in an affordable and stable environment.

It is important to note that the Financial Management Strategy is not about deciding on what Council will spend on individual projects. The Financial Management Strategy is about the various strategies, directions and assumptions that will effectively determine and influence the amount of funds that Council will have at its discretion in future years.

The Financial Management Strategy and the associated Long Term Financial Plan are the guiding document to consider when developing budget estimates, rather than documents that dictate the future decisions of Council. The long-term strategy and financial estimates will be revisited and updated regularly to reflect any strategies that arise from the Council planning process.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

Leadership - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The Strategy establishes the financial framework under which sound and sustainable financial decisions can be made. Failure to adhere to this strategy and other associated strategies and plans could expose Council to financial risk.

VOTING REQUIREMENTS:

Absolute Majority.



Financial Management Strategy

2023 – 2030



ADOPTED – Date:

REFERENCE – Date:

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Introduction

The Financial Management Strategy (FMS) provides the Break O’Day Council (Council) with a strategic framework to guide the development of annual budgets and preparation of long-term financial planning. The FMS has been prepared in accordance with section 70A of the *Local Government Act 1993* which states that the FMS and the long-term financial management plan are to:

- be consistent with the strategic plan;
- refer to the long-term strategic asset management plan; and
- contain at least the matters required by Ministerial Order under section 70F.

Section 70F of the *Local Government Act 1993* has been reviewed and no additional requirements have been identified that need to be included in Council’s FMS.

The key objective of the FMS is to ensure that Council can sustainably fund the ongoing delivery of services whilst implementing the objectives identified in the Strategic Plan. The Local Government and Planning Ministers’ Council “Criteria for Assessing Financial Sustainability” defines financial sustainability as follows:

‘a Council’s long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards as prioritised through community engagement and consultation are met without unplanned increases in rates and charges or disruptive cuts to services.’

Financial sustainability at Council means that:

‘Break O’Day Council plans and makes decisions so that appropriate services and infrastructure, as determined through community engagement and consultation, are provided at acceptable service levels – to current and future generations – without a need to unexpectedly increase rates and charges or reduce services.’

In committing to a financially sustainable future, no policy or other decisions will be made without considering the long-term financial impact of those decisions. The FMS provides the framework from which Council will achieve the aims set out in its Long-Term Financial Management Plan (LTFMP).

The key objective of the LTFMP is to move beyond ‘financial sustainability’ to a position of ‘financial comfort’ by 2025/2026. Financial comfort is considered to be a position where Council has an underlying and ongoing annual surplus. This will provide Council with the flexibility to initiate activities and services within the Break O’Day area which facilitates the growth of; the population, local economy as well as progress objectives of the Strategic Plan. The LTFMP provides a tool for Council to consider the financial impact of its decisions on Council’s future financial sustainability. It includes consideration of cost increases: employee related costs, materials and services and other operating costs; and revenue increases: rates, user fees and charges, operating grants and other fees and charges.

The LTFMP is aimed at:

- moving away from an annual budget focus, towards a long-term financial planning process (and budgetary framework) where the future cost or lost opportunity that may arise from short-term decisions can be identified;
- adopting a ‘whole of council’ perspective to enable continuous improvement of our asset management and financial management practices, and to set targets for future longer-term improvement;
- maintaining stable and predictable rates and charges increases in the medium to long term;
- maintaining effective financial governance through the setting of appropriate long-term financial targets that enable the assessment of emerging challenges or opportunities that impact the Council’s long-term financial sustainability;
- establishing accountability through the setting of long-term financial sustainability indicators, and the monitoring of their achievement; and,
- educating elected members, Council officers and the community on understanding and considering the potential impact of capital investment and operational service delivery decisions on the long-term financial position of the Council.

The LTFMP includes a Statement of Profit or Loss and Other Comprehensive Income, a Statement of Financial Position and a Statement of Cash Flows for each year of the plan. Council refers to this model when considering financial decisions, for example new capital expenditure and borrowings.

Integrated planning and reporting framework

Long term financial planning is a key element of the integrated planning and reporting framework. The LTFMP demonstrates Council's long term financial sustainability, allows early identification of financial issues, shows the linkages between specific plans and strategies and enhances the transparency and accountability of the Council to the community.

Strategic Plan

Council's ten-year Strategic Plan contains the objectives and strategies that Council will follow to achieve the community's vision and goals. This is a key document for Council to track and report on progress to the community.

Asset Management Strategy

The objective of the Strategic Asset Management Plan is to establish a framework to guide the planning, construction, maintenance and operation of the infrastructure essential for Council to provide services to the community.

The Strategic Asset Management Plan enables Council to:

- show how its asset portfolio will meet the service delivery needs of its community into the future;
- demonstrate how Council's asset management policies will be achieved; and
- ensure the integration of Council's asset management with its long-term strategic plan.

Annual Plan and Budget

The strategies and Key Focus Areas identified in the Strategic Plan shape the actions that Council undertakes each year through the Annual Plan. The Annual Plan is effectively a management tool used for monitoring and reporting on the performance of the organisation as well as forming the basis for the allocation of Council resources to community priorities.

The Annual Budget includes the objectives and intent of the projected costings of the Annual Plan. This information is input to the LTFMP and projected at a summary level over 10-years using a range of assumptions. The data generated through this process is then utilised to update the LTFMP.

Management and review

The FMS is a guiding document to consider when developing budget estimates, rather than a document that is dictating future decisions of Council. The long-term financial estimates generated by the FMS will be revisited and updated regularly to reflect any strategies that arise from the Council planning process.

Council will manage the FMS through the annual planning process, updating and maintaining the ten year LTFMP and indicators, and the budgeting process. This will ensure that planned long-term service and infrastructure levels and standards are met without a need to unexpectedly increase rates and charges or reduce services.

Financial Management Principles

These principles serve to guide Council in setting the financial management strategies.

Principle 1: The Community's finances will be managed responsibly to enhance the wellbeing of residents

Council will endeavour to only raise the revenue it requires to be sustainable and will do so in an efficient and equitable manner. Council will manage community funds according to best practice standards and ensure information regarding its financial management decisions is accessible to the community.

Principle 2: Council will apply user pays principles where it is appropriate to do so and there is a clearly identifiable cohort benefit from using those assets, facilities and/or services.

Council will apply a user pays approach as the preferred revenue collection method for asset development, facility use and service delivery where appropriate.

Principle 3: Council will maintain a vision of ongoing sustainability so that the wealth enjoyed today may also be enjoyed by future generations

Council will seek to achieve equity across generations by recognising that each generation must pay its way with respect to expenses being met from recurrent revenue (the full cost of the service it consumes). Council will invest sustainably in community assets to maintain (and potentially enhance) service levels.

Principle 4: Council's financial position will be robust enough to recover from unanticipated events and absorb the volatility inherent in revenue and expense

Council will ensure it accumulates and maintains sufficient financial resources and has the borrowing capacity to deal with volatility and unexpected events. Council's operational budget will be flexible enough to ensure that volatility in revenues and expenses as a result of the changing economic environment can be absorbed.

Principle 5: Resources will be allocated to those activities that generate community benefit.

Council will ensure that robust and transparent processes are in place for the allocation and prioritisation of resources through budgetary decision-making, as well as for choosing the most effective methods for delivering specific services and projects. Council will recognise its service delivery obligations to the Break O'Day community as a whole in its decision making and allocation of resources.

Principle 6: Council will procure goods and services in an open and transparent manner.

Council is committed to a procurement system that will produce the best value for money, quality goods and services to our residents and ratepayers, open and effective competition, enhancement of the capabilities of local business and industry and that treats all tenderers in a timely and fair manner.

Financial Management Directives

The vision for the future can be achieved by pursuing a range of key directives which contribute to the underlying objective of achieving financial comfort:

1. **Collective Action Model** – shared projects and services with other Councils (Northern Region Shared Services program), Government agencies and the private sector.
2. **Diversify revenue** – through commercial activities and delivering services aligned with Council’s core competencies.
3. **Expand the rate base** – through economic development activities and support of the business community, including unlocking state owned land (excluding state reserves and national parks) for commercial activities and potentially adjusting the municipal area as part of an overall boundary consideration.
4. **Boundary and service delivery logic** – service delivery is not determined by Council boundaries but by efficiency, logic and Council priorities.
5. **Maximise grant revenue** – actively pursue grant funding opportunities for Council priorities and capital projects identified in Council budget, Annual and/or Strategic Plan
6. **Identify operational savings** – through reviews of service delivery and procurement to identify cost and/or labour efficiencies.
7. **Tender for internal and external infrastructure projects (eg for state agencies)** - to enhance economies of scale and maximise plant utilisation.
8. **Address underutilised capacity and skills** – identify opportunities to take advantage of unused resources, both within and external to the municipality.

In pursuing these directives, the following statements of intent are supported:

1. **Competition is okay** – work with and support existing businesses to ensure no long-term negative impact whilst supporting new growth
2. **Profit is acceptable** – whatever is taken on or outsourced occurs on a full cost recovery basis plus a ‘profit’ margin
3. **Asset use maximised** – resources can be developed for commercial purposes or to increase the rate base.
4. **Outcomes must be quantified** – measurement processes must be established to quantify the savings achieved or the ‘profit’ derived from a change
5. **Non-quantifiable benefits** – can be considered provided there is no significant negative quantifiable outcome.

Financial Management Strategies

The FMS is an important part of the overall financial management activities of Council. The following table demonstrates the context within how this document fits into the overall financial management framework of Council.



The following financial strategies portray the strategic direction in which Council's financial decisions are based including borrowing, infrastructure, and service delivery. Specific financial strategies which should be noted include:

Rating Strategy

Rates revenue represents the largest share of total income that Council generates each year and therefore is an important component of the financial planning process.

Council's rating strategy establishes a framework by which rates and charges will be shared by the community. Higher percentages of rates and charges as a proportion of total revenue represent greater financial independence and financial sustainability.

Council only raises the revenue it needs, and does so in the most efficient and equitable manner possible. Council must balance its service levels with the needs and expectations of the community and set appropriate levels of rates to adequately fulfil its roles and responsibilities.

The following factors influence the level of rates and charges:

- Distribution and level of Commonwealth and state funding;
- Socio-economic profile of the area (capacity to pay);
- User-pays policies;
- Level and range of services to be delivered; and
- Current economic environment.

In determining its rates each year Council gives consideration to the current economic climate and the capacity of the community to pay for services. The aim of rates and charges decision-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay. Council must balance capacity to pay with the benefit principle acknowledging that some groups of the community have more access to and benefit from specific services.

Rating Structure

The rating structure determines how the Council will raise money from properties within the municipal area. It does not influence the total amount of money to be raised, only the share of revenue contributed by each property. Council has established a rating structure comprising of two key elements – general and service rates.

The general rates are levied based on the Annual Assessed Value (AAV) of properties as determined by the Valuer-General. Property values generally reflect the capacity of the ratepayer to pay. The service rates currently cover waste management and infrastructure services. This user pays component is designed to reflect payment based on usage of services provided by Council. Council will endeavour to strike a balance between the two elements to provide equity in the distribution of the rate burden across the municipality. Further Council will investigate the inclusion of a new service rate for stormwater to improve, maintain and deliver the stormwater service.

AT A GLANCE

- ❖ To provide Council with a reasonable degree of consistency and stability in the level of the rates burden.
- ❖ To maintain rating levels at a rate that will phase out any overall financial shortfall over the medium to long term.
- ❖ To maintain rating levels that will build community wealth through the achievement of underlying surpluses.

More information regarding Council's approach to determining and collecting rates from the community can be found in Council's Rates and Charges Policy.

Fees and Charges Strategy

Council continues to be committed to the implementation of user pays principle. From a merit viewpoint this approach is correct in that it recognises the situation where certain services are consumed by a discrete part of the community.

The approach of user pay does not necessarily mean that every service or function is subject to this principle nor does it constrain council from exempting some sectors of the community from paying for the service where it deems the service to be a community service obligation or it is uneconomic to provide the service to a given area or cohort.

When determining the level of fees and charges, Council will have regard to the user pays principle and where possible recover the full cost of operating or providing the goods and services in accordance with National Competition Policy guidelines.

Council maintains a register of fees and charges in accordance with section 206 of the *Local Government Act 1993*. The fees and charges contained in the register are reviewed each year as part of the annual budget deliberations. Fees and charges will be increased annually by a minimum of the Consumer Price Index (CPI) except those categorised as Legislated, Government Agency or Council which are set independent of this strategy.

AT A GLANCE

- ❖ Minimum increase of CPI for fees and charges
- ❖ Exception for fees categorised as Legislated, Government Agency or Council which are subject to independent approval
- ❖ Full cost recovery to be adopted where possible

Other Revenue Strategy

Other significant revenue streams include investment income from dividends and grant revenue. Council holds a 1.95% equity investment in Tasmanian Water Corporation (TasWater). As part owner of TasWater, Council aims to ensure that future entitlements are maintained.

Grant revenue represents around 10% of overall operating revenue. The main source of grant revenue is from the State Grants Commission (SGC) in the form of the Financial Assistance Grant (FAG). The FAG is distributed as Base and Road components with the methodology being reviewed every 3 years. Although Council has little control over how the FAG funding is distributed, Council will continue to review all operational and capital funding opportunities and identify and apply for appropriate grant funding.

Council has an expressed appetite for the exploration of alternate revenue generation through innovation and/or new funding sources that generate value for the community more broadly that could compliment/substitute funding from existing sources. Revenue generation from the sale of Council assets surplus to Council's core needs will be investigated during the term of the LTFP.

AT A GLANCE

- ❖ Council will aim to ensure future entitlements from TasWater are maintained
 - ❖ All operational and capital funding opportunities to be explored
- ❖ To continue to seek an equitable share of funding for Local Government from the Commonwealth and State Governments.

Expenditure and Service Delivery Strategies

The Council provides a diverse range of services as detailed in the Annual Plan. All such services are funded through the operational budget derived from rates, charges and other income each year.

Ultimately, the Council determines the range and level of services it is able to offer the community via its strategic planning process. This is finalised through the annual budget process with the Long Term Financial Plan providing preliminary guidance based on the service delivery model from the previous year. One of the key objectives of the Council's Long Term Financial Plan is to maintain existing service levels and maintain a satisfactory operating position over the life of the Long Term Financial Plan. The operational budget is also guided by the asset management plan in terms of infrastructure maintenance.

Council is focused on developing a cost management culture across the organisation, encouraging Councillors to be actively aware of their roles and responsibilities and to be accountable for their decision making at a financial level and all managers to be involved in minimising costs by accountability through the budget process and involvement with ongoing monitoring, reporting and forecasting processes.

Council will comply with its Code for Tenders and Contracts to ensure that expenditure is subject to the appropriate controls and represents the best value available.

AT A GLANCE

- ❖ Service levels to be delivered as efficiently as possible
- ❖ Costs to be minimised through accountability, reporting and monitoring
- ❖ Expenditure subject to Council's Code for Tenders and Contracts

Investment Strategy

Cash reserves will be managed to achieve optimum investment returns and to ensure that cash is available when needed for planned expenditures. Council will utilise the cash flow projections contained in the LTFMP to assist in the management of cash and investments.

Investment management is undertaken in a manner that seeks to ensure the security of the investment portfolio. Funds will only be placed with institutions which have a Standard and Poors short term rating of 'A1' or above, or a long term rating of 'A-' or above.

Not less than two quotations shall be obtained from authorised deposit-taking institutions whenever an investment is proposed.

AT A GLANCE

- ❖ LTFMP cash flow projections to be used to manage cash
- ❖ Funds to be placed with institutions which have a Standard and Poors rating A1 or A-
- ❖ Two quotations required from institutions for investment

Grant Funding and Debt Strategy

Council is dependent on a large investment in infrastructure assets to deliver its service objectives and is mindful of intergenerational equity in generating revenue to offset service costs.

Council will seek to achieve equity across generations by recognising that each generation must pay its way with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes).

As a minimum, Council seeking to move beyond 'financial sustainability' to a position of 'financial comfort'. This means that on average over time it will generate sufficient funds to offset consumption of existing assets (through its depreciation expense). On average over time, it will have sufficient capacity to accommodate asset renewal requirements without the need to raise additional borrowings.

Council has a stated preference to attract government grants to fund major new capital expenditure. Council will consider the use of grant funding combined with the prudent use of debt facilities to co fund capital investment where the use of debt in relation to the life of the asset delivers a demonstrable level of inter-generational equity.

When considering new debt, Council will evaluate the impact of borrowing costs on the sustainability of current and future budgets and its capacity to repay the debt. Thought will be given to the structure of the funding arrangement with the overall aim of minimising interest rate exposure, borrowing and administrative costs. When borrowing, Council will raise all external debt at the most competitive rates and from authorised borrowing institutions with a minimum long term Standard and Poors credit rating of 'A'.

Council will utilise the cash flow projections contained in the LTFMP to assist in the management of debt and cash reserves. When surplus funds exist over and above the finances required to cover normal operations, working capital needs, and cash funded reserves, the General Manager may make a recommendation to Council to redeem borrowings. The decision to redeem borrowings will be made based on the facts available at the time the surplus funds are available, giving due regard to minimising the overall cost to the Council.

AT A GLANCE

- ❖ Government Grant funding is the preferred method to fund major new capital expenditure
- ❖ The use of debt to be assessed against the life of the asset and demonstrable intergenerational equity
 - ❖ Borrowing costs to be evaluated and the impact on LTFMP to be considered
- ❖ Debt to be sourced from borrowing institutions with a minimum long term Standard and Poors credit rating of A
- ❖ General Manager may make a recommendation to Council to redeem funds where surplus funds exist

No additional borrowings have been included in the Plan. Scheduled principal repayments have been funded over the life of the Plan.

Government Grants

To reduce the impact on Council's cash reserves and annual revenue streams such as the Financial Assistance Grant, there is a focus on securing external grant funding to deliver Council's identified priorities and projects. Performance targets relating to the amount to be secured and a success rate are established in the Annual Plan. Typically this is a minimum of \$250,000 per annum at a success rate of 75% annually. To achieve this regular monitoring of grant opportunities will be required coupled with a capacity within the organisation to research and prepare successful grant applications.

Asset Management

To ensure the long-term financial sustainability of Council, it is essential to balance the community's expectations for services with their ability to pay for the infrastructure assets used to provide the services. Maintenance of service levels for infrastructure services requires appropriate investment over the whole of the asset life cycle. To assist in achieving this balance, Council aspires to develop and maintain asset management governance, skills, process, systems and data in order to provide the level of service the community need at present and into the future, in the most cost-effective and fit for purpose manner.

Broadly, asset management involves the development and delivery of an:

- Asset management strategy;
- Asset management policy; and
- Asset management plans.

Asset Management Strategy

The strategy outlines an asset management improvement plan detailing a program of tasks to be completed and resources required so that Council has a minimum 'core' level of asset maturity and competence. The Asset Management Strategy was adopted by Council in December 2021. The objectives of the asset management strategy are to:

- demonstrate how its asset portfolio will meet the service delivery needs of its community into the future;
- enable Council's asset management policies to be achieved; and
- ensure the integration of Council's asset management with its LTFP.

Asset Management Policy

The purpose of Council's Asset Management Policy is to define the Council's vision and service delivery objectives for asset management in accordance with the Strategic Plan and applicable legislation. The Asset Management Policy was adopted by Council in August 2019. The policy enables Council to show:

- how its asset portfolio will meet the affordable service delivery needs of the community into the future;
- how Council's asset management policies will be achieved; and
- ensure the integration of Council's asset management with the strategic plan.

Asset Management Plans

The asset management plans demonstrate responsive management of assets (and services provided from assets), compliance with regulatory requirements, and to communicate funding needed to provide the required levels of service.

Individual Asset Management Plans have been created for each asset class. Information from the individual asset management plans are integrated into the LTFMP.

To ensure compliance with relevant legislative requirements and contemporary asset management practices, the Asset Management Strategy along with the Asset Management Policy and Plans, will be reviewed regularly.

Funding of Infrastructure

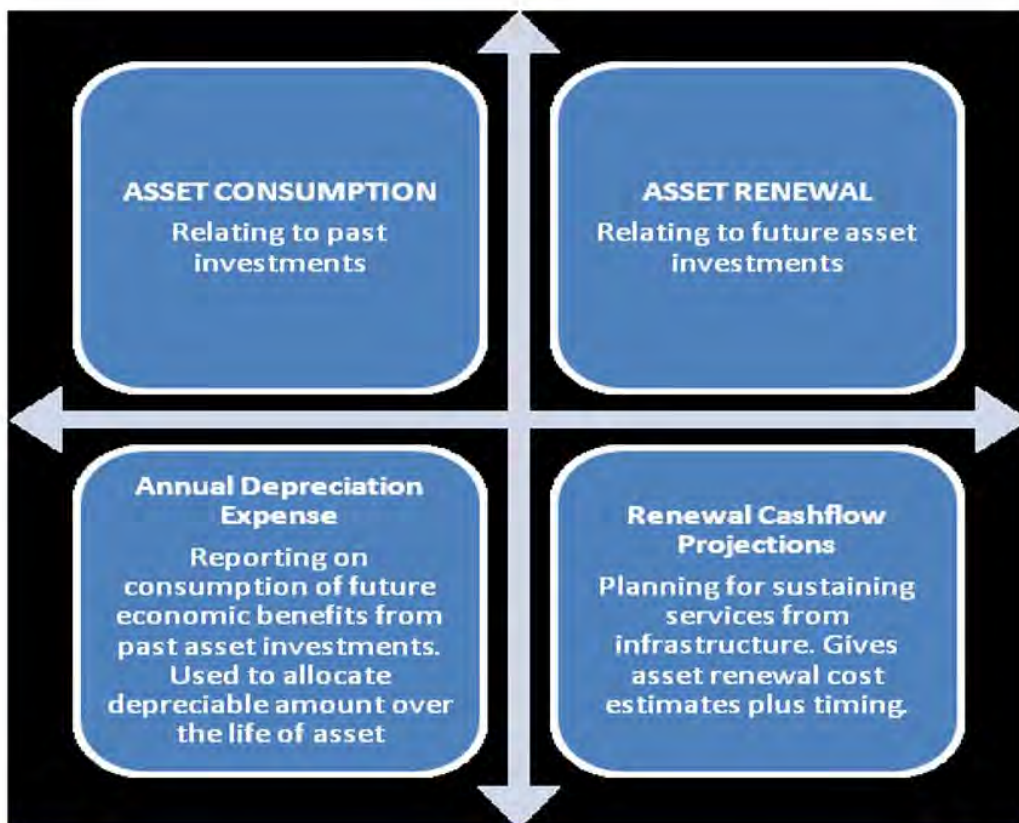
Typically Councils are faced with significant challenges when community expectation for investment in to new infrastructure assets occurs without a clear understanding of the costs of renewal of the existing asset base. New investments in to major capital projects need to be carefully considered against the communities' capacity to fund a new asset. New asset investment, if not planned and funded correctly can lead to a reduction in the capacity to fund the renewal of existing assets.

A decision not to fund the renewal of existing assets would lead to reduced service levels and higher costs in the future without other funding sources. Increases in rates are often seen as 'the' solution to the problem of ageing assets. However it is only one of a number of options available to council to fund the maintenance and management of its major infrastructure. Options which could be applied individually or in combination are:

- Maintain underlying surpluses;
 - Raise additional revenue;
 - Changing the composition of capital spending to ensure adequate renewals;
 - Re-evaluation of service levels and standards;
 - Choosing low cost strategies over high cost asset strategies;
 - Demand management;
 - More efficient use and operation of assets;
 - Making forward provision for renewal by reducing debt to create future borrowing capacity;
 - Carrying out cost/benefit analyses on the services being provided; and
 - Asset rationalisation and review of asset growth strategies.
- Emphasis is placed on understanding and planning for long-term infrastructure funding needs to effectively allow for the ongoing funding of:
- Existing services-operations, maintenance, asset renewal, asset upgrade and proposed variations; and
 - New services and assets required.

The key objective of Council's Asset Management Strategy is to maintain Councils existing assets at desired condition levels. If funding is not sufficiently allocated to asset renewal then Council's investment in those assets will reduce along with the capacity to deliver services to the community.

It is important for Council to fund asset management to ensure its assets achieve their full expected service life but can also be renewed without incurring large rates increases into the future. In addition, council faces continuing expectation and pressures to maintain and increase service levels while at the same time keeping rate rises to a minimum and having sound long-term financial management.



The Council has adopted its Asset Management Policy. The policy is supported by an Asset Management Strategy, which details specific actions to be undertaken by Council to improve asset management capability and achieve specific strategic objectives. The Asset Management Strategy is a subsequent component to which supporting long term asset management plans (ten years and beyond) outline service and funding levels for each asset category. It is critical for Council to understand the inter-relationship of the asset management framework and the financial management framework and to constantly work towards improving the level of understanding of both frameworks across the entire organisation.

LTFMP Assumptions and Methodology

The LTFMP reflects the projected financial position of the Council over the next ten years through the following financial statements:

- Statement of Profit or Loss and Other Comprehensive Income;
- Statement of Financial Position; and
- Statement of Cash Flows.

The LTFMP takes the current budget as a base and utilises various assumptions to forecast the following years of the plan.

The LTFMP reflects all current assumptions and decision making. The LTFMP does not include things that might change, but have not yet been decided at the time of its formulation. The assumptions and variables used to underpin Council's LTFMP are reviewed annually. LTFMP assumptions are made in relation to:

- Consumer price index; and
- Interest rates

Assumptions are applied to the following major revenue segments:

- Rates Revenue
- Rates Growth
- Statutory Charges
- User Charges
- Grant Revenue
- Water Distribution

Assumptions are applied to the following major expenditure segments:

- Employee Benefits
- Salary Review
- Contractors & Services
- Materials

The LTFMP is a tool to ensure that the Council achieves financial sustainability while delivering services to its ratepayers.

The plan provides projections of:

- Operating results over the forecast period. It is important that Council generates sufficient revenue to cover all of its cash and non-cash costs, with a small buffer.
- Cash balances over the projection period. It is important to ensure liquidity so that Council is able to meet its debt obligations as and when they fall due.
- Forecast asset renewal funding requirements which is a key financial sustainability indicator. Renewal forecasts are continually being refined and the funding level continually monitored.

These key outcomes support the financial sustainability of Council, thus providing the ability to deliver services, at their current levels, into the future.

Measuring Financial Sustainability

Council's ability to remain financially sustainable and to satisfy the purposes of Section 84(2A) of the Act, can be measured using the Key Performance Indicators as outlined in the *Local Government (Management Indicators) Order 2014*.

The primary financial sustainability indicators are the long-term financial rules which guide Council in making financial decisions and the target and acceptable ranges may be varied by Council over time.

The seven measures adopted for the purposes of the LTFMP are:

- Underlying surplus or deficit
- Underlying surplus ratio
- Net financial liabilities
- Net financial liabilities ratio
- Asset consumption ratio
- Asset renewal funding ratio
- Asset sustainability ratio

The first two are measures of profitability, the next two are measures of indebtedness, and the last three are measures of asset management.

The ranges established for the primary financial sustainability indicators allow for some impact of future uncertainties and contingencies so that ongoing financial sustainability can be maintained. In addition, Council will prudently set aside reserves to fund future expenditure requirements. However, it is impossible to plan for every eventuality (e.g. natural disasters or major legislative changes impacting on local government), and Council may be required to undertake short-term corrective actions in the future to respond to unexpected events and immediate challenges to financial sustainability.

Indicator 1 – Underlying Surplus or (Deficit)

The difference between day-to-day income and expenses for the period (excluding contributed assets, asset revaluations and capital grants). This indicator is seen as a better indicator of sustainable or recurring operations as it excludes capital grants which can be project specific and thus non-recurring, and other amounts which are recorded as income due to accounting standard requirements.

An operating surplus arises when operating revenue exceeds operating expenses for the period. An operating deficit arises when operating expenses exceed operating revenue for the period. Council’s long term financial sustainability is dependent upon ensuring that on average, over time, its expenses are less than associated revenues. This ensures equality between generations of ratepayers in that each generation is responsible for the cost of resources they consume.

Research indicates that there is no clear agreement on what an appropriate target should be. For example, the Victorian Auditor-General recommends generating surpluses consistently, the Tasmanian report “Framework for Long Term Financial and Asset Management Planning for all Tasmanian Councils” September 2009 recommends breakeven, or better, on average over medium term, and some state studies recommend sizeable surpluses.

This provides for sufficient cash to fund operations, asset replacements on a consistent basis and provide sufficient funds to meet loan repayments as required. Without the funding of loan repayments over and above breakeven, there would be reduced funds available for asset replacements and place a burden on future ratepayers.

Indicator 2 – Underlying Surplus or (Deficit) Ratio

The operating surplus ratio is the operating surplus (deficit) expressed as a percentage of total revenue (adjusted by excluding capital grants, contributed property, plant and equipment and asset revaluation increments/decrements). It is a better indicator than the underlying operating result because it expresses that result relative to annual revenue.

Research indicates a wide range of views on appropriate targets. Reviews indicate targets of 0% to 15%, 2.5% to 7.5%, but within the range of 0% to 10% and greater than 0%. A target of greater than 2-3% has been selected which is in keeping with the Underlying surplus “Framework for Long Term Financial and Asset management Planning for all Tasmanian Councils” September 2009 recommendation.

Financial Management Indicators	Target
Underlying Surplus or Deficit	Greater than \$0 + principal loan repayments
Underlying Surplus Ratio	Greater than 2-3%

Indicator 3 – Net Financial Liabilities

What is owed to others less cash held/invested and receivables and is thus a measure of net indebtedness. It is broader than just loan debt, as it includes amounts owed to creditors, employee provisions, amounts held in trust and all other liabilities. The Tasmanian Auditor-General suggests a benchmark of greater than zero for this measure.

Indicator 4 – Net Financial Liabilities Ratio

This ratio is net financial liabilities expressed as a percentage of income. It indicates the extent to which net financial liabilities can be met by the Council's income. Where the ratio is increasing it indicates the Council's capacity to meet its financial obligations from income is strengthening.

The Tasmanian Auditor-General suggests a ratio of 0% to -50% represents low risk, -50% to -100% moderate risk, and greater than -100% high risk.

Financial Management Indicators	Target
Net Financial Liabilities	Greater than \$0
Net Financial Liabilities Ratio	At least 0%

Indicator 5 – Asset Sustainability Ratio

This ratio is asset replacement capital expenditure expressed as a percentage of depreciation expense. It measures whether assets are being replaced at the rate at which they are wearing out. With a young asset portfolio, the target may be quite low. If old, it may be > 100%. Over time, if it averages at or near 100% the service of the asset portfolio is being maintained.

The Tasmanian Auditor-General suggests a benchmark of 100% for this measure.

The indicators are scrutinised by the Tasmanian Audit Office and are subject to commentary in the Report of the Auditor-General presented each year to State Parliament.

Indicator 6 – Asset Consumption Ratio

This indicator expresses asset written down value as a percentage of replacement cost and therefore seeks to measure the proportion of life remaining in assets. A lower measure indicates an older, on average, portfolio of assets and could indicate the potential for large renewal expenditure. However, a low or declining ratio is not a concern provided assets are being maintained/replaced in accordance with well-prepared asset management plans and the organisation is operating sustainably. The cash generated by operating sustainably funds the renewal of assets when required.

An appropriate target is difficult to define and one source suggests a ratio between 40% and 80%. The Tasmanian Auditor-General considers the road asset class in isolation and suggests a ratio of >60% to represent low risk, 40 to 60% moderate risk and less than 40% high risk. Council's road assets are currently at 68% (2019/20).

Indicator 7 – Asset Renewal Funding Ratio

This indicator is the ratio of future asset replacement expenditure as per the LTFMP relative to the future asset replacement expenditure requirement sourced from asset management plans. It therefore measures the capacity to fund asset replacement requirements. An inability to fund future requirements will result in revenue or expense or debt consequences, or a reduction in service levels.

To maintain operating capacity, the Tasmanian Auditor-General expects a council to fund 90% of its planned asset requirements.

Asset Management Indicators	Target
Asset Consumption Ratio	At least 60%
Asset Renewal Funding Ratio	At least 90%
Asset Sustainability Ratio	Average of 100%

Summary

Long-term financial planning provides for the optimum allocation of available resources to deliver Council's strategic and corporate objectives. Long-term financial planning supports the delivery of Council's community vision.

Long term financial sustainability can only be achieved when Council is providing expected services at defined levels to its community that is adequately funded, not only on an annual basis, but in the long term. This includes infrastructure asset renewal funding requirements.

The achievement of the outcomes in the Financial Management Strategy will ensure Council's financial sustainability, thus providing the ability to deliver services, at their current levels, into the future while sharing the cost between current and future generations of ratepayers.

ACTION	DECISION
PROPONENT	Manager Business Services
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	002\024\007\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Rates and Charges Policy LG40

OFFICER'S RECOMMENDATION:

That pursuant to section 86B of the Local Government Act 1993 (Tas) (LGA1993), Council adopt the revised Rates and Charges Policy.

INTRODUCTION:

Section 86B(4) of the LGA 1993 requires that:

A Council must review its rates and charges policy -

(a) by the end of each successive four-year period after 31 August 2012.

The Rates and Charges Policy is now due for formal review.

This Policy provides the rating framework that the Council has adopted for rates and charges. The Policy is prepared in accordance with section 86B of the Local Government Act 1993 and provides an overview of the rating framework that Council has adopted.

The Policy reflects the fundamental premise as set out in section 86A of the LGA 1993 that:

(a) rates are a tax and not a fee for service; and

(b) the value of land is an indicator of the capacity to pay.

The Council, through the application of this Policy, primarily levies rates based on property values with a contribution through fixed and service charges. The Policy also outlines the Council's approach to the provision of remissions and the management of the rate debt and other matters as required under the Act.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 25 June 2012 – Minute No 06/12.11.7.147

Amended 19 January 2015 – Minute No 01/15.11.7.011

Amended 15 April 2019 – Minute No 04/19.12.6.76

OFFICER'S REPORT:

This Policy provides a framework for Council consideration as to the application of rates and charges. The Policy is prepared in accordance with section 86B of the Local Government Act 1993.

The Policy reflects the fundamental premise as set out in section 86A of the LGA 1993 that:

- (a) rates are a tax and not a fee for service; and
- (b) the value of land is an indicator of the capacity to pay.

The Policy sets out the Council's rates and charges (taxation) objectives in regard to:

- (a) Rating Strategy;
- (b) General Rates;
- (c) Valuations;
- (d) Service Rates and Charges;
- (e) Payment Options;
- (f) Objections to Rates Notices;
- (g) Rebates and Remissions;
- (h) Sale of Property if Rates Remain Unpaid; and
- (i) Supplementary Valuations

This document is a statement of policy and intent. It does not supersede or overrule the specific rating resolutions and policies that are determined by resolution of the Council.

STRATEGIC PLAN & ANNUAL PLAN:

Annual Plan 2022/2023 – Financial Management: Audit Panel meetings facilitated in accordance with legislative requirements, responding to all recommendations of the Panel.

Break O'Day Council Strategic Plan 2017 - 2027

Break O'Day Council Annual Plan 2022 – 2023

Break O'Day Council Long Term Financial Plan

Rating Exemption and Remission Policy (LG11)

Rates Hardship Policy (LG54)

Conservation Covenant Support Policy (EP03)

LEGISLATION & POLICIES:

Local Government Act 1993 (Tas) (Part 9 - Rates and Charges)

Valuation of Land Act 2001

Fire Services Act 1979

Waste and Resource Recovery Act 2022

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Absolute Majority.



POLICY NO LG40 RATES AND CHARGES POLICY

DEPARTMENT:	Corporate Services
RESPONSIBLE OFFICER:	Manager Corporate Services
LINK TO STRATEGIC PLAN:	Maintain financial viability and accountability in budgeting and administration.
STATUTORY AUTHORITY:	Local Government Act 1993, Valuation of Land Act 2001
OBJECTIVE:	The purpose of this policy is to outline Council's approach towards rating its community and to ensure compliance with the requirements of Section 86 of the Local Government Act 1993 (the Act).
POLICY INFORMATION:	Adopted 25 June 2012 – Minute No 06/12.11.7.147 Amended 19 January 2015 – Minute No 01/15.11.7.011 Amended 15 April 2019 – Minute No 04/19.12.6.76

POLICY

1. LEGISLATIVE REQUIREMENTS

Part 9 of the Local Government Act 1993 provides councils with the legislative power to raise rates and charges.

To provide services Council must consider the method by which it raises this revenue. Amendments to the Local Government Act in December 2011 have clarified that rates are a form of taxation.

2. SCOPE

This policy covers:

- (a) Rating Strategy;
- (b) General Rates;
- (c) Valuations;
- (d) Service Rates and Charges;
- (e) Payment Options;
- (f) Objections to Rates Notices;
- (g) Rebates and Remissions;
- (h) Sale of Property if Rates Remain Unpaid; and
- (i) Supplementary Valuations

3. POLICY

Rating Strategy

Council ensures it only raises the revenue it needs and does so in the most efficient and equitable manner possible. Council must balance its service levels with the needs and expectations of the community and set appropriate levels of tax to adequately fulfil its role and responsibilities.

Council seeks to achieve equity across generations by ensuring that rates are set at a level that ensures each generation pays its way with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes).

Council will operate efficiently and maintain costs at a level relative to the services that it provides.

The following factors influence the level of rates and charges:

- Distribution and level of Commonwealth and State funding;
- Socio-economic profile of the area (capacity to pay);
- User-pays policies;
- Level and range of services including the level of regional responsibility; and
- Current economic environment.

In determining its rates each year Council considers the current economic climate and capacity to pay for services and where practicable minimise any increase in rates and charges by managing costs where possible throughout the annual budget deliberation process.

The aim of rates and charges decisions-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay by utilising the rating options available to Council within the Local Government Act 1993 Part 9.

When considering how the rate burden will be distributed, Council must balance capacity to pay with the benefit principle acknowledging there are some groups of the community that have more access to and benefit from specific services.

Valuations

The Office of the Valuer-General (VG) provides the statutory valuations to Council on a cyclical basis (usually each six (6) years). Council was last subject to a municipal wide revaluation with an effective date of 1 July 2018. (*Valuation of Land Act 2001, Part 4*)

Under the Act, Council is mandatorily required to use these valuations provided to it in setting its rates each year. Council has no role in determining the valuation of properties and all ratepayers are able to dispute their valuation directly with the Valuer-General's Office.



Council is also provided with adjustment factors for the various classes of property in the municipal area by the Valuer-General each two years. Council is required to consider the adjustment factors in determining the rates and charges.

General rates and valuation basis

Council has three choices under the Act, *Part 9, Division 1, and Section 89A* for determining its rate charges:

- Land Value;
- Capital Value; and
- Assessed Annual Value (AAV).

Council have chosen to rate using the AAV (Assessed Annual Value), or the value of the rental potential of the property, as the valuation basis. Council has adopted this valuation basis as it considers this method of valuation to be the best available to Council as prescribed in the Act, therefore the fairest method of distributing the rate responsibly across all property owners.

The AAV represents an independent assessment of the rental value of a property or a 4 per cent minimum of the capital value (whichever is the greater).

Council has determined that a minimum rate is to apply each year to ensure that all customers contribute towards the provision of basic services as a reasonable level.

The method Council uses to calculate the cent in the dollar for the general rate is the total revenue required from the general rate, divided by the total combined AAV of all rateable properties in the municipality.

Minimum General Rate

A minimum general rate provides a mechanism by which lower valued properties pay not less than a minimum amount, and it can only apply if there has been no fixed charge applied. The minimum rate must not apply to more than 35% of properties.

Council will apply a minimum general rate in accordance with *Part 9 Division 2 General Rates, Section 90* of the Act at an appropriate level to recognise that each rateable property should bear a reasonable proportion of the total rates burden each year to enable Council to deliver appropriate services and infrastructure as determined in the Annual Plan and Budget.

The minimum rate should reflect that the cost of services needs to be spread equitably across all properties. Vacant land or lots with minimal build infrastructure are expected to contribute a reasonable proportion of rate revenue even when the AAV on these properties may be at a minimal level.

Council supports rating mechanisms that will stimulate residential development and allocate reasonable costs to property owners who choose to own but not develop vacant land.



Service Rates and Charges

In addition to the general rate, Council may charge for other services under the benefit principle, in accordance with *Part 9, Division 3, Sections 93 and 94* of the Act.

Stormwater

A Stormwater Service Charge covers maintenance & upgrade of connections, drainage, and storm water removal systems including from roads and funds programs to improve municipal storm water removal systems.

It may also cover flood mitigation works. A Stormwater Service Charge should fully recover the cost of service delivery.

Council will explore the introduction of a stormwater service charge in the time ahead to support the delivery of upgraded services in urban areas.

Waste Management

Council provides an urban waste collection service and domestic recycling service. Levies apply for the Waste Collection and Recycling Collection based upon cost recovery of each function.

A charge per property for Infrastructure Services is applied to cover the operational expenditure of the service as well as an allowance for capital renewals.

Fire Service Levy

Council is required by the provisions of the Fire Services Act 1979 to collect the Fire Service levy on behalf of the Tasmanian Fire Service. The value of this levy is determined by the Tasmanian Fire Service and is not influenced by the Council. This rate is set in accordance with the provisions of *Part 9, Division 93, Section 93* of the Act.

State Waste Landfill Levy

Council charges a State Waste Landfill Levy to recover the cost of the landfill levy imposed on Council under the *Waste & Resource Recovery Act 2022*.

Payment options

Payment options are determined by the Council each year as part of the budget process.

Rates are levied in early July each year and Council and are payable by four equal instalments. The due date for instalments being:

- 1st Instalment – 31 August
- 2nd Instalment – 31 October
- 3rd Instalment – 31 January
- 4th Instalment – 30 April



A discount for early payment may be granted if payment is received in full by 31 August.

Penalty and Interest

Council will apply penalty and interest charges in accordance with *Part 9, Division 9*, and *Section 128* of the Act where any rates and charges are not paid on or before the date on which the rates or instalments fall due.

Objections to Rate Notices

Property owners have the ability to object to the statutory valuation provided by the Valuer General. *Valuation of Land Act 2001, Part 5 - Notices and objections*. This is administered by the Valuation Department

Council will consider any objections to rate notices in accordance with *Part 9, Division 9, Section 123* of the *Local Government Act 1993*.

Rebates and Remissions

Any individual application for a rebate and/or remission from payment of rates is to be provided to Council in writing.

Council will annually consider whether to provide any rebate or remission to not-for-profit community organisations where they own or are responsible for the payment of rates. Any not-for-profit organisation that wishes to be considered for either a rebate or remission is required to make a formal application for Council to consider.

In addition to exemption and/or remission provided in relation to the General Rate, Council will offer Churches a remission of 50% of the applicable service rates

A pensioner remission is available to property owners, through Council by meeting the State Government criteria for eligibility. Council provides the property owner with the remission, and a claim is sought from the State Government. This is generally available to pension, health care and DVA card holders.

Ratepayers can apply for remission of Interest and Penalty charges upon written application to the General Manager for consideration

A remission for private land within the Break O'Day municipality that is subject of conversation covenants can apply for rate relief.



Sale of Property if Rates Remain Unpaid

Under *Part 9, Division 11 Section 137 of the Act*, Council may sell any property where the rates have been in arrears for three or more years. Council is required to:

- Notify the owner of the land of its intention to sell the land;
- Provide the owner with details of the outstanding amounts; and
- Advise the owner of its intention to sell the land if payment of the outstanding amount is not received within 90 days. Except in extraordinary circumstances, Council will enforce the sale of land for arrears of rates.

Supplementary Valuations

In certain circumstances, valuations must be determined between general revaluations. These are known as supplementary valuations and are required when the circumstances of a property changes which affects the property's value.

Some circumstances that may trigger a supplementary valuation are as follows:

- Construction of a new building(s) on the land;
- Extension to or renovation of existing building(s);
- Subdivision or consolidation of the land;
- Demolition of a building(s) on the land;
- Other improvements to the land such as out buildings, swimming pools etc;
- Change in the land's usage;
- Realignment of the property's boundary; and
- A property becomes rateable.

When any of the above situations arise, a supplementary valuation will be undertaken by the Valuer General. The supplementary valuations will bring the valuation of the property in line with the general valuation of other properties in the municipality. Values are assessed at the same date of the general valuation currently in use.

Where the Valuer-General has undertaken a supplementary valuation, the ratepayer will be issued with a supplementary rate notice. The notice will show the new adjusted valuations for the property and will include any adjustments to the rates and charges affected by the supplementary valuation for the current financial year.

Rates and charges adjustments of less than \$50 will not result in a supplementary rates and charges notice for the current financial year.



4. MONITORING AND REVIEW

Council will review and amend this Policy in compliance with Section 86B of the Act, including by the end of each successive 4 year period, or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

5. RELATED DOCUMENTS

- Council's Strategic Plan
- Council's Long Term Financial Plan
- The Annual Plan & Budget for that Financial Year
- Rating Exemption and Remission Policy (LG11)
- Rates Hardship Policy (LG54)
- Conservation Covenant Support Policy (EP03)

ACTION	DECISION
PROPONENT	Manager Business Services
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\005\004\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Whistle Blower Policy

OFFICER'S RECOMMENDATION:

That Council adopt the Whistle Blower Policy.

INTRODUCTION:

The Tasmanian Audit Office and external auditor Synectic have recommended Council develop and implement a specific Whistle Blower Policy to clearly articulate to whom a disclosure should be made based on the officer or public body the disclosure or complaint relates to in accordance with the requirements of the Local Government Act and the Public Interest Disclosures Act 2002.

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration as Council has not previously has a specific Whistle Blower Policy.

OFFICER'S REPORT:

Council does not have a standalone Whistle-blower Policy. The *Public Interest Disclosures Act 2002* is Tasmania's whistleblowing legislation, the purpose is to:

- Encourage and facilitate disclosures of improper conduct by Tasmanian public officers and bodies
- Protect person making those disclosures and others from reprisals
- Provide for the matters disclosed to be properly investigated and dealt with
- Provide all parties involved in those disclosures with natural justice

Whistle-blower protections extend beyond fraud and corruption to provide protections to whistle-blowers when making disclosures or complaints about serious or significant improper conduct by a public officer. The provision of a stand-alone policy is supported by the Tasmanian Audit Office and is recommended for implementation. The draft Policy is now presented for Audit Panel consideration.

STRATEGIC PLAN & ANNUAL PLAN:

Annual Plan 2022/2023 – Financial Management: Audit Panel meetings facilitated in accordance with legislative requirements, responding to all recommendations of the Panel.

LEGISLATION & POLICIES:

Local Government Act 1993.
Public Interest Disclosures Act 2002
Integrity Commission Act 2009

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

**POLICY NO TBC
WHISTLEBLOWER POLICY**

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	Leadership - ...be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
LEGISLATION AND RELATED DOCUMENTS:	<i>Public Interest Disclosures Act 2002</i> Public Interest Disclosures Model Procedures <i>Integrity Commission Act 2009</i>
OBJECTIVE:	The purpose of the Policy is to ensure Councillors and Council employees as public officers, are aware of the requirements and supported in, the making of protected disclosures in respect of corrupt behaviour or improper conduct.
POLICY INFORMATION:	Draft Policy – New ATTACHMENTS: Disclosure to a Public Body Flowchart

POLICY

1. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Public Interest Disclosures Act 2002 (the Act) – An Act to encourage and facilitate disclosures of improper conduct by public officers and public bodies, to protect persons making those disclosures and others from reprisals, to provide for the matters disclosed to be properly investigated and dealt with to provide all parties involved in those disclosures with natural justice and for other purposes.

Improper Conduct – Under the Act, improper conduct means:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a misuse or waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act – that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.

Public body – in accordance with section 4(1), a Council is a public body for the purposes of the Act.

Public Officer – in accordance with section 4(2) of the Act, a councillor or an employee of a council is a public officer.

Protected Disclosure – is a disclosure of improper conduct or detrimental action made by a public officer or contractor in respect of a public officer or a public body.

Public Interest Disclosure – Is a disclosure where the public body is satisfied that the disclosure shows or tends to show that a public officer to whom the disclosure relates:

- has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer; or
- has taken, is taking or proposes to take detrimental action in contravention of section 19 of the Act.

Reprisal or detrimental action – includes:

- action causing injury, loss or damage; and
- intimidation or harassment; and
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- threats of detrimental action.

Ombudsman – The Ombudsman's functions under this Act, including:

- receiving disclosures from public officers, contractors (including members of the public if it is in the public interest) and determining if the disclosures are public interest disclosures;
- investigating public interest disclosures;
- receiving notifications about public interest disclosures made internally to public bodies;
- reviewing certain decisions by public bodies under the Act;
- monitoring the progress of public bodies' investigations;
- preparing and publishing guidelines and standards;
- reviewing and approving large public bodies' procedures every three years; and
- providing advice to public bodies.

Principal Officer – The principal officer is responsible for –

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

Public Interest Disclosures Officer (PID Officer) – The Public Interest Disclosure Officer is appointed by the Principal Officer to assist them to carry out their functions and responsibilities under the Act.

2. SCOPE

This policy applies to Councillors and Council employees, as public officers. Disclosures may be made by Councillors, Council employees and contractors of Council.



3. POLICY

The [Public Interest Disclosures Act 2002](#) (the Act) is Tasmania's whistleblowing legislation. The purpose of the Act is to:

- encourage and facilitate disclosures of improper conduct by Tasmanian public officers and public bodies;
- protect persons making those disclosures and others from reprisals;
- provide for the matters disclosed to be properly investigated and dealt with; and
- provide all parties involved in those disclosures with natural justice.

3.1 What is a Disclosure?

Disclosures are complaints about serious or significant improper conduct by a public officer. Improper conduct also relates to any detrimental or retaliatory action (reprisal) by a public officer or public body against someone who makes a protected disclosure under the Act.

A disclosure is automatically protected if it complies with Part 2 of the Act. The threshold requirements include that it be:

- made by a public officer or a contractor;
- made to the correct entity;
- related to the conduct of a public officer or a public body;
- made by a discloser who believes that the public officer or public body has engaged, is engaging or proposes to engage in improper conduct;
- related to conduct that could fall within the definition of improper conduct; and
- about conduct which occurred on or after 1 January 2001.

The low threshold for what constitutes a protected disclosure is to encourage public officers to report concerns about wrongdoing, and for the discloser to be protected under the Act. If the criteria is met, Council must notify the discloser that their disclosure is protected.

If it is determined that the conduct disclosed is not serious or significant, Council will deal with the disclosure using existing internal policies or procedures. A determination of whether a protected disclosure is a public interest disclosure must be determined within 45 days of receipt.

In assessing the disclosure there must be evidence or an indication that evidence can be found to show or demonstrate the existence of improper conduct – a mere allegation is not enough. The improper conduct must be considered serious or significant and factor such considerations as whether it demonstrates a course of conduct; the seniority of the person; and the harm or potential harm associated with the conduct or misconduct.

Anonymous disclosures may also be made, if the person receiving the disclosure is satisfied the disclosure is being made by a public officer or contractor.



3.2 How to disclose and to whom

The following table details to whom a disclosure can be made:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of Break O'Day Council	Break O'Day Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of Break O'Day Council Council or Break O'Day Council Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
In any other case, including if the disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission

A disclosure must be made to the correct entity. Generally, a disclosure about a public officer can be made to the public body a person is employed with, but this is not always the case. A disclosure about a Councillor is to be made to the Ombudsman.

A public body cannot investigate itself; only its employees. Therefore, disclosures relating to Council should be submitted to the Ombudsman or Integrity Commission. Contractors (and volunteers also) may make disclosures about a public body directly to either the Ombudsman or Integrity Commission.

A disclosure that relates to a public officer, may be reported to another public officer, but it is recommended that it be disclosed directly to the Principal Officer or a PID Officer. Disclosures can be made verbally or in writing, and can be sent, delivered or left at Break O'Day Council 32-34 Georges Bay Esplanade, St. Helens TAS 7216 or emailed to admin@bodc.tas.gov.au.

If a public officer receives a disclosure, they are to refer the disclosure to the Principal Officer or a PID Officer, at their earliest opportunity, for assessment.

Contractors may only make disclosures about a public body, so they must contact the Ombudsman or the Integrity Commission.

Members of the public can make disclosures if it is in the public interest. These must be reported to the Ombudsman or the Integrity Commission who will make the assessment on the disclosure.

3.3 Assessment of Disclosure

The PID Officers will assess the disclosure to determine if its disclosure is protected and if it is a public interest disclosure. If it is determined that it is not a public interest disclosure, the Ombudsman will review the decision.

3.4 Investigation

If it is determined that the protected disclosure is a public interest disclosure, Council must, under the Act, investigate the matter.

Exceptions to this are detailed in section 64 and include scenarios where, for example:

- the discloser knew for more than a year about the improper conduct and did not adequately explain the delay in making the disclosure; and
- the content of the disclosure has already been adequately dealt with by the Ombudsman or certain other bodies.

If it determines not to investigate, the Ombudsman and the discloser are to be provided with the reasons for the decision within 14 days, and the Ombudsman will review the decision.

If an investigation finds that improper or corrupt conduct has occurred, Council:

- must take all reasonable steps to prevent the conduct from continuing or reoccurring in the future; and
- may take action to remedy any harm or loss arising from the conduct.

The Ombudsman and the discloser must be notified of the findings of the investigation. If the investigation finds that improper conduct occurred, the Ombudsman and the discloser must be informed of the action taken in response.

3.5 Referrals

Council may refer a protected disclosure to the Integrity Commission if it is considered the disclosure relates to misconduct as defined in the Integrity Commission Act 2009. If conduct appears criminal in nature, Council may contact Tasmania Police or the Ombudsman for advice.

3.6 Notification of the Ombudsman and discloser

Where the Principal Officer or PID Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision.

3.7 Reprisals/Detrimental action

Under the Act, it is an offence to take reprisal action against someone who has made a protected disclosure. This is referred to as detrimental action. The fear of reprisals is a significant deterrent to disclosers coming forward with information. Protections are offered to disclosers under the Act for detrimental action that includes:

- action causing injury, loss or damage;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- threats of detrimental action.

This applies also if a protected disclosure does not meet the higher threshold test of being a public interest disclosure – the protections of making a disclosure still apply.

Blowing the whistle does not exempt a person from disciplinary action, as not all disciplinary action necessarily represents reprisal action.

If a whistle-blower believes that someone has taken detrimental action against them for making a disclosure, they can make a further disclosure about this. Detrimental action itself is considered to be improper conduct, and the process for making and assessing the disclosure is the same.

It is an offence to take reprisal action. A person can be fined up to 240 penalty units and/or imprisoned for up to two years for taking detrimental action against a person in reprisal for them having made a disclosure.



Persons subject to reprisals also may undertake civil action, including:

- seeking damages in court;
- seeking an order that the person who took the detrimental action remedy that action; and
- seek an injunction to stop the detrimental action.

3.8 Penalties for false disclosures

Under section 87 of the Act, a person must not knowingly provide false information, intending that it be acted on as a disclosed matter, to a public body, or knowingly provide false information to a person conducting an investigation under the Act. Penalties of up to 240 penalty units or imprisonment for up to two years, or both, may apply.

4. REVIEW

Council will review at the end of each successive five (5) year after formal adoption by Council or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\017\004\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Schedule of Fees & Charges 2023/2024

OFFICER'S RECOMMENDATION:

That Council adopt the Schedule of Fees & Charges 2023/2024 as presented.

INTRODUCTION:

Council's Schedule of Fees & Charges is reviewed annually as part of the budget process. The review is informed by the Council Financial Management Strategy and its principles relating to Fees and Charges.

PREVIOUS COUNCIL CONSIDERATION:

The Schedule of Fees & Charges is reviewed and adopted annually; this draft for 2023/2024 was considered at a recent Council Workshop.

OFFICER'S REPORT:

Council continues to be committed to the implementation of user pays principle. From a merit viewpoint, this approach is correct in that it recognises the situation where certain services are consumed by a discrete part of the community.

The approach of user pay does not necessarily mean that every service or function is subject to this principle nor does it constrain council from exempting some sectors of the community from paying for the service where it deems the service to be a community service obligation or it is uneconomic to provide the service to a given area or cohort.

When determining the level of fees and charges, Council will have regard to the user pays principle and where possible recover the full cost of operating or providing the goods and services in accordance with National Competition Policy guidelines.

Council maintains a register of fees and charges in accordance with section 206 of the *Local Government Act 1993*. The fees and charges contained in the register are reviewed each year as part of the annual budget deliberations. Fees and charges will be increased annually by a minimum of the Consumer Price Index (CPI) except those categorised as Legislated, Government Agency or Council which are set independently.

All Fees and Charges will be adjusted as a minimum in line with the March 2023 Consumer Price Index.

Below is a summary of changes for 2023/2024.

Development Charges

- Increases have been applied to the relevant fees where there has been a notable workload increase and/or the cost of providing the service has increased;
- Fence Application fees have been increased from \$75.00 to \$160.00 which is representative of our administration fee.
- Additional fees have been applied to the processing of Minor Amendment to Planning Permits where representations have been previously received. This is due to the legal requirements for all previous representors to be advised of any amendment which results in an increase in number of enquires and administrative work required for processing;
- Additional fees have been applied to Building Surveying assessment fee, reflecting increased cost of service delivery;
- Inclusion of specific Solar Panel Application Fee;
- Increases to Environmental health fees;
- Increase of Annual Caravan Licence.

Animal Control

- Increases to Dog Fees.

Facilities Hire

- Introduction of a half-day hire fee for the foreshore - \$60.00
- Introduction of Projector Hire of \$20.00

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategies

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

LEGISLATION & POLICIES:

Section 205 of the *Local Government Act 1993*.

Break O'Day Council Financial Management Strategy.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Fees and charges directly relate to service provision. When setting fees and charges for any given year, Council will have regard to the user pays principle and where possible recover the full cost of operating or providing the goods and services in accordance with National Competition Policy guidelines. The Schedule of Fees and Charges presented for Council consideration includes increases where the cost of service delivery has occurred. All Council Fees and Charges will also be increased in line with March 2023 Consumer Price Index.

VOTING REQUIREMENTS:

Absolute Majority.

Fees & Charges 2023-2024



Adopted

from the **mountains** to the **sea** | www.bodc.tas.gov.au

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ADMINISTRATION

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

Photocopying

Black & White	Per A4 page 30c	\$0.65
	Per A4 page double sided	\$0.85
	Per A3 page 50c	\$1.10
	Per A3 page double sided	\$1.30
Bulk Runs	Copies in excess of 500 (per A4 sheet)	\$0.40
	Copies in excess of 500 (per A4 sheet double sided)	\$0.50
	Copies in excess of 500 (per A3 sheet)	\$0.60
Binding	1 Plastic Sheet + Comb (bound by Council staff) per copy	POA
Colour Photocopying	Per A4 page	\$3.75
	Per A3 page	\$5.40
Laminating	Per A4 page 2.75	\$4.85
	Per A3 page 3.30	\$5.90
Council Agenda & Minutes	Printed copy	Free of Charge
Planning	Planning Scheme Ordinance	\$64.50*

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

Right to Information

<i>Fees are set as per the Right to Information Act 2009, these fees are listed as a reference only. The Right to Information Act 2009 replaces the Freedom of Information Act 1991 and therefore the associated fees have altered accordingly. There is now one (1) flat fee for these requests and no other expenses are incurred as with the Freedom of Information requests.</i>	
Per application (except where excluded under the Act). The fee is based on 25 fee units @ \$1.78 at the 1 July 2023	\$44.50*

Search of Public Information

S.132 Certificates	Application fee (30 fee units @ \$1.78 at the 1 July 2022 and Admin Fee of \$2.45)	\$55.85*
S.337 Certificates	Application fee (132.5 fee units @ \$1.78 at the 1 July 2022 and Admin fee of \$2.45)	\$238.30*

Goods left on Council Controlled Land

Collection Fee	\$21.50*
Storage Fee – per week or part there of	\$21.50*

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

Visitor Information Centre

Brochure Display for Business outside Break O'Day Municipality	DL Size	\$54.00
	A4/A5 Size	\$64.50
Light Box (Local Businesses)		\$269.00

FACILITIES HIRE

FACILITY HIRE BOOKING FEE - \$25.

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

Bonds – All Facilities

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

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

Not for Profit Organisations

	Full Day	Half Day (Max. 4 hours)	Per Hour
Hall Only – Day	\$70.00	\$43.00	\$21.50
Hall Only – Night	\$118.00	\$86.00	\$21.50
Hall Only – Day AND Night	\$172.00	N/A	N/A
Portland Hall Kitchen – Day AND Night	\$48.00	\$27.00	N/A
St Marys Hall Kitchen – Day AND Night	\$48.00	\$27.00	N/A
Fingal Recreation Building - Kitchen – Day AND Night	\$48.00	\$27.00	N/A
Memorial Services		Nil	Nil

Private Functions and Other Non-Commercially Trading Organisations

	Full Day	Half Day (4 hours or less)
Hall Only – Day	\$193.50	\$91.00
Hall Only – Night	\$236.50	\$112.50
Hall Only – Day AND Night	\$408.50	N/A
Portland Hall Kitchen – Day AND Night	\$80.50	\$75.00
St Marys Hall Kitchen – Day AND Night	\$80.50	\$75.00
Fingal Recreation Building - Kitchen – Day AND Night	\$80.50	\$75.00

Commercially Trading Organisations (Sale of Goods)

	Full Day	Half Day (4 hours or less)
Hall Only – Day	\$3,225.00	\$1,612.50
Hall Only – Night	\$2,365.00	\$1,182.50

FACILITIES HIRE CONT....

Miscellaneous

Public Liability – see hirers agreement (if required)	\$21.50 per day
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St Helens Council Chambers (Day use ONLY)

Court Sitings	\$376.00
Other Organisations	\$247.00

Sport/Recreation Grounds

Bulk Camping Fees – by arrangement with Council (more than 10 users)		POA
Hire of Sports Grounds (ovals, fields, etc)	Per hour	\$13.00
Kitchen	Per day	\$37.50
Foreshore	Per day	\$123.50
	Half Day	\$64.50
Foreshore/Sports Ground Power	Per day/Per site	\$17.00

St Helens Sports Complex only

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

Toilets Only	Per day	\$37.50
Showers and Toilets Only	Per day	\$75.00
Sports Complex Building (no amenities)	Per day	\$21.50
Sports Complex Building (including amenities)	Per day	\$97.00
Bond – alcohol free events		\$210.00
Bond – licenced events		\$315.00

Community Hire Equipment

Community BBQ Trailer – Community Groups	Daily usage	\$48.50
	Bond	\$300.00*
Community BBQ Trailer – Commercial/Private Hire	Daily usage	\$161.00
	Bond	\$300.00*
Camera and Sound Recording Equipment	Bond	\$500.00*
	All Day Hire	\$107.50
	Half Day Hire	\$53.50
Sand Chair Hire	Bond	\$21.50*
Projector Hire		\$21.50

FACILITIES HIRE CONT....

Multipurpose Stadium

HOURLY RATE HIRE FEES					
		Day Rate		Night Rate	
		1 Court	2 Court	1 Court	2 Court
Sports (Team)					
	Casual Hire	\$32.00	\$53.00	\$39.80	\$66.50
	Regular User	\$29.00	\$48.00	\$35.90	\$60.00
	Key User Hire	\$25.00	\$42.50	\$32.00	\$53.00
Sports (Individual/Doubles)					
	Casual Hire	\$16.00	\$26.50	\$20.00	\$33.50
	Regular User	\$14.00	\$24.00	\$17.95	\$30.00
	Key User Hire	\$13.00	\$21.00	\$16.00	\$26.50
Community Activities					
	Casual Hire	\$25.50	\$42.50	\$31.90	\$53.00
	Regular User	\$23.00	\$38.00	\$28.70	\$48.00
	Key User Hire	\$20.50	\$34.00	\$25.50	\$42.50
Events					
	Casual Hire	\$63.50	\$106.50	\$79.80	\$133.00
Day Rate (8 Hours)		\$559.00			
Equipment	Tennant Walk Behind Scrubber Machine			\$120.90 per hour	
FACILITY HIRE FEES					
Change Room	Per Booking and Room				\$11.50

Open Space at Flagstaff Trail Head

Non-Waiverable and Non-Refundable Administration Fee:	\$25.00
Bond <i>The Bond is the same for all bookings no matter what the time frame and will be refunded following an inspection of the area after completion of the event/activity</i>	\$315.00
Unpowered Site	Per hour \$10.75
	½ Day (4 hours) \$32.00
	Full Day (8 hours) \$64.50
Powered Site	Per hour \$13.00
	½ Day (4 hours) \$39.00
	Full Day (8 hours) \$77.50
Skills Training/Activation Area	Per hour \$16.00
	½ Day (4 hours) \$48.50
	Full Day (8 hours) \$96.50

ENGINEERING SERVICES

Waste Transfer Stations

DOMESTIC		
General Household Garbage	Garbage Bag	\$3.50
	Car Boot	\$6.50
	Station Wagon, Trailer without cage or Utility	\$12.00
	Trailer with Cage	\$16.00
	Tandem Trailer or small Truck	\$19.50
All Clean Green Waste – Domestic & Commercial	Car Boot	\$4.50
	Station Wagon, Trailer without cage or Utility	\$9.00
	Trailer With Cage	\$11.00
	Tandem Trailer or small Truck	\$16.00
Domestic Waste 140L Wheelie Bin (maximum 2 bags)		\$7.00
Domestic Waste 240L Wheelie Bin (maximum 3 bags)		\$10.50
COMMERCIAL		
Commercial Business Waste		\$32.00 m ³
Bulk Waste Scamander WTS		\$181.00 per tonne
Asbestos Removal Scamander WTS		\$64.50 m ³
OTHER		
Motorcycle and car tyres		\$7.00 each
Light truck/4WD tyres		\$13.50 each
Truck and larger tyres		\$29.00 each
Tractor tyres		\$40.00 each
General Builders Waste & Rubble (including bricks, gravel, treated & untreated timber gyprock etc)		\$43.00 m ³
Clean Fill Material		\$8.60 m ³
Unsecured loads (additional charge)		\$7.50 each
Replacement Wheelie Bin – 140L		\$75.00 each*
Replacement Wheelie Bin – 240L		\$86.00 each*
Delivery fee for change of bin requirements including replacement of lost or stolen bins		\$32.00
Mattresses Double/Queen/King		\$21.50 each
Mattresses Single		\$11.00 each
Sofa	Single Seat	\$10.00
	2 or 3 Seat	\$21.50
	Large Modular	\$32.00
Laminated Furniture (desks, wardrobes, bathroom/kitchen cabinets)		\$32.00
RECYCLABLE MATERIAL		
Separated Recycling Material		FREE
Tree lopping material requiring chipping (greater than 400mm diameter)		\$15.00 m ³
Heavy stumps and oversized timber (greater than 1500mm diameter)		\$27.00 m ³
Polystyrene Packaging Material		FREE
Gas Cylinders (Fully Degassed)		FREE
Triple Rinsed Chemical Containers (DrumMuster Endorsed)		FREE
Car Batteries		FREE
E Waste (TV's, computers, printers, game stations, etc)		FREE
Car Bodies/Scrap Steel – St Marys, Scamander & St Helens		FREE
Fridge/Freezer Disposal		\$21.50
Other White Goods		FREE
Fuel Disposal (Petrol, Diesel, Coolant)		\$1.50 per litre
Waste Oil		FREE

ENGINEERING SERVICES – CONT...

Mulch Fees – St Helens WTS

GREEN WASTE MULCH	
Double shredded green waste mulch available for sale	\$27.00m ³
Single shredded green waste mulch available for sale	\$13.50m ³

Engineering Services – Stormwater Connections

Stormwater connection to kerb and gutter	POA
Stormwater connection to piped drain	POA
All other stormwater connections	POA

Engineering Services – Assessment of Public Works

Assessment of plans and final inspection.	\$852.00* for up to 3 lots, additional \$5.60 per lot
Inspections of failed works	\$118.00
Additional Inspections	\$118.00

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

Engineering Services – Other Fees

Supply of Traffic Counts, per count, if current data is already available	\$54.00
Supply of Traffic Counts, per count, if data must be obtained	POA
Works Permit / New Crossover Application Fee / Application to Open Road (Includes post inspection fee)	\$236.00
Additional Inspection Fees	\$118.00
Location Charges (during business hours)	\$118.00

Road Work

Road & Footpath Reinstatement	POA
Footpath and Driveway Construction	POA
Stormwater Works	POA

Aerodrome Landing Fees

To apply to General Aviation (GA) landings	\$12.00 per tonne
Non General Aviation (GA) landings	No charge
Airport Hangar Hire/Lease	POA depending on size

Cemeteries - Site & Reservation Fees

Land Lawn Cemetery	\$221.00
Graveyard Land 2.4m x 1.2m	\$221.00
Land – Child (Birth to 5 years)	Nil
Columbarium Wall	\$100.00

ENGINEERING SERVICES – CONT...

Cemeteries - Grave Digging

Lawn Cemetery	Monday to Friday	\$1250.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Ashes Burial	Monday to Friday	\$343.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Other Cemeteries (including old sites requiring manual excavation)	Monday to Friday	\$1384.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL

Cemeteries - Miscellaneous

Exhumation	POA
Re-interment	POA
Fee for re-opening grave	POA
Fee for constructing cement layer	POA

DEVELOPMENT SERVICES – PLANNING

New Development (Buildings)

Review of application where No Permit Required	Administration Fee	\$172.00
Advertising Fee	If applicable	\$430.00*
Permitted Use/Discretionary Use	Use and/or Development (Class 7 and Class 10 Buildings, Signs, Demolition)	\$274.00*
	Use and/or Development (Other excluding subdivision)	\$3 per \$1,000 of assessment value Min \$350, Max \$30,000 Note: Development Exceeding a Fee Value in excess of \$30, 000 will be quoted by Council upon application.
ILLEGAL WORKS – RETROSPECTIVE PLANNING APPROVAL		Double the relevant application fee
Development Proposed Within Flood Hazard Category 1 & 2		Double the relevant application fee
Development Proposed Within Flood Hazard Category 3 and Above		Double the relevant application fee + Associated Cost of Peer Review

New Development (Subdivision/Adjustment)

SUBDIVISION Application Fee	\$591.00* + \$161.00* per lot
BOUNDARY ADJUSTMENT Application Fee	\$285.00*
Development Proposed Within Flood Hazard Category 1 & 2	Double the relevant application fee
Development Proposed Within Flood Hazard Category 3 and Above	Double the relevant application fee + Associated Cost of Peer Review

New Development (Other)

Level 1 Activity <i>EMPCA 1993</i>	\$1397.50*	
Level 2 Activity <i>EMPCA 1993</i>	\$1612.50*	
Fence (Where not exempt)	\$172.00*	
Application where buildings do not form a major part of the Development	Up to \$25,000	\$172.00*
	\$25,001 to \$100,000	\$344.00*
	\$100,001 to \$250,000	\$484.00*
	\$250,001 to \$499,999	\$833.00*
	Where project cost exceeds \$500,000	\$1,612.50* plus \$3.25 per \$1,000 over \$500,000 to a max \$30,000 Note: Development Exceeding a Fee Value in excess of \$30, 000 will be quoted by Council upon application.
CHANGE OF USE (for all classes of building or use of site)	Plus fee for any new work associated with application. \$250.00* Fee set by State Government	
Development Proposed Within Flood Hazard Category 3 and Above	Double the relevant application fee + Associated cost of peer review	

DEVELOPMENT SERVICES – PLANNING CONT...

Plan – Examination & Sealing

Examination and sealing of final plan of Survey	\$537.50* +\$161.00* per lot
Application Fee for Each Stage (Staged Strata Scheme)	\$376.00* per stage
Petition to amend a Sealed Plan – (All parties signed petition)	\$1612.50*
Additional Fee where a petition is required to progress to a hearing.	\$1612.50* + Councils Legal Fees at Cost

Sundry Planning Fees

Extension - application for permit extension	\$172.00*
Minor amendment - application to amend a Section 58 Permit	\$172.00*
Minor amendment – application to amend a Section 57 Permit	\$376.00*
Minor amendment – application to amend a Section 57 Permit with 1-5 Representations	\$752.50*
Minor amendment – application to amend a Section 57 Permit with 6 or more Representations	\$1612.50*
Minor amendment – application to amend a Section 57/Section 58 requiring RMPAT decision	At cost + associated legal fees incurred by council
Adhesion order - application for issue of an adhesion order	\$268.50*
Part 5 agreement – processing and sealing of a Part 5 agreement - s. 70 of LUPAA	\$430.00*
Scheme amendment - application for amendment to Break O’Day planning scheme and processing fee after council approval to proceed	Cost to be negotiated with Applicant upon receipt of Valid Application*
Mediation - organising mediation in accordance with s.57a of LUPAA or any other mediation required by the council in order to determine a planning application	\$268.50* per mediation meeting
Cash in Lieu of car parking – per car parking space	\$6,450.00*
Collection of impounded sign	s48(a) of the Land Use Planning & Approvals Act 1993 \$129.00* per sign

Statutory Advertising & Administration

Advertising	Level 2 Activity Application	At cost
	Application for amendment to the Break O’Day Planning Scheme two adverts required	At cost

Refunds/Remissions – Application withdrawn

Planning Fees	Requests for additional information have not been made	75%
	Requests for additional information have been made	25%
Advertising Fees	Not commenced	100% less \$25.00 admin fee
Application Fee	Project of Regional Significance <u>WHEN</u> declared by Minister	50%
Applications for development by a Community Group on Land Owned or Managed by Council		100%

DEVELOPMENT SERVICES – BUILDING

Building Surveying Charges – Category 3 and 4 Buildings

CLASS 1A Structures (new dwelling/dwelling additions & alterations, change of use (garage to dwelling and dwelling to B&B))		
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 100m ² & internal alterations & demolition	\$376.00
	101m ² to 200m ²	\$537.50
	201m ² to 300m ²	\$698.50
	Greater than 301m ²	\$913.50
CLASS 10A Structures (garage/carport/deck/ pergola/retaining wall/mast/fence/pool)		
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 100m ² including minor structures and pools	\$279.50
	101m ² to 200m ²	\$322.50
	201m ² to 300m ²	\$430.00
	Greater than 301m ²	\$537.50
Prefabricated Kit shed -Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	All Sizes	\$279.50
Solar Panel Applications	All Sizes	\$500.00 includes assessment, any required inspections and administration charges
Other Classes up to 2000m² (shop, office, warehouse, industrial buildings, assembly buildings schools, etc)		
Certificate of Likely Compliance – NOT INCLUDING INSPECTIONS	Up to 100m ²	\$666.50
	101m ² to 200m ²	\$913.50
	201m ² to 300m ²	\$1,290.00
	Greater than 301m ²	Quoted at time of applications
LEGILISATION OF ILLEGAL STRUCTURES – DOUBLE THE ASSESSMENT FEE AS PERSCRIBED		

Inspections

Class 1A - Change of Use (Minimum of two (2) inspections)	\$145.00+ per inspection
Class 1A & 10A - Building Inspections (Minimum of five (5) for class 1-9) (Minimum of two (2) for Class 10A)	
Additional inspections required will be charged prior to issue of Completion Certificates	

DEVELOPMENT SERVICES – BUILDING CONT...

Miscellaneous

Search for property information (Non-Refundable)		\$43.00
Staged Building Permit Fee		\$172.00 + Associated Administration fee per stage
Temporary Occupancy Permit	Annually to maximum of 3 years	\$172.00* + Associated Administration fee*
Re-activation of file (expired building/plumbing permit)	Reassessment required	Assessment and inspection fees as per fee schedule + \$37.50 for each certificate required
	Reassessment not required	\$500.00 + \$35.00 for each certificate required & any required inspections

Extension to Building Permit – All Classes

1 st Year	\$150.00*
Subsequent Years	Increase of \$50.00* per year over previous year Capped at \$500.00

Building Certificates

Class 10A Structures (Includes Inspection & Administration Costs)	\$193.50
Class 1A Structures (Includes Inspection & Administration Costs)	\$322.50
Commercial Occupancy Permit & Schedule of Health and Safety Features	\$376.00

State Government Levies

Industry Training Levy	Over \$20,000	0.20%* of project cost
Building Administration Fee Levy	Over \$20,000	0.10%* of project cost

Amendments

Minor Amendment	Not requiring a reassessment	\$172.00
Amendment to Building Permit & Certificate of Likely Compliance		Fees applicable to Certificate type (eg. Certificate of Likely Compliance) + Applicable Administration Fee

Administration and Notifiable Works and Lodgment fee

Administration – Category 1	Nil
Administration – Category 2	Nil
Administration – Category 3	\$172.00*
Administration – Category 4	Administration Fee of \$160.00+ Permit Authority Charges

Administration – Privately Certified Applications Only

Administration – Category 1	Nil
Administration – Category 2	Nil
Administration – Category 3	\$172.00*
Administration – Category 4	\$172.00*

BUILDING SERVICES – PLUMBING – DOMESTIC & WASTE WATER

Domestic Certificate of Likely Compliance Plumbing (Category 3 & 4 plumbing works)

Plumbing Permit/Assessment – ALL PRICES INCLUDE INSPECTIONS	Up to 50m ² & Class 10 & Demolition	\$279.50*
	51m ² to 100m ²	\$392.50*
	101m ² to 200m ²	\$494.50*
	201m ² to 300m ²	\$602.00*
	Greater than 301m ²	\$698.50*
Waste Water Assessment and Approvals (Septic Tanks, AWTS etc)	All Sizes	\$161.00*
LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE ASSESSMENT FEE AS PRESCRIBED ABOVE.		

BUILDING SERVICES – PLUMBING – COMMERCIAL

Commercial Certificate of Likely Compliance Plumbing (Category 3 & 4 plumbing works)

Plumbing Permit/Assessment – ALL PRICES INCLUDE INSPECTIONS	Up to 50m ²	\$559.00*
	51m ² to 100m ²	\$784.50*
	101m ² to 200m ²	\$1010.50*
	201m ² to 300m ²	\$1354.50*
	Greater than 301m ²	Quoted at time of application
LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE ASSESSMENT FEE AS PRESCRIBED ABOVE.		

BUILDING SERVICES – PERMIT AUTHORITY

Permit Authority Charges – Building & Plumbing Only (Category 4 only)

LEGALISATION OF ILLEGAL STRUCTURES – DOUBLE THE FEE FOR AN ILLEGAL STRUCTURE, THAT IS, THE CHARGE IDENTIFIED BELOW PLUS 100%		
CLASS 1A Structures (new dwelling/dwelling additions & alterations, change of use (garage to dwelling and dwelling to B&B)		
Building & Plumbing Permit	All sizes	\$344.00
CLASS 10A Structures (garage/carport/deck/pergola/retaining wall/mast/fence/pool & demolition works)		
Building & Demolition Permit	All sizes	\$172.00
Other Classes up to 2000m ² (shop, office, warehouse, industrial buildings, assembly buildings schools, etc)		
Building & Plumbing Permit	All sizes	\$376.00

ENVIRONMENTAL HEALTH

Licences, Certificates, Permits

Food Business (Mobile or Premises)	High Risk – P1	\$403.00*
	Medium Risk – P2	\$236.50*
	Low Risk – P3	\$118.00*
	Notifiable – P3N & P4	\$32.00*
Food Business – Not for Profit Community Group	All levels	Nil
Temporary Food Registration	Period not exceeding ten consecutive (10) days	\$32.00*
	Period not exceeding ten consecutive (10) days – not for profit community groups	Nil
Food Sampling		\$53.50 + Cost of Analysis if applicable
Assessment of Plans for Commercial Kitchen (Form 49)		\$107.50*
Occupancy Permit for Commercial Kitchen (Form 50)		\$107.50*
Place of Assembly	Licence application for a mass outdoor public event	\$53.50*
	Not for profit organisations	Nil
Sampling of Swimming Pools/Spa Baths	Public	\$53.50 + Cost of Analysis if applicable
	Public – Resamples	\$107.50 + Cost of Analysis if applicable
	Public not for profit organisations	Cost of Analysis
Water Cartage	Application/Renewal	\$32.00*
Public Health Risk Activities	Licence	\$107.50*
	Renewal	\$107.50*
Private Water Suppliers Registration	Application / Renewal	\$32.00*
Caravan Licence		\$270.00* per year and pro-rata charge for new applications
Nuisance	Abatement costs associated with non-compliance	Cost of Works + \$161.00
	Administration costs associated with non-compliance	\$172.00 first hour (minimum fee); \$86.00 per hour or part thereof thereafter, plus compliance costs
Permit for Burial of Human Remains on Private Land		\$215.00*
Environmental Protection Notices	Investigation, issuing and management charges	\$172.00 per hour or part thereof

ANIMAL CONTROL

Registration Type

	IF PAID PRIOR TO 30 JUNE 2023	IF PAID AFTER 30 JUNE 2023
Entire Dog	\$50.00*	\$72.00*
Entire Dog – Pensioner**	\$22.00*	\$33.00*
De-sexed Dog	\$28.00*	\$39.00*
De-sexed Dog – Pensioner**	\$13.00*	\$17.00*
Newly Registered Dog	As above	Pro-rata of full rate
Approved Assistance Dogs - Guide/Hearing	Nil	Nil
Registered Breeding Dog	\$34.00*	\$41.00*
Approved Working Dog	\$22.00*	\$39.00*
Declared Dangerous Dog	\$277.00*	\$332.00*

NOTE: **One (1) dog per property on Pensioner Rate.
(Pension and Health Care card)

Impounding

First Impoundment		\$55.00*
Subsequent Impoundment		Previous impoundment fee +\$55.00*
Daily keeping fee		\$28.00*
Purchase of unclaimed dog **		\$28.00* + registration fee
Microchip implanting of impounded/unclaimed dog (if not already chipped)		At cost
Out of hours release fee ***	Original owner	\$277.00*

NOTE: ** Refundable if returned within two (2) weeks.

ALL FEES MUST BE PAID IN FULL PRIOR TO RELEASE OF ANY DOG

Kennel Licence

Kennel licence application fee	More than 2 dogs or 4 working dogs	\$77.50*
Kennel licence renewal fee (Applies to working and non-working dogs)		\$55.00*

Miscellaneous

Replacement Registration Tag		\$5.50*
Dangerous Dog	Collar	\$28.00
	Sign	Cost Price
Dog Waste Bags	Roll	\$17.00

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 report provides summary detail relating to Asset Maintenance, Weed Control, Waste Management, Capital Project updates and other general activity for the reporting period March 2023.

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.
Town & Parks	<ul style="list-style-type: none"> Mowing/ground maintenance. Garden/tree maintenance and weeding. Footpath maintenance and repairs. Boat Ramp – monthly inspections and cleaning undertaken. Level 1 footpath inspections completed. Routine playground inspections completed and ongoing.
Roads	<ul style="list-style-type: none"> Sealed road patching – all areas. Stormwater system pit cleaning and pipe unblocking. Flood damage. Kerb cleaning/sweeping where required. Maintenance grading Seymour. Maintenance grading Ansons Bay and North Ansons Roads. Moloneys sealed road condition assessment received and reviewed. Next step is visual assessment for addition to capital works program.
MTB	<ul style="list-style-type: none"> Routine track maintenance. MTB AMP completed, submitted and accepted by audit panel.

Weed Management – Targeted weeds for March 2023	
Stieglitz	· Mirror bush, caper spurge
St Marys	· Pampas, thistles, broadleaf
Binalong Bay	· Blackberry, mirror bush, sweet pittosporum and other weed varieties
St Helens	· Broadleaf: Multiple weed varieties
	Athel pine is a declared weed in Tasmania. The importation, sale and distribution of athel pine are prohibited. A weed of natural and pastoral areas, this weed secretes salt onto its leaves and the leaf litter, which inhibits the growth of other plants. It also competes aggressively for water, lowering the water table and draining waterholes. If you locate athel pine anywhere in Tasmania, or if you find a plant that you think could be athel pine, contact Biosecurity Tasmania on 03 6165 3777 to report this weed.

Waste Management – General Information

General Waste to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2022/23 (T)	194	243	226	206	250	262	388	197	TBA				1,966
2021/22 (T)	237	238	249	269	250	290	317	224	272	245	211	216	3,018

Kerbside Recyclables Collection – JJ's Waste service													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2022/23 (T)	53	56	66	64	67	65	81	63	TBA				515
2021/22 (T)	48	53	52	53	52	70	73	60	53	60	55	68	687

St Helens Inert Landfill

Building & Demolition Material													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	YTD
Received (T)	13	14	6	6	7	8	7	4	TBA				65
Recovered (T)	0	0	0	0	6	0	0	0	TBA				6
Landfilled (T)	0	0	27	0	0	0	28	4	TBA				59

Green Waste

Single and double shredded mulch is available for purchase at St Helens Waste Transfer Station. It is available between 10am and 4pm daily. Waste Transfer operators will load mulch for buyers.

CAPITAL WORKS

Activity	Update
Bridge 1605 replacement – St Columbia Falls Road	Scheduled replacement post Easter.
Bridge 2293 replacement – Cecilia Street, St Helens	Contract awarded. Scheduled replacement in May 2023.
Road resealing program 2022/2023	Work in progress.
Unsealed road resheeting program 2022/2023	Work in progress.
Young Street Footpath	Work in progress, minor delay due to availability of asphaltting contractor.
Mt Paris Dam Road – William Street urban area sealing	In progress.
North Ansons Road	In progress.
Cecilia Streetscape project	Site works scheduled to commence week of 17 April 2023.
St Helens Point Road	Pavement works and resealing between Cunningham and Talbot Street junction commencing week of 17 April 2023.
Freshwater Court, Beaumaris - drainage work	Commencing after Easter.

FLOOD DAMAGED ROADS EX OCTOBER 2022 RAINFALL EVENTS

Repair to damaged road infrastructure has commenced.

Completed works:

- O’Connors Beach Pathway
- Banticks Creek Road
- St Columba Falls Road – landslips 1 and 2
- Tim’s Creek Road
- Tyne Road
- Davis Gully Road – landslip
- Irishtown Road
- Germantown Road
- Gardeners Creek Road
- Dublintown Road
- Lohreys Road

In progress at 4 April 2023:

- Forest Lodge Road near intake bridge – landslip stabilisation work

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

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

Dog Control - Activity Summary ¹ : 10th March to 5th April, 2023															Reporting Period Total	2022-2023 YTD
Category/Area	Ansons Bay	Binalong Bay, The Gardens	Cornwall	Fingal, Manganna	Falmouth	Four Mile Ck	Upper Esk, Mathinn, Evercreech	Beaumaris	Scamander	Seymour, Denison	Parnella, Stieglitz, Alkarora	Goshen Pyengana, Weldborough	St Helens	St Marys		
Dog - Attack on a person (Serious)									1						1	2
Dog - Attack on another animal (Serious)															0	5
Dog - Attack/Harassment - on another animal (Minor)															0	0
Dog - Attack/Harassment on a person (Minor)															0	3
Dog - Declared Dangerous															0	4
Dog - Dangerous Dogs Euthanised															0	3
Dog - Barking				1				1	1				2	1	6	39
Dog - Chasing a person															0	1
Dog - Impounded															0	10
Dog - in Prohibited Area															0	0
Dog - Lost Dogs Reported		1													1	3
Dog - Rehomed/kennel for rehoming																0
Dog - Wandering/at large						1			1				1	2	5	34
Verbal Warnings given to dog owners						1								1	2	34
Notice Issued - Unregistered Dog							5						1	1	7	30
Notice Issued - Bark Abatement Notice																0
Notice Issued - Caution Notice																10
Notice Issued - Infringement Notice														1	1	12
Infringement Notice - Disputes																0
Infringement Notice - Time Extension Request																0
Infringement Notice - Revoked		1													1	4
Written Letter - Various matters to Dog owners.		1					1			2			2	1	7	30
Patrols - Township/Urban Areas									1				3	2	6	91

Category/Area	Ansons Bay Binalong Bay, The Gardens	Cornwall Fingal, Manganna	Falmouth	Four Mile Ck	Upper Esk, Mathinn, Evercreech	Beaumaris	Scamander	Seymour, Denison	Parnella, Stieglitz, Alkara	Goshen Pyengana, Weldboroug	St Helens	St Marys		
Patrols - Beaches/Foreshore			1	2		2	2				3		10	107
Unregistered Dog - Notice to Register														0
Kennel Licence - No licence held					1								1	3
Kennel Licence - Issued														1
Other - Cat complaints														1
Other - Livestock														0
Other - Poultry														3
Other - Animal Welfare, RSPCA intervention						1					1		2	11
TOTAL		3	1	1	4	7	4	6	2		13	9	50	442

Dogs Registered 2022-2023 YTD	1,497
Pending Dog Registrations 2022-2023	7

Notes:
 Infringement Notices revoked 2022-2023YTD include infringement notices issued in the previous financial year 2021-2022 and revoked in the current financial year.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	002\024\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Policy – AM20 Water Refill Station Policy

OFFICER’S RECOMMENDATION:

The Policy AM20 Water Refill Station Policy, be accepted with minor amendment.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Adopted 16 March 2020 – Minute No 03/20.13.3.42

OFFICER’S REPORT:

This Policy was adopted in March 2020 and is therefore due for revision.

Minor amendments have been recommended to the policy.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027 (reviewed March 2022)

Goal

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

Strategy

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

LEGISLATION & POLICIES:

As identified in the policy.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.

**POLICY NO AM20
WATER REFILL STATION POLICY**

DEPARTMENT:	Infrastructure Services
RESPONSIBLE OFFICER:	Manager Infrastructure & Development Services
LINK TO STRATEGIC PLAN:	Adopt environmental sustainability principles in undertaking Council activities
STATUTORY AUTHORITY:	Local Government Act 1993
OBJECTIVE:	To provide potable Water Refill Stations in high demand public places within the Break O'Day Municipality to help reduce the environmental impact of drinking bottled water and the number of plastic bottles going to landfill.
POLICY INFORMATION:	Adopted 16 March 2020 – Minute No 03/20.13.3.42

POLICY

1. RESPONSIBILITIES

The Manager Infrastructure & Development Services is responsible for the implementation of this policy.

2. INTRODUCTION

Council recognise the negative impact that discarded plastic bottles have on the environment and natural resources; and the benefits in avoiding the generation of waste from single use, disposable packaging, such as from bottled water.

Bottled water consumes in its production and distribution resources and energy. The impact of 'end of use' litter and plastic pollution affecting natural waterways and the ocean is well documented.

To reduce the environmental impact of discarded water bottles Council is seeking to provide readily available and alternative source of potable drinking water, through the strategic placement of Water Refill Stations in high demand locations within the Break O'Day Area.

Under this policy, Council will assess all requests for the installation of Water Refill Stations against the following criterion.

1. Proposed Installation Site
2. Compliance with relevant legislation, standards and best practice positioning guidelines.
3. Public safety and accessibility.
4. Availability to connect to potable water supplies.
5. Materials of Construction.
6. Asset Life-cycle cost.

3. POLICY APPLICATION

Council will only consider installing a Water Refill Station that demonstrates an installation will meet or exceed the policy objective and criterion.

4. CRITERION

4.1 Proposed Installation Site

To promote the use of Water Refill Stations, stations will only be considered where a proposed installation is in a prominent area and is not obscured by the surroundings.

Appropriate sites are:

- high pedestrian traffic areas, such as town shopping precincts and high use playgrounds.
- open spaces where there are opportunities to do physical activity.
- open spaces where there are planned BBQ facilities and picnic tables.

The limitation on the number of units for any one prominent area is one refill station.

Water Refill Stations have high asset life cycle costs. Giving consideration to an installation does not mean that an installation will be approved.

Council will consider only two types of stations:

- Full stations in shopping precinct areas.
- Where installed adjacent to a toilet block, park or reserve a suitable spring loaded or push tap set up and which may incorporate a dog bowl in the set up.

4.2 Public Safety & Access

Water Refill Stations shall be designed for public safety and access and inclusion (AS 1428) that give consideration to Site Location, Site Set-out, Safety & Hygiene and drainage/soakage trench requirements.

4.3 Potable Water Supply

Water Refill Stations shall only be connected to existing reticulated potable town water supplies.

Where the quality of a town water supply has variable water clarity, odour, temperature, and/or taste, water filtration may be required.

4.4 Materials of Construction

Water Refill Stations shall be constructed from materials that are resistant to vandalism and corrosion (coastal climate) and which can be cleaned with ease. Stations by design shall be durable with a useful operational life of 15 to 20 years.



4.5 Asset Life Cycle Cost

A whole of life cycle cost analysis shall be prepared for each proposed Water Refill Station installation and provided to the Council.

5. MONITORING & REVIEW

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

04/23.15.0 COMMUNITY DEVELOPMENT

04/23.15.1 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:

Council Community Grants/Sponsorship 2022-2023:

Council Community Grants/Sponsorship	2022-23
Community Services	
Community Grants	30,000
Youth Services	8,000
Misc Donations & Events	7,500
School Prizes	1,000
Council Sponsorship	
Funding for BEC Directory	2,000
St Helens Marine Rescue	3,000
Suicide Prevention Golf Day	1,000
BEC	28,000

Community Event Funding	
Seniors Day	3,000
Australia Day Event	5,000
Swimcart	1,000
St Helens Athletic Carnival	2,500
Carols by Candlelight	1,600
January event including Wood chopping	15,000
Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride -	500
Game Fishing	2,000
Marketing Greater Esk Tourism	2,500
Volunteer Week	2,500
Bay of Fires Winter Arts Festival	14,000
St Marys Community Car & Bike show	2,000
East Coast Masters Golf Tournament	2,000
Triathlon	2,000
World Supermodel	1,000
Mental Health Week	500
International Disability Day Event	1,000

Updates on current projects being managed by Community Services:

Pump Track Project

The St Helens pumptrack is currently in the consultation phase and we have now surveyed students at both the local schools. We have left hard copies of the surveys at the schools as well as flyers linking to the online survey. Staff at the school will let us know when these are ready to be collected and then we will manually entered this data into the online survey so we can collate all feedback together.

The Flagstaff pumptrack is now awaiting the development of tender documents and a brief has been developed as part of this process based on the input of the working group.

Mangana Telecommunications Small Cell

Community Services and our Communication Co-ordinator met with local Mangana residents on Saturday 1st April at the proposed location, to give them more information about the Telecommunications Small Cell planned for Mangana and to hear from them about the project. Local residents were invited via a letter from Council. About 16 people came along to find out more. Most were supportive of the proposal, About 3 people are concerned about either the visual impact or the technology itself. A development application is pending from Telstra. Council will follow up on some queries that were raised at this meeting and report back to residents with a letter.

Community Grant Program 2022 – 2023

Council at their meeting in March, 2023, awarded community groups funding for community projects. The St Helens Online Centre were not successful in receiving the full amount that they requested and therefore did not accept any funding from Council under this program.

Community Events/Activities

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

- Council hosted a Volunteer Meet ‘n Greet on Thursday 16 March on St Helens foreshore 11am-1pm that attracted 16 volunteer groups and about 50 people. The get together is a small step towards actioning strategic goals in the Community Volunteering Strategy. There is updated volunteering information on Council’s website including promotional postcards about volunteering opportunities. Some groups took new enquiries about volunteering from volunteers in other groups, but no new volunteers from the general public took part. Feedback includes hosting future activities closer to the centre of town.

Some great new connections among groups were fostered. Photos and quotes from volunteers were captured on the day. Planning is underway for National Volunteer Week that will include a social media campaign using some of the fantastic photos taken at the event in March.

- Psychs on Bikes partnered with the Royal Flying Doctors Service (RFDS) to offer free health checks and promote good mental health on the St Helens foreshore on Thursday 16 March 2-4pm.
- The 2023 Festival of Wellbeing will be held on Saturday 14 October. This year’s event will rely on project funds but will require allocation of council funding to sustain this in an ongoing way.
- Dragon Trail MTB event brought over 200 riders for the 2023 event on 16-18 March. 10% of these riders were from overseas and another 50% were from the mainland, with the remainder Tasmania, but outside of Break O’Day Municipality.

April 2023

8-9 – Pyengana Easter Carnival – Pyengana Recreation Grounds

6-9 – Break O’Day Stitchers – Portland Hall

25 – Anzac Service – Portland Hall

25 – Hospital Auxiliary Luncheon – Portland Hall

25 – Anzac Service – St Marys Hall

May 2023

7 - Youth Week Event – Scooter Jam @ St Marys

28 – Diabetes Tasmania – Portland Hall

Learner Driver Mentor Program

A Get into Gear drop-in session was held this month, with no volunteers dropping in at all, but the Program Coordinator and Garry from Driving Mentor Tasmania visited some places around town and generated some interest and hopefully some new mentors.

On Road Hours: 10

Learners in the car: 1

Learners on waiting list: 7

Mentors: 3

Community Wellbeing Project

The Festival of Wellbeing did not win the Excellent Event, Super Spirit Business Award. Two community members attended the Awards Dinner with the Project Officer.

A variation request has been submitted to the Tasmanian Community Fund and in principle agreement has been granted. This year's Wellbeing Certificate will be a shorter, primarily face-to-face program, to improve accessibility and inclusivity. The program will be supported by a curated website with the aim to create and seek local content to enrich the content from the program.

Youth Report

Live 4 Life

Community Services met with the Youth Collective of North East Coast Tasmania (YCNECT), Fingal Valley Neighbourhood House and representatives from the Live4life program to discuss the first steps for this program to provide mental health first aid training to young people and their support networks. Break O'Day is very fortunate to be selected as a location for this program founded in Victoria that is seeking to extend nationally. Break O'Day Council is partnering with the Fingal Valley Neighbourhood House, St Helens and St Marys District High School and the Youth Collective of North East Coast Tasmania for the next three years to run this project.

The Illuminate Challenge was a great opportunity for the Year 10 students at St Helens District School - coming to St Marys District School in September. Students build their entrepreneurial skills by developing a business case for opportunities or needs they identify that are important to our community. St Helens worked on tourism themes.

Council has received \$1000 from The Tasmanian Government for a Youth Week event in partnership with Youth Collective of North East Coast Tasmania (YCNECT). Council will organise and host the Scooter Jam in St Marys on Sunday 7 May. YCNECT will organise and host workshops leading up to the day that will connect with activities on the day.

Council will be reviewing and rewriting a Youth Strategy with young people in our community. This will take time and first steps are to be involved in the other youth activities mentioned to develop strong relationships with those working in the youth space. An authentic and meaningful way to capture youth voice is part of the planning.

Council co-hosted a Youth Network Meeting on 27 March. It is expected that this network of youth services and groups will play an important role in the Live4Life partnership.

Health and Wellbeing

Community Services attended a workshop for rural councils hosted by Local Government Association Tasmania and Tasmanian Health Service hosted the Wellbeing Network event in Oatlands on Wed 29 March. The session is to nurture a wellbeing network among local councils and to help each council work on their wellbeing planning activity. Each council will receive \$20,000 (Lift Local Grant) to support the planning process. Community Services are working on a proposal to write a planning document for Hub4Health, co-designed with community.

18 members of the network of health and wellbeing service providers and groups met on Monday 27 March. We heard updates about everyone's programs and activities. The autumn edition of our e-news is out in April. We are exploring hosting the next quarterly meeting in June somewhere outside of St Helens.

Council has received \$2000 from the Tasmanian Government for a Neighbour Day grant. The grant funds will be used to purchase promotional branded 'Cup of Kindness' Keep Cups and Ceramic Cups and to host two morning/afternoon teas in June. The project includes a social media campaign to gently prompt people to join in the fun of sharing a cup of something with a neighbour, or acquaintance. The Cup of Kindness Campaign will be slow and steady.

Access and Inclusion

Council continues to advocate for and consider how access and inclusion can be a lens across all work areas. Community Services are including access and inclusion considerations in activities and events that we design and host. This includes setting a welcoming inclusive tone including promotional design considerations, facilities choice and risk management considerations. One example - gender specific language being removed from the registration process for youth week activities.

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	011\002\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

1. That Council seek a quote from Reconciliation Tasmania to develop a Reconciliation Action Plan for the Break O'Day Municipality.
2. That the cost of developing a Reconciliation Plan be included in the 2023 – 2024 Budget.

INTRODUCTION:

Reconciliation Tasmania seeks to assist the many Tasmanians seeking truth and reconciliation in order to make our State more welcoming and informed for all.

PREVIOUS COUNCIL CONSIDERATION:

N/A

OFFICER'S REPORT:

Some background in relation to Reconciliation Tasmania (RT) - are a not for profit organisation which has been established to provide a safe and friendly place where the aim is to build relationships, respect and trust between Aboriginal and non-Aboriginal Tasmanians:

- RT was launched in Tasmania on 9 August 2017 by the Premier and Governor in front of more than 700 Tasmanians who gave up their lunch hours to attend.
- RT now has over 300 members located statewide operating out of regional groups in the North, North-West and South.
- RT is a registered 'not for profit' company limited by guarantee with a Board of 12 comprised of six Aboriginal and six non-Aboriginal Directors drawn equally from the three regional groups.
- RT is working to create a safe and open environment in which all Tasmanians can come together in a spirit of friendship and truth.
- RT is wholly neutral and independent with no ties to any political, religious or Aboriginal group but in dialogue with all.

Reconciliation Tasmania work with organisations to develop a Reconciliation Action Plan, which is a framework to support organisations to achieve positive reconciliation outcomes. The plan may address but not limited to the following:

Relationships

Building relationships between Aboriginal and Torres Strait Islander peoples, communities, organisations and the broader Tasmanian community.

Respect

Fostering and embedding respect for the world's longest surviving cultures and communities.

Opportunities

Develop opportunities within Tasmanian organisations or services to improve socio-economic outcomes for Aboriginal and Torres Strait Islander peoples and communities.

Work to Date:

Council made a decision in 2019 to develop a Reconciliation Action Plan (RAP) – Staff sought a quote to work with Reconciliation Tasmania - \$15,050 - Council did not approve the funding for this project by Reconciliation Tasmania but Council did support Council staff developing the document with the community. In the early stages, we identified that we may face challenges ensuring that we worked with all representatives and then COVID struck.

A Council officer attended a session run by LGAT in November 2021 facilitated by Reconciliation Tasmania. The topics discussed at this session were:

- The history of reconciliation in Australia from the Bridge Walks to today.
- First Nations representatives shared their perspectives on the reconciliation process and the role of local government as leaders.
- The five pillars of reconciliation and what they mean in our workplaces and community.
- What is a Reconciliation Action Plan, why 'do reconciliation' and the potential benefits emerging from RAP commitments.
- Case studies of several regional councils currently undertaking RAPs in Tasmania – George Town and Huon Valley Council.
- Perspectives from First Nations communities in Tasmania regarding the process in developing RAPs and strategies in consulting with the Aboriginal community.

Council has adopted a Key Focus Area of Access and Inclusion as a lens to conduct work and advocate for broader systemic, structural and social changes towards a fair and equitable Break O'Day as a first step towards developing a RAP. We believe this KFA is an important lens that can embrace reconciliation, cultural diversity, disability access and social disadvantage action areas, and that it is a critical first step towards providing the structural frame for us to conduct this important work. However, this work must be enacted authentically and this takes skills, resources and time. Reconciliation is a two-way process built on trust and long-term relationships. We must commit to authentically walking together with our Aboriginal Community.

Currently we do not have the staff resources to undertake this project; therefore, we are seeking Council's support to engage Reconciliation Tasmania to undertake the project with Council staff assistance.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategies

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

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The cost of this project to be incorporated into the 2023-2024 Budget.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes - Community Services
FILE REFERENCE	002\024\004\
ASSOCIATED REPORTS AND DOCUMENTS	Policy No CB07

OFFICER'S RECOMMENDATION:

That Council nominate three Councillors to work with Community Services staff to review Policy CB07 – Section 2 – Hirer Categories & Concessions.

INTRODUCTION:

Council recently received two requests to waive all fees for the hire of the St Marys Hall for a trial period of three months for a new activity.

PREVIOUS COUNCIL CONSIDERATION:

N/A

OFFICER'S REPORT:

Council's current policy reflects four categories where organisations are able to apply for a reduced hire fee.

Below is an explanation of the categories and who is able to apply.

HIRER CATEGORIES & CONCESSIONS

The categorisation of hirers allows Council to accommodate to a diversity of community needs and interests within Council venues, and provides a transparent and accountable mechanism for determining the rate at which hirers are charged. Hirers will be categorised according to:

- The purpose for which the Council facility is being hired; and
- The demonstrated capacity of the hirer to pay.

There are four (4) Hirer Categories:

- Category A Commercial – full fee paying;
- Category B Community Business – 25% discount on hire fees;
- Category C Community Interest Group – 50% discount on hire fees;
- Category D Full Concession – 100% discount on hire fees.

To be eligible to receive a concession under Categories B, C or D, hirers must complete and submit a Concession Application Form and supply their organisation's most recent audited financial statement.

Organisations that are determined by Council to have reasonable access to funds (e.g., substantial funds in reserve or access to funds through grants etc.) will not be eligible for a concession. Alternatively, these organisations may be awarded a lesser rate reduction than they originally sought.

When an organisation is in receipt of any concession (Category B and C) on the full cost of the hire of a Council facility, they are considered by Council to be in receipt of a donation/subsidy. An organisation will need to declare this donation/subsidy if they apply to Council for funding under the Community Grant scheme.

Council has adopted an administration fee that cannot be waived under any circumstances, including the categories and processes identified in this Policy. Neither the administration fee, or other hire charges apply to Memorial Services (e.g. Anzac Day Services) – refundable bonds still apply.

Council, when considering a request for a full fee waiver for a trial period of three months for a new project, requested that a review of this policy be undertaken and a fifth category be considered as part of the review. This agenda item supports the request but is seeking Councillors to be part of the review process of Policy CB07.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategies

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

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There is no cost to Council at this stage of the review but if another category – full fee waiver – these costs will be incurred by Council e.g., power and cleaning.

VOTING REQUIREMENTS:

Simple Majority.

**POLICY NO CB07
COMMUNITY FACILITY HIRE POLICY
EXCLUDES INDOOR MULTI-PURPOSE FACILITY**

DEPARTMENT:	Community Services
RESPONSIBLE OFFICER:	Manager Community Services
LINK TO STRATEGIC PLAN:	Build capacity to improve community spirit and enhance a sense of wellbeing
STATUTORY AUTHORITY:	N/A
OBJECTIVE:	<ul style="list-style-type: none"> • To ensure that there is flexibility and an opportunity for all community members as individuals, groups and/or organisations to be able to access Council facilities for a mix of welfare, social, cultural, recreational and community functions, activities and services. • To ensure that fees and charges for hire of Council community facilities meet principles of social justice, equity and value for money. • To ensure the application of fees and charges demonstrates Council's commitment to a fair, accountable and transparent process. • To ensure that there is a clear process and criteria in place for the consideration of applications for fee reduction or fee waiver for the hire of Council facilities.
POLICY INFORMATION:	Adopted 16 July 2012 – Minute No 07/12.13.7.190 Amended 23 April 2014 – Minute No 04/14.13.8.101 Amended 17 August, 2015 – Minute No 08/15.13.3.226 Amended 17 January 2022 – Minute No 01/22.15.2.10.

POLICY

1. INTRODUCTION

Council owns and maintains a number of venues, facilities and meeting rooms which are available for hire for commercial, community or private purposes. Some of the uses include (but are not limited to) seminars, meetings, concerts, conferences, product launches, conventions, tuition classes, live theatre and musical presentations. Council needs to generate income from letting these venues for periodic use to cover such costs as cleaning and power, but also seeks to facilitate good community access to amenities and services for groups that support people with special needs. Council achieves this by establishing affordable fees and charges for the use of its assets by specific types of groups such as registered, not for profit groups, charities and individuals; those whose circumstances are severely limited by the disability of their members; groups who have limited capacity to general income; groups that deliver a community development or support activity, or those that target disadvantaged people.

This policy provides guidelines for staff and potential hirers to assess the grounds for Council awarding concessional hire to applicants, and establishes common guidelines for the use of Council facilities. It takes into account the relationship of the hirer to Council, the local orientation or



membership of the hirer, the purpose of the hire and the overall benefit to the entire community of the particular use of Council's amenities.

FACILITIES

This policy applies to all Council owned community venues currently available for periodic hire. It does not apply to properties that are leased from Council, and for which contractual lease agreements have been established.

2. HIRER CATEGORIES & CONCESSIONS

The categorisation of hirers allows Council to accommodate a diversity of community needs and interests within Council venues, and provides a transparent and accountable mechanism for determining the rate at which hirers are charged. Hirers will be categorised according to:

- The purpose for which the Council facility is being hired, and
- The demonstrated capacity of the hirer to pay

There are four (4) Hirer Categories:

- (a) Category A Commercial – full fee paying;
- (b) Category B Community Business – 25% discount on hire fees;
- (c) Category C Community Interest Group – 50% discount on hire fees;
- (d) Category D Full Concession – 100% discount on hire fees.

To be eligible to receive a concession under Categories B, C or D, hirers must complete and submit a Concession Application Form and supply their organisation's most recent audited financial statement.

Organisations which are determined by Council to have reasonable access to funds (eg, substantial funds in reserve or access to funds through grants etc) will not be eligible for a concession. Alternatively these organisations may be awarded a lesser rate reduction than they originally sought.

When an organisation is in receipt of any concession (Category B and C) on the full cost of the hire of a Council facility, they are considered by Council to be in receipt of a donation/subsidy. An organisation will need to declare this donation/subsidy if they apply to Council for funding under the Community Grant scheme.

Council has adopted an administration fee which cannot be waived under any circumstances, including the categories and processes identified in this Policy. Neither the administration fee, or other hire charges apply to Memorial Services (eg, Anzac Day Services) – refundable bonds still apply.

3. OVERVIEW OF HIRER CATEGORIES & HIRERS RECEIVING SPECIAL DISPENSATION

To be eligible for any of the concession categories, hirers must match the criteria below and provide supporting documentation (for example, audited financial statements).

If you are possibly eligible for an exemption under Category B and C you will need to apply through the Community Grant Scheme. Council runs a 2 tier Community Grant Scheme.



- Tier 1 Continued funding for small infrastructure projects and programs; and
- Tier 2 Provides potential funding for facility fee waivers – up to a maximum of 50%.

There will be two rounds of funding per annum. Please check Council's website and Newsletters produced on a monthly basis for news of when these grants are open.

a) Category A – Commercial, Business, Political & Private Hirers

Full fees are applicable to this category. Commercial, political groups and private hirers are not able to apply for a concession for venue hire.

Types of Use – Private and family functions, trade fairs, product launches, meetings of registered political groups/parties, conventions and all income generating activities for personal or corporate profit.

Examples of hirers likely to be located within this category are: State and Federal Government agencies (excluding primary and secondary schools), registered political parties/groups, private businesses, business owners and corporations.

b) Category B – Community Services & Small Businesses – eligible for a 25% concession on the full commercial rate

This category applies to the activities of healthy lifestyle and community education organisations or businesses, and community service/welfare agencies that have the capacity to raise funds and/or apply for operational funding from one or a combination of Local, State or Federal government grants programs.

This includes community service providers (funded), other local government agencies, incorporated community groups (funded) education/leisure/lifestyle organisations (that charge fees), revenue raising activities (eg. ticket sales at concerts), exhibitions, seminars and community service conferences and meetings eg. karate, yoga, dancing classes

c) Category C – Community Interest Groups – eligible for a 50% concession on the full commercial rate

This category applies to; the activities of groups/organisations that do not receive State or Federal funding but raise funds from other sources including membership, sponsorship, project-focused grant funding and/or Council funding.

Examples of groups that might be located within this category are: not for profit playgroups and child-focused early intervention groups, religious/spiritual groups or church-based/place of worship organisations, schools, registered charities, clubs/leisure/education/amateur sporting/lifestyle activities (run by volunteers or with volunteer labour), incorporated organisations, not for profit community groups (limited funding), and Council operated services and activities.

d) Category D – Full Concession – eligible for 100% concession on the full commercial rate (ie. free venue hire)

This category applies to groups/organisations that fall outside categories B and C. Any group/organisation applying for Category D must provide evidence of their exceptional circumstances. Fundraising events for fire and flood events are examples of Category D.

All applications for full concession require Council approval.



Guidelines for assessing requests for a concession

Each concession request will be assessed individually following common criteria:

- a) The applicant meets the criteria for Category B and C
- b) The necessary documentation and financial information (eg, latest Audited Financial Statement, Certificate of Insurance) has been provided and supports the request
- c) The activity/event/function has a primary focus on the Break O'Day Municipality
- d) The proposal improves community access to an activity or service
- e) The applicant has demonstrated that they will not profit from usage
- f) The applicant has demonstrated they are unable to meet the full cost and/or that the costs of usage cannot be recovered from participants
- g) The application has demonstrated that the function or activity will not be viable without a subsidy
- h) The event/activity is being held to support a charity organisation, to raise money for a charitable cause or to support an individual or family in crisis.

4. MONITORING AND REVIEW

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

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	018\019\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER’S RECOMMENDATION:

1. That Council provide \$500 to assist the Suncoast Pony and Riding Club with their event, which is being held on 20 May, 2023.
2. If this is to become an annual event, that Council include the sum of \$500 in any future budgets for this event as Council sponsorship.

INTRODUCTION:

Council has received a written request to assist the Suncoast Pony and Riding Club with funding to help them with their event.

PREVIOUS COUNCIL CONSIDERATION:

N/A

OFFICER’S REPORT:

The Suncoast Pony and Riding Club are holding an event on Saturday 20 May, 2023. The Club are expecting a number of riders to participate in this event, coming from all areas of the State.

The Club have limited funds and are seeking sponsorship funds from local organisations. The Suncoast Pony and Riding Club are seeking \$500 from Council which will assist with prizes for this event.

If they are successful in receiving a grant from Break O’Day Council, we will be named as a sponsor for the event.

STRATEGIC LAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There are budget implications to Council, as this request was not considered as part of the 2022-23 budget.

VOTING REQUIREMENTS:

Absolute Majority.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft St Marys Township Plan

OFFICER’S RECOMMENDATION:

That Council receive the St Marys Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Marys community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the St Marys community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first St Marys Township Plan in March, 2019.

OFFICER’S REPORT:

A drop in session with St Marys residents was held on Wednesday 11 May, 2022 where issues/projects were discussed with Council staff in attendance.

Headings to start the conversations were identified:

- Infrastructure;
- Environment; and
- Other issues

Those members of the community who were in attendance were asked how they as members of the community could work with Council to develop projects. Some of the issues that were listed by members of the community who were in attendance were a rail trail between St Marys and Fingal, a footpath to the St Marys Community Health Centre, more deciduous trees to be planted within St Marys township and to identify areas that could be developed for Aged Care units.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members to complete who were unable to attend the Drop-in session.

From the completed surveys and drop in session, all comments were reviewed by relevant staff and actions/comments were provided and all this information fed into the attached township plan.

Reporting against the identified actions will occur twice a year and an updated action list will be provided on Council's website and forwarded to those that have provided Council with contact details.

The St Marys Township Plan has a term of three years.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding this has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.



St Marys Township Plan

2022 - 2025



Version 1 – December, 2022

from the **mountains** to the **sea** | www.bodc.tas.gov.au

Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plans were developed in July, 2019.

This second edition of the St Marys Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the St Marys community through a “drop in session” and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

St Marys – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The St Marys Community most values community connection and the area's unique natural environment.*

Community Legacy: *The community would like to see St Marys township and community become more vibrant. This would be done by fostering the arts and culture scene as well as developing community and tourism facilities.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the St Marys community engagement activities was the need for maintenance works to be done on street infrastructure.

Themes include:

- Development of trails
- More community events to be organised; and
- Investigate spaces for community art and youth spaces.

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 St Marys Township Plan will focus on:

- **Advocating for more tourism signage and trails;**
- **Investigation of community art and youth spaces; and**
- **More community events to be held in St Marys.**

Action List

Action	Who
1. Advocating for more tourism signage and trails	Community/Council/ECRTO
1.1. Investigate signage options that reflect the community's vision for their area including tourism signage.	
1.2. Lobby for proper trail maintenance – St Patricks Head	Community/Council/PWS
1.3. Investigate the need for a footpath from the cemetery to the township of St Marys	Community/Council
1.4. Work with the community to develop a trail from the Grey Mares trail to connect with Irishtown Road as well as identify other trails around the area	Community/Council
2. Investigation into community art and youth spaces	Council/Community//Education/NGOs
2.1. Work community and local organisations to identify a space which could be used for a community art space	
2.2. Work with the community and local organisations to identify a space which could be used for a youth hub	Council/Community//Education/NGOs
3. More community events	
3.1. Work with community groups eg. BODRA to look at what more events being run in the Valley eg., Winter solstice	Community/Council
4. Community Infrastructure	
4.1. Build a new Columbarium at St Marys Cemetery	Community/Council
4.2. Work with the community to develop a brief for an Arts & Cultural Centre	Community/Council
4.3. Work with community to look at storage issues at the St Marys Hall	Community/Council
4.4. Work with State Government agencies identifying parcels of land that may be suitable for community housing	Council/ State Gov.
5. Maintaining Streetscape	
5.1 Review tree plantings – look at more deciduous trees	Community/Council
5.2 Undertake a parking review eg., 1 hour parking outside businesses	

Reporting back to the Community:

We will report back to you on how we are progressing with these actions twice a year. An updated action list will be posted on Council's website and forwarded to those that are on Council's St Marys Township Email Database. (If you would like to join this database, please email, admin@bodc.tas.gov.au.)

Any feedback on these plans can be sent to admin@bodc.tas.gov.au

The St Marys Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council on XX

DRAFT

Appendix 1

Community Engagement

On Wednesday 11 May, 2022, Council held a “drop in session” at St Marys where Council officers met with community members seeking their feedback on the following issues:

- Infrastructure
- Environment; and
- Other issues

Sixteen community members registered for attending this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O'Day Municipality – 26 of these were from St Marys.

Council heard from a total of 42 St Marys residents.

According to the 2021 Census, St Marys has a population of 738 people.

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years' time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for St Marys are:

Community Vision: *The St Marys Community most values its community connection and the area's unique natural environment.*

Community Legacy *The community would like to see St Marys township and community become more vibrant. This would be done by fostering the arts and culture scene as well as developing community and tourism facilities.*

The above statements were developed from Community feedback as shown over:

Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



“Vibrant, hip, cool coffees... wonderful walking trails making the most of the valley/river, excellent services for aging community and inspiration for young artists with exhibition spaces and creative incentives.” Comment direct from community member.



You can find a full report of all community consultation on our website under **My Community / Community Consultation**.

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Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> St Patricks Head Road – replacement bridge – better access to get to St Patricks Head walk – proper trail maintenance of walk 	Deck has been replaced – other bridge components do not require replacement
<ul style="list-style-type: none"> Tidy up cemetery and grave sites 	There are some limitations that affect our ability to tidy-up old grave sites. Council is open to ideas and what opportunities may be available by agreement with living relatives and within available funding constraints.
<ul style="list-style-type: none"> Safe footpaths cnr near hospital – people walking on the road 	Project in 4 year capital plan to provide improved footpath connectivity – Cameron Street to Hospital
<ul style="list-style-type: none"> More disabled parking in Main Street 	A parking review is currently being undertaken as part of the 2022 – 2023 Annual Plan
<ul style="list-style-type: none"> Work with State Growth and private landowners to remove gorse Remove gorse/wattles on rivers edge – eastern approach to town 	Already occurring, with landholders being supported in and around St Marys and State Growth has been undertaking control works in recent years. This is a good start but unfortunately St Marys is generally a heavily infested area.

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Speed camera at top of Pass on approach to town to enforce 60 kmph limit – slow the trucks down – too fast 	Referred to State Growth – awaiting a response
<ul style="list-style-type: none"> Road crossing for main street 	Currently under investigation
<ul style="list-style-type: none"> Push bike/skateboard/walking paths around St Marys 	The St Marys Community Space was developed to allow for this activity to occur in a safe space. Walking paths have been improved during last few years
<ul style="list-style-type: none"> Improvement and collaboration with St Marys District High School re resurfacing courts (local netball) and improve community access and facility to school pool – community pool 	These facilities are under the control of the Education Department. Council will pass on comments to St Marys School to see if any works are proposed to be undertaken.

<ul style="list-style-type: none"> • St Marys sign at turnoff on Midlands Highway • St Marys sign and Fingal – just like the new Scamander one 	<p>Forward this information to State Growth for their input</p>
<ul style="list-style-type: none"> • Rail trail between St Marys and Fingal for local mental and physical health – walk/bike friendly with points of interest along its route – this would attract visitors who seek rail trails there is a huge network in Victoria • Offer more bike/walking trails 	<p>This project was identified through the Recreational Trails Strategy – Council to look at this as a project in line with recommendations from community input</p>
<ul style="list-style-type: none"> • Air and noise pollution from drivers ignoring speed limits at the top of St Marys Pass on approach to the town – suggestions: Speed camera – lowering speed limit 	<p>Referred to State Growth and awaiting response</p>
<ul style="list-style-type: none"> • Lower speed limits on unsealed roads and outside shopping centres – safer for wildlife, walkers, bike riders, general road users 	<p>Default State speed limit is 80 kmph on rural unsealed roads, road standards apply in the determination of differing speed limits and specific criterion needs to be met before a request to change the speed limit is made by the Transport Commissioner – Council refers to the standards when any new proposal is made for a speed limit change – same approach applies to urban or shopping precinct areas</p>
<ul style="list-style-type: none"> • Wildlife animal deterrents on high road kill areas – Gray Road/St Marys Pass/Esk Main Road • Green animal scarer poles that are along some roads – sound barrier poles 	<p>Make request to State Growth that they consider available technology for these roads</p>
<ul style="list-style-type: none"> • Reduce stray cats 	<p>Recent cat management legislation changes give landholders, cat owners and Council new opportunities. Council has started cat management activities in conjunction with a regional program and the suggestion of a significant stray and roaming cat population in St Marys is noted.</p>
<ul style="list-style-type: none"> • Off lead dog area • Better control of dogs – kept on lead – stop them roaming 	<p>Fencing of the designated area at the Sports Grounds are scheduled for September 2022. The Break O'Day Council Dog Management Policy is due for review in 2023, when the community can suggest and comment on additional alternatives.</p>

<ul style="list-style-type: none"> • Climbing wall at new gym 	The significant cost implication, space requirement and inflexible nature of a climbing installation does not align with the program of the building and won't be part of the project.
<ul style="list-style-type: none"> • Affordable access to use the Hall – free to community groups 	Currently the Council Policy does not allow for free use of community facilities unless it falls under the specific category D
<ul style="list-style-type: none"> • St Marys Pool – can it be operated all year round – need improvements to toilets to meet community needs – suggest Department of Education/Health/Council collaborate Access to a heated pool 	This feedback will be forwarded to St Marys District High School.
<ul style="list-style-type: none"> • Hard waste collection annually 	Project to be costed and considered by Council
<ul style="list-style-type: none"> • Funding for a youth engagement project and worker to support delivery 	St Helens Neighbourhood House have secured funded to support youth in our municipality and to employ youth workers
<ul style="list-style-type: none"> • Newsletter item – dog poo on nature strips – people need to pick up – more dog poo dispensers are needed 	Council to promote – people to pick up after their dogs in their monthly newsletters
<ul style="list-style-type: none"> • Improved sports centre/facilities potentially including relocating the tennis club to a proper country sports complex • Improved facilities for outdoor spaces and maintain facilities to a higher level 	There would be significant cost in removing the current infrastructure and rebuilding same
<ul style="list-style-type: none"> • Better planning policies to control clearing and illegal buildings 	The Break O'Day Interim Planning Scheme 2013 provides for exemptions in relation to vegetation clearing. These can be viewed in Table 5.4 of the Scheme. These exemptions generally relate to fire hazard management, safety, and maintenance of infrastructure and fencing among other things. Once Council is aware of illegal construction of buildings and structures, we are able to take necessary action through regulatory processes.
<ul style="list-style-type: none"> • Aged care units at rear of St Marys Community Hospital – car park area • Identify more land for units in town area – Retirement units 	Needs to be discussions with owner of the land, the State Government

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Ansons Bay Township Plan

OFFICER’S RECOMMENDATION:

That Council receive the Ansons Bay Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Ansons Bay community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Ansons Bay community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first Ansons Bay Township Plan in August, 2018.

OFFICER’S REPORT:

A drop in session with Ansons Bay residents was held on Saturday 2 April, 2022 where issues/projects were discussed with Council staff in attendance.

Headings to start the conversations were identified:

- Infrastructure;
- Environment; and
- Other issues

Those members of the community who were in attendance were asked how they as members of the community could work with Council to develop projects. Some of the issues that were listed by members of the community who were in attendance were to develop a strategic plan for their community, to work with the community to look at additional infrastructure to support the visiting tourists, for example – tourist information and to work with the Parks and Wildlife Service to address the community’s concerns re emergency access to and from Shark Bay if there is an emergency event.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members to complete who were unable to attend the Drop-in session.

From the completed surveys and drop in session, all comments were reviewed by relevant staff and actions/comments were provided and all this information fed into the attached township plan.

Reporting against the identified actions will occur twice a year and an updated action list will be provided on Council's website and forwarded to those that have provided Council with contact details.

The Ansons Bay Township Plan has a term of three years..

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding this has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.



Ansons Bay Township Plan

2022 - 2025



Version 1 – December 2022

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Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plans were developed in August, 2018.

This second edition of the Ansons Bay Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the Ansons Bay community through a “drop in session” and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

Ansons Bay – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The Ansons Bay Community most values their connection to the natural environment, each other, their remoteness and the peace and quiet their township provides.*

Community Legacy: *The community would largely like Ansons Bay to remain untouched. They are happy for minimal development in the form of community facilities that increase the residents way of life for example beach access and bbq.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the Ansons Bay community engagement activities was the need for maintenance works to be done on street infrastructure.

Themes include:

- Upgrade community and tourist infrastructure;
- Develop a Strategic document looking at a number of issues; and
- Work with community to address the issue of weeds.

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 Ansons Bay Township Plan will focus on:

- **Community infrastructure upgrades and maintenance;**
- **Work with community to manage the weed issue; and**
- **Work with community to develop a Strategic document covering issues identified by the community.**

Action List

Action	Who
1. Ansons Bay Infrastructure	
1.1. Assess the usage need of additional toilets within the Ansons Bay footprint	Community/Council/PWS
1.2. Work with the community to identify an area to place an information board displaying what is happening and tourist information – incorporating a community hub/street library and memorial to those who have been lost at sea	Community/Council/PWS
1.3. Work with community to identify additional facilities for tourists visiting Ansons Bay and seek additional funding to construct same	Community/Council
1.4. Work with community as to where a playground would best fit in Ansons Bay	Community/Council
1.5. Council to undertake a survey of residents/ratepayers to see whether there is a need for street lighting	Community/Council
1.6. Work with community to identify areas where public seating and a BBQ can be sited	
2. Walking Trails	
2.1. PWS, community and Council to work in collaboration to identify/design walking trails and seek external funding to construct same	Council/Community/PWS
3. Environmental issues	
3.1. Work with land owners to address the issue of thistles and weed management	Community/Council/PWS
4. Community issues	
4.1. Work with community members to re-form the Ansons Bay Progress Association as a communication tool to engage with Council	Community
4.2. Advise PWS/TFS of community's concern and ask that they work to develop an emergency access point from Shark Bay to Main Beach	Community/Council/PWS/TFS
4.3. Council to develop an emergency event email contact database to ensure the community of Ansons Bay are aware of any events that may impact them	Council
5. Community and Council arrange for a Strategic Planning session to be held with Ansons Bay community to discuss the following:	Community/Council/PWS
➤ Boat ramps need upgrading	

- Camp sites – services
- Car parking – associated with boat ramps – existing and proposed
- Helicopter landing – boat ramp – ramp for accessibility
- Accessibility to water in emergency situations
- Boat ramp as an evacuation point – if trailers there – access is very difficult

Reporting back to the Community:

We will report back to you on how we are progressing with these actions twice a year. An updated action list will be posted on Council's website and forwarded to those that are on Council's Ansons Bay Township Email Database. (If you would like to join this database, please email, admin@bodc.tas.gov.au.)

Any feedback on these plans can be sent to admin@bodc.tas.gov.au

The Ansons Bay Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council on XX

Appendix 1

Community Engagement

On Wednesday 2 April, 2022, Council held a “drop in session” at Ansons Bay where Council officers met with community members seeking their feedback on the following issues:

- Environment;
- Infrastructure; and
- Other issues

Twenty-one community members attended this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O'Day Municipality – 36 of these were from Ansons Bay.

Council heard from a total of 57 Anson Bay residents.

According to the 2021 Census, Ansons Bay has a population of 803 people

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years' time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for Ansons Bay are:

Community Vision: *The Ansons Bay Community most values their connection to the natural environment, each other, their remoteness and the peace and quiet their township provides.*

Community Legacy: *The community would largely like Ansons Bay to remain untouched. They are happy for minimal development in the form of community facilities that increase the residents way of life for example beach access and bbq.*

The above statements were developed from Community feedback as shown over:

Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



“Healthy environment, good access to walking tracks around the bay & river. Limited commercial development.” Comment direct from community member.

You can find a full report of all community consultation on our website under [My Community / Community Consultation](#).

Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> Spoon drains too deep and causing issues with cars 	No action – as the drains need to be this depth and size to carry the volume of water- will review guidepost placement
<ul style="list-style-type: none"> Boat ramp – needs some general maintenance - Fix the boat ramp up – currently erosion is being caused by people driving on the beach 	Council to inspect to see what maintenance is required
<ul style="list-style-type: none"> 78 + 88 Acacia Drive – drains have not been finished off and 91 Acacia Drive – overland flow, stormwater issues and maintenance of table drains 	Council will continue to review what is occurring and address issues with landowners
<ul style="list-style-type: none"> Stormwater – overland flow eg. 6 TeaTree Drive – property to rear <ul style="list-style-type: none"> ➢ Concrete cross overs ➢ Off hill – over driveways ➢ Entering adjoining properties 	Council will continue to review what is occurring and address issues with landowners

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Strengthen telecommunications 	Federal funding has been promised – Labour commitment 2022 election
<ul style="list-style-type: none"> Boat ramp – need more car parking 	Will assess option for car parking marking
<ul style="list-style-type: none"> Traffic calming devices – throughout Ansons Bay – to be undertaken 	Council to place traffic counters with a view to ascertaining the traffic flow during peak periods – summer Undertake a road safety assessment which will determine if or not devices are required.
<ul style="list-style-type: none"> Access points to water – Acacia Drive – PWS and Crown land 	Talk to PWS to see what can be done
<ul style="list-style-type: none"> Rubbish bins to be located throughout Ansons Bay and Council to empty 	Council will assess need and costs associated with providing town litter collection
<ul style="list-style-type: none"> Seal the road from Eddystone turn off to Ansons Bay 	2022 – 2023 capital project funded by LRCI funding program to seal a section of the road from the town boundary to the waste transfer station – additional opportunities to

	<p>be sought through Australian Government funding programs to progress sealing to the Eddystone Point turn off</p> <p>Ansons Bay Road is progressively being sealed</p>
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DRAFT

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Scamander Township Plan

OFFICER’S RECOMMENDATION:

That Council adopt the second Scamander Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Scamander community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first Scamander Township Plan in March 2019.

OFFICER’S REPORT:

Feedback on the draft Scamander Township Plan was sought on 20 February 2023 for a period of 3 weeks, closing on 13 March 2023. Community was notified via email, social media and Council’s website of the opportunity to provide feedback on the draft Scamander Township Plan.

Five submissions were received:

Council staff have provided a response to the submission issues raised next to the comments received and are attached for your information.

Two of the submissions identified projects that are being picked up through the Old Scamander Bridge project – for example bike racks, additional seats and picnic tables and to address the issue of safe pedestrian access along Esplanade Road. A Management Plan for the Scamander Conservation Area was raised – this will require external funding and PWS as land owner would need to consent to undertake same.

Dog management has also been raised at a number of the community engagement sessions and a review of the Dog Management Policy is scheduled to occur in the near future. Information collected through this process will be forwarded to the relevant Council officer.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding. This has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.



Scamander Township Plan

2022 - 2025



Version 1 – November 2022

from the **mountains** to the **sea** | www.bodc.tas.gov.au

Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plans were developed in March, 2019.

This second edition of the Scamander Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the Scamander community through a “drop in session” and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

This Township Plan will replace the 2020-2022 Scamander Township Plan, you can find a copy of this plan and a report of how we went achieving these activities on our website under My Community /Township Plans.

The themes from the previous plan compared to this plan are slightly different with a focus on upgrading facilities at the Scamander Sports Complex and plantings throughout the township of Scamander.

Some notable achievements from the previous plan include:

- Completion of a walking trail from the Scamander township boundary to Winifred Curtis Reserve;
- New toilet facility at Wrinklers Lagoon;
- Interpretation panels located at The Esplanade, telling the story of the bridges that once crossed the Scamander River;
- New pontoon at the Scamander boat ramp.

Scamander – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The Scamander Community most values its connection to the natural coastal environment as well as the small community feel of their township.*

Community Legacy: *The community would like to see development at Scamander that would include general infrastructure like footpaths and roads as well as shared community facilities.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the Scamander community engagement activities was the need for maintenance works to be done on street infrastructure.

Themes include:

- Development of trails
- Upgrade facilities at the Scamander Sports Club; and
- Investigate the natural flow of the Scamander River.

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 Scamander Township Plan will focus on:

- **Community infrastructure upgrades and maintenance;**
- **Investigate the natural flow of the Scamander River; and**
- **Review plantings – streetscape and foreshore area.**

Action List

Action	Who
1. Scamander Foreshore/Esplanade	
1.1. Develop a planting plan to provide shade and shelter within these areas	Community/Council /PWS
1.2. Work with PWS to restore the natural flow of the Scamander River and rebuild the rock wall @ Scamander River	Community/Council /PWS
2. Walking Trails	
2.1. Work with Community to identify potential walking trails in Scamander	Council/Community, /PWS
3. Scamander Sports Complex	
3.1. Work with Executive Committee of Scamander Sports Complex to identify additional facilities at the Complex	Community/ Council

Reporting back to the Community:

We will report back to you on how we are progressing with these actions twice a year. An updated action list will be posted on Council's website and forwarded to those that are on Council's Scamander Township Email Database. (If you would like to join this database, please email, admin@bodc.tas.gov.au.)

Any feedback on these plans can be sent to admin@bodc.tas.gov.au

The Scamander Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council on XX

Appendix 1

Community Engagement

On Wednesday 4 May, 2022, Council held a “drop in session” at Scamander where Council officers met with community members seeking their feedback on the following issues:

- Environment; and
- Other issues

Fifteen community members attended this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O’Day Municipality – 14 of these were from Scamander.

Council heard from a total of 29 Scamander residents.

According to the 2021 Census, Scamander has a population of 803 people.

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years’ time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for Scamander are:

Community Vision: *The Scamander Community most values its connection to the natural coastal environment as well as the small community feel of their township.*

Community Legacy *The community would like to see development at Scamander that would include general infrastructure like footpaths and roads as well as shared community facilities.*

The above statements were developed from Community feedback as shown over:

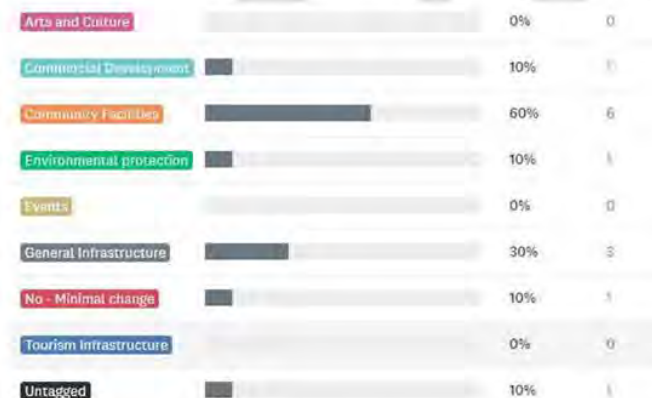
Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



“Lots of things for teens / young adults to do. Family friendly. Supportive, not divided on community issues - respectful of each other.” Comment direct from community member.

You can find a full report of all community consultation on our website under **My Community / Community Consultation**.

Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> Dogs on leads – everywhere – beaches and towns not policed enough – Four Mile Creek Council & PWS – more education and more enforcement 	Council continues to work with PWS and community representatives on implementation of the Break O'Day Council Dog Management Policy, including education and enforcement. The Policy is due for review in 2023 and Council will seek and consider input from the community, on alternative beach access and zones for dogs for example.
<ul style="list-style-type: none"> Need to seal Upper Scamander Road – up to 587 Upper Scamander Road 	Council receives a number of requests for road sealing - item is noted for future consideration.
<ul style="list-style-type: none"> The River – Jetty car park sealed 	Item noted – Council to consider as future capital plan activity
<ul style="list-style-type: none"> Bike track – signage on the ground “shared track” – Scamander to Beaumaris 	Not wide enough to be a shared track – just a pathway - Council to look at appropriate signage in this context
<ul style="list-style-type: none"> Scamander Surf Club – reasonably low – drainage issue – rainfall – does cause flooding – 3 internal drains inside the Club back flowing up – look at shut off – valves and automatic switch over pump (Jake & Stuart to investigate) 	Council to investigate and look at remedial works that may be undertaken

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Scamander noticeboard – added to the mushroom information board 	The mushroom is full of tourism information and there is no spare panel for use as an information board. There is an information board located at the Post Office
<ul style="list-style-type: none"> MAST signage – speed limits on Scamander River 	Forward comment to MAST for their feedback. MAST has published river speed limits on its boating website including speed limits on the Scamander River.
<ul style="list-style-type: none"> Youth officer / Youth Reference Group 	St Helens Neighbourhood House have engaged youth officers to work on projects throughout the municipality
<ul style="list-style-type: none"> Mens Health / Mens Health focus 	Both Neighbourhood Houses run programs for both men and women which Council supports

<ul style="list-style-type: none"> • Transport – co-ordinate bus services to reach airport – currently shuttle to Launceston then bus to St Helens and vice versa 	A private company runs the service between Launceston and St Helens – Council is not able to request a change in timetable
<ul style="list-style-type: none"> • Scamander River – boardwalk (southern side) play park – under bridge – foreshore and boat ramp 	Initial investigation showed that there was not enough clearance under the bridge to allow a boardwalk to be developed to connect the two areas
<ul style="list-style-type: none"> • Break O'Day swimming pool to be located in Scamander 	Council has funds in the budget to undertake a feasibility study
<ul style="list-style-type: none"> • Public housing to be encouraged 	Council is investigating what options are available throughout our municipality
<ul style="list-style-type: none"> • Speed limit between Scamander and Beaumaris inconsistent – keep @ 80 km 	Council to talk with State Growth as to whether a speed limit change is feasible
<ul style="list-style-type: none"> • Dogs on lead at Four Mile Creek beach – at whole beach at all times – change of policy please 	Council continues to work with PWS and community representatives on implementation of the Break O'Day Council Dog Management Policy, including education and enforcement. The Policy is due for review in 2023 and Council will seek and consider input from the community, on alternative beach access and zones for dogs for example.

<p>Comment 1</p>	<p>On the side of responsible dog owners , I would like to be doing the right thing Most of us would , just because there are one or two irresponsible owners whose dogs are not controlled and don't pick up after them , is it fair to penalise the whole community ?? There is not currently even one beach in our whole municipality where I can take my dog for a good long off lead (under control and with me) walk in summer , I am on the side of conservation, I have read the information on the shorebirds and I am very proud of the communities conservation effort , But I would also like to walk my dog adequately , snakes are a huge issue in the bush , only yesterday we came across two in Winifred Curtis reserve , The beach is a safe place to walk in summer I'm not saying to change all everywhere but one beach in the whole break o day region , would be appreciated by the whole community, I regularly meet people from as far as Pyengana and Fingal who have to drive to Scamander to take their dogs for a walk ,it's a great middle ground and could be built on with adequate walking trails along the river</p>	<p>23/5937</p>	<p>Council Response: Comments are noted</p>
<p>Comment 2</p>	<p>Work with PWS to include mowing of northern side of the river; sealing of jetty road and a footpath on the southern side of the river; cross overs along Council footpaths - Beaumaris to Scamander Post Office; bike rack near the bus stop - Esplanade Road; seats near the boat ramp; rock wall to be constructed along the southern side of the river; 2</p>	<p>23/6239</p>	<p>Council response: Bike rack and additional seating and picnic tables are identified in the Scamander River project (bridge demolition) along with exercise equipment. The rock wall to stabilise the bank requires extensive environmental reports to occur along with permissions as this bank runs along a Reserve parcel of land.</p>

	pieces of exercise equipment; encourage events to be held on the Scamander River		
Comment 3	Design and selection of plantings should include where practicable the improvement of the riverbank at the bridge park; need to consider the safety of pedestrians at points such as at the southern end of the bridge	23/6348	Council response: support the comment re plantings and pedestrian safety southern side of the bridge - Scamander River project includes a pathway - but this is subject to environmental reports and permission from land owner and appropriate funds
Comment 4	Action plan vague with a three year time frame; Change rooms/toilets for the cricket ground; no facilities for indoor sports; Don't need a swimming pool; supports the walking trails from Scamander to Upper Scamander	23/6355	Council Response: Comments noted

<p>Comment 5</p>	<p>The Scamander tip on a Sunday should be open longer 10 - 4 or 12 - 3 pm. Thomas Street Reserve could be a suitable dog park or Community Hall. Management Plan undertaken for Scamander Conservation Area - land controlled by PWS. Assess current and future sea level rise/climate change - do not spend huge amounts of money on bandaid solutions to protect infrastructure which is not viable in the future. Public housing - Scamander has limited services - priority for social housing should be St Helens and St Marys. Support 80 kmh speed limit from Scamander to St Helens - 50 in Scamander and 60 in Beaumaris. Rehabilitation plan for Scamander Bridge is yet to be produced. Scamander Sports Complex - plan should be done not including sporting infrastructure but also landscaping and management of existing vegetation.</p>	<p>23/6243</p>	<p>Council response: Comments noted</p>
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ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Falmouth Township Plan Community feedback

OFFICER’S RECOMMENDATION:

That Council adopt the second Falmouth Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Falmouth community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first Falmouth Township Plan in March 2019.
Endorsed February, 2023 to seek community feedback.

OFFICER’S REPORT:

Feedback on the draft Falmouth Township Plan was sought on 20 February 2023 for a period of 3 weeks closing on 13 March 2023. Community was notified via email, social media and Council’s website of the opportunity to provide feedback on the draft Scamander Township Plan.

Nine submissions were received:

Council staff have provided a response to the issues raised throughout the consultation next to the comments received and are attached for your information. The majority of submissions received did not support actions 1.2 and 1.3 – continuation of the foreshore walking track remaining as an action with the Falmouth Township Plan. Parks & Wildlife Service (PWS) had originally put a stop work notice on the volunteers who were undertaking this project, as proper assessment of the land that was being developed had not been undertaken. So proper planning would need to be undertaken prior to any permission being granted by PWS.

Apart from the above concerns raised in relation to the continuation of the foreshore walking track, other comments noted were some community members did not support the bridge across the lagoon – that item in the Plan states that it is only for discussion purposes with PWS at this stage.

The other issue that some people provided feedback on was the walkway from the Recreation Ground to the car park at the beach. At the community conversation session – this had been

identified as a safety concern for young people on bikes or people just out walking and was supported by staff who were present at the session for this reason.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding this has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.



Break O'Day
COUNCIL

Falmouth Township Plan

2022 – 2025



Version 1 – December, 2022

from the **mountains** to the **sea** | www.bodc.tas.gov.au

Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plans were developed in March, 2019.

This second edition of the Falmouth Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the Falmouth community through a “drop in session” and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

This Township Plan will replace the 2019-2021 Falmouth Township Plan, you can find a copy of this plan and a report of how we went achieving these activities on our website under My Community /Township Plans.

The themes from the previous plan compared to this plan have not changed a great deal with the community still raising concerns around weed management as well as the development of a coastal walk.

Some notable achievements from the previous plan include:

- Replacement of Playground Equipment
- Scheduled, regular maintenance of Stormwater drains
- Roll out of new Dog Zone signage
- Toilet Block upgrade – scheduled and budgeted in the 2023-2024 year
- Council support in securing a grant to resurface the tennis court

Falmouth – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The Falmouth Community most values the quiet lifestyle their town offers with its strong connection to the environment and community.*

Community Legacy: *The community would like similar to now. Houses built to be sustainable, acknowledge wind and climate and reflect the character of the place.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the Falmouth community engagement activities was to look after the environment and look at some infrastructure that would better serve their community.

Themes include:

- Development of trails and re-establishing and extending footpaths;
- Look at additional infrastructure or improve existing infrastructure; and
- Identify ways that as a community weeds can be managed.

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 Falmouth Township Plan will focus on:

- **Footpaths and walking trails;**
- **Infrastructure;**
- **Weed control;**
- **Fire Hazards and**
- **Dog Control**

Action List

Action	Who
1. Footpaths and walking trails	
1.1. Re-establish and extend footpath Grant Street to toilet block and then through to the Recreation Ground	Community/Council/ PWS
1.2. Council to work with the community to further investigate the Foreshore trail proposal to identify if the project is supported by the majority of the Falmouth community	Community/Council/ PWS
2. Infrastructure	
2.1. Work with Community to identify potential sites for community seating and fitness equipment - Fitness equipment will require external funding	Council/Community/
2.2. Council to advise when Falmouth public toilet is due for renewal and look at all options when designing the replacement facility	Council
2.3. Council to review speed limits in Falmouth taking into consideration all users of the road infrastructure not just vehicle movements	Council/Community
3. Weed Control/Tree Plantings	
3.1. Work with community to develop a project proposal to remove gorse from areas such as Devils Creek identifying cost, resources and land ownership	Community/PWS/ Council
3.2. Work with community and PWS to develop a weed management plan identifying what the issues are and prioritising same and how as a volunteer community group works can be undertaken to address the growing weed issues in consultation with PWS and Council. Also look at run off from agricultural land in waterways and what measures can be implemented to filter the run off.	Community/PWS/ Council
3.3. Community to work with Council to look at developing a planting program for roadside and Council land planting	Council/Community
4. Fire Hazards	
4.1. Council to work with TFS and community to identify fire hazard areas within Four Mile Creek and to look at an education program that can be run by TFS	Community/TFS/ Council
5. Dog Control	
5.1 Council to work with PWS to develop educational material re respectful dog management and investigate the need for community workshops	Community/PWS/ Council

Reporting back to the Community:

We will report back to you on how we are progressing with these actions twice a year. An updated action list will be posted on Council's website and forwarded to those that are on Council's Falmouth Township Email Database. (If you would like to join this database, please email, admin@bodc.tas.gov.au.)

Any feedback on these plans can be sent to admin@bodc.tas.gov.au

The Falmouth Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council on XX

Appendix 1

Community Engagement

On Wednesday 18 May, 2022, Council held a “drop in session” at Falmouth where Council officers met with community members seeking their feedback on the following issues:

- Infrastructure;
- Environment; and
- Other issues

Nine community members attended this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O'Day Municipality – 45 of these were from Falmouth.

Council heard from a total of 54 Falmouth residents.

According to the 2021 Census, Falmouth has a population of 139 people.

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years' time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for Falmouth are:

Community Vision: *The Falmouth Community would like ssimilar to now. Houses built to be sustainable, acknowledge wind and climate and reflect the character of the place.*

Community Legacy *The community would like similar to now. Houses built to be sustainable, acknowledge wind and climate and reflect the character of the place.*

The above statements were developed from Community feedback as shown over:

Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



“Lots of things for teens / young adults to do. Family friendly. Supportive, not divided on community issues - respectful of each other.” Comment direct from community member.

You can find a full report of all community consultation on our website under **My Community / Community Consultation**.

Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> Pot holes fixed – eg. Grant Street (edge) 	Road seal recently maintained and potholes filled and sealed.
<ul style="list-style-type: none"> New Street (ocean end) – please remove shrubs in turning circle – water truck, rubbish truck has so much difficulty turning around 	Council staff have attended to this request
<ul style="list-style-type: none"> New Street – extra sign “Residents Only” or a square “No Through Road” 	Council to implement

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Stieglitz Street (no. 9) flooded – look at drainage – water channelled into home – please look at – owner maintaining gutters Drainage and stormwater – fix issues Remove rock drains 	Review all draining issues.
<ul style="list-style-type: none"> Stieglitz Street – look at surface on the road – would like it sealed – current surfacing impacting on properties No more roads sealed 	Comment noted. There are currently no plans to seal any additional roads in Falmouth
<ul style="list-style-type: none"> Examine proximity of road to property on left hand side – gravel & 1.8 metre wide (extend to Frank Street) min 	Unclear – seek more information from the landowner if landowner known.
<ul style="list-style-type: none"> No commercial development in Falmouth and surrounding area 	Comments noted
<ul style="list-style-type: none"> Leave roads as they are currently with no more sealing as the main loop has been completed 	Comment noted. There are currently no plans to seal any additional roads in Falmouth
<ul style="list-style-type: none"> Lyne Court and Davis Gully Road – pedestrian safety – no footpaths tar sealing – surfer and tourist traffic 	Davis Gully Road – no footpath to be constructed – advisory road signage has been erected in accordance with report from independent traffic engineer

<ul style="list-style-type: none"> • Lyne Court and Lower Davis Gully Road sealed & speed limited 	No requirement to reduce speed limit – driver behaviour issue
<ul style="list-style-type: none"> • Identify dog no lead areas – away from high risk environmental areas • Identify dog off leash areas • Reduce the number of dogs roaming off leash 	Dog Management Policy and Declared Areas is in place and does this – community can provide input at next review in 2023. Dogs owners behaviour and 'Responsible Dog Ownership' are the focus.
<ul style="list-style-type: none"> • Removal of boat, mattresses, bikes off roadside – Stieglitz Street from nature strip – looks like a tip shop 	Matter being addressed with owner of the vessel.
<ul style="list-style-type: none"> • Consideration and future planning to manage and protect against increased day use areas – Beach, Lagoon Wetlands, so it preserves these areas for all to enjoy • Involve community in access to beach tracks 	Coastal reserves are managed by the PWS according to objectives set in legislation and an evidence base. Community should maintain an on-going dialogue with PWS reserve management issues concerning people, and invite Council to participate. Council can raise the idea with PWS, but the community must represent its concerns and explain the issues it sees.
<ul style="list-style-type: none"> • More professional decision making – specifically elected members making evidence based decision and adherence to legal statutes and State Planning Policies 	Councillors undertake training sessions during their time as Councillors
<ul style="list-style-type: none"> • The intersections of Legge and James and Legge and Steiglitz sts to be widened to accommodate turning on these junctions, and where possible spoon v drains to replace rock drains which are dangerous and unsightly due to the difficulty of mowing or general maintenance. Legge St is very narrow, there is room on the southern side for widening and v drains. 	Insufficient room for this to occur
<ul style="list-style-type: none"> • Power lines underground 	This is a TasNetwork issue
<ul style="list-style-type: none"> • Cap the number of Airbnb's and short term rentals 	Comment noted
<ul style="list-style-type: none"> • No tourism development outside of St Helens 	The Interim Planning Scheme determines where tourism development can occur.
<ul style="list-style-type: none"> • Weekly rubbish collection 	Previously considered and cost prohibitive

<ul style="list-style-type: none"> • Don't create a large staff involved in social services and issues – keep rates low 	Comment noted
<ul style="list-style-type: none"> • Look at street signage to ensure relevancy and advise of safety issues if any 	Undertaken as part of the speed reduction assessment
<ul style="list-style-type: none"> • Halt logging in BODC area 	This issue is not something that Council has control over.
<ul style="list-style-type: none"> • Appropriate tree care • Replace trees that have reached the end of their life 	Tree management policy addresses tree care and replacement.
<ul style="list-style-type: none"> • Impacts of increased population and numbers due to tourist and itinerant use of beach areas etc 	This concern will be forwarded to Parks & Wildlife for their information – noted by Council

<p>Comment 1</p>	<p>We have read through the Falmouth Town Plan V2- Draft and wish to raise our concerns and objection to Actions 1.2 and 1.3 listed and seemingly supported by Council, as in “work with PWS and community to see what is required to complete ...” and “ ... identify issues that may prevent the project being finalised”. The further development of a coastal track has been shown to not have broad community support. As you know community reserves are managed by PWS. PWS engaged extensively with the Community over the last couple of years on the Falmouth Coastal Track issue and PWS did not approve further works. To now see council placing such a large importance on their agenda to support “volunteers” in re-looking at this issue is concerning. Please be clear in your details as to who “volunteers” represents. Is it one or two people and if so there has been too much emphasis on their views in your document. It isn’t a view held by the broad Falmouth community</p>	<p>23/5602</p>	<p>Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore - comments noted</p>
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<p>Comment 2</p>	<p>Lots of good work and ideas in there and I must commend council on the work done in recent times. Having the dogs on leads in place has been terrific for the breeding shorebirds and other wildlife here in Falmouth. We have had a successful breeding of Caspian Terns and other coastal birds this season on the lagoon sand spits and beach. Also there is a much healthier number of Rikali's and Pademelons seen at the lagoons edge daily. I have been fortunate to live here for more than 30 years and have helped quietly where possible with bird and plant monitoring, weeding projects with groups like Coastcare, and other communal environmental projects like the removal of invasive starfish a few years back with the University of Tas scientists. I support all the concepts on the plan but was surprised to see in the Action List 1.2 and 1.3 an idea to again revisit the push by a small group to cut more coastal vegetation out for yet another track. I do not support these actions and think the PWS had clearly indicated a year ago they have already spent enough time and effort considering and rejecting this concept as it is something not wanted by many in the community. There is plenty of access already and we want to retain the remaining habitat for rarer species that have been found here such as the Eastern Ground parrot that is recorded with PWS amongst other flora and fauna. Will just include a quote from the last email we all received here on the matter which we thought was the end of it from PWS Regional Operations Manager Linda Overend last year. "A consistent theme in the comments received is that it is clear that there is not broad support for the proposed re-route of the Northern section of the track on the basis that the track in place is considered acceptable and considering also the importance of preserving the integrity of the remaining foreshore vegetation. This proposal was formally put to PWS in 2019 and it was not approved for these similar reasons." I believe another local Falmouth resident David Godfrey-Smith has offered council access to the back catalogue of letters on this matter. I also noticed on your information listed from the Drop In surveys Question 7 for Falmouth was that 93.55% of people wanted No or Minimal change. I do hope Actions 1.2 and 1.3 are removed for the final draft so that there is not time wasted on this or friction in the community. You have so many great projects on the list that deserve support.</p>	<p>23/6033</p>	<p>Council Response: Does not support the continuation of the walking trail along the Falmouth Foreshore</p>
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Comment 3	Thank you for the report on Falmouth Town Plan, whist much of it is agreed I am shocked to see, after so much lobbying and submissions by countless Falmouth residence, That Items 1.1.2 and 1.1.3 are still on the action list and still being pushed forward. There is a very small noisy minority of people pushing this track development and a huge community desire for it not to proceed with countless submissions details the negative impacts. Please reconsider the true community position on this matter before finalizing your report.	23/4660	Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore
Comment 4	While the plan as a whole is great to have and the community consultation to develop it was much appreciated, I am disappointed to see Actions 1.2 and 1.3 listed and seemingly supported by Council, as in “work with PWS and community to see what is required to complete ...” and “ ... identify issues that may prevent the project being finalised”. There is as much opposition in the community to extending the foreshore trail as there is support for the idea. A number of residents have strenuously objected to PWS on multiple occasions over the last three years about the proposed extension of the track from the lagoon parking lot to the blowhole. The idea is being pushed by a small number of “volunteers” and does NOT have broad community support.	23/4646	Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore - comments noted
Comment 5	Thank you for forwarding this Chris. I was very happy with most of the content. (not to sure about a bridge over the lagoon!) I note that you stated <i>“You can find a full report of all community consultation including how these statements were developed, on our website under My Community / Community Consultation.”</i> but I could only find a heading under My Community for Community Engagement. Would appreciate if you could head me in the right direction to find the info I was seeking. I was mystified by the mention of Lower Davis Gully Rd and Lyne Court as these are at Four Mile Creek which I assume has its own plan. Also mention of Fire hazards at Four Mile Creek. Thank you for the opportunity to comment.	23/6033	Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore - comments noted

Comment 6	<p>I am writing to raise my concerns about the proposed development of the track from the blowhole down to the foreshore. I am an owner of 1 Legge Street and have been enjoying being at Falmouth for over 60 years. All the long time residents have been protective of the vegetation and existing tracks have been perfectly serviceable for over 50 years. There has always been access to the beach and even our aged walkers can manage it. To develop a track which results in the removal of native vegetation which has already resulted in dogs chasing pademelons and nesting animals. I have also been increasingly disturbed by the number of people who randomly appear past my house. The track as it is runs directly past my outside toilet and front bedroom. Not only do i now have to keep my blinds closed at all times, on a number of occasions walkers have peered into my kitchen window as we are having breakfast! This is total invasion of privacy which all the foreshore residents now experience. I hope all Falmouth residents are fully consulted in any ongoing planning into this unnecessary venture that seems to serve a few but impact many.</p>	23/6045	<p>Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore - comments noted</p>
Comment 7	<p>Supports the walking track development; does not support fitness equipment; does support a few seats placed but they need to take into consideration the sensitivity of the area; does not support a footbridge across Henderson Lagoon; provide information to Falmouth residents about better control of weed species; roadside planting of flowering gums along east side of Falmouth Road; remove references to Four Mile Creek</p>	23/6343	<p>Council Response: Noted he does support the continuation of the walking track along the Foreshore - support idea of working with community as to suitable plantings</p>
Comment 8	<p>Footpaths/walking trails: Do not support a footpath from Grant Street toilet block to recreation ground. Do not support the need for a foreshore track as already tracks in place. Public toilet should be relocated to the existing car park at the northern end of Four Mile Creek. Do not support a bridge to cross the lagoon to Steels Beach.</p>	23/6341	<p>Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore as well as the need for a walkway from the Recreation Ground to the</p>

			beach and the need to upgrade the toilet facility.
Comment 9	Disappointed that the extension of the walking path to the car park is still being put forward.(when you can use the beach or existing pathways with no extra impact on the existing wildlife); would like a dog walking area like Marisposa Beach - some people don't have access to vehicles - only owners get exercise when walking dogs on leads	23/6357	Council Response: Noted they do not support the continuation of the walking trail along the Falmouth Foreshore

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Binalong Bay Township Plan Summary of Community Feedback

OFFICER’S RECOMMENDATION:

That Council adopt the second Binalong Bay Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Binalong Bay community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first Binalong Bay Township Plan in August 2018.
Council endorsed that the draft plan could be forwarded to the community for their feedback in February 2023.

OFFICER’S REPORT:

Feedback on the draft Binalong Bay Township Plan was sought on 20 February, 2023 for a period of 3 weeks closing on 13 March, 2023. Community was notified via email, social media and Council’s website of the opportunity to provide feedback on the draft Binalong Bay Township Plan.

Two submissions were received: -.

In summary, both commented that there was no need to put outdoor gym equipment at Boat Harbour Point – so have identified that 2.1 could be removed from the action list.

Item 2.2 has been reworded to include Parks and Wildlife Service (PWS) and the need to seek funding continue to the existing track to Skeleton Bay. PWS are included in this item, as Council has no jurisdiction over the land in question.

Item 3.1 has also been reworded to include the issues raised in both submissions re management of weeds.

Council staff have provided a response to the submission issues raised next to the comments received and are attached for your information.

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding this has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.



Break O'Day
COUNCIL

Binalong Bay Township Plan

2022 - 2025



Version 1 – November 2022

from the **mountains** to the **sea** | www.bodc.tas.gov.au



Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plans were developed in August, 2018.

This second edition of the Binalong Bay Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the Binalong Bay community through a “drop in session” and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

This Township Plan will replace the 2019-2021 Binalong Bay Township Plan, you can find a copy of this plan and a report of how we went achieving these activities on our website under My Community /Township Plans.

The themes from the previous plan compared to this plan have not changed a great deal with the community still raising concerns the completion of a coastal walk and a focus on community infrastructure.

Some notable achievements from the previous plan include:

- Completion of a walking trail along the Binalong Bay Foreshore
- Extended Council’s leased area of the Binalong Bay Foreshore
- Car parking and signage have been included within the Brief for the development of the Bay of Fires Master Plan.

Binalong Bay – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The Binalong Bay Community most values their coastal lifestyle which provides a sense of connection to the natural environment and each other.*

Community Legacy: *The community would largely like Binalong Bay to remain the same. They want to see the natural environment protected.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the Binalong Bay community engagement activities was the need for maintenance works to be done on street infrastructure.

Themes include:

- Community infrastructure;
- Infrastructure to support tourism; and
- Revegetation of sand dunes/foreshore area.

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 Binalong Bay Township Plan will focus on:

- **Community infrastructure upgrades and maintenance;**
- **Infrastructure to support health & wellbeing ; and**
- **Protection of foreshore areas.**

Action List

Action	Who
1. Community Infrastructure	
1.1. Identify areas for additional parking to be developed	Community/Council /PWS
1.2. Develop an Information area – intersection Main Road & Gardens Road	Community/Council /PWS
1.3. Replace BBQ shelter more in line with the environment and identify other areas for additional picnic/chair sites	Community/Council /PWS
2. Infrastructure to support health & wellbeing	
2.1. Work with PWS to seek funding to develop a trail to Skeleton Bay from the township of Binalong Bay	Council/Community, /PWS
	Council/Community, /PWS
3. Revegetation of Foreshore area	
3.1. Work with community to form a volunteer group to revegetate and manage the weed issue currently impacting the foreshore area	Community/PWS/ Council
4. Survey Binalong Bay Community	
4.1 Work with community by developing a survey to find out what their priorities are for the next 10 years	Community/ Council

Reporting back to the Community:

We will report back to you on how we are progressing with these actions twice a year. An updated action list will be posted on Council's website and forwarded to those that are on Council's Binalong Bay Township Email Database. (If you would like to join this database, please email, admin@bodc.tas.gov.au.)

Any feedback on these plans can be sent to admin@bodc.tas.gov.au

The Binalong Bay Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council on XX

Appendix 1

Community Engagement

On Saturday 28 May, 2022, Council held a “drop in session” at Binalong Bay where Council officers met with community members seeking their feedback on the following issues:

- Infrastructure
- Environment; and
- Other issues

Eight community members attended this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O'Day Municipality – 8 of these were from Binalong Bay.

Council heard from a total of 16 Binalong Bay residents.

According to the 2021 Census, Binalong Bay has a population of 329 people.

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years' time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for Binalong Bay are:

Community Vision: *The Binalong Bay Community most values their coastal lifestyle which provides a sense of connection to the natural environment and each other.*

Community Legacy *The community would largely like Binalong Bay to remain the same. They want to see the natural environment protected.*

The above statements were developed from Community feedback as shown over:

Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



"Maintaining the sense of community in the area without over development to spoil it."
Comment direct from community member.

You can find a full report of all community consultation on our website under **My Community / Community Consultation**.

Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> Relook at public toilets - facelift – current design does not fit the environment 	To be considered in review of public toilet replacement and upgrade schedule
<ul style="list-style-type: none"> Key to access of tennis court should be placed in a locked box at the tennis court so that everyone has access 	Work with the Binalong Bay Community group to see if this is an option

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Indoor pool & gym Hydro-therapy pool Proposed aquatic/fitness centre 	Council will undertake a feasibility study into the building of an aquatic centre
<ul style="list-style-type: none"> Tracks need to be multipurpose and good width – current track has different widths 	Track alignment was determined by the available land and terrain – unfortunately changes are not possible to alignment.
<ul style="list-style-type: none"> More shows 	Seek additional comment from community as meaning of this request
<ul style="list-style-type: none"> Dog poo dispensers along walking track 	Assess need/location/and impact on operational cost for placement
<ul style="list-style-type: none"> Sealing of boat trailer car park 	Aboriginal heritage implications as well as a high cost
<ul style="list-style-type: none"> Better maintenance of Council's arterial roads 	Noted more specific detail is required
<ul style="list-style-type: none"> Town sewerage and water supply 	Information provided to Taswater
<ul style="list-style-type: none"> Improve safety of Binalong Bay Road 	State Growth are the authority for Binalong Bay Road, the State Government invested heavily in the upgrade of a significant section of road with works completed in 2021. Council can forward specific safety concerns from community to the department.
<ul style="list-style-type: none"> Creating additional walking tracks 	This will form part of the work being undertaken in the development of the Bay of Fires Master Plan
<ul style="list-style-type: none"> Dog exercise area 	Council considered community views made for the last review of the Break O'Day Council Dog

	Management Policy, which didn't support a land based exercise area. The Policy is due for review again in 2023, when the community can suggest and comment on options again.
<ul style="list-style-type: none"> Work with PWS to place signage – no camping 28 day limit at Sloop Rock – permanent camper – residing in turning circle 	Provide information to PWS for them address
<ul style="list-style-type: none"> Housing affordability/availability 	Council currently working on this issue
<ul style="list-style-type: none"> Future developments done in more natural materials eg. Granite, rock, local hardwood – original plan for toilet facility at Binalong Bay 	Noted
<ul style="list-style-type: none"> Keep the old shacks at the boat ramp, restrict development of properties eg. Height restrictions and scenic protections 	Council owns this facility and will not dispose of this asset
<ul style="list-style-type: none"> Remove the breakwater 	The breakwater is currently owned and maintained by MAST and was built after concerns were raised about the safety of boats returning to shore in particular weather.
<ul style="list-style-type: none"> Airbnb management 	The regulation of Visitor Accommodation (commonly referred to as AirBNB) is a matter for local government planning schemes. Some Council's are looking at how they can control the number of Visitor Accommodation properties and this is something the Break O'Day Council is interested in reviewing. Presently assessment is via a State Government directive.
<ul style="list-style-type: none"> Nominal fee for camping to assist with up keep of the area and removal or rubbish 	This will form part of the discussions around the development of the Bay of Fires Master Plan
<ul style="list-style-type: none"> Get rid of the rabbits Feral animal control 	Dept. of Natural Resources and Environment Tasmania has information for landholders and runs a seasonal biological control program. RabbitScan is a good pace to record local rabbit population reports. Unclear on feral animals – with regard to cats Council is active and supports recent changes to legislated cat management.
<ul style="list-style-type: none"> Controlled burns 	PWS, STT and TFS undertake controlled fuel reduction burns when areas are identified. Extensive planning is then undertaken by the agency and they are always weather

<p>Oppose creating more parking space instead would like to see a strategy for alternatives to more parking. Gardens Road /Binalong Bay Road is not suitable for an information booth. Boat Harbour Point should be left and not littered with exercise equipment. Oppose any further track construction to Skeleton Bay. Council to produce a comprehensive management plan for Binalong Bay Foreshore and include weed management, ecological restoration of degraded and destroyed native bushland and stormwater management - Council to support and facilitate community work but not rely on volunteers to carry out extensive work to rehabilitate the currently neglected foreshore. No need to undertake a 10 year survey. Council to work with community to ensure natural and scenic values are protected long term. Council and PWS to seek resources for management Plans for Bay of Fires Conservation Area and Humbug Point Nature Recreation Area. No water and sewerage. Assess sea level rise/climate change for Binalong Bay and planning implication.</p>	<p>23/6243</p>	<p>Council Response - Binalong Bay Foreshore Management Plan was completed in 2014 - this document will be reviewed as part of the Bay of Fires Master Plan. Many of the other issues that have been provided in the submission will be picked up as part of the Bay of Fires Master Plan.</p>
<p>Address the car parking issue - slash area between main beach and the statue to allow cars to park there. Return the main beach car park to a drive through like it once was. Increase the area of boat trailers to park. Resurrect the plan to develop a walking track to Skeleton Bay. Additional picnic tables at Boat Harbour nothing else and address the weed issues. Increase infrastructure around existing playground, tennis court and BBQ shelter and area between Boat Harbour Point and entrance to Skeleton Bay.</p>	<p>23/6801</p>	<p>Council Response - Car Parking issue - Council does not lease this area and would require a number of environmental reports to be undertaken prior to any work being undertaken and permission from PWS as the land is classed as a "Reserve".</p>

Town Plan Comments

General Comments

Sample Size: The Town Plan statistics indicate that only 3.6% of Scamander residents either attended the drop-in session or filled out a survey. At Binalong Bay less than 5%. This is an inadequate sample size to properly gauge community support for particular activities or projects. The Council is using Town Plans to demonstrate community support and consultation for projects when they don't necessarily reflect the communities view. As such when Council proposes to undertake significant works in an area the community should be consulted on the specific project/activity rather than a Town Plan being used as proxy for community views.

It is also important to note that areas such as Binalong Bay have a broad community of interest beyond the residents who have a strong interest in maintaining the natural and scenic values of Binalong Bay. Our group has undertaken major onground ecological restoration and weed management activities in the Binalong and Scamander areas over decades as well as participating extensively in land use planning processes to advocate for the protection and maintenance of natural and scenic values.

Drop in Sessions: Drop in Sessions do not constitute proper community consultation. They are a form of divide and conquer because no one really knows what anyone else has to say on a particular issue and the community is denied the benefit of hearing different points of view and local knowledge about particular aspects of their area. Instead there should be public meetings where there is proper discussion and free flow of conversation and points of view.

Lack of background information to inform discussion: Little if any background information is provided either before or at the drop in sessions or for the surveys. This leads to Town Plans becoming an ad hoc wish list from a very small percentage of the community which often will not reflect strategic needs for an area.

Lack of clear geographic area being considered: No clear delineation of the geographical extent of the Town Plans is provided.

Environment: Despite the limitations of the drop in sessions and surveys it was encouraging to see the Environment was considered the most important value to the community.

This should not necessarily be read as meaning support for high impact high cost infrastructure such as MTB tracks but rather that Council needs to increase resources for looking after the environment and also that Council should be prioritising maintaining environmental and scenic values over urban sprawl and ribbon development on the coast.

This was not evident in the TPC hearings for the Break O Day LPS where the Council voted against supporting expert scenic protection overlays, against stormwater management which minimises ecological impacts and in favour of more subdivision multiple dwellings outside settlements.

Binalong Bay Town Plan

It is clear that the local community wants Binalong to retain its natural and scenic values. We support the Community Legacy statement and note that our group has made a substantial contribution to the environs of Binalong Bay in terms of weed management and preventing overdevelopment of the area.

The Council continues to spend inordinate amounts of money on consultants to duplicate previous plans ie Binalong Bay Foreshore Plan

Action Plan

The Action Plan seems to be based on continual fragmentation and additional infrastructure which is inconsistent with the Community Legacy statement.

We oppose creating more and more parking space in Binalong Bay which can only be achieved by concreting over public open space/conservation areas (ie Councils previous proposal to turn Boat Harbour Point Park into bus and car park). As such 1.1 should be reworded to require developing a strategy for alternatives to more parking

1.2 The Gardens rd/Binalong Bay road intersection is not a suitable location for a information booth

2.1 The Boat Harbour Point area should be left as is not littered with exercise equipment that will get little use and damage the amenity and scenic values present. Boat Harbour Point is entirely unsuitable for exercise equipment.

2.2 We oppose any further track construction to Skeleton Bay. The Council has already done enough damage with the walkway construction last year at Binalong Bay and has a woeful record of failing to properly manage weeds in the currently leased area

3.1 Should read. Council will produce a comprehensive management plan for the Binalong Bay foreshore area it leases from Parks as well as properly resource its implementation.

The plan will include weed management, native vegetation management, ecological restoration of degraded and destroyed native bushland and stormwater management.

Council will facilitate and support community work involving implementation of the above plan but not rely on volunteers to carry out the extensive work required to rehabilitate the currently very neglected foreshore.

There is no need for a Ten Year survey of the community. They have stated they want things to stay as they are.....which we support apart from the need for weed management.

4.1 Council will work with the community and other interested parties to ensure the Break O Day Planning Scheme provisions ensure that Binalong Bay and environs natural and scenic values are protected for the long term.

Add 4.2

There is currently no statutory Management Plan for Bay of Fires Conservation Area or Humbug Point Nature Recreation Area.

4.2 The Council and Parks and Wildlife will seek resources for Management Plans for the Bay of Fires Conservation Area and Humbug Point Nature Recreation Area.

Add 4.3

4.3 Binalong Bay will not be provided with water and sewerage services. The community does not support services being put on and doing so would have a number of adverse impacts on the settlement and surrounds including Grants Lagoon

We were somewhat alarmed that it appears that Council referred what may have been a comment from one or only a few people regarding service provision to TasWater.

“Town sewerage and water supply Information provided to Taswater”.

4.4 Assess sea level rise/climate change impacts for Binalong Bay and planning implications

Scamander Town Plan

Scamander Waste Management Transfer Station Tip opening hours.

It is not satisfactory to only have the Scamander WMTS open for 2-5pm on a Sunday afternoon on the weekends. It should be open from 10-4 on Sunday or at a minimum change the hours 12-3pm on Sundays

Crown Land

There is a considerable amount of Crown Land in the Scamander area. It has a range of values including important scenic value, threatened species habitat, EPBC listed ecological communities, catchment for Wrinklers Lagoon, wildlife corridor between the coast and hinterland (including private land, Parks land and restoration of pine plantation back to native forest)

The Crown Land should be reserved for the purpose of nature conservation and passive recreation including walking trails as per 2.1 of the Action List

Thomas st Reserve

A valuable piece of Public Open Space which should be utilised more. Could be a suitable spot for a Dog Park, Community Hall etc

Scamander Conservation Area including Weed Management

The Scamander Conservation Area has serious weed issues which need attention. In addition there is ongoing problems with dumping of green waste and illegal cutting and poisoning of trees.

There needs to be a Management Plan done for the Reserve.

Sewerage Ponds/Water Supply:

The size of Scamander needs to be properly assessed and limited to reflect the carrying capacity of the area. Water had to be trucked into Scamander only a few years ago while in the past water from the sewerage ponds has been discharged into Scamander River when the ponds were at capacity.

Sea Level Rise/Climate Change

Assess current and future sea level rise/climate change impacts on Scamander.

This is obviously a current issue. It is vital that State and Local Government don't spend huge amounts of public money on temporary bandaid solutions to protect infrastructure which is not viable in the longer term. Retreat policies need to be implemented to ensure the best use of resources to manage climate change/sea level rise impacts.

Public Housing

The Town Plan states

"Public housing to be encouraged"

This doesn't seem to reflect the views of the Scamander community (ie Oberon Place)

Scamander has limited services. Priority needs to be for providing social housing in St Helens and St Marys where there are adequate services available

Speed Limit

Support 80kmh speed limit from Scamander to St Helens possibly 50kmh in Scamander and 60kmh in Beaumaris.

Landscaping

Use suitable local native plant species which are drought resistant (low water use) and provide habitat for native wildlife as per 1.1 of the Action Plan

A rehabilitation plan for the Scamander Bridge area is yet to be produced but should be consistent with the required permit conditions approved by Council

Scamander Sports Complex.

There should be a plan done for the Complex including not only sporting infrastructure (current and planned) but also landscaping and management and enhancement of existing vegetation.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services
FILE REFERENCE	002\017\016\
ASSOCIATED REPORTS AND DOCUMENTS	Draft St Helens Township Plan

OFFICER’S RECOMMENDATION:

That Council receive the St Helens Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Helens community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the St Helens community can work with Council on projects.

PREVIOUS COUNCIL CONSIDERATION:

Council adopted the first St Helens Township Plan in February 2020.

OFFICER’S REPORT:

A drop in session with St Helens residents was held on Monday 28 March, 2022 where issues/projects were discussed with Council staff in attendance.

Headings to start the conversations were identified:

- Infrastructure;
- Environment; and
- Other issues

Those members of the community who were in attendance were asked how they as members of the community could work with Council to develop projects. Some of the issues that were listed by members of the community who were in attendance were the need for a swimming pool, additional footpaths and walking trails and the need for affordable and emergency housing.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members to complete who were unable to attend the Drop-in session.

From the completed surveys and drop in session, all comments were reviewed by relevant staff and actions/comments were provided and all this information fed into the attached township plan.

Reporting against the identified actions will occur twice a year and an updated action list will be provided on Council's website and forwarded to those that have provided Council with contact details.

The St Helens Township Plan has a term of three years

LEGISLATION & POLICIES:

N/A

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

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

Annual Plan: 2022 - 2023

Local Townships Plans – Complete the development of new Local Township Plans in consultation with the communities.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Some of the identified actions listed will need to be costed and budgeted for in any future budgets or seek external funding this has been identified in the action list.

VOTING REQUIREMENTS:

Simple Majority.

St Helens Township Plan 2022 – 2025



Version 1 – December, 2022



Introduction

Township Plans are developed with community and provide Council with an understanding of the needs of each community, as well as how community and Council can work together to achieve them.

The idea to develop township plans came from conversations Council staff had with communities when we consulted on the development of the Strategic Plan in 2017.

The first Township Plan was developed in March, 2019.

This second edition of the St Helens Township Plan will guide activities over the next three years, from 2022 – 2025.

To develop this plan we consulted the St Helens community through a "drop in session" and an online survey process. Further detail on the information from the community engagement process forms Appendix 1 to this Plan.

This Township Plan will replace the 2020-2022 St Helens Township Plan, you can find a copy of this plan and a report of how we went achieving these activities on our website under My Community /Township Plans.

The themes from the previous plan compared to this plan have not changed a great deal with the community still focusing on community infrastructure and tourism

Some notable achievements from the previous plan include:

- Footpath works completed – south of the Golden Fleece Bridge
- Community infrastructure – Section completed - Golden Fleece Bridge to Beauty Bay
- Upgrade carpark – Cnr Cecilia and Quail Streets completed

St Helens – Our Town

An important part in developing the Township Plan is to understanding what residents love about their community and how they would like their community to look in 10 years' time.

Based on residents answers to these survey questions we developed the below statements.

Community Vision: *The St Helens community most values their connection to the natural environment as well as their strong sense of community.*



Community Legacy: *The community of St Helens understands that the town is growing and would like to ensure it has the community facilities, tourism infrastructure, general infrastructure and business to support this growth and retain people in the community.*

You can find a full report of all community consultation including how these statements were developed, on our website under **My Community / Community Consultation**.

Community Engagement and Plan Focus

A common theme of the St Helens community engagement activities was the need for maintenance works to be done on street infrastructure.

Themes include:

- Additional footpaths and walking tracks;
- Infrastructure to support community needs ; and
- Affordable housing

Some other matters raised were considered by Council as 'business as usual' and will be dealt with through existing Council activities.

To ensure all feedback was recorded and not lost we have included a copy of this in Appendix 2 along with items considered outside the scope of the Township Plan.

The 2022-2025 St Helens Township Plan will focus on:

- Community infrastructure upgrades and maintenance; and
- Feasibility analysis of an Aquatic Facility

Action List

Action	Who
1. Community Infrastructure	
1.1. Council to undertake a Feasibility analysis of an Aquatic Facility	Community/Council
1.2. Install seats and signage in line with the Georges Bay Activation Strategy- Wharf to O'Connors Beach	Community/Council
2. Walking Trails	

2.1. Continue to work on refining the scope for the Binalong Bay to St Helens Trail	Council/Community//PWS
3. Community	
3.1. Work with community groups to share stories and recruit new volunteers	Community/Council
3.2. Council staff work for community members to volunteer to remove rubbish dumped in our community	Community/Council
4. Housing	
4.1 Council to work with State Government to look at options available for affordable and emergency housing	Council/State Government

Reporting back to the Community:

Council will provide a quarterly newsletter and arrange community meetings which will advise of progress of actions listed above and any additional items that have been listed for comment/action.

Any correspondence to Council in relation to these plans to be forwarded to admin@bodc.tas.gov.au

The St Helens Township Plan has a term of three (3) years – after this period, the action list will be reviewed.

Adopted by Council



Appendix 1

Community Engagement

On Monday, 28 March, 2022 we held a “drop in session” at St Helens where Council officers met with community members seeking their feedback on the following issues:

- Infrastructure;
- Environment; and
- Other issues

Eighteen community members attended this session.

During the Drop-in session period (11 March – 2 June 2022) a survey was available for community members unable to attend the Drop-in session. The survey received 244 responses from the Break O'Day Municipality – 81 of these were from St Helens.

Council heard from a total of 99 St Helens residents.

According to the 2021 Census, St Helens has a population of 2,206.

While developing township plans we also asked residents to share with us what they loved about their community and how they would like their community to look in 10 years' time.

The answers to these questions were used to develop a vision and legacy statement for each township and we would appreciate your feedback on these as well as the plan itself.

These statements will help Council to make decisions about your township based on whether they fit with the vision and legacy of each community.

The Community Vision and Legacy Statements for St Helens are:

Community Vision: *The St Helens community most values their connection to the natural environment as well as their strong sense of community.*

Community Legacy: *The community of St Helens understands that the town is growing and would like to ensure it has the community facilities, tourism infrastructure, general infrastructure and business to support this growth and retain people in the community.*

The above statements were developed from Community feedback as shown over:



Grouped answers to Question 5.

What do you most love about your community?



Grouped answers from Question 7.

How would you like your community to look in 10 years' time?



Comment direct from community member.

"All gravel roads sealed drain work to be completed the top end of the town maintained"

You can find a full report of all community consultation on our website under **My Community / Community Consultation**.



Appendix 2

Business as Usual Activities

Comment	Action
<ul style="list-style-type: none"> Footpath early part of Medeas Cove Esplanade – Neighbourhood House end and around the corner 	The project is included in the 2022-2023 Capital Budget and does rely on grant funding becoming available to Council.
<ul style="list-style-type: none"> Toilets/amenities for croquet club in respect of membership demographics, health and mobility 	This forms part of the St Helens Sports Complex master plan and the practical location of facilities to all users will be considered.
<ul style="list-style-type: none"> Boats outside Bayside to be planted with seasonal fruits eg., strawberries Planting fruit trees around town for people to access 	Council to consider this as part of the seasonal planting
<ul style="list-style-type: none"> Extend free green waste disposal and green bin collection if only monthly 	The extension of the free green waste period (Nov to Feb) can be considered by the Council based on a cost benefit analysis being prepared.
<ul style="list-style-type: none"> Dog management on beaches needs to improve 	Council has a Dog Management Policy and Council staff work in collaboration with PWS
<ul style="list-style-type: none"> More weed management (agapanthus, blackberries) pittosporum 	<p>Council manages weeds on its land and can cooperate with other landholders, who are responsible for their weeds, to strategically control gorse and other weeds. Weed species priorities and limits to resources govern where, what and how fast this can occur.</p> <p>Private landowners and other government authorities have responsibilities to act to manage weeds.</p>

Activities Outside Township Plan Scope

Comment	Action
<ul style="list-style-type: none"> Footpath/trail to Stonyford 	Suggestion noted for future consideration by the Council.
<ul style="list-style-type: none"> Footpath from Penelope Street to Falmouth Street 	Suggestion noted for future consideration by the Council.

<ul style="list-style-type: none"> • Footpath/bike track right around Georges Bay 	<p>Council's has advised its longer term intent to ultimately connect O'Conner's Beach and Stieglitz Beach with a pathway. Council continues to seek State and Australian Government funding opportunity.</p>
<ul style="list-style-type: none"> • Shared pedestrian/cycle way from St Helens to Burns Bay 	<p>This project is noted and may be considered for future strategic planning</p>
<ul style="list-style-type: none"> • Solar lighting on Georges Bay Walkway on old section of trail 	<p>Project has been costed and is a potential candidate project for external funding.</p>
<ul style="list-style-type: none"> • 3 painted zebra crossings – post office area, central and Hilys IGA on main road in town specifically targeting elderly with walkers so that they can walk along by the water – after all that is why they retired in your area 	<p>State Growth have undertaken a traffic assessment of Cecilia Street and Council is awaiting release of that report.</p>
<ul style="list-style-type: none"> • Hot mix seal bike track access to bike trail off main highway at bridge 	<p>This is noted and may be considered by Council as a future project</p>
<ul style="list-style-type: none"> • Safety issues – Medeas Cove Road (Esp)/Tasman Highway 	<p>This has been raised with State Growth Traffic Officers – awaiting outcome of assessment by department officers.</p>
<ul style="list-style-type: none"> • Road safety – Cunningham Street & Talbot Street (Parkside) both need mirrors so hidden traffic is visible for those exiting those streets and "hidden entering traffic signs on St Helens Point Road for these 2 intersections 	<p>The installation of mirrors are not supported by State Growth – there is the option of reducing the speed limit and subject to approval by Transport Commissioner and with support of the broader community.</p> <p>Concealed entry signage can be considered and assessed according to road signage standards.</p>
<ul style="list-style-type: none"> • More bins at beaches (Perons & Beer Barrell) and signage to encourage people to use toilets at boat ramp (or doggy bag supply with sign to remove all waste & paper) 	<p>Advise PWS of this request</p>
<ul style="list-style-type: none"> • Green garbage collection 	<p>FOGO collection and local composting is not financially viable.</p>



04/23.16.0 DEVELOPMENT SERVICES

04/23.16.1 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 items which have been dealt with by the Development Services Department since the previous Council meeting.

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS

1. Progression of St Marys Indoor & Evacuation Centre & Fingal Community Shed construction drawings;
2. Ongoing Testing and Collation of feedback to State Government Department regarding implementation of Plan Build;
3. Completed Georges Bay Activation Strategy;
4. Finalised final draft of Municipal By-law;
5. Finalised insurance claim for replacement of sports flooring and basketball backboard at Bendigo Bank Community Stadium;
6. Development Services staff attended training re upcoming changes to National Construction Code;
7. Development Services staff attended Northern Permit Authority training workshop.

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 2021 / 2022
NPR	5	3	2	2	4	4	2	4					26	
Permitted	1	1	6	5	7	2	3	5	1				31	
Discretionary	17	22	5	13	11	13	15	10	10				116	
Amendment	3	1	3	2	1	2	1		1				14	
Strata	1				1		1		1				4	
Final Plan	1	6		1	2	1	2	1	2				16	
Adhesion					2								2	
Petition to Amend Sealed Plan			1		2								3	
Boundary Rectification														
Exemption														
Total applications	28	33	17	23	30	22	24	20	15				212	326

Ave Days to Approve Nett *	43.67	33.66	21.41	27.26	36.03	29.9	46.16	25.35	34.46				33.06	
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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:

March 2023

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
021-2023	Fingal	Utilities Building	S57	30	29
001-2023	Scamander	Installation of Spa and Construction of Pool Fences	S57	45	39
097-2022 FINAL	Falmouth	Final Plan of Survey – 2 Lot Subdivision	FINAL	25	25
322-2021	Binalong Bay	Outbuilding with Toilet, Verandah, Deck & Carport	S58	466	21
126-2022 FINAL	Scamander	Final Plan of Survey – Boundary Adjustment	FINAL	22	22
229-2022 AMEND	St Marys	Carport	S56	3	3
111-2018 STRATA	St Helens	2 Lot Strata Development	STRATA	14	14
003-2023	St Helens	3 Lot Subdivision	S57	59	39
292-2022	Scamander	Shed	S57	115	36
293-2022	St Marys	Dwelling & Shed	S57	53	42
010-2022	Weldborough	Dwelling	S57	276	35
027-2022	Stieglitz	Shed	S57	98	60
207-2022	Scamander	Communal Shelter & Tennis Court	S57	162	74
015-2023	Falmouth	Dwelling, Ancillary Dwelling & Shed	S57	48	41
011-2023	Stieglitz	Shed with Amenities	S57	68	37

TOTAL 15

BUILDING PROJECTS REPORT

Projects Completed in the 2022/2023 financial year

Description	Location	Updates
New Accessible/Family Toileting Facility	St Marys Community Space	Completed and Opened to public 4 th October 2022
Building Improvements	St Helens Council Chambers	Completed November 2022
Installation of three drinking water fountains	Bendigo Community Stadium; St Marys Community Space; Scamander Reserve	Completed February 2023

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"> Nearing Completion.
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> Works Commenced; Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.
New Lighting Towers	St Helens Sports Complex – Football Oval	<ul style="list-style-type: none"> Works have commenced, due for completion prior to commencement of Local AFL roster (April/May 2023).
St Marys Waste Transfer Station Additions	St Marys Waste Transfer Station	<ul style="list-style-type: none"> Regulatory approvals obtained Works commenced and planned completion prior to end June 2023.
New Solar Panels & Heating Improvements	St Marys Community Hall	<ul style="list-style-type: none"> Contractor scheduled to commence mid-April 2023 Works scheduled .to be completed prior to end April 2023.


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

Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> Works scoping and scheduling of works to be confirmed.
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none"> Planning approval obtained; Edwards + Simpson awarded contract for preparation of tender and building approval documentation.
St Marys Indoor Recreation Facility	St Marys Sports Complex	<ul style="list-style-type: none"> Planning approval obtained; Edwards + Simpson awarded contract for preparation of tender and building approval documentation.

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.	2022 / 00195	St Helens	Retrospective Approval - Deck, Spa & Pool Fencing	\$15,000.00
2.	2022 / 00314	Goshen	New Shed & Carport	\$60,000.00
3.	2020 / 00098 - Stage 2	St Helens	New Decks x 2 (Glamping Structure - Temporary Building)	\$24,900.00
4.	2023 / 00018	St Helens	New Shed	\$17,500.00
5.	2021 / 00087	St Helens	New Fuel Station & Canopy	\$750,000.00
6.	2019 / 00043 - LOT 7	Falmouth	New Visitor Accommodation, Deck & Spa	\$159,000.00
7.	2022 / 00220	Scamander	New Dwelling incorporating Garage, Deck & Solar Panels	\$330,000.00
8.	2023 / 00048	Scamander	Temporary Occupancy Permit - Place of worship	N/A
9.	2022 / 00234	Scamander	Dwelling(Alterations), Deck (additions) & Retaining wall (new)	\$30,000.00
10.	2023 / 00006	St Helens	New Dwelling, Ancillary & Shed	\$782,526.00
11.	2023 / 00001	Scamander	New Spa Fence	\$2,340.00
12.	2022 / 00325	Fingal	New Farm Shed	\$767,000.00
13.	2022 / 00265	St Helens	New Shed & Water Tank (exceeding 45,000 litres)	\$100,000.00
14.	2023 / 00010	Four Mile Creek	Change of Use (additional use) - Dwelling/Visitor Accommodation	N/A
15.	2022 / 00176	Beaumaris	Addition - Deck	\$3,600.00
16.	2020 / 00298 - Legalisation	St Helens	Legalisation - Change of Use (Shed to Dwelling) & Pool	\$81,000.00
17.	2020 / 00298	St Helens	Addition (Dwelling) & New (Pool Fencing)	\$18,000.00
18.	2022 / 00324	Akaroa	New Shed	\$18,070.00
19.	2022 / 00018	St Helens	Dwelling (Alterations), Carport (Addition) & New (Deck)	\$49,000.00
20.	2010 / 00196 - AMEND	St Helens	New Dwelling, Carport, Patio & 2 X Sheds	\$438,950.00
21.	2022 / 00277	St Marys	Demolition, Alterations & Additions - Dwelling, Retaining Wall & Alfresco	\$295,000.00
22.	2022 / 00262	St Helens	Addition - Shed	\$25,000.00
23.	2022 / 00283	St Helens	Alterations & Additions - Deck Extension & Spa and Spa fencing	\$40,000.00
ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE			2021/2022	2022/2023
			\$20,354,640.00	\$26,730,143.00
ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH		MONTH	2022	2023
		March	\$3,795,740.00	\$4,006,886.00
NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE		MONTH	2021/2022	2022/2023
		March	143	153

ENVIRONMENTAL REPORT

Description	Updates
<p>Binalong Bay foreshore Weed Management</p>	<p>A council work crew joined another from the Parks and Wildlife Service to control weeds invading the foreshore bushlands at Binalong Bay. Blackberry, passion vine, pittosporums, blue periwinkle and other weeds were removed and stumps of larger plants poisoned. Rehabilitation areas were cleared, mulched and planted with local native seedlings grown from seed and cuttings from the area. Follow-up weeding and replanting is planned for later in the year as part of the joint Weed Management Plan for Binalong Bay foreshore reserve.</p> 
<p>Weed Management</p>	<p>Following inspections and weed reports, pampas grass, Spanish heath and Californian thistle have been the subject of landholder contact and advice and requests for their control. The state roads Weed Management officer for Department of State Growth visited Break O’Day to share information and help coordinate control activities.</p>

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.

Our 2022-2023 season Recreational Water Quality monitoring program has ended. The results for water samples taken during the season indicate conditions for all these waters have been safe for swimming according to the Tasmanian Recreational Water Quality Guidelines.

Recreational water	5 Dec. 2022		20 Dec. 2022		10 Jan. 2023		6, 14 & 22 Feb. 2023		14 & 21 March 2023	
	Ente *	Rec. WQ#	Ente *	Rec. WQ#	Ente *	Rec. WQ#	Ente *	Rec. WQ#	Ente *	Rec. WQ#
Grants Lagoon mouth A	<10	Good	31	N/A	N/A		N/A		N/A	
Grants Lagoon mouth B	N/A		N/A	Good	60	Good	<10	Good	10	Good
Grants Lagoon footbridge	20	Good	10	Good	<10	Good	<10	Good	<10	Good
Grants Lagoon (camp grd)	10	Good	<10	Good	<10	Good	<10	Good	<10	Good
Beauty Bay	10	Good	10	Good	10	Good	30	Good	<10	Good
Yarmouth Creek	110	Good	10	Good	130	Good	<10	Good	20	Good
Wrinklers Lagoon	40	Good	20	Good	<10	Good	10	Good	60	Good
Scamander River mouth	<10	Good	<10	Good	80	Good	30	Good	10	Good
Henderson Lagoon	70	Good	<10	Good	30	Good	50	Good	30	Good
Denison Rivulet	10	Good	<10	Good	<10	Good	10	Good	20	Good

* Enterococci /100ml # Recreational Water Quality class (from Tasmanian Guidelines)

Sampling to monitor water quality was conducted twice during December, in January, February and March. Resampling according to the Tasmanian Recreational Water Quality Guidelines in February and March saw all sites achieve good water quality results. After several wet years catchments remained well charged with water and sustained good stream flows through coastal lagoons and river mouths over the summer. Increased runoff after significant rains reduced water quality temporarily at some sites.

The results for 2022-2023 are a reminder that 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	2022/2023		2021/2022	
	Persons	Vaccinations	Persons	Vaccinations
July - December	60	64	43	45
January - June	54	54	155	156
TOTAL	114	118	198	201

Sharps Container Exchange Program as at 10 March 2023

Current Year	Previous Year
YTD 2022/2023	YTD 2021/2022
51	28

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017-2027 (Amended March 2022)

Goal

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

Strategy

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

LEGISLATION & POLICIES:

Not applicable.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority.

ACTION	DECISION
PROPONENT	NRM Special Committee
OFFICER	Polly Buchhorn - NRM Facilitator
FILE REFERENCE	010\028\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Meeting Minutes - NRM Special Committee – 7 March 2023

OFFICER’S RECOMMENDATION:

That Council receive the Minutes of the NRM Committee Meeting held on 7 March 2023 and consider items from the Committee for further Council attention, including the Committee’s recommendation of priorities to include in Council’s 2023-2024 Annual Plan and budget.

INTRODUCTION:

The Break O’Day NRM Special Committee met on 7 March 2023, with a field trip to St Helens Point area, followed by a regular meeting in the Council Chambers, St Helens.

PREVIOUS COUNCIL CONSIDERATION:

Council considered the NRM Committee’s Minutes at its April Workshop.

01/23.4.1.033 Moved: Clr K Chapple/ Seconded: Clr K Wright

That Council receive the Minutes of the NRM Committee Meeting held on 6 December 2022.

CARRIED UNANIMOUSLY

11/22.16.4.237 Moved: Clr J Drummond/ Seconded: Clr K Chapple

That Council receive the Minutes of the NRM Committee Meeting held on 13 September 2022.

CARRIED UNANIMOUSLY**OFFICER’S REPORT:**

Minutes from the NRM Committee’s March 2023 meeting are attached for Councils attention and to be formally received. The table below summarises current outstanding NRM Committee actions or advice following the meeting, to be noted and considered for further attention by Council.

Prior to the Meeting, the Committee visited off road vehicle use sites on the beaches and reserves of St Helens Point area and discussed issues with management. Findings from the field trip were discussed and are recorded in the minutes of the meeting

Current outstanding NRM Committee actions

	Item	Status
4 August 2020		
6.2.1	Seek to fill remaining community, education and forest industry representative vacancies on Council's NRM Committee.	Continue for remaining vacancies.
6 December 2022		
5.1.1	The NRM Committee finds the Conservation Covenant Support Policy (EP03) is effective in encouraging private land conservation in Break O'Day and Council should continue to offer the rate relief and consider increasing it from \$5 to \$6/Ha and the Policy's annual support cap from \$10,000 to \$15,000.	Completed
7 March 2023		
4.1	Nomination of new Committee Member to be appointed representing the education sector.	Action
4.3.1	Council consider for its 2023-24 Annual Plan the Committee's outlook on priorities for action and activities from the Break O'Day NRM and Environment Strategy and Action Plan. In addition, urges Council to increase further its resources for weed management and animal control (dog and cat management) in 2023-2024.	Recommendation

Council's attention is drawn to the two items arising from the NRM Committee Meeting and listed above. A separate item in Council's Workshop Agenda addresses appointing a new member to the Committee to represent the education sector (Item 4.1 in the NRM Committee Minutes).

The NRM Committee has recommended (item 4.3.1 in the NRM Committee Minutes), priorities for Council to include in its NRM program for 2023-2024 as Council develops its Annual Plan and budget for next year.

These are listed below. The NRM Committee also continues to urge Council to allocate more resources for weed management and animal control activities.

2023 - 2024 NRM Priorities

Land and Water Management

- Continue seeking funding opportunities and partnerships for management priorities and actions.
- Dog Management Policy - five year review and public consultation, Policy implementation.
- Strategic weed management actions across land tenures – developing the Weed Action Plan and the Serrated Tussock Eradication (grant) project.
- Local Responsible Cat Ownership actions, coordinated with the Northern Tasmania Regional Cat Management Strategy.
- Coastal management – work with community and government agencies on coastal issues such as shorebird conservation and off road vehicles.

- Catchment, stream and water quality management - priorities, trends and future priorities in the main river basins and *rivercare* actions. Support community action on water issues for the George catchment and bay.
- Improving soil and water management and weed and disease hygiene in land use practices and development.

Appropriate Development

- Implement Land, Water and Climate Change priorities by supporting policy, processes and education activities for sound land use planning, building and design.

Climate Change

- Scamander River mouth, coastal and flood hazards project (grant funded).
- Take action in Break O'Day, implementing early mitigation and adaptation action priorities, and seeking funding opportunities and partnerships. Support Northern councils Climate Change Action Planning initiative and integrate with local Climate Change Action Plan and priorities.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Goal

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

Strategy

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.
3. Undertake and support activities, which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.
4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.

LEGISLATION & POLICIES:

Local Government Act 1993 – Section 24 Special Committees.
Local Government (Meeting Procedures) Regulations 2015.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.



Minutes

NRM SPECIAL COMMITTEE FIELD TRIP & MEETING

Tuesday 7 March 2023

Off Road Vehicle management field trip, St Helens Point
from 11:30 am

Regular meeting

2:15-3:55 pm

BREAK O'DAY COUNCIL CHAMBERS (COURT ROOM)
32-34 Georges Bay Esp. St Helens,

COVID-safe Protocols Apply

- Do not come if experiencing any cold/flu/COVID-19 like symptoms or if you are a close contact with a confirmed case
- Practice necessary hygiene and distancing restrictions
- Masks are a good idea but not required

1 Attendance

Note members present and apologies.

Present:

Councillor Janet Drummond (Break O'Day Council - Chair); Clr Liz Johnstone (Break O'Day Council); Dom Neyland (Parks and Wildlife Service); Howard Jones (Community Representative); Todd Dudley (NE Bioregional Network); Tim Rhodes (Agriculture Industry);

Attending the meeting:

Anne Bennet (guest and prospective nominee for education sector representative) and Polly Buchhorn, NRM Facilitator (note taking).

Apologies:

Craig Lockwood (Marine Aquaculture); JeanyMaree Wilson (Aboriginal community – resigned from Committee), Adam Smith (Parks and Wildlife Service).

Attending the earlier field trip were Councillor Janet Drummond; Clr Liz Johnstone; Dom Neyland; Howard Jones; Todd Dudley; Tim Rhodes, Anne Bennet and Polly Buchhorn.

1.1 Acknowledgement of Country

Gathered for the Break O'Day Council NRM Committee meeting today, we acknowledge the Plenner-remaire-menner clan, the people whose country we meet on and the Elders, past, present and future. We would also like to acknowledge the Tasmanian Aboriginal people, the original custodians of this land, who continue to practice culture and tradition to this day and always will.

2 Confirmation Minutes of Meeting

2.1 Minutes of Meeting

The Meeting held on Tuesday 6 December 2022 was one member short of a quorum.

Amendments to the Minutes were sort:

- By Todd Dudley at 3.3 after "... Council considered the...". To replace "Committee's suggestion" with: 'suggestion from Todd Dudley and North East Bioregional Network and advice from the Committee that' "...it contribute to sponsoring a PWS Discovery Ranger in Break O'Day."

- By Howard Jones to record (insert at 5.6) 'Members were frustrated with continuing non-compliance by many dog owners. Acknowledging signs can be confusing, but vandalism of signs and wilful non-compliance were unacceptable.'

Both amendments were discussed and supported by members.

- 2.1.1 Decision: That the Minutes of the Meeting held on Tuesday 6 December 2022 at Break O'Day Break O'Day Council Chambers, with less than a quorum present, be amended at 3.3 and 5.6 as agreed, be ratified and that the Minutes of that Meeting are confirmed.

Moved: Janet Drummond

Seconded: Liz Johnstone

Carried

3 Declaration of interest of a member or close associate

- 3.1.1 Recommendation: Members to declare any interest they or a close associate have in matters on the Agenda.

Nil

4 Business arising from the previous meeting

4.1 Committee Membership

Members noted the resignation in February of Aunty Jeanymaree Wilson, appointed to the Committee last year to represent the Aboriginal community. The NRM Facilitator will follow up a suggestion from Aunty Jeanymaree of someone else who may be interested in the role on the Committee.

Members welcomed Anne Bennet of Falmouth as guest and a possible Education sector representative on the Committee. Anne was interested to join the Committee and bring her experience as a teacher and connections to our schools.

The Members were unanimous in recommending that Council consider appointing Anne Bennet to its NRM Special Committee representing the Education sector.

4.2 Off Road Vehicle Management

Committee members discussed observations and conclusions following the Off Road Vehicle (ORV) management field trip to St Helens Point prior to the regular meeting. Dominic Neyland (PWS) led the group, visiting several St Helens Point sites.

- Maurouard Beach lookout (north)
- Main access to authorised 4WD area at Peron Dunes in the middle of Maurouard Beach
- Windmill Lagoon (via Dawson St.) and on the way tracks made by ORV users, beside roads (avoiding vehicle/road rules) and through coastal heath, woodlands and dunes
- Dawson St. to southern access points (sand quarry/private land) and more ORV tracks, some severely eroded.

A key observation was the proliferation of ORV tracks crisscrossing the area in the last 10 years. They continue to expand, with vegetation lost, soil erosion and may be spreading weeds and disease.

Discussion during the field trip and after at the Meeting identified several main areas of action.

- Continuing efforts by PWS/landholders: to control on-ground access, signage and communication (users/groups and concerned community), enforcement, restoration of damage/tracks)
- Need for a formal (statutory) management plan for St Helens Point Conservation Area – funding and capacity barriers to work through
- Eroded tracks off Dawson St. need drainage and restoration work (on Council land)
- Public communication and information (which Council has committed to assist with) – audience range/contexts, channels used/to use, messages.

4.3 NRM Action Plan priorities for 2023-2024

The Committee considered priorities for the next 2023/24 financial year and Council's operations, Annual Plan and budget allocations.

The NRM Facilitator outlined the table provided to members showing NRM actions drawn from the *Break O' Day Environment and NRM Action Plan 2019-2023* for this 2022/23 year and interpretation of actions to consider for 2023/24. The *Break O' Day Environment and NRM Action Plan 2019-2023* and *Strategy* provide the strategic basis for NRM program priorities, to be aligned with the municipal Strategic Plan and then inform Council's annual planning. That the *Environment and NRM Action Plan 2019-2023* was due for review in the coming year was noted.

The Committee's outlook last year (for this current financial year) was suggested as a good starting point. It was structured around the Key Focus Areas of Council's Strategic Plan and its 'Environment' Goal. Many of those priorities are continuing, reflecting the strategic issues of

the *Environment and NRM Action Plan 2019-2023*. The NRM Facilitator noted next year will bring three significant new NRM Actions for Council's Annual Plan.

- review of the Dog Management Policy
- a new coastal hazards and flood management project at Scamander (grant)
- review of the current Environment and NRM Action Plan.

2023 - 2024 Priorities

Members discussed incorporating the three new priorities and identified coastal management as an additional one. In particular management of shorebird values (already a focus) and management off road vehicles.

The Committee also continues to urge Council to allocate more resources for weed management and animal control activities.

The Committee's outlook on NRM program priorities for the 2023/24 financial year and Council's operations, Annual Plan and budget allocations is as follows. Members were invited to provide further comments to the NRM Facilitator in coming weeks.

Land and Water Management

- Continue seeking funding opportunities and partnerships for management priorities and actions
- Dog Management Policy - five year review and public consultation, and implementation
- Strategic weed management actions across land tenures – developing the Weed Action Plan and the Serrated Tussock Eradication (grant) project
- Local Responsible Cat Ownership actions
- Coastal management – work with community and government agencies on coastal issues such as particularly shorebird conservation and off road vehicles
- Catchment, stream and water quality management - priorities, trends and future priorities in the main river basins and *rivercare* actions. Support community action on water issues for the George catchment and bay.
- Improving soil and water management and weed and disease hygiene in land use practices and development.

Appropriate Development

- Implement Land, Water and Climate Change priorities by supporting policy, processes and education activities for sound land use planning, building and design.

Climate Change

- Scamander River mouth coastal and flood hazards project (grant funded)
- Take action in Break O' Day, implementing early mitigation and adaptation action priorities, and seeking funding opportunities and partnerships. Support Northern councils Climate Change Action Planning initiative and integrate with local Climate Change Action Plan and priorities.

The Committee also discussed an anticipated new round (5 years) of regional NRM funding from the Australian Government for NRM North. The focus of the federal government's investment is likely to be drawn from the actions and priorities in the NRM North's new regional *2030 NRM Strategy*. At its last meeting the Committee considered a large number of regional priority actions in this regional strategy that are relevant to Break O'Day.

Opportunities arising for Break O'Day cannot be anticipated for the coming 2023/24 annual plan but could be during review and extension of the *Break O'Day Environment and NRM Action Plan* later this year, to align with regionally funded opportunities.

- 4.3.1 Recommendation: Council consider for its 2023-24 Annual Plan the Committee's outlook on priorities for action and activities from the Break O'Day NRM and Environment Strategy and Action Plan. And urges Council to increase further its resources for weed management and animal control (dog and cat management) in 2023-2024.

Moved: Liz Johnston

Seconded: Tim Rhodes

Carried

5 Outstanding Committee items

The status of outstanding items is reported below to track their progress and close completed items.

	Item	Status
4 August 2020		
6.2.1	Seek to fill remaining community, education and forest industry representative vacancies on Council's NRM Committee	Continue for remaining vacancies.
6 December 2022		
5.1.1	The NRM Committee finds the Conservation Covenant Support Policy (EP03) is effective in encouraging private land conservation in Break O'Day and Council should continue to offer the rate relief and consider increasing it from \$5 to \$6/Ha and the Policy's annual support cap from \$10,000 to \$15,000.	Recommendation to Council at March meetings.

- 5.1.2 Decision: The Committee receives the report on Outstanding Committee items and updates to their status.

Moved: Janet Drummond

Seconded: Howard Jones

Carried

6 Issues

6.1 Review of the Break O'Day Environment and NRM Action Plan 2018-2023

The NRM Facilitator provided a brief overview and asked the Committee to consider at this stage a first question of 'how' to go about the review and make the Action Plan effective?

- Process, roles and timing of the review. Who should be involved and how.
- The nature of the Action Plan and how to link broad strategic issues to Council actions – what is the best way to inform Council's Annual Plans/budgets and NRM activity? And also the shared responsibility for the issues and actions by the community?
- How to consider regional (2030 NRM Strategy) priorities and prepare for Australian Government investment in those relevant to Break O'Day. There may be opportunities for Break O'Day that are increased with co-investment (by Council and community)

Todd Dudley pointed out finding funds and resources to take action was the key barrier. There were opportunities and over the years North East Bioregional Network had bought \$5M of funding to the region for NRM work. Janet Drummond suggested the members share information on possible funding and grants they become aware of. That would increase chances of opportunities being found and taken up.

There was no time at this (shortened) meeting to discuss the Action Plan review but the NRM Facilitator work on it further and bring the review back to the Committee latter in the year.

6.2 Dog Management – Shorebirds and Migratory Birds

NRM Facilitator and members may have reports on recent activity and updates on activity by the Shorebird Working Group for the current beach nesting birds season. The Committee should consider any issues arising.

The Committee noted the Break O'Day Council Dog Management Policy is due for review, starting latter in 2023. The NRM Facilitator added there would additional preparation work for reviewing dog zones, in shifting from linear to two dimensional zone areas.

6.3 Weed Management Activity report

The report on weed management activity – Council control works, landholder support and weed projects – was noted by the Committee.

6.4 Deer Management

The Committee noted the report but did not discuss suggested action (encouraging the community to report sightings and local awareness raising), being short of meeting time.

7 NRM staff update

The Committee noted the NRM Facilitator's report, which highlighted the Binalong Bay Weed Plan, the new Scamander Coastal Hazards Risk Management, progress with serrated tussock control and development of a Council Climate Change Action program.

8 Committee Members update and other business

8.1 Wastewater discharge at St Marys

Howard Jones reported on a response received from Taswater regarding discharges of overflow from the St Marys sewage treatment plant (STP).

The STP has been observed by community members discharging directly into the St Marys Rivulet downstream of St Marys over the summer.

Taswater was aware of the discharge noting it has occurred previously during recent wet years and seasonal discharges are typical for STPs that have partial reuse schemes such as St Marys has. The STP and discharges were being managed, including monitoring water quality in the stream, in accordance with the Environmental Protection Notice (EPN 7362/2) they have from the Environment Protection Authority (EPA). The St Marys STP was compliant with the EPN, and their monitoring has found the STP has had a significant impact on the river (against the relevant standards - though figures for 2022/23 were not reported).

Tim Rhodes, who farms downstream, was not aware of the discharges and Todd Dudley noted a similar situation exists with other STPs, such as Scamander and Fingal.

8.2 Todd Dudley – North East Bioregional Network

Todd Dudley reported on several matters.

- Summer Discovery Ranger program was very successful. Would be good if it could be followed with an Easter Discovery Ranger program if sponsorship funding can be found.
- The Dianas Basin barway was illegally dug out and opened recently. He suggested Council's Newsletter be used to inform people barway opening requires approval from the PWS and needs to meet criteria to get a permit.
- Todd was pleased to see Council was committing operational budget to weed management on the Binalong Bay foreshore.

- Todd is concerned about land clearing occurring that doesn't comply with Planning Approval permits and conditions. Rehabilitation orders from the Planning Commission are not being implemented or enforced.

8.3 Clr. Liz Johnstone

Liz appreciated today's field trip a better way to consider NRM issues by seeing and considering them together on the ground. She proposed NRM Committee Meetings be preceded by outdoor opportunities to look at NRM issues and invite other Councillors to attend.

Members discussed the proposal and agreed today's field trip was beneficial and they should be a regular part of the Committee's scheduled Meetings.

Liz also mentioned the current national debate and activity around a "Voice" for first nations people was an important opportunity to build links with our local Tasmanian Aboriginal community. She would also like to find ways for youth to be involved and represented in the NRM Committee.

9 Next meeting dates

At the last Meeting members identified the following dates for NRM Committee Meetings during 2023, sticking with the first Tuesday of the month.

- March 7
- June 6
- September 5
- December 5

Janet Drummond asked if the dates could be reviewed as the next date, 6 June, was difficult for several members. And she would be on leave then until after the planned 5 September meeting. Meeting dates were discussed and bring the next meeting forward was agreed.

9.1.1 Recommendation: The next NRM Committee Meeting date be Tuesday 23 May 2023.

Moved: Janet Drummond

Seconded: Tim Rhodes

Carried

Meetings are normally on Tuesdays early in the month at the Child and Family Learning Centre at St Helens, starting at 12:30pm for BYO light lunch, with business starting 1pm, or sooner with agreement of those attending.

04/23.16.3 Appointment of Break O'Day Council Natural Resource Management Committee Representative.

ACTION	DECISION
PROPONENT	NRM Committee
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	010\028\003\
ASSOCIATED REPORTS AND DOCUMENTS	Charter for the Break O'Day Council Natural Resource Management Committee - September 2021.

OFFICER'S RECOMMENDATION:

That Council appoint Mrs Anne Bennet to its Natural Resource Management (NRM) Committee, as a new member representing the Education sector.

INTRODUCTION:

The Charter for Council's NRM Committee provides for appointment of an Education sector representative.

PREVIOUS COUNCIL CONSIDERATION:

The new appointment was considered at Council's April Workshop.

At Council's November 2022 Meeting following the Local Government Election, it appointed Councillors to several Committees and Boards, including its NRM Committee:

11/22.17.3.242 Moved: Clr J Drummond/ Seconded: Clr I Carter

- NRM Committee – Three (3) Councillors – the Chair also needs to be selected from Councils representatives - Councillor Drummond to continue as chair, Councillor Johnstone and Councillor Wright. Councillor Carter will act as backup if required.

CARRIED UNANIMOUSLY

06/22.16.3.126 Moved: Clr K Wright / Seconded: Clr L Whittaker

That Council appoint to its Natural Resource Management Committee, Aunty Jeanymaree Wilson, as a new member representing the Aboriginal community, Mr Adam Smith, representing the Public Land Manager, Tasmania Parks and Wildlife Service.

That Council that reappoint as members of the NRM Committee continuing representatives: Mr Howard Jones (Community); Mr Todd Dudley (Community conservation), Mr Tim Rhodes (Agricultural sector) and Mr Craig Lockwood (Marine and Aquaculture).

CARRIED UNANIMOUSLY

OFFICER'S REPORT:

The Charter for the Break O'Day Council Natural Resource Management (NRM) Committee provides for the Council to appoint representatives from across the community, industry and government sectors and Councillors, as members of the Committee.

At its 7th March meeting Council's NRM Committee hosted Mrs Anne Bennet as a guest and prospective member to represent the education sector. Mrs Bennet is a retired teacher with long career experience in our local schools and continuing connections with the St Marys and St Helens schools.

The NRM Committee supports the appointment by Council of Mrs Bennet the Education sector representative for the NRM Committee.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Achieving the Vision

Working together

- Council will... build and maintain strong relationships and partnerships through consultation, engagement and collaboration.
- The community will... be an active and engaged community participant through contribution and collaboration

Goal

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

Strategy

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

Key Focus Area - Community and Council Collaboration

Work within a community engagement framework which defines the relationship between the community and Council in decision making and project delivery.

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

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.
3. Undertake and support activities that restore, protect and access the natural environment, which enables us to care for, celebrate and enjoy it.
4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment. (For example, flood and fire.)

LEGISLATION & POLICIES:

Local Government Act 1993 – Section 24 Special Committees

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.



CHARTER

FOR THE

BREAK O'DAY COUNCIL NATURAL RESOURCE MANAGEMENT COMMITTEE

This Charter¹ sets out the terms for the establishment and operation of Break O'Day Council's Natural Resource Management (NRM) Committee as *Special Committee of Council* under the Local Government Act 1993, Section 24.

NRM Committee

The composition and representation of the NRM Committee is as follows:

Council	three Councillor representatives	3
Community	two individual or local interest group representatives	2
Community conservation	one local conservation interest representative	1
Aboriginal community	one representative	1
Agricultural sector	two representatives	2
Public land management	one representative from the Parks and Wildlife Service and one representative from the forest industry	2
Marine and aquaculture	one local industry representative	1
Education sector	one representative from schools or early or higher education	1
		13

Skill base required

- Primary production
- Community group on-ground expertise
- Conservation management
- Public Reserve management and Forestry expertise
- Marine management
- Environmental projects design and implementation

¹ This Charter is based on the *Charter for Meander Valley Council Natural Resource Management Committee*, which Break O'Day Council gratefully acknowledges.

Council representatives appointed for four year terms following normal four yearly Council elections. All other representatives appointed for two year terms. Nominating bodies to review their representation accordingly, every four and two years respectively.

Nominations of proxies for members, that are consistent with their representation on the Committee, may be recommended by the Committee for appointment by Council.

All appointments are at the discretion of Council.

The Chairperson of the Committee shall be a member appointed by Council.

Terms of Reference

1. To promote the protection, effective management and sustainable use of Break O'Day Municipality's natural resources, including flora and fauna, coastal and marine assets, soils, water and atmosphere, through implementation of the Break O'Day Environment and NRM Action Plan and Strategy.
2. To evaluate progress towards the objectives of the Break O'Day Environment and NRM Action Plan and Strategy.
3. To provide support and advice to Council on issues referred to the Special Committee by Council.
4. To bring before Council significant matters relating to management of natural resources which require attention and/or are not incorporated in the Break O'Day Environment and NRM Action Plan and Strategy.
5. To represent the views of the Break O'Day community or sections of the community as they relate to social, economic and environmental implications of natural resource management activities.

Natural Resource Management Committee Responsibilities

1. To undertake its Terms of Reference
2. To provide timely information to the General Manager, or Council as requested through the General Manager
3. To comply with statutory requirements, State Government policies and Council policies
4. Work together as a positive and proactive team, treating all people fairly and with respect, to hear representative's differing points of view, focus on the issues and accept the consensus of the Committee
5. Hold at least three NRM Committee meetings every year unless otherwise determined by the NRM Committee. Additional meetings may be convened if and when required by members;
6. The business for meetings shall include confirmation of minutes, review of any outstanding business, reports from NRM and relevant officers and to consider NRM projects or issues and recommended actions
7. Members to attend at least three (3) meetings of the Committee each year
8. A quorum for decision-making is six members with one at least being a Councillor member. However in the absence of a quorum being present at a meeting, urgent matters relating to the agenda of that meeting can be determined
 - by at least six (6) members communicating their agreement at that meeting and/or by written or electronic communication subsequently
 - and where these decisions are ratified at the next meeting.

Council responsibilities

1. Provide a meeting venue for the Committee as required to fulfil its functions;
2. Provide support to the Committee;
3. To give appropriate and timely consideration to Committee recommendations;
4. Allow the formation of Subcommittees under Committee guidance where special circumstances warrant it; and
5. Consult prior to and provide reasonable notice of any changes it intends to make with respect to the NRM Committee and Charter.

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:**

20.03.2023	St Helens	– Audit Panel
20.03.2023	St Helens	– Council Meeting
24.03.2023	George Town	– Northern Region GMs meeting, regular meeting with key matters being a briefing on potential future development happening at Bell Bay; update from the Office of Coordinator General, NTDC activities including review of the Regional Economic Development Plan, and operational activities common to Councils
27.03.2023	Hobart	– St Marys Pass, presentation made to Department of State Growth officers on investigation into potential alternative routes for a replacement to the St Marys Pass.
27.03.2023	Hobart	– CentaCare evolve, meeting with CentaCare officers to discuss a potential community housing project at Fingal
30.03.2023	St Helens	– Regional Jobs Hub, quarterly Community of Practice and Policy meeting involving Regional Jobs Hubs from around the State. The focus of the meeting was on youth employment, barriers to employment, careers development. A very productive and interesting forum attended by about 35 people.
31.03.2023	St Helens	– Regional Jobs Hub, site visit to the BODEC office and then local businesses Lyndcraft and Lease 65 & 153. Great opportunity to showcase the

		innovation in these businesses and to discuss the workforce challenges they experience.
03.04.2023	St Helens	– Council Workshop
05.04.2023	Mathinna	– Mathinna Club, meeting with Adrian Parsons involving Council officers and Tasmania Police to discuss the management and operation of events that are held on a regular basis.

Meetings & Events Not Yet Attended:

17.04.2023	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. Meetings with community members included Jason Unwin, Bob Barbour, John Dearing (Marine Rescue), and Angela Forsyth & Andrew Moore (St Helens RSL)

Brief Updates:

St Marys Pass

During the closure of the St Marys Pass, the Minister for Infrastructure made a commitment to commence investigations into an alternative route to the St Marys Pass. Since then, Council officers have undertaken initial work investigating the alternatives which might be available. Previously canvassed routes within Council and the community have included upgrading of the Semmens Road route which passes through Upper Scamander; and the existing power line route from the top of the existing pass. This has been expanded to consider whether other alternatives exist which need investigating which can achieve a gradient slope of 5 degrees ideally as a maximum.

The pros, cons and achievability of the options have been examined at a high level and need further investigation. Through the course of this investigation a potential route has been identified which in part would be a ‘greenfield’ approach. Importantly it does not involve any change to the Esk Main Road passing through the centre of St Marys which was very important to the community and Council.

The next steps will involve the Department of State Growth undertaking a high level analysis of the work which Council has undertaken as well as examining the risks and benefits. This would lead to the preparation of an Options Paper on the Replacement of the St Marys Pass. For this to occur it will be necessary for the Council to maintain the pressure on the State Government to make a funding allocation in the forthcoming State Budget to enable this work to commence.

Future Aquatic Facility Investigation

Following the decision at the February Council meeting, Council officers have commenced with the initial steps for the project to investigate the feasibility of a future Aquatic Facility. A general update will be appearing in the next Council Newsletter on the approach that is being taken along with an expression of interest process to secure the community representation for the Working Group. Whilst this is occurring representation from the Aquatic Centre committee and a representative from the health sector will also be sought.

It would be our intention to have the membership of the Working Group finalised at either the May or June Council meetings.

Within the 2022-23 Council Budget an initial allocation of \$40,000 to assist with consultant costs was made for this project, this will most likely all be used on Stage 1 of the project. This funding will be carried forward into the 2023-24 Budget and Council will need to consider allocating a larger amount to assist with completion of Stage 2 of the project as this involves the business case as well as conceptual designs.

Communications Report

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Sent out first week of April. Included stories on: <ul style="list-style-type: none">• Beach Clean Up Kids• St Helens Point Road Works• Volunteer Meet and Greet• Draft Township Plans ready for your feedback... and more
Social Media	Community Events	When asked to promote and material is supplied as well as when we see community events – they are shared to our Facebook page including but not limited to: <ul style="list-style-type: none">• Pyengana Easter Festival• Shave to Save – St Helens Online Access Centre• BOD Trails Collective AGM
	Government Events and Activities	Govt. Activities promoted including but not limited to: <ul style="list-style-type: none">• Fuel Reduction burns

TOPIC	ACTIVITY	PROGRESS
	Most engaged with post	Beach Clean Up Kids Reach 2738 and engagement 843 as of 4/4/2023
	Promotion of Council Activities	<ul style="list-style-type: none"> • Get in 2 Gear Mentor Chats • Newsletter • A cup of Kindness (Neighbour Day) • Draft Township Plans and more
Marketing	St Helens MTB Off Season	Developed an Off Season Listing for the St Helens MTB trails
	East Coast Tourism	Working with ECTT to identify and promote marketing opportunities to our business community.
EMAIL DATABASES	Developing	Continuing to grow the EDMs through the new resident survey, Facebook and newsletter promotion as well as engagement activities.
Community Engagement	Pumptrack	Both working groups have meet. Consultation in progress for the St Helens pumptrack. Both Schools have now been surveyed. Development of a brief and associated tender documents in development for Flagstaff
	Township Plans	Promotion of Draft Plans available for community feedback via EDM, facebook and the newsletter
	Managna Telecommunications and Fire Tanks	On-site visit with the Manager of Community Services – approx. 16 people attended
Correspondence	General	Working with Managers on outgoing correspondence to ensure it is in accordance with our Style and Communication Guides.

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
4-6 MacMichael Terrace, St Helens 2 Lot Subdivision	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager

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

DATE	DOCUMENT	ADDRESS	PID OR DA
01.03.2023	337 Certificate	181 Main Road, Binalong Bay	3412844

02.03.2023	337 Certificate	1 Barnett Close, Binalong Bay	2690527
02.03.2023	337 Certificate	Leona Road (128072-4), Avoca	1937524
07.03.2023	337 Certificate	Irish Town Road, St Marys (CT244210-1)	2755159
07.03.2023	337 Certificate	28 Legge Street, Falmouth (CT183959-1)	6401139
09.03.2023	337 Certificate	135 Tasman Highway, Beaumaris	7154985
09.03.2023	337 Certificate	120 St Helens Point Road, Stieglitz	6789014
09.03.2023	337 Certificate	7541 Esk Main Road, St Marys	6404313
09.03.2023	337 Certificate	Mangana Road, Mangana (CT211766-1)	6413412
09.03.2023	337 Certificate	19 Talbot Street, Fingal	6412452
14.03.2023	337 Certificate	17 Coffey Drive, Binalong Bay	7795977
15.03.2023	337 Certificate	Irish Town Road (CT36017-2), St Marys	2755159
15.03.2023	337 Certificate	22 High Street, Scamander	6783085
17.03.2023	337 Certificate	2 Cobrooga Drive, St Helens	7371330
17.03.2023	337 Certificate	54 Quail Street, St Helens	6795393
20.03.2023	337 Certificate	9 Aulichs Lane, St Marys	6401411

DATE	DOCUMENT	ADDRESS	PID OR DA
20.03.2023	337 Certificate	26 Tasman Highway, St Helens	6779959
21.03.2023	337 Certificate	10 Barrack Street, Akaroa	7220786
22.03.2023	337 Certificate	25 Gray Street, Fingal	6411193
22.03.2023	337 Certificate	14 Osprey Drive, Stieglitz	7320023
22.03.2023	337 Certificate	40-42 Falmouth Street, St Helens	2119152

LEGISLATION / STRATEGIC PLAN & POLICIES:

Strategic Plan 2017-2027 (Amended 2022)

Goal

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

Strategies

- 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	008\009\001
ASSOCIATED REPORTS AND DOCUMENTS	Discussion paper – Merit based recruitment in councils LG31 – Recruitment and Selection Policy

OFFICER’S RECOMMENDATION:

For discussion.

INTRODUCTION:

The Office of Local Government has released two discussion papers regarding councillor misconduct and merit-based recruitment in councils and is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.

PREVIOUS COUNCIL CONSIDERATION:

N/A

OFFICER’S REPORT:

The Discussion Paper contains three areas of focus;

Section 1: Reinstating a merit principle in the *Local Government Act 1993*.

Section 2: Requiring that vacancies in the position of general manager be advertised and that appointments be according to merit.

Section 3: General Manager recruitment and performance assessment principles.

Section 1: Reinstating a merit principle in the *Local Government Act 1993*

The discussion paper proposes to reinstate a requirement that council employees be appointed and promoted according to merit in the Local Government Act, this was a requirement until 2005. This responds to a recommendation of the recent report of the Integrity Commission titled ‘Investigation Smithies’.

The General Manager notes that this investigation and report related to actions which occurred at one Tasmanian Council, it did not do anything more than a desktop examination of what policies a Council have in place. The Commission did not contact Councils to enquire about what practices and policies they had in place. The findings are not reflective of the way that Break O’Day Council operates its recruitment processes.

The Break O’Day Council has a policy which underpins recruitment, LG31 – Recruitment and Selection Policy, and makes reference to merit based recruitments.

The assessment of suitable applicants shall be in accordance with the principles of merit and equal opportunity. The merit principle has regard to the knowledge, skills, qualifications, experience and potential for future development of each person in relation to their individual capacity to perform the duties and responsibilities associated with the position.

Whilst the importance of merit in the selection part of a recruitment process cannot be understated, it should not come at the blind exclusion of other factors. This is the approach that is now being proposed by the Office of Local Government who believe that the provisions within the State Service Act 2000 are the best solution available. This needs to be challenged, consideration must be given to a factor known as organisational fit, and this is becoming increasingly important in recruitment assessment and decision making. A misalignment in the suitability of a person within a team can result in a raft of industrial and safety matters arising such as bullying, performance management, and workers compensation claims. The importance of psycho-social safety in the workplace is a rapidly developing issue needing to be addressed by employers such as Councils.

Organisational fit refers to the compatibility between an individual and an organisation's values, culture, goals, and working style. It is important to consider organisational fit in recruitment processes because it can impact employee job satisfaction, performance, and retention.

While the merit principle focuses on selecting candidates based on their qualifications, skills, and experience, it is equally important to consider whether a candidate aligns with the organisation's values and culture. A candidate who possesses all the required qualifications and skills as well as being the best based on application of the merit principle may not be an ideal fit for an organisation if their working style clashes with the Council's culture or values.

When a candidate's values and working style match an organisation's culture and values, they are likely to feel more motivated and engaged in their work. This, in turn, can lead to increased job satisfaction and better performance. Conversely, when there is a poor fit between the employee and organisation, it can lead to conflicts and dissatisfaction, which can impact job performance and retention.

Therefore, it is very important to consider both the merit principle and organisational fit in recruitment processes to ensure that the selected candidate is not only qualified for the position but also shares the values, culture, and working style of the organisation.

The discussion paper has suggested that feedback might have regard to:

- ***Whether the proposition balances appropriately the merit principle with the principle of equitable access to employment and promotion;***
- ***Whether the degree of operational separation, namely that the requirements be embedded and operationalised through council policy, practices, and procedures, is appropriate; and***
- ***Whether the proposition adequately focuses the legislative intent on systemic standards, rather than individual employment decisions.***

The two principles should be considered separately as they are each have a different focus. In fact, the principle of equitable access and promotion is a confused principle and within the discussion paper there is no discussion about what the Office of Local Government is talking about. Equitable access would obviously be about there being a reasonable opportunity for people to apply for employment with Council, which goes without saying. Promotion is a separate matter which is closely linked to merit and performance. The merit principle is about the basis of a decision to select which candidate is successful.

Councils being required to develop and adopt a contemporary human resource policy in relation to recruitment and selection is logical. The General Manager being required to adopt and implement contemporary human resource practices and procedures is also logical.

The proposition as detailed on page 7 of the discussion paper whilst logical and sound in most areas is deficient due to the sole fixation on merit as the basis for selection in recruitment decisions.

What is also illogical and has not been justified is the need for the Local Government Act 1993 to be amended to include a sole focus on merit when this is a deficient and an approach which is out of touch with current human resource recruitment considerations.

Consideration should be given to using the Ministerial Order approach to provide for standards in relation to recruitment and selection.

Section 2: Requiring that vacancies in the position of general manager be advertised and that appointments be according to merit

The paper proposes that the Act be amended to require that vacancies in the position of general manager be advertised and applications sought from the community, and more widely. General Managers will be required to be appointed according to merit.

The General Manager supports a competitive approach to recruitment when a General Manager's position becomes vacant. The Office of Local Government has not canvassed the situation in relation to the situation where the Contract of Employment of a General Manager is coming close to completion. Typically Contracts will include provisions for a Contract extension to be considered and it is important that there is clarity on this. If the Ministerial Order defines this as being a vacancy then this will have massive implications within the sector and is likely to result in a high churn of General Managers due to the lack of certainty at the end of the Contract term.

In the previous discussion regarding merit based selection in Section 1, the importance of organisational fit was discussed. This is even more vital when it comes to the General Manager, the leader, of the organisation. A fixation on merit without a proper focus on the values of the preferred candidate for the position and the culture that they would seek to engender, will most likely lead to a failed recruitment within a few years and significant disruption within the organisation.

A competitive approach to vacancies in the position of General Manager of a Council will result in the widest field of potential candidates.

The Office of Local Government needs to ensure that there is clarity in the Ministerial Order in relation to vacancies and address the matter of potential Contract renewal processes.

The fixation on merit as the basis for selection in recruitment decisions for General Managers needs to be reconsidered to more appropriately reflect what the General Manager needs to bring as a leader to the organisation.

Section 3: General Manager recruitment and performance assessment principles

The discussion paper is poorly constructed in that the section relating to General Manager recruitment should have been included in the previous section, Section 2, which dealt with requiring vacancies to be advertised and appointments being made according to merit. Setting this aside, the General Manager recruitment principles as detailed on page 10 of the discussion paper are logical.

The section relating to performance assessment contains no discussion to support the principles which have been outlined in relation to performance assessment. Performance assessment processes are based on judgments, personal perceptions, about the performance of the General Manager. The principles as detailed do not contemplate providing any form of protection to the General Manager from an apprehended bias against them by an elected member or number of elected members.

Prior to the 2022 Local Government Elections, there were a number of candidates and sitting Councillors in different Council areas who made it quite clear that they intended to get rid of the General Manager if they got elected. This was an openly articulated bias which then is transferred to a performance assessment process, they are demonstrating a 'closed mind' which in the context of when a Councillor is taking part in a Planning Authority meeting will have repercussions. There is no such repercussion in the situation of assessing the performance of a General Manager. Similarly, in the legal system if a judge or person in the jury has made a public statement regarding their position on a matter they are demonstrating a conflict of interest and would be excused from taking any part in proceedings.

To say that General Managers "must be treated fairly in the assessment of their performance..." is wishy washy at best. Principles of natural justice needed to be strong enough to address the apprehended bias which could occur.

The Office of Local Government must address the issue of apprehended bias of Councillors impacting on the performance assessment of General Managers and ensure that appropriate measures are included.

Feedback on the discussion paper is required by 19 April 2023. Councillors views on the matter are sought.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

N/A

2022-23 Operational Plan – Corporate Planning Activities

Stakeholder Management, Legislative Reviews – Participate in reviews of legislation affecting Local Government.

LEGISLATION & POLICIES:

Legislation to amend the *Local Government Act 1993* to give effect to the proposals outlined in the discussion papers is anticipated in 2023.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.

DISCUSSION PAPER

Merit-based recruitment in councils

March 2023

Office of Local Government
Department of Premier and Cabinet



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How to make a submission

Submissions on the options for reform presented in this paper are welcome from members of the community, stakeholders, councils, council staff, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following prompts:

- Do you expect that a requirement that councils make decisions to appoint or promote employees based on merit will improve council services?
- Would this principle support or hinder access to employment opportunities in councils by the Tasmanian community?
- How can councils, and councillors, be supported to identify the best possible candidate for a vacancy in the important role of general manager?

Submissions by email to lgconsultation@dpac.tas.gov.au are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Merit-based recruitment in councils discussion paper
Office of Local Government
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions must be received by midnight on 19 April 2023.

In the absence of clear information that a submission is to be treated as confidential, submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Please consult the Tasmanian Government's [Public Submission Policy](#) for further information.

Submissions will be published after consideration by Government.

Context

Background

The Tasmanian Government is pursuing an ambitious reform program to enhance the capability of our system of local government in Tasmania. Alongside the Future of Local Government Review and reforms to the Local Government Code of Conduct Framework, it is opportune to pursue more targeted changes to resolve issues arising within the sector.

Importantly, this paper responds directly to reform recommendations contained in *Report of the Auditor-General No. 2 of 2021-22: Council general manager recruitment, appointment and performance assessment* and the Integrity Commission's 2023 *CEO Report of the Investigation: Investigation Smithies: Systemic Issues*.

The discussion paper is seeking feedback on two related legislative and regulatory amendments to clarify and improve standards for the recruitment of council staff and of council general managers. These related matters are considerably separately within the statutory framework established by the *Local Government Act 1993* (the Act).

Tasmania is one of two Australian jurisdictions—the other being Queensland—which does not include some variation on a requirement that local government employees be appointed based on merit within their local government legislation. Tasmania's Act did contain a merit principle for the appointment of employees historically, which was removed through the *Local Government Amendment Act 2005*.

This discussion paper proposes that a merit principle be reinstated in the Local Government Act. This will require the elected council and general managers, in their respective capacities, to ensure councils undertake recruitment in accordance with the merit principle.

Government separately undertook in 2021 to put in place a Ministerial Order regarding the appointment and performance management of council general managers. Scope to make an order for this purpose is provided under section 61A of the Local Government Act, which was inserted through the *Local Government Amendment (Targeted Review) Act 2017*.

This discussion paper canvasses a change to section 61(3) of the Act to enable this order to be made. Government's intention in pursuing the Ministerial Order is that councils will need to invite applications from their community, and more widely, for a vacancy in the position of general manager. The process councils are required to undertake to appoint and general managers will be tied to the definition of merit introduced into the Act in respect of employees.

Finally, the paper presents the principles to be embedded in the future order made under section 61A. The Minister for Local Government is required, at section 61A(3), to consult with councils as to the matters the Minister is considering including in the order. The Minister for Local Government has endorsed this discussion paper as the mechanism to fulfil that statutory requirement to consult with councils.

This Discussion Paper

This paper has been drafted to inform the community of proposed legislative amendments, and the related and subsequent ministerial order in relation to general manager appointment and performance management. It includes a brief overview of provisions relating to merit-based appointments of staff and the appointment of general managers in other Australian jurisdictions, and outlines the existing provisions of the Act.

Section 1: Reinstating a merit principle in the Local Government Act

It is proposed that the Act be amended to reinstate a clear expectation that the appointment and promotion of council employees be according to merit. It is acknowledged that many Tasmanian councils maintain employment practices, and policy and procedure documentation, which is consistent with that principle. However, a legislated expectation is considered beneficial for consistency and its broad application.

Appointment according to merit means, in general terms, that:

- eligible applicants are provided a fair chance to seek work in local government workplaces;
- selection is based only upon the relative ability of applicants for roles to perform in that role; and
- the candidates selected are those most capable, ensuring the workforce is of high quality.¹

The Tasmanian State Service is bound by the *State Service Act 2000* and associated Employment Directions to recruit and promote according to the merit principle. State public service legislation in all jurisdictions contains variations on the merit principle, as does the *Public Service Act 1999* (Cth). It is sometimes formulated as a joint 'merit and equity' principle.

Until 2005, Tasmania's Act required that "A council is to ensure that ... all employees are appointed and promoted according to merit and without discrimination; and ... all employees receive fair and equitable treatment without discrimination." This reference to employment according to merit was omitted in the amendments made in the Local Government Amendment Act in 2005.

It is difficult to be definitive about the reasons for this change. Project and legislative documentation from the time suggests that revisions to the Act (at section 63) were primarily intended to clarify the respective roles of general managers and councillors in regards to employees. It may also be the case that a view was taken that matters were addressed sufficiently by the *Anti-Discrimination Act 1998*, which does apply to employment decisions taken by councils.

The local government legislation of all other Australian jurisdictions, excepting Queensland, provides for appointment according to merit. These provisions are outlined in the table overleaf.

¹ Adapted from New South Wales' Independent Commission Against Corruption, [Recruitment and selection - Independent Commission Against Corruption \(nsw.gov.au\)](http://www.icac.nsw.gov.au)

	Tasmania	Queensland	Victoria	New South Wales	South Australia	Western Australia	Northern Territory
Are councils required in legislation to appoint employees according to merit?	No.	No.	Yes. Victoria's <i>Local Government Act 2020</i> requires at s48(2)(a) that a council's Chief Executive Officer must adopt and maintain a recruitment policy ensure that selection processes are based on merit, supports transparency in recruitment processes and the public advertising of positions, and have regard to gender equity, diversity, and inclusiveness measures.	Yes. New South Wales' <i>Local Government Act 1993</i> provides at s348 that, for appointments of 12 months or more, a council must advertise the vacancy in a manner sufficient to enable suitably qualified applicants to apply. The appointed person must (at s349) be from among the applicants and must be the applicant with the greatest merit. That determination is made with respect to the nature of the duties of the position; the abilities, qualifications, experience and work performance of the applicants, relevant to those duties; and equal opportunity objectives, including the elimination of discrimination on specified grounds and the promotion of equal employment opportunities.	Yes. South Australia <i>Local Government Act 1999</i> provides at s107(2)(a) that selection processes are based on an assessment of merit and are fair and equitable.	Yes. Western Australia's <i>Local Government Act 1995</i> provides at s540 that employees are to be selected and promoted in accordance with principles of merit and equity, and that powers with respect to employees may not be exercised based on nepotism or patronage.	Yes. S172(a) provides that a council must adopt policies on human resource management and ensure that those policies give effect to selection processes for appointment, or promotion, based on merit and which are fair and equitable. Section 173 requires that a general manager must maintain employment policies consistent with those principles.
Must a vacancy in the position of general manager/Chief Executive Officer (CEO) be advertised?	No.	No.	No. Under sections 44 and 45 the council must adopt a Chief Executive Officer Employment and Remuneration Policy, requiring independent professional advice, and appoint a CEO in accordance with that policy. Victoria's Local Government Inspectorate notes that the "current arrangements give full discretion to councils on how they employ their CEOs and under what conditions." ²	Yes. Sections 348 and 349 apply to a vacancy in the office of general manager.	Yes. S98(3) requires that the council must invite applications for a vacancy by advertising on a website determined by the council.	Yes. S5.36(4) provides that a position of a local government CEO must be advertised if it becomes vacant, in accordance with the prescribed manner, unless the position is to be filled by a person of a prescribed class (which exempts at section 18A of the Local Government (Administration) Regulations 1996 the appointment of persons employed, and who will continue to be employed, at another council). Standards for recruitment and performance management may be prescribed. CEO contract renewals are subject to advertising and a contested process after 10 years, under the Local Government (Administration) Amendment Regulations 2020, at c13.	Yes. S169 provides the vacancy must be advertised within six weeks* of its occurrence and as prescribed (with the Local Government (General) Regulations 2021 providing at c109(1)(a) that the its advertising include a newspaper circulating in the area).

² <https://www.gvic.gov.au/insite/y2020/employment-cycle-report>

The 2023 Integrity Commission CFO report titled 'Investigation Smithies: Systemic Issues' recommends that the Minister for Local Government implement a requirement in the Act for employees to be recruited on merit. The Report describes systemic issues at one Tasmanian council stemming from a lack of proper recruitment policy and procedure. A further recommendation regarding model employment policies will be considered separately and at a later time.

This discussion paper proposes, as recommended, that a requirement to recruit employees according to merit be reinserted into the Act. It is intended this draw on the formulations of merit found at sections 7(1) and (2) of the State Service Act (within the State Service Principles), to promote alignment between the employment practices of local government and the Tasmanian State Service.

Specifically it is proposed that:

- A council will be required to adopt policies, and a general manager to adopt practices and procedures, such that:
 - council employees are appointed and promoted based on merit;
 - there is reasonable opportunity for members of the community to apply for employment in local government;
 - recruitment decisions, including the merit assessment process, are documented; and
 - the council promotes fairness and equity in employment, including access to employment opportunities.
- A decision to appoint or promote an employee is based on merit where:
 - an assessment is made based on the relative suitability of the candidates for the duties;
 - the assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties;
 - the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
 - the assessment is the primary consideration in making the decision.

It is not proposed that:

- a uniform requirement be imposed that councils, for example, be required to solicit applications for all positions; or
- statutory scope be created for the review of individual local government employment decisions in respect of these principles.

Rather, a legislated requirement will place a clear onus on councils to maintain a high standard of human resources management. State entities with a remit including local government, namely the Director of Local Government, Integrity Commission, and Tasmanian Ombudsman, are empowered to monitor councils' systemic compliance with legislated requirements, and these reinstated and expanded requirements would be within their remit.

Feedback on this proposition is encouraged. Specifically, feedback might have regard to:

- whether the proposition balances appropriately the merit principle with the principle of equitable access to employment and promotion;
- whether the degree of operational separation, namely that the requirements be embedded and operationalised through council policy, practices, and procedures, is appropriate; and
- whether the proposition adequately focuses the legislative intent on systemic standards, rather than individual employment decisions.

Section 2: Requiring that vacancies in the position of general manager be advertised and that appointments be according to merit

The Report of the Auditor-General into Council General Manager Recruitment, Appointment and Performance Assessment (the Report), released October 2021, recommended that the Minister for Local Government “develop and issue mandatory requirements and supplementary guidance on recruitment, appointment and performance assessment processes that are consistent with contemporary HR practice.” The Report considered six council general manager recruitment processes (and six council performance assessment processes), and provided a separate assurance report considering the contemporaneous Huon Valley Council general manager recruitment process.

The Minister for Local Government at that time, as noted in the Report, affirmed Government’s intentions to make a ministerial order, under section 61A of the Act, providing standards for general manager appointment and performance assessment.

In considering matters to be prescribed in a section 61A order, it was identified that a threshold requirement was that councils be required to advertise a vacancy and receive applications from the community, considered broadly. This is not presently required in the Act, and its introduction is considered timely. As outlined in the table in section 1 of this paper, four of seven Australian jurisdictions require that councils solicit applications for a general manager (or CEO) vacancy.

It is noted that the role of general manager is a highly important one, being responsible for the day-to-day operations of the council, and implementing the decisions, policies, plans, and programs of the council. These unique functions of a general manager sharpen the imperative that a council obtains the best candidate among eligible and interested persons for that role.

One of the six general manager recruitment processes described in the Report was a direct appointment, without advertising, and it is noted that other councils have appointed general managers similarly. Without any suggestion that individual processes did not appoint meritorious candidates, it is considered that the interests of the community are better served if applications are sought and a competitive selection process, consistent with the merit principle, undertaken to appoint a general manager. Councils undertaking a competitive process can be more confident that the most suitable candidate will be appointed to the vacancy.

It is acknowledged that at least one council has advocated for direct appointment following internal succession planning. As outlined in the Report, succession planning—while desirable—is

a separate process to recruitment in contemporary human resources practice. Succession planning identifies and develops future leaders so that employers are prepared for the departure of employees in key positions—but those persons are tested through a competitive recruitment process, to confirm suitability for a role. As such, succession planning within councils is not considered a sufficient argument against reform.

Section 61 (3) of the Act provides that "If there is a vacancy in the position of general manager and the council chooses to invite applications for that vacancy, the council is to place, in a daily newspaper circulating in the municipal area, a public notice inviting such applications." This provision, in its optionality, does not permit the making of a section 61A order imposing the requirement that a vacancy be advertised.

This discussion paper seeks feedback on the proposition that this section of the Act be replaced with an express requirement that a vacancy in the position of general manager be advertised and applications sought from the community.

It is noted that the statutory requirement in Western Australia makes provision for appointment *without* advertising where an appointee is a current, and continuing, employee of another council. This exception is considered desirable, as it facilitates arrangements including the joint or shared appointment of a general manager, a model which is adopted presently by some Tasmanian councils. A similar provision is being considered.

Noting the separate proposition that a merit principle for recruitment and promotion be introduced into the Act, it is further proposed that the appointment of general managers must be in accordance with that principle, as outlined in Section 1 of this paper.

Section 3: General manager recruitment and performance assessment principles

As outlined, Government intends to put in place a ministerial order under section 61A of the Act providing standards for general manager recruitment and performance assessment. This responds to the recommendation contained in the Report of the Auditor-General that mandatory requirements be put in place. It is noted that the element of the recommendation pertaining to supplementary guidance will be considered at a later time.

Section 61A(3) requires that "Before making ... an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order..." This discussion paper outlines the matters the Minister for Local Government intends to make in the future section 61A order, in fulfilment of this requirement.

The Director of Local Government wrote to the Local Government Association of Tasmania in October 2021 outlining an initial set of policy directions proposed for the order, and soliciting feedback from the Association on behalf of councils. Feedback received was broadly supportive, and was taken into consideration in the principles as proposed (noting the discussion of succession planning within section 2 of this paper).

Subsequent to, and conditional on, the final drafting and legislation of the Local Government Amendment Bill 2023, it is proposed that the Minister for Local Government make an order under section 61A providing that:

Recruitment

- The process for the appointment of the general manager must be:
 - open and competitive
 - based on an assessment against a detailed role description, including selection criteria,
 - informed by the recommendations of a selection panel, comprising a majority of councillors and supported by persons appropriately qualified in contemporary human resources practices and the recruitment of senior management personnel, and
 - documented comprehensively, including the evaluation of candidates against the criteria in the role description.
- Conflicts of interest of any participant must be documented and appropriate mitigation strategies must be agreed by the panel and documented. Where a councillor, member of a selection panel, or consultant cannot reasonably mitigate a conflict of interest with a candidate due to the nature of that conflict, their participation in the general manager recruitment process must be discontinued.
- All reports from the selection panel and decisions of council are to be included in the open or closed minutes of a council meeting.

Performance assessment

- General managers must be treated fairly in the assessment of their performance, including with consideration to merit, equity, and transparency of the performance assessment process.
- The performance management of a general manager is to be:
 - conducted on at least an annual basis,
 - based on clear and measurable goals agreed with the general manager and the council, and the evaluation of those goals,
 - based on advice from persons appropriately qualified in contemporary human resources practices in the conduct of the performance assessment cycle, including in the measurement and evaluation of performance against the agreed goals, and
 - documented and recorded in the open or closed minutes of a council meeting
- Decisions of council regarding the remuneration and reappointment of general managers are to have regard to its most recent performance assessment.

Variation from the Ministerial Order

A council may seek in writing approval from the Director of Local Government to vary the application of a provision of this order to a specific, prospective general manager recruitment or performance assessment process.

**POLICY NO LG31
RECRUITMENT AND SELECTION POLICY**

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	Human Resources Manager
LINK TO STRATEGIC PLAN:	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.
STATUTORY AUTHORITY:	Local Government Act 1993 (Tas) Anti-Discrimination Act 1998 (Tas) Human Rights and Equal Opportunity Commission Act 1986 Fair Work Act 2009 Work Health & Safety Act and Regulation 2012
OBJECTIVE:	The intent of this policy is to ensure that employee recruitment and selection decisions are made consistently, fairly and equitably across Break O'Day Council and meet all necessary legislative requirements. The aim of the policy is to hire the best applicants for the available positions, making the best use of their abilities and providing job satisfaction.
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 21 September 2015 – Minute No 09/15.15.4.256 Amended 17 August 2020 – Minute No 08/20.12.7.141

POLICY

1. RESPONSIBILITIES

The responsibility for ensuring that this policy and associated procedures are adhered to rests with the General Manager.

2. INTRODUCTION

The Employee Recruitment and Selection Policy has been established to enable Break O'Day Council to meet its legislative commitments in relation to equal employment opportunity and anti-discrimination.

3. POSITION AND ROLE REVIEW

Prior to any recruitment activities being undertaken in relation to a vacant position, an assessment is to be made as to the ongoing requirements for the role. This assessment will include consideration of budgetary implications and future business requirements of Council in relation to the role. Additionally, the job & person specification will be reviewed and updated.

4. JOB & PERSON SPECIFICATION

A job & person specification is a statement of the tasks, duties and responsibilities of a job to be performed. It entails an understanding of the relationship of a specific position to other positions in Council and to Council's overall goals and operations. It must also reflect the outcome of the work performed and the standard of performance required.

5. ADVERTISING OF VACANCIES

At the discretion of the General Manager, vacant positions may be filled by:

- a) A recruitment process involving external advertising or the use of a recruitment agency for senior positions; or
- b) An internal recruitment process; or
- c) By direct selection. (See clause 7)

External advertising may include local and interstate newspapers, professional or industry journals, Local Government job directories, Council and other employment/government websites.

All advertisements for positions are to include;

- position title;
- basic conditions of employment;
- essential qualifications or experience;
- closing date
- contact details for further information
- application requirements, how and where to lodge an application; and
- a statement that Council is an equal opportunity employer.

All persons interested in applying for a position are to contact Council (or its nominated agent) for an employment kit and Council is to forward this promptly upon request. The employment kit will as a minimum contain the job & person specification (including selection criteria) and an application for employment form.

All applications received should be acknowledged with by email or mail shortly after being received.

6. SELECTION PANEL

A Selection Panel shall be convened to assess the applications received. The Selection Panel shall consist of three persons, one shall be the manager to whom the position reports, and two representatives appointed in consultation with the General Manager. Where there is a mixture of male and female applicants, the panel will ensure that a gender balance exists within the panel.

Where a member of the Selection Panel has a significant relationship with an applicant (such as a relative), that panel member will remove themselves from the selection and interview process on the basis that there may be a conflict of interest. Such conflicts of interest are to be notified to the General Manager as soon as they become known.

Following the closure of the advertising period, the Selection Panel shall determine a short list of the applicants. Short listing will be based upon an assessment of the application against the selection criteria.

Applicants shall be interviewed and assessed according to a set of agreed questions formulated by the panel. Interview questions will be relevant to the advertised position; derived from the selection criteria and seek to identify the experience and ability of the applicants in relation to the role.



Interview questions will not make reference to issues such as marital status, health, political ideals or any other matter not related to the performance of the role.

The assessment of suitable applicants shall be in accordance with the principles of merit and equal opportunity. The merit principle has regard to the knowledge, skills, qualifications, experience and potential for future development of each person in relation to their individual capacity to perform the duties and responsibilities associated with the position.

Following completion of the interview process, referee and qualification checking will be undertaken to satisfactorily confirm the skills, qualification and experience of potentially successful applicants. Then, after any police checks, a pre-employment medical examination and drug testing if required, the Selection Panel will make a recommendation to the General Manager as to the outcomes of the interview process. The General Manager may either endorse or reject the recommendations of the Selection Panel.

7. DIRECT SELECTION

The General Manager may, at his/her discretion, select on merit, a prospective employee (internal or external) for appointment to a position without advertising the vacancy. Direct selections may be made in the following circumstances:

- a) Where a position requires a high degree of specialist knowledge or skill;
- b) Where a major re-organisation has taken place, jobs have been redesigned, and/or where existing employees must be accommodated within the new organisational structure;
- c) Where direct selection is in the best interests of the smooth operation of the Council;

External direct selections will generally only be made in the case of short term casual or temporary employment.

8. INTERNAL RECRUITMENT

The General Manager may elect to fill the vacancy by inviting applications from Council employees. This process can be utilised where more than one potential candidate with the required knowledge and/or skills has been identified within the Council workforce.

The advertising of all internal vacancies will be co-ordinated through the Human Resources function. Internal positions will be advertised by email and on staff noticeboards, employees will be given at least two weeks to prepare their application for internally advertised positions.

Internal applicants for positions must address the selection criteria established for the position and provide a current resume.

9. CONVICTION CHECK/ PRE-EMPLOYMENT MEDICAL

Council reserve the right at any stage of the selection process to require all remaining applicants to undertake a federal conviction check and/or pre-employment medical examination.

Information obtained will be assessed against the requirements of the position and will remain confidential.

All costs for the federal conviction check and/or pre-employment medical examination will be met by Council.



No job offer conditional or otherwise will be made to any applicant until the results of these checks are known for all candidates or a reasonable deadline for return of results has passed. All applicants will be advised of this deadline.

10. OFFER OF EMPLOYMENT

All offers of employment are to be made in writing, irrespective of the nature of the employment (casual, temporary or permanent).

All non-successful applicants are also to be notified in writing.

11. PROBATIONARY PERIOD

A six (6) month probationary period applies to all new employees.

12. CASUAL AND TEMPORARY EMPLOYEES

Council occasionally has a need for casual employees as a result of budgeted seasonal workload fluctuations: an increase in work activity for a few weeks; illness of permanent staff or for special projects. These situations mean that extra staff may be required at short notice for a defined period.

Where an employee may be required to fulfil a particular role on a casual basis for more than six (6) months, Break O'Day Council will discuss the nature of future employment arrangements with that employee in order to determine mutually acceptable terms of ongoing employment.

13. MONITORING AND REVIEW

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

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\004\018\
ASSOCIATED REPORTS AND DOCUMENTS	Discussion paper – Addressing councillor misconduct

OFFICER’S RECOMMENDATION:

For discussion.

INTRODUCTION:

The Office of Local Government has released two discussion papers regarding councillor misconduct and merit-based recruitment in councils and is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.

PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER’S REPORT:

The discussion paper notes that elected members generally conduct themselves with professionalism, integrity and dedication to their community. The catalyst for reviewing the processes for dismissing a Councillor from office has arisen as a result of a few instances in which behaviour and conduct of Councillors fell short of these characteristics. As Councillors are aware, a Code of Conduct framework exists which generally is quite sufficient to deal with matters involving the conduct of a Councillor.

This discussion paper is about strengthening the existing system to deal with those few situations where dismissal could be warranted. The Office of Local Government have suggested that submissions might like to consider the following areas:

- *Who should be able to initiate, and who should be able to determine, applications seeking the extended suspension or dismissal of councillors?*
- *On what basis should these decisions be made?*
- *Do the options presented reflect the principles outlined in this discussion paper?*
- *Do these options support public confidence and trust in local government?*
- *Do these options appropriately balance the role of local government as an independent, and democratically constituted, tier of government, with the need for intervention in limited circumstances to preserve the public interest?*

(Discussion paper – Addressing councillor misconduct, page 4)

The discussion paper presents two models for discussion, potentially both models might be implemented if that is considered to be the best way forward.

Option 1. Amendment to the Board of Inquiry provisions of the Local Government Act 1993, to enable a Board to be established to investigate misconduct of individual councillors;

The discussion paper details the following:

Advantages of this option include:

- *Power for the Minister for Local Government to initiate an investigation in the interests of the community;*
- *Its operation as an extension to prospective and existing regulatory frameworks, including robust evidence gathering powers, and a requirement, in effect, that the process be conducted with less formality than court proceedings;*
- *That the Board's costs are recoverable from a council.*

Disadvantages include:

- *The perceived or actual risk of politicised decision-making by a Minister for Local Government;*
- *Perceived or actual risk associated with the significant discretion in the appointment of persons to a Board.*

(Discussion paper – Addressing councillor misconduct, page 10)

The General Manager notes that the Minister currently has significant powers under the *Local Government Act 1993* in relation to suspension or dismissal of Councillors and the making of orders and the issuing of Directions. The risk of politicised decision making by the Minister already exists, the General Manager does not see that as a real risk or disadvantage under this Option. After all, this is about establishing a Board to undertake the investigation and consider the conduct of the Councillor(s) which creates an arms-length situation from the Minister.

The General Manager believes that this Option provides a good solution where the misconduct of the Councillor is not as clearly evident as it might be in some cases. Natural justice would apply through this process ensuring a fair hearing would occur, it would be necessary for the Councillor(s) in question to be able to have legal representation present if they chose.

Option 2. Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct Panel or, possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT).

The discussion paper details the following:

Advantages of this option may include:

- *It's generally non-political nature;*
- *Its operation as an extension to prospective and existing regulatory frameworks; and*
- *Inaccessibility to vexatious complainants.*

Disadvantages may include:

- *Reliance upon the judgement of a government statutory officer and tribunal;*
- *Risk of the adverse public perception or politicisation of a government statutory officer and tribunal;*
- *Limited role of the Minister for Local Government; and*
- *Prospects of judicial or administrative review leading to delayed outcomes.*

(Discussion paper – Addressing councillor misconduct, page 13)

The General Manager notes that this Option empowers the Director of Local Government to refer alleged serious misconduct matters to the Tasmanian Civil and Administrative Tribunal (TASCAT) or the Code of Conduct Panel if the powers don't shift to TASCAT in the future. This option would be exercised if the Director is satisfied matters are of sufficient severity. The General Manager believes that this 'test' of being satisfied needs to be further developed to provide guidance and reduce the reliance on the judgement of a government statutory officer which is identified as a disadvantage.

For example, if the misconduct is of sufficient severity it may very well be that some other form of legal proceedings may be occurring in relation to the matter. The key question then relates to the form of legal proceedings, it would be fair to limit this to criminal proceedings and exclude civil proceedings. Taking note of the precept of 'innocent until proven guilty', it may be that some form of suspension may be in order in the interim whilst the proceedings are pending, depending on the nature of the situation, until finalisation of the criminal proceedings. This Option would then be triggered at the end if the Councillor is found guilty as the charge has been proven and effectively it is a fait accompli.

The General Manager believes that this Option provides a good solution where the misconduct of the Councillor is clearly evident and has been proven to have occurred. Natural justice has already been provided through the court process and the Councillor in question had the option to have legal representation present.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

N/A

2022-23 Operational Plan – Corporate Planning Activities

Stakeholder Management, Legislative Reviews – Participate in reviews of legislation affecting Local Government.

LEGISLATION & POLICIES:

Legislation to amend the *Local Government Act 1993* to give effect to the proposals outlined in the discussion papers is anticipated in 2023.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.

DISCUSSION PAPER

Addressing councillor misconduct

March 2023



Office of Local Government
Department of Premier and Cabinet



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How to make a submission

Submissions on the options for reform presented in this paper are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following prompts:

- Who should be able to initiate, and who should be able to determine, applications seeking the extended suspension or dismissal of councillors?
- On what basis should these decisions be made?
- Do the options presented reflect the principles outlined in this discussion paper?
- Do these options support public confidence and trust in local government?
- Do these options appropriately balance the role of local government as an independent, and democratically constituted, tier of government, with the need for intervention in limited circumstances to preserve the public interest?

Submissions by email to lgconsultation@dpac.tas.gov.au are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Addressing councillor misconduct discussion paper
Office of Local Government
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions must be received by midnight on 19 April 2023.

In the absence of clear information that a submission is to be treated as confidential, submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Please consult the Tasmanian Government's [Public Submission Policy](#) for further information.

Submissions will be published after consideration by Government.

Context

Background

The Tasmanian Government is committed to the supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities.

The democratically elected councillors of each council make important decisions at the local level and give voice to the aspirations and needs of the communities they represent.

Individuals who hold public office at all levels of government should be held to high standards in terms of behaviour and accountability. Councillors are responsible for performing an important leadership role within their local communities and, therefore, have a responsibility to act in a way that reflects community expectations.

Our elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community. However, in the last term of local government in Tasmania, we saw a small number of instances in which behaviour and conduct fell well short of these aspirations.

Conduct matters in Tasmania are primarily dealt with through the local government Code of Conduct Framework, which is established under the *Local Government Act 1993*. However, the existing framework has very few direct mechanisms or escalation options for addressing instances where the misconduct of a councillor is of such a serious nature that it calls into question their suitability for public office.

While the community chooses its representatives every four years, the length of these terms means that a mechanism to consider removal from office outside those democratic processes may be beneficial to the public interest, but only in extraordinary circumstances. Significant caution must be exercised in empowering any decision-maker in that way, be that a Minister, statutory officer, court, or administrative tribunal.

This Discussion Paper

In drafting this discussion paper, Government is striking a balance between important and independent democratic function of our councillors, while acknowledging the imperative for intervention in limited circumstances.

This paper is intended to inform the community and seek feedback on two options under consideration by Government that would allow for stronger sanctions, including dismissal, to be imposed where the nature of a sitting councillor's misconduct warrants such action. It includes analysis of approaches to councillor misconduct in other jurisdictions; outlines the existing framework and remedies in Tasmania; and sets out the principles that have been applied in developing the two options presented, along with a range of possibilities considered but not developed further.

Terminology, acronyms, and abbreviations

Misconduct

The *Integrity Commission Act 2009* defines misconduct as—

- (a) *conduct, or an attempt to engage in conduct, of or by a public officer that is or involves –*
- (i) *a breach of a code of conduct applicable to the public officer; or*
 - (ii) *the performance of the public officer's functions or the exercise of the public officer's powers, in a way that is dishonest or improper; or*
 - (iii) *a misuse of information or material acquired in or in connection with the performance of the public officer's functions or exercise of the public officer's powers; or*
 - (iv) *a misuse of public resources in connection with the performance of the public officer's functions or the exercise of the public officer's powers; or*
- (b) *conduct, or an attempt to engage in conduct, of or by any public officer that adversely affects, or could adversely affect, directly or indirectly, the honest and proper performance of functions or exercise of powers of another public officer –*

...

Serious misconduct is defined as—

- ... *misconduct by any public officer that could, if proved, be –*
- (a) *a crime or an offence of a serious nature; or*
 - (b) *misconduct providing reasonable grounds for terminating the public officer's appointment*

These definitions should be taken as a useful guide to matters relevant to the mechanisms outlined in this paper, and may have some legislative application. In using this definition, care will be required to minimise the regulatory overlap between the Office of Local Government and the Integrity Commission.

TASCAT – Tasmanian Civil and Administrative Tribunal

The Act – *The Local Government Act 1993*

Previous consultation on sanctions for misconduct

The Tasmanian Government consulted in relation to appropriate sanctions for councillor misconduct through the Local Government Legislation Review. Government released a series of approved reforms in April 2020, one of which was to empower the Minister for Local Government to dismiss individual councillors upon investigation and recommendation by the Director of Local Government. This proposed legislative change has not been introduced at this stage and is considered further as part of the options in this paper.

Options for reform

Two models for discussion are presented in this paper. These are not mutually exclusive, and the preferred outcome may be to legislate both pathways, which would be applicable to separate contexts. The options considered in this paper are:

1. Amendment to the Board of Inquiry provisions of the *Local Government Act 1993*, to enable a Board to be established to investigate misconduct of individual councillors;
2. Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct Panel or, possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT).

Existing mechanisms in Tasmanian legislation for addressing councillor misconduct

Code of Conduct

The *Local Government Act 1993* (the Act) is the principal legislation governing the roles and responsibilities of councillors.

Councillor conduct matters are regulated generally through the Model Code of Conduct made under the Act, as adopted by each council. Conduct complaints are heard and determined by the independent Code of Conduct Panel.

A range of sanctions may be imposed by the Panel, with the most severe of these being a suspension from the performance and exercise of a councillor's duties for a period not exceeding three months.

If a councillor is suspended from office three times within two consecutive terms of office, the Code of Conduct Panel is to notify the Minister for Local Government, and the Minister may remove a councillor from office.

It is acknowledged that the threshold of three periods of suspension from office is high, and that the Code of Conduct Panel has only ever suspended a councillor from office on three occasions, involving three separate councillors.

The Code of Conduct Framework was recently reviewed, and amendments have been introduced into State Parliament under the *Local Government (Code of Conduct) Bill 2022*. The Bill enhances requirements for local dispute resolution before matters can be considered by the Panel; and introduces a public interest test at the initial assessment stage. However, that review was not undertaken with a view towards the introduction of sanctions for misconduct of the kind presented in this paper.

Investigations by the Director of Local Government

The Director of Local Government has authority to investigate (with or without a complaint) any concern that a Council, Councillor or General Manager has not complied with a requirement of the *Local Government Act 1993* or any other Act. This may include behaviour that could fit the definition of misconduct or serious misconduct.

There are a number of offences that could arise from an investigation by the Direction of Local Government, including participating with a pecuniary interest (s48), disclosure of information

(s338A), improper use of information (s339) and misuse of office (s339A). If a prosecution is successful, a Magistrate may impose a penalty dismissing a councillor and/or barring a councillor from nominating as a candidate for a period of up to 7 years. Any sitting Councillor that is barred from nominating as a candidate is automatically dismissed.

The Director of Local Government may also apply to a Magistrate for an order that a councillor is unable to perform or exercise adequately or competently the functions or powers of a councillor due to the physical or mental incapacity of the councillor (s28)). A person may also not nominate if removed from office due to incapacity

Interventions by the Minister for Local Government

The Minister for Local Government may establish a Board of Inquiry to investigate a Council(s215)¹.

After considering the report of Board Inquiry, the Minister may recommend that the Governor by order dismiss any councillor or all councillors in a Council (s226). In making the recommendation, the Minister must be of the opinion that:

- (a) the failure of the councillor or council to perform any function has seriously affected the operation of the council; or
- (b) the irregularity of the conduct of the councillor or council has seriously affected the operation of the council

Automatic Vacancy

A Councillor is automatically vacated from office upon their imprisonment or where they have been sentenced for a crime.

Insights from other jurisdictions

Different thresholds and mechanisms are adopted in other Australian jurisdictions to deal with serious councillor misconduct. Despite this inconsistency, it is nonetheless clear that Tasmania has fewer mechanisms for the suspension or removal of a councillor from office compared to all other jurisdictions.

The table below demonstrates high level similarities and differences in the local government legislation of Australian jurisdictions relevant to misconduct and dismissals. More detailed information is provided as an Appendix.

¹ While an individual councillor or councillors may be dismissed through a process arising from a Board of Inquiry, the Minister for Local Government may only establish a Board to investigate "...a council... or any matter relating to the administration of this Act" if the Minister is satisfied the matter justifies its establishment.

	Tasmania	Queensland	Victoria	New South Wales	South Australia	Western Australia	Northern Territory
Minister's powers to dismiss/recommend dismissal of a councillor	Only on receipt of a Board of Inquiry report following review of whole council, and through a recommendation to the Governor	By recommendation to the Governor-in-Council	No, but may suspend a councillor on specified grounds while matters are heard and determined by conduct or administrative tribunals	No, but may suspend a councillor and recommend dismissal to the Governor upon receipt of a report of the Independent Commission Against Corruption	No	By recommendation to the Governor, on receipt of recommendation from Department CEO. Minister may suspend a councillor on various grounds	No
May a court dismiss or remove a councillor upon conviction for specific offences?	Yes, if convicted and penalised for offences relating to pecuniary interest, disclosure or improper use of information, misuse of office, or due to physical or mental incapacity	Yes	Yes	Yes	Yes	Yes	Yes
Administrative or conduct tribunal power to dismiss a councillor	Limited. The Minister for Local Government may remove a councillor from office, if that councillor was suspended by a Code of Conduct Panel on three occasions, within two consecutive terms of office.	Yes. Councillor Conduct Tribunal may recommend dismissal to the Minister	Yes, the Victorian Civil and Administrative Tribunal may disqualify a councillor from holding office upon a finding of gross misconduct for up to eight years; and a councillor is disqualified for four years upon two findings of serious misconduct by a Councillor Conduct Tribunal	Yes, the NSW Civil and Administrative Tribunal may disqualify a councillor from holding office for up to six years. Matters must be referred by the Chief Municipal Inspector	Yes. When referred to the South Australian Civil and Administrative Tribunal by specified persons following an investigation by the Ombudsman or ICAC.	Yes. The State Administrative Tribunal may disqualify a councillor from office, for up to five years, due to a finding of a serious or recurrent breach. The allegation must be made by the Department CEO	Yes. Any person may make an application to the Northern Territory Civil and Administrative Tribunal to determine whether a councillor, who has been convicted of an offence under the Local Government Act 2019 or another Act is fit to remain in office.
Are persons ineligible if disqualified from managing a corporation under the Corporations Act 2001 (Cth)?	No	No	Yes	Yes	No	No	Yes

Directions for reform

As noted, there is limited consistency in the pathways and mechanisms for the applications on severe sanctions between jurisdictions. However, commonalities are evident, including empowering civil and administrative tribunals or ministerial inquiries to make recommendations for suspension and especially dismissal; and providing for the suspension of councillors prior to and during such processes.

While ministers are provided mechanisms for intervention, the extent or limits of these vary significantly.

Based on the jurisdictional models in place in Australia, a number of principles are suggested to guide reform options:

- The status of local government as a separate, democratically represented, sphere of government requires that thresholds for intervention leading to disqualification or dismissal of a councillor be high;
- Maintaining public confidence and appropriate levels of transparency in the application of decision-making processes and sanctions for councillor misconduct is crucial;
- Any process undertaken to consider and determine councillor misconduct matters must facilitate appropriate levels of discretion to consider individual situations and circumstances.

Within that framework, there are numerous approaches and mechanisms which could be implemented in Tasmania. Key questions for consideration include:

- Who should be empowered to refer a matter into a process to consider the suspension or removal of a councillor?
- Who should undertake that process, and on what grounds should any recommendation be made?
- On whose authority should a councillor ultimately be dismissed?

How did we develop these options?

In developing the two reform pathways presented in this paper, consideration was given to a broad range of possibilities. These included direct dismissal by the recommendation of the Minister of Local Government to the Governor; or for the Director of Local Government to provide a recommendation to the Minister enabling such an intervention. As noted, the latter proposition was supported by the Local Government Legislation Review.

Consideration was also given to the extension of section 28J of the Local Government Act, which presently provides for the Director of Local Government (as the prescribed person) to apply to a magistrate for an order that a councillor is unable to perform or exercise their functions or powers due to physical or mental incapacity. A councillor is removed from office (in effect, dismissed) upon the granting of an order by the magistrate.

While a magistrate would be able to provide impartiality and fairmindedness, and confidence in an apolitical process, it was considered that a more deliberative or bespoke framework, able to take the unique context of local government and the office of councillor into account, would be preferred. It was considered that, at the margin, a magistrate may themselves be placed in a

difficult position if compelled to consider the removal of a councillor in circumstances which were highly politicised or about which the community was divided.

What about Registration to Work with Vulnerable People cards?

It is acknowledged that several councils and community members have advocated for Registration to Work with Vulnerable People (RWVP) to be a requirement to hold the office of councillor.

Government is of the view that uniformly requiring RWVP would apply that tool for a purpose it was not designed to address, and would represent a different standard than is maintained in legislation for the office of councillor. It would further place the regulating entity for RWVP, Consumer, Building, and Occupational Services (known as CBOS), in the position of deciding on the suitability of elected officials to hold office. This is not supported.

While RWVP is not supported as a general requirement, Government is committed to developing guidance to clarify for councils where RWVP may already be required for specific activities undertaken by councillors under the *Registration to Work with Vulnerable People Act 2013*.

The reform pathways presented are a translation of approaches used in other jurisdictions into the existing Tasmanian local government legislative frameworks. They are considered to provide a superior framework to either of those possibilities with respect to the principles outlined above; particularly in ensuring administrative or political decision-makers are furnished with clear and apolitical recommendations, reached through a deliberative process.

Legislative options

In consideration of the above principles and questions, two reform pathways are presented for consultation. These correspond to mechanisms in other jurisdictions' frameworks as outlined, with closer reference to provisions of New South Wales and Victoria.

As noted, Tasmania has limited existing mechanisms to consider the extended suspension or dismissal of councillors, and these options are formulated to address that gap. These mechanisms, if legislated, are not expected to be exercised frequently, and enhanced sanction options may further have a deterrent effect.

Option; Enable a Board of Inquiry to be established by the Minister for Local Government to consider the conduct of a single councillor or specified councillors

The Minister for Local Government may appoint a Board of Inquiry to investigate a council, single authority or joint authority or any matter relating to the administration of this Act under section 215 of the Local Government Act. A Board is one or more persons appointed by the Minister.

Under the Act, the Minister for Local Government can issue a direction upon receipt of the Board's report or recommendations requiring a council or a councillor to undertake actions within a specified period; or may recommend to the Governor an order dismissing any or all councillors.

The Minister may suspend a councillor from office for the period of the Board's activity, up until the Minister makes a direction as a result of the Board's recommendations, or dismisses the councillor from office.

A Board established under the Act enjoys information gathering powers and may compel persons to attend proceedings, and give evidence on oath or affirmation. A Board may conduct hearings, and must provide opportunities for a council, councillors, and persons directly impacted by an inquiry to make submissions.

A Board must observe the rules of natural justice; is not bound by the rules of evidence; and must conduct its inquiry with as little formality as the matter permits. It may permit the legal representation of a person summoned before it.

This framework may be appropriate for the consideration of matters relating to serious misconduct of a single councillor or councillors. The Act presently requires, in effect, a Board to be established to investigate the actions of a council. These provisions could be extended to enable the appointment of a Board to investigate a single councillor or councillors.

The Minister may impose a Performance Improvement Direction on a council or councillor. Consideration of dismissal on the basis of an individual councillor's failure to comply with a Performance Improvement Direction may be an appropriate function of a Board, noting its establishment by the Minister.

The Act presently constrains a Minister's recommendation for dismissal to circumstances where:

- The failure of the councillor to perform any function has seriously affected the conduct of the council;
- The irregularity of the conduct of the councillor has seriously affected the operation of the council; or
- The councillor has failed to comply with a direction issued by the Minister as a result of a Board of Inquiry.

These standards are considered appropriate to the Minister's consideration of the dismissal of a single councillor, or councillors, as a result of an investigation into the conduct of that councillor's or the councillors' conduct. However, this could be extended to include a ground that the Board had identified serious misconduct (with potential reference to the *Integrity*

Commission Act 2009) of a nature to demonstrate the councillor is not a fit and proper person to hold that office.

The Act presently constrains the suspension of a councillor or councillors until the time the Minister issues a direction after receiving the Board's report. It is considered appropriate that this be modified to provide for the extension of a suspension by the Minister, at the time a direction is made, until the actions contained in the direction have been undertaken.

Advantages of this option include:

- Power for the Minister for Local Government to initiate an investigation in the interests of the community;
- Its operation as an extension to prospective and existing regulatory frameworks, including robust evidence gathering powers, and a requirement, in effect, that the process be conducted with less formality than court proceedings;
- That the Board's costs are recoverable from a council.

Disadvantages include:

- The perceived or actual risk of politicised decision-making by a Minister for Local Government;
- Perceived or actual risk associated with the significant discretion in the appointment of persons to a Board.

Option: Empowering the Director of Local Government to seek the dismissal or longer suspension of a councillor under the Model Code of Conduct by application to the Tasmanian Civil and Administrative Tribunal or Code of Conduct Panel

This Option would empower the Director of Local Government, if satisfied matters are of sufficient severity, to refer alleged serious councillor misconduct to the Tasmanian Civil and Administrative Tribunal (TASCAT) or Code of Conduct Panel, if retained, for determination.

The Tasmanian Government is considering the transfer of the Code of Conduct Panel's functions, or elements of these, to TASCAT. This process is to canvass related issues, legal representation in Code of Conduct matters and appeal rights and pathways. Consultation opportunities on the potential transfer of the Framework will be made available at a later stage. It is considered that a formalised tribunal framework decreases the risk associated with the introduction of very severe sanctions into the regulatory framework, as contemplated in this paper.

The precise legislative proposal to deliver this option would only be formulated once the feasibility of the transfer of Code of Conduct matters to TASCAT is resolved. Were instead a separate Panel retained, significant change to its operation would be required to accommodate matters of this scope. For instance, legal representation is not permitted within the existing Code of Conduct Panel system to preserve the informal nature of proceedings. That restriction may be inappropriate to proceedings where a sanction up to dismissal may be applied.

It is not considered desirable to contemplate very severe sanctions for Code of Conduct complaints brought by councillors or members of the community, due to the acknowledged risk of the 'weaponisation' of the framework and process. Restricting the potential application of enhanced sanctions to matters brought by the Director, as a statutory officer, mitigates the risk

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of vexatious or unsubstantiated applications from councillors or members of the community seeking dismissal. It is noted that the Director of Local Government is provided extensive information gathering powers under the Local Government Act, but cannot themselves suspend or dismiss a councillor.

In considering an application from the Director, TASCAT or the Code of Conduct Panel would have available to it all sanctions available to it under the Code of Conduct framework, but would additionally, be able to consider the imposition of suspension from the office of councillor of up to six months, or dismiss the councillor from office. Presently, a Code of Conduct Panel may only impose a sanction of a suspension of up to three months.

The Director could make an application on the basis of:

- The outcome of a Director's investigation into a councillor or council, including indications of misconduct within the meaning of the *Integrity Commission Act 2009*;
- A report received by referral of the Integrity Commission or an Integrity Tribunal;
- The findings of a Code of Conduct complainant;
- The conviction of a councillor for an offence against the Local Government Act or any other act;
- Other circumstances where the Director is satisfied the impact of the councillor or councillors' actions on the operations of the council warrants consideration as serious misconduct.

The Tribunal or Code of Conduct Panel, in making its determination, would be required to have regard to the councillor or councillors' conduct with reference to the Model Code of Conduct. It is not proposed to establish a separate set of conduct standards for this process.

It is proposed that the Minister for Local Government would be empowered to immediately suspend a councillor or councillors from undertaking the functions of councillor until the application had been resolved (including allowances).

This option adopts elements of the regulatory frameworks of both Victoria and New South Wales.

It is proposed that TASCAT or the Code of Conduct Panel, in dismissing a councillor, may also make an order preventing that councillor from contesting any local government election for a period of up to seven years.

Advantages of this option may include:

- Its generally non-political nature;
- Its operation as an extension to prospective and existing regulatory frameworks; and
- Inaccessibility to vexatious complainants.

Disadvantages may include:

- Reliance upon the judgement of a government statutory officer and tribunal;
- Risk of the adverse public perception or politicisation of a government statutory officer and tribunal;
- Limited role of the Minister for Local Government; and
- Prospects of judicial or administrative review leading to delayed outcomes.

Appendix: Jurisdictional approaches to councillor misconduct and dismissals

This summary is intended to assist readers to understand the varied requirements imposed in benchmark Australian jurisdictions. It does not provide an analysis of the merits of these approaches nor the extent of their use, which is considered beyond scope for this discussion.

Queensland

Queensland's *Local Government Act 2009* provides that its Minister for Local Government may recommend the suspension or dismissal of a councillor to the Governor-in-Council, on receipt of a recommendation of the Councillor Conduct Tribunal that a councillor be suspended or dismissed.

The Minister may separately recommend to the Governor-in-Council that a councillor be suspended or dismissed where the Minister believes:

- a councillor has seriously or continuously breached the local government principles; or
- the councillor is incapable of performing their responsibilities; or
- that it is otherwise in the public interest for the councillor to be suspended or dismissed.

These provisions were introduced in 2018.

A person is ineligible to serve as a councillor if imprisoned on under a suspended sentence.

The Queensland Act also establishes periods of ineligibility following conviction for:

- A treason offence—permanent, unless pardoned;
- A disqualifying electoral offence (meaning a conviction under the *Electoral Act 1992* where the penalty included a period of imprisonment, other than for a failure to pay a fine) —10 years;
- A serious integrity offence—7 years; or
- An integrity offence—4 years.

Victoria

Victoria's *Local Government Act 2020* empowers the Chief Municipal Inspector, a government statutory officer, to make an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct. Only the Inspector may make such an application.

Gross misconduct is behaviour that demonstrates that a councillor is not of good character, or is not a fit and proper person to hold the office of councillor (including sexual harassment of an egregious nature).

Upon a finding of gross misconduct, the Tribunal may disqualify a councillor from continuing to be a councillor for a period of up to eight years.

Separately, a councillor subject to two findings of serious misconduct by separate Councillors Conduct Panels within a period of eight years is disqualified from holding the office of councillor for a period of four years.

The Minister for Local Government, through recommendation to the Governor-in-Council and upon receipt of a report of the Chief Municipal Inspector, may suspend a councillor while an application for serious or gross misconduct is heard. The Minister must be satisfied the councillor is creating a risk to the health and safety of the council staff or councillors; other persons; in their capacity as a councillor or is preventing the council from performing its functions.

Councillors convicted of offences against the Local Government Act with a maximum penalty of 120 penalty units or a period of imprisonment of at least 12 months are disqualified from holding office for a period of eight years; or who have been convicted of the offence of failing to lodge a campaign donation disclosure, for the current term of the council.

Persons convicted of any offence in the preceding eight years, when over 18 years of age, punishable on first conviction of a period of imprisonment of two years or more are ineligible to hold the office of councillor.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

New South Wales

The New South Wales *Local Government Act 1993* provides for the Department Chief Executive to refer councillor misconduct matters to the NSW Civil and Administrative Tribunal (NCAT) before, during or after an investigation by the Chief Executive.

Separately, the Minister for Local Government may request the Chief Executive refer a matter to the Tribunal due to a failure of a councillor to undertake actions required by a performance improvement order issued by the Minister for the council. This may be instead of, during, or after the issue of a compliance order by the Minister for the councillor in respect of that failure, which includes the suspension from the functions of a councillor (which are not required to meet the terms of the compliance order), and from receiving allowances and payment for expenses.

The Tribunal, on receipt of a referral from the Chief Executive, may determine whether to conduct proceedings.

If it proceeds and find the behaviour of the councillor warrants action, the Tribunal may impose sanctions up to a suspension of the councillor from civic office for a period of up to six months, or the disqualification of the councillor from holding civic office for a period of up to five years.

Separately, the Minister may suspend a councillor and recommend to the Governor the dismissal of the councillor upon a report of the Independent Commission Against Corruption (ICAC) recommending that consideration be given to the suspension of a councillor from office, with a view to their dismissal for serious corrupt conduct. The Minister must be satisfied that the dismissal of the councillor is necessary in order to protect the public standing of the council and the proper exercise of its functions.

Councillors are ineligible to hold office if:

- Serving a sentence, including a sentence of an intensive correction order, other than a sentence for failing to pay a fine;

- In the preceding two years, they were convicted of electoral offences created under regulation, which correspond to those in the state's *Electoral Act 2017*;
- In the preceding two years, they were convicted of an offence under the *Election Funding, Expenditure and Disclosures Act 1981* or the *Electoral Funding Act 2018*; or
- In the preceding seven years, they were convicted of any offence punishable by imprisonment for five years or more.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

Persons are disqualified from holding the office of councillor for five years if they have been suspended for misconduct by the Departmental Chief Executive or NCAT on three occasions.

South Australia

South Australia's *Local Government Act 1999* provides for a councillor to be disqualified from office as a result of a complaint to the South Australian Civil and Administrative Tribunal (SACAT). SACAT may also disqualify a person may also be disqualified from becoming a councillor for a period not exceeding five years.

The complaint to SACAT may only be lodged by a council's chief executive officer, or another person authorised by the relevant minister or the council. It may only be lodged after the matter in question has been investigated by either the Ombudsman or the Independent Commission Against Corruption (ICAC).

A court may further impose the same penalties upon conviction for offences related to confidential information and misuse of office broadly corresponding to the Tasmanian Local Government Act.

A councillor is automatically vacated from office if convicted of an indictable offence punishable by imprisonment.

Western Australia

Western Australia's *Local Government Act 1995* (the WA Act) provides for the relevant minister to recommend to the Governor that a councillor be dismissed. The minister must make this decision on the basis of advice from the Department CEO that a councillor is impeding the ability of the council to perform its functions and duties under the WA Act; or that it is in the best interests of the council that the councillor be dismissed, and that the minister is satisfied that the seriousness of the situation for the council requires the intervention. A councillor is provided an opportunity to show cause before any order by the minister is made.

Separately, the WA Act provides for the relevant minister to suspend a councillor or to require remedial action in a range of circumstances, including upon the councillor's charge for a disqualification offence; after the Department CEO has made an allegation of a serious breach to the State Administrative Tribunal; or once the Department CEO has made a recommendation to the minister for suspension or remedial action on specified grounds.

A councillor may also be dismissed upon recommendation by the Minister to the Governor if an Inquiry Panel, of one or three persons appointed by the minister, has made that recommendation.

The State Administrative Tribunal, in determining an allegation of a serious or recurrent breach (which can be made only by the Department CEO), may disqualify a councillor from holding office for a period of not more than five years.

A person is disqualified from the office of councillor if convicted of a crime and is imprisoned under sentence for that crime; has been convicted in the preceding five years of a serious local government offence; or has been convicted of an offence for which the indictable penalty included imprisonment for more than five years (or imprisonment for life). A serious local government offence is an offence against the WA Act which is punishable by a sentence over a prescribed duration, or of a fine above a prescribed amount.

A court may also make an order disqualifying a councillor for misapplication of funds or property.

Northern Territory

A councillor may be determined to be unfit to hold that office by the Northern Territory Civil and Administrative Tribunal. This application may be made by any person residing and registered to vote in that local government area, and may only be made after that councillor is convicted of an offence under the *Local Government Act 2019* or another Act, demonstrating the councillor is unfit to remain in office. The Tribunal must consider whether the nature and details of the office makes the member unfit to remain in office; the councillor's role as a community representative; the councillor's position of influence and trust; and the councillor's responsibility for managing public funds, in determining whether to dismiss a councillor from office.

A councillor is disqualified from holding the office of councillor if serving, or sentenced to during a term of office, a term of imprisonment of 12 months or more.

A person convicted of the offences of undue influence or bribery, in the *Criminal Code Act 1983*, committed in respect of a local government election is vacated from office and barred from holding office for two years.

A person is disqualified from the office of councillor if disqualified from managing a corporation under the Corporations Act 2001 (Cth) or Corporations (Aboriginal or Torres Strait Islander) Act 2006 (Cth).

04/23 17.4 2023 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	2023 Election Timetable

OFFICER'S RECOMMENDATION:

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission have called for nominations for President and Committee members of the General Management Committee of the Local Government Association of Tasmania (LGAT).

PREVIOUS COUNCIL CONSIDERATION:

No previous Council consideration.

OFFICER'S REPORT:

The Tasmanian Electoral Commission has been asked to conduct the 2023 election of President and six (6) members of the General Management Committee for a two (2) year term in accordance with the rules of the Association (LGAT).

Nominations have now been invited to be received at the electoral office no later than 5.00pm on Wednesday 19 April 2023. The Tasmanian Electoral Commission have provided the attached Election Timetable for your reference.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027 (Amended March 2022)

Achieving the Vision

Build and maintain strong relationships and partnerships through consultation, engagement and collaboration.

LEGISLATION & POLICIES:

In accordance with the Rules of the Local Government Association of Tasmania (LGAT).

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No financial implications to Council.

VOTING REQUIREMENTS

Simple Majority.

Reference: F06 03 06

Mayor Mick Tucker
Break O' Day Council
32-34 Georges Bay Esplanade
ST HELENS TAS 7216

Dear Mayor Mick Tucker

Local Government Association of Tasmania – 2023 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2023 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 30 June 2021.

Nominations are now invited from LGAT members and must be received at my office by 5:00 pm Wednesday 19 April 2023.

Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open.....	Monday 27 February 2023
Nominations close.....	5:00 pm Wednesday 19 April 2023
Ballot material posted (if a ballot is required)	Monday 24 April 2023
Close of postal ballot.....	10:00 am Thursday 15 June 2023
Declaration of the result.....	Thursday 15 June 2023

A nomination form and reply-paid envelope are enclosed.

If you would like further information or assistance, please call Sarah Richardson on 6208 8724

Yours sincerely

Sarah Richardson
RETURNING OFFICER

24 February 2023

DISCUSSION PAPER

Addressing councillor misconduct

March 2023

Office of Local Government
Department of Premier and Cabinet



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How to make a submission

Submissions on the options for reform presented in this paper are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following prompts:

- Who should be able to initiate, and who should be able to determine, applications seeking the extended suspension or dismissal of councillors?
- On what basis should these decisions be made?
- Do the options presented reflect the principles outlined in this discussion paper?
- Do these options support public confidence and trust in local government?
- Do these options appropriately balance the role of local government as an independent, and democratically constituted, tier of government, with the need for intervention in limited circumstances to preserve the public interest?

Submissions by email to lgconsultation@dpac.tas.gov.au are preferred. Alternatively, submissions may be provided by mail, addressed to:

Attention: Addressing councillor misconduct discussion paper
Office of Local Government
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions must be received by midnight on 19 April 2023.

In the absence of clear information that a submission is to be treated as confidential, submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Please consult the Tasmanian Government's [Public Submission Policy](#) for further information.

Submissions will be published after consideration by Government.

Context

Background

The Tasmanian Government is committed to the supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities.

The democratically elected councillors of each council make important decisions at the local level and give voice to the aspirations and needs of the communities they represent.

Individuals who hold public office at all levels of government should be held to high standards in terms of behaviour and accountability. Councillors are responsible for performing an important leadership role within their local communities and, therefore, have a responsibility to act in a way that reflects community expectations.

Our elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community. However, in the last term of local government in Tasmania, we saw a small number of instances in which behaviour and conduct fell well short of these aspirations.

Conduct matters in Tasmania are primarily dealt with through the local government Code of Conduct Framework, which is established under the *Local Government Act 1993*. However, the existing framework has very few direct mechanisms or escalation options for addressing instances where the misconduct of a councillor is of such a serious nature that it calls into question their suitability for public office.

While the community chooses its representatives every four years, the length of these terms means that a mechanism to consider removal from office outside those democratic processes may be beneficial to the public interest, but only in extraordinary circumstances. Significant caution must be exercised in empowering any decision-maker in that way, be that a Minister, statutory officer, court, or administrative tribunal.

This Discussion Paper

In drafting this discussion paper, Government is striking a balance between important and independent democratic function of our councillors, while acknowledging the imperative for intervention in limited circumstances.

This paper is intended to inform the community and seek feedback on two options under consideration by Government that would allow for stronger sanctions, including dismissal, to be imposed where the nature of a sitting councillor's misconduct warrants such action. It includes analysis of approaches to councillor misconduct in other jurisdictions; outlines the existing framework and remedies in Tasmania; and sets out the principles that have been applied in developing the two options presented, along with a range of possibilities considered but not developed further.

Terminology, acronyms, and abbreviations

Misconduct

The *Integrity Commission Act 2009* defines misconduct as—

- (a) *conduct, or an attempt to engage in conduct, of or by a public officer that is or involves –*
- (i) *a breach of a code of conduct applicable to the public officer; or*
 - (ii) *the performance of the public officer's functions or the exercise of the public officer's powers, in a way that is dishonest or improper; or*
 - (iii) *a misuse of information or material acquired in or in connection with the performance of the public officer's functions or exercise of the public officer's powers; or*
 - (iv) *a misuse of public resources in connection with the performance of the public officer's functions or the exercise of the public officer's powers; or*
- (b) *conduct, or an attempt to engage in conduct, of or by any public officer that adversely affects, or could adversely affect, directly or indirectly, the honest and proper performance of functions or exercise of powers of another public officer –*

...

Serious misconduct is defined as—

- ... *misconduct by any public officer that could, if proved, be –*
- (a) *a crime or an offence of a serious nature; or*
 - (b) *misconduct providing reasonable grounds for terminating the public officer's appointment*

These definitions should be taken as a useful guide to matters relevant to the mechanisms outlined in this paper, and may have some legislative application. In using this definition, care will be required to minimise the regulatory overlap between the Office of Local Government and the Integrity Commission.

TASCAT – Tasmanian Civil and Administrative Tribunal

The Act – *The Local Government Act 1993*

Previous consultation on sanctions for misconduct

The Tasmanian Government consulted in relation to appropriate sanctions for councillor misconduct through the Local Government Legislation Review. Government released a series of approved reforms in April 2020, one of which was to empower the Minister for Local Government to dismiss individual councillors upon investigation and recommendation by the Director of Local Government. This proposed legislative change has not been introduced at this stage and is considered further as part of the options in this paper.

Options for reform

Two models for discussion are presented in this paper. These are not mutually exclusive, and the preferred outcome may be to legislate both pathways, which would be applicable to separate contexts. The options considered in this paper are:

1. Amendment to the Board of Inquiry provisions of the *Local Government Act 1993*, to enable a Board to be established to investigate misconduct of individual councillors;
2. Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct Panel or, possibly in future, the Tasmanian Civil and Administrative Tribunal (TASCAT).

Existing mechanisms in Tasmanian legislation for addressing councillor misconduct

Code of Conduct

The *Local Government Act 1993* (the Act) is the principal legislation governing the roles and responsibilities of councillors.

Councillor conduct matters are regulated generally through the Model Code of Conduct made under the Act, as adopted by each council. Conduct complaints are heard and determined by the independent Code of Conduct Panel.

A range of sanctions may be imposed by the Panel, with the most severe of these being a suspension from the performance and exercise of a councillor's duties for a period not exceeding three months.

If a councillor is suspended from office three times within two consecutive terms of office, the Code of Conduct Panel is to notify the Minister for Local Government, and the Minister may remove a councillor from office.

It is acknowledged that the threshold of three periods of suspension from office is high, and that the Code of Conduct Panel has only ever suspended a councillor from office on three occasions, involving three separate councillors.

The Code of Conduct Framework was recently reviewed, and amendments have been introduced into State Parliament under the *Local Government (Code of Conduct) Bill 2022*. The Bill enhances requirements for local dispute resolution before matters can be considered by the Panel; and introduces a public interest test at the initial assessment stage. However, that review was not undertaken with a view towards the introduction of sanctions for misconduct of the kind presented in this paper.

Investigations by the Director of Local Government

The Director of Local Government has authority to investigate (with or without a complaint) any concern that a Council, Councillor or General Manager has not complied with a requirement of the *Local Government Act 1993* or any other Act. This may include behaviour that could fit the definition of misconduct or serious misconduct.

There are a number of offences that could arise from an investigation by the Direction of Local Government, including participating with a pecuniary interest (s48), disclosure of information

(s338A), improper use of information (s339) and misuse of office (s339A). If a prosecution is successful, a Magistrate may impose a penalty dismissing a councillor and/or barring a councillor from nominating as a candidate for a period of up to 7 years. Any sitting Councillor that is barred from nominating as a candidate is automatically dismissed.

The Director of Local Government may also apply to a Magistrate for an order that a councillor is unable to perform or exercise adequately or competently the functions or powers of a councillor due to the physical or mental incapacity of the councillor (s28)). A person may also not nominate if removed from office due to incapacity

Interventions by the Minister for Local Government

The Minister for Local Government may establish a Board of Inquiry to investigate a Council(s215)¹.

After considering the report of Board Inquiry, the Minister may recommend that the Governor by order dismiss any councillor or all councillors in a Council (s226). In making the recommendation, the Minister must be of the opinion that:

- (a) the failure of the councillor or council to perform any function has seriously affected the operation of the council; or
- (b) the irregularity of the conduct of the councillor or council has seriously affected the operation of the council

Automatic Vacancy

A Councillor is automatically vacated from office upon their imprisonment or where they have been sentenced for a crime.

Insights from other jurisdictions

Different thresholds and mechanisms are adopted in other Australian jurisdictions to deal with serious councillor misconduct. Despite this inconsistency, it is nonetheless clear that Tasmania has fewer mechanisms for the suspension or removal of a councillor from office compared to all other jurisdictions.

The table below demonstrates high level similarities and differences in the local government legislation of Australian jurisdictions relevant to misconduct and dismissals. More detailed information is provided as an Appendix.

¹ While an individual councillor or councillors may be dismissed through a process arising from a Board of Inquiry, the Minister for Local Government may only establish a Board to investigate "...a council... or any matter relating to the administration of this Act" if the Minister is satisfied the matter justifies its establishment.

	Tasmania	Queensland	Victoria	New South Wales	South Australia	Western Australia	Northern Territory
Minister's powers to dismiss/recommend dismissal of a councillor	Only on receipt of a Board of Inquiry report following review of whole council, and through a recommendation to the Governor	By recommendation to the Governor-in-Council	No, but may suspend a councillor on specified grounds while matters are heard and determined by conduct or administrative tribunals	No, but may suspend a councillor and recommend dismissal to the Governor upon receipt of a report of the Independent Commission Against Corruption	No	By recommendation to the Governor, on receipt of recommendation from Department CEO. Minister may suspend a councillor on various grounds	No
May a court dismiss or remove a councillor upon conviction for specific offences?	Yes, if convicted and penalised for offences relating to pecuniary interest; disclosure or improper use of information; misuse of office; or due to physical or mental incapacity	Yes	Yes	Yes	Yes	Yes	Yes
Administrative or conduct tribunal power to dismiss a councillor	Limited. The Minister for Local Government may remove a councillor from office, if that councillor was suspended by a Code of Conduct Panel on three occasions, within two consecutive terms of office.	Yes. Councillor Conduct Tribunal may recommend dismissal to the Minister	Yes, the Victorian Civil and Administrative Tribunal may disqualify a councillor from holding office upon a finding of gross misconduct for up to eight years; and a councillor is disqualified for four years upon two findings of serious misconduct by a Councillor Conduct Tribunal	Yes, the NSW Civil and Administrative Tribunal may disqualify a councillor from holding office for up to six years. Matters must be referred by the Chief Municipal Inspector	Yes. When referred to the South Australian Civil and Administrative Tribunal by specified persons following an investigation by the Ombudsman or ICAC.	Yes. The State Administrative Tribunal may disqualify a councillor from office, for up to five years, due to a finding of a serious or recurrent breach. The allegation must be made by the Department CEO	Yes. Any person may make an application to the Northern Territory Civil and Administrative Tribunal to determine whether a councillor, who has been convicted of an offence under the Local Government Act 2019 or another Act is fit to remain in office.
Are persons ineligible if disqualified from managing a corporation under the Corporations Act 2001 (Cth)?	No	No	Yes	Yes	No	No	Yes

Directions for reform

As noted, there is limited consistency in the pathways and mechanisms for the applications on severe sanctions between jurisdictions. However, commonalities are evident, including empowering civil and administrative tribunals or ministerial inquiries to make recommendations for suspension and especially dismissal; and providing for the suspension of councillors prior to and during such processes.

While ministers are provided mechanisms for intervention, the extent or limits of these vary significantly.

Based on the jurisdictional models in place in Australia, a number of principles are suggested to guide reform options:

- The status of local government as a separate, democratically represented, sphere of government requires that thresholds for intervention leading to disqualification or dismissal of a councillor be high;
- Maintaining public confidence and appropriate levels of transparency in the application of decision-making processes and sanctions for councillor misconduct is crucial;
- Any process undertaken to consider and determine councillor misconduct matters must facilitate appropriate levels of discretion to consider individual situations and circumstances.

Within that framework, there are numerous approaches and mechanisms which could be implemented in Tasmania. Key questions for consideration include:

- Who should be empowered to refer a matter into a process to consider the suspension or removal of a councillor?
- Who should undertake that process, and on what grounds should any recommendation be made?
- On whose authority should a councillor ultimately be dismissed?

How did we develop these options?

In developing the two reform pathways presented in this paper, consideration was given to a broad range of possibilities. These included direct dismissal by the recommendation of the Minister of Local Government to the Governor; or for the Director of Local Government to provide a recommendation to the Minister enabling such an intervention. As noted, the latter proposition was supported by the Local Government Legislation Review.

Consideration was also given to the extension of section 28J of the Local Government Act, which presently provides for the Director of Local Government (as the prescribed person) to apply to a magistrate for an order that a councillor is unable to perform or exercise their functions or powers due to physical or mental incapacity. A councillor is removed from office (in effect, dismissed) upon the granting of an order by the magistrate.

While a magistrate would be able to provide impartiality and fairmindedness, and confidence in an apolitical process, it was considered that a more deliberative or bespoke framework, able to take the unique context of local government and the office of councillor into account, would be preferred. It was considered that, at the margin, a magistrate may themselves be placed in a

difficult position if compelled to consider the removal of a councillor in circumstances which were highly politicised or about which the community was divided.

What about Registration to Work with Vulnerable People cards?

It is acknowledged that several councils and community members have advocated for Registration to Work with Vulnerable People (RWVP) to be a requirement to hold the office of councillor.

Government is of the view that uniformly requiring RWVP would apply that tool for a purpose it was not designed to address, and would represent a different standard than is maintained in legislation for the office of councillor. It would further place the regulating entity for RWVP, Consumer, Building, and Occupational Services (known as CBOS), in the position of deciding on the suitability of elected officials to hold office. This is not supported.

While RWVP is not supported as a general requirement, Government is committed to developing guidance to clarify for councils where RWVP may already be required for specific activities undertaken by councillors under the *Registration to Work with Vulnerable People Act 2013*.

The reform pathways presented are a translation of approaches used in other jurisdictions into the existing Tasmanian local government legislative frameworks. They are considered to provide a superior framework to either of those possibilities with respect to the principles outlined above; particularly in ensuring administrative or political decision-makers are furnished with clear and apolitical recommendations, reached through a deliberative process.

Legislative options

In consideration of the above principles and questions, two reform pathways are presented for consultation. These correspond to mechanisms in other jurisdictions' frameworks as outlined, with closer reference to provisions of New South Wales and Victoria.

As noted, Tasmania has limited existing mechanisms to consider the extended suspension or dismissal of councillors, and these options are formulated to address that gap. These mechanisms, if legislated, are not expected to be exercised frequently, and enhanced sanction options may further have a deterrent effect.

Option; Enable a Board of Inquiry to be established by the Minister for Local Government to consider the conduct of a single councillor or specified councillors

The Minister for Local Government may appoint a Board of Inquiry to investigate a council, single authority or joint authority or any matter relating to the administration of this Act under section 215 of the Local Government Act. A Board is one or more persons appointed by the Minister.

Under the Act, the Minister for Local Government can issue a direction upon receipt of the Board's report or recommendations requiring a council or a councillor to undertake actions within a specified period; or may recommend to the Governor an order dismissing any or all councillors.

The Minister may suspend a councillor from office for the period of the Board's activity, up until the Minister makes a direction as a result of the Board's recommendations, or dismisses the councillor from office.

A Board established under the Act enjoys information gathering powers and may compel persons to attend proceedings, and give evidence on oath or affirmation. A Board may conduct hearings, and must provide opportunities for a council, councillors, and persons directly impacted by an inquiry to make submissions.

A Board must observe the rules of natural justice; is not bound by the rules of evidence; and must conduct its inquiry with as little formality as the matter permits. It may permit the legal representation of a person summoned before it.

This framework may be appropriate for the consideration of matters relating to serious misconduct of a single councillor or councillors. The Act presently requires, in effect, a Board to be established to investigate the actions of a council. These provisions could be extended to enable the appointment of a Board to investigate a single councillor or councillors.

The Minister may impose a Performance Improvement Direction on a council or councillor. Consideration of dismissal on the basis of an individual councillor's failure to comply with a Performance Improvement Direction may be an appropriate function of a Board, noting its establishment by the Minister.

The Act presently constrains a Minister's recommendation for dismissal to circumstances where:

- The failure of the councillor to perform any function has seriously affected the conduct of the council;
- The irregularity of the conduct of the councillor has seriously affected the operation of the council; or
- The councillor has failed to comply with a direction issued by the Minister as a result of a Board of Inquiry.

These standards are considered appropriate to the Minister's consideration of the dismissal of a single councillor, or councillors, as a result of an investigation into the conduct of that councillor's or the councillors' conduct. However, this could be extended to include a ground that the Board had identified serious misconduct (with potential reference to the *Integrity*

Commission Act 2009) of a nature to demonstrate the councillor is not a fit and proper person to hold that office.

The Act presently constrains the suspension of a councillor or councillors until the time the Minister issues a direction after receiving the Board's report. It is considered appropriate that this be modified to provide for the extension of a suspension by the Minister, at the time a direction is made, until the actions contained in the direction have been undertaken.

Advantages of this option include:

- Power for the Minister for Local Government to initiate an investigation in the interests of the community;
- Its operation as an extension to prospective and existing regulatory frameworks, including robust evidence gathering powers, and a requirement, in effect, that the process be conducted with less formality than court proceedings;
- That the Board's costs are recoverable from a council.

Disadvantages include:

- The perceived or actual risk of politicised decision-making by a Minister for Local Government;
- Perceived or actual risk associated with the significant discretion in the appointment of persons to a Board.

Option: Empowering the Director of Local Government to seek the dismissal or longer suspension of a councillor under the Model Code of Conduct by application to the Tasmanian Civil and Administrative Tribunal or Code of Conduct Panel

This Option would empower the Director of Local Government, if satisfied matters are of sufficient severity, to refer alleged serious councillor misconduct to the Tasmanian Civil and Administrative Tribunal (TASCAT) or Code of Conduct Panel, if retained, for determination.

The Tasmanian Government is considering the transfer of the Code of Conduct Panel's functions, or elements of these, to TASCAT. This process is to canvass related issues, legal representation in Code of Conduct matters and appeal rights and pathways. Consultation opportunities on the potential transfer of the Framework will be made available at a later stage. It is considered that a formalised tribunal framework decreases the risk associated with the introduction of very severe sanctions into the regulatory framework, as contemplated in this paper.

The precise legislative proposal to deliver this option would only be formulated once the feasibility of the transfer of Code of Conduct matters to TASCAT is resolved. Were instead a separate Panel retained, significant change to its operation would be required to accommodate matters of this scope. For instance, legal representation is not permitted within the existing Code of Conduct Panel system to preserve the informal nature of proceedings. That restriction may be inappropriate to proceedings where a sanction up to dismissal may be applied.

It is not considered desirable to contemplate very severe sanctions for Code of Conduct complaints brought by councillors or members of the community, due to the acknowledged risk of the 'weaponisation' of the framework and process. Restricting the potential application of enhanced sanctions to matters brought by the Director, as a statutory officer, mitigates the risk

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of vexatious or unsubstantiated applications from councillors or members of the community seeking dismissal. It is noted that the Director of Local Government is provided extensive information gathering powers under the Local Government Act, but cannot themselves suspend or dismiss a councillor.

In considering an application from the Director, TASCAT or the Code of Conduct Panel would have available to it all sanctions available to it under the Code of Conduct framework, but would additionally, be able to consider the imposition of suspension from the office of councillor of up to six months, or dismiss the councillor from office. Presently, a Code of Conduct Panel may only impose a sanction of a suspension of up to three months.

The Director could make an application on the basis of:

- The outcome of a Director's investigation into a councillor or council, including indications of misconduct within the meaning of the *Integrity Commission Act 2009*;
- A report received by referral of the Integrity Commission or an Integrity Tribunal;
- The findings of a Code of Conduct complainant;
- The conviction of a councillor for an offence against the Local Government Act or any other act;
- Other circumstances where the Director is satisfied the impact of the councillor or councillors' actions on the operations of the council warrants consideration as serious misconduct.

The Tribunal or Code of Conduct Panel, in making its determination, would be required to have regard to the councillor or councillors' conduct with reference to the Model Code of Conduct. It is not proposed to establish a separate set of conduct standards for this process.

It is proposed that the Minister for Local Government would be empowered to immediately suspend a councillor or councillors from undertaking the functions of councillor until the application had been resolved (including allowances).

This option adopts elements of the regulatory frameworks of both Victoria and New South Wales.

It is proposed that TASCAT or the Code of Conduct Panel, in dismissing a councillor, may also make an order preventing that councillor from contesting any local government election for a period of up to seven years.

Advantages of this option may include:

- Its generally non-political nature;
- Its operation as an extension to prospective and existing regulatory frameworks; and
- Inaccessibility to vexatious complainants.

Disadvantages may include:

- Reliance upon the judgement of a government statutory officer and tribunal;
- Risk of the adverse public perception or politicisation of a government statutory officer and tribunal;
- Limited role of the Minister for Local Government; and
- Prospects of judicial or administrative review leading to delayed outcomes.

Appendix: Jurisdictional approaches to councillor misconduct and dismissals

This summary is intended to assist readers to understand the varied requirements imposed in benchmark Australian jurisdictions. It does not provide an analysis of the merits of these approaches nor the extent of their use, which is considered beyond scope for this discussion.

Queensland

Queensland's *Local Government Act 2009* provides that its Minister for Local Government may recommend the suspension or dismissal of a councillor to the Governor-in-Council, on receipt of a recommendation of the Councillor Conduct Tribunal that a councillor be suspended or dismissed.

The Minister may separately recommend to the Governor-in-Council that a councillor be suspended or dismissed where the Minister believes:

- a councillor has seriously or continuously breached the local government principles; or
- the councillor is incapable of performing their responsibilities; or
- that it is otherwise in the public interest for the councillor to be suspended or dismissed.

These provisions were introduced in 2018.

A person is ineligible to serve as a councillor if imprisoned on under a suspended sentence.

The Queensland Act also establishes periods of ineligibility following conviction for:

- A treason offence—permanent, unless pardoned;
- A disqualifying electoral offence (meaning a conviction under the *Electoral Act 1992* where the penalty included a period of imprisonment, other than for a failure to pay a fine) —10 years;
- A serious integrity offence—7 years; or
- An integrity offence—4 years.

Victoria

Victoria's *Local Government Act 2020* empowers the Chief Municipal Inspector, a government statutory officer, to make an application to the Victorian Civil and Administrative Tribunal for a finding of gross misconduct. Only the Inspector may make such an application.

Gross misconduct is behaviour that demonstrates that a councillor is not of good character, or is not a fit and proper person to hold the office of councillor (including sexual harassment of an egregious nature).

Upon a finding of gross misconduct, the Tribunal may disqualify a councillor from continuing to be a councillor for a period of up to eight years.

Separately, a councillor subject to two findings of serious misconduct by separate Councillors Conduct Panels within a period of eight years is disqualified from holding the office of councillor for a period of four years.

The Minister for Local Government, through recommendation to the Governor-in-Council and upon receipt of a report of the Chief Municipal Inspector, may suspend a councillor while an application for serious or gross misconduct is heard. The Minister must be satisfied the councillor is creating a risk to the health and safety of the council staff or councillors; other persons, in their capacity as a councillor or is preventing the council from performing its functions.

Councillors convicted of offences against the Local Government Act with a maximum penalty of 120 penalty units or a period of imprisonment of at least 12 months are disqualified from holding office for a period of eight years; or who have been convicted of the offence of failing to lodge a campaign donation disclosure, for the current term of the council.

Persons convicted of any offence in the preceding eight years, when over 18 years of age, punishable on first conviction of a period of imprisonment of two years or more are ineligible to hold the office of councillor.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

New South Wales

The New South Wales *Local Government Act 1993* provides for the Department Chief Executive to refer councillor misconduct matters to the NSW Civil and Administrative Tribunal (NCAT) before, during or after an investigation by the Chief Executive.

Separately, the Minister for Local Government may request the Chief Executive refer a matter to the Tribunal due to a failure of a councillor to undertake actions required by a performance improvement order issued by the Minister for the council. This may be instead of, during, or after the issue of a compliance order by the Minister for the councillor in respect of that failure, which includes the suspension from the functions of a councillor (which are not required to meet the terms of the compliance order), and from receiving allowances and payment for expenses.

The Tribunal, on receipt of a referral from the Chief Executive, may determine whether to conduct proceedings.

If it proceeds and find the behaviour of the councillor warrants action, the Tribunal may impose sanctions up to a suspension of the councillor from civic office for a period of up to six months, or the disqualification of the councillor from holding civic office for a period of up to five years.

Separately, the Minister may suspend a councillor and recommend to the Governor the dismissal of the councillor upon a report of the Independent Commission Against Corruption (ICAC) recommending that consideration be given to the suspension of a councillor from office, with a view to their dismissal for serious corrupt conduct. The Minister must be satisfied that the dismissal of the councillor is necessary in order to protect the public standing of the council and the proper exercise of its functions.

Councillors are ineligible to hold office if:

- Serving a sentence, including a sentence of an intensive correction order, other than a sentence for failing to pay a fine;

- In the preceding two years, they were convicted of electoral offences created under regulation, which correspond to those in the state's *Electoral Act 2017*;
- In the preceding two years, they were convicted of an offence under the *Election Funding, Expenditure and Disclosures Act 1981* or the *Electoral Funding Act 2018*; or
- In the preceding seven years, they were convicted of any offence punishable by imprisonment for five years or more.

Persons disqualified from managing corporations under the *Corporations Act 2001* (Cth) cannot hold the office of councillor.

Persons are disqualified from holding the office of councillor for five years if they have been suspended for misconduct by the Departmental Chief Executive or NCAT on three occasions.

South Australia

South Australia's *Local Government Act 1999* provides for a councillor to be disqualified from office as a result of a complaint to the South Australian Civil and Administrative Tribunal (SACAT). SACAT may also disqualify a person may also be disqualified from becoming a councillor for a period not exceeding five years.

The complaint to SACAT may only be lodged by a council's chief executive officer, or another person authorised by the relevant minister or the council. It may only be lodged after the matter in question has been investigated by either the Ombudsman or the Independent Commission Against Corruption (ICAC).

A court may further impose the same penalties upon conviction for offences related to confidential information and misuse of office broadly corresponding to the Tasmanian Local Government Act.

A councillor is automatically vacated from office if convicted of an indictable offence punishable by imprisonment.

Western Australia

Western Australia's *Local Government Act 1995* (the WA Act) provides for the relevant minister to recommend to the Governor that a councillor be dismissed. The minister must make this decision on the basis of advice from the Department CEO that a councillor is impeding the ability of the council to perform its functions and duties under the WA Act; or that it is in the best interests of the council that the councillor be dismissed, and that the minister is satisfied that the seriousness of the situation for the council requires the intervention. A councillor is provided an opportunity to show cause before any order by the minister is made.

Separately, the WA Act provides for the relevant minister to suspend a councillor or to require remedial action in a range of circumstances, including upon the councillor's charge for a disqualification offence; after the Department CEO has made an allegation of a serious breach to the State Administrative Tribunal; or once the Department CEO has made a recommendation to the minister for suspension or remedial action on specified grounds.

A councillor may also be dismissed upon recommendation by the Minister to the Governor if an Inquiry Panel, of one or three persons appointed by the minister, has made that recommendation.

The State Administrative Tribunal, in determining an allegation of a serious or recurrent breach (which can be made only by the Department CEO), may disqualify a councillor from holding office for a period of not more than five years.

A person is disqualified from the office of councillor if convicted of a crime and is imprisoned under sentence for that crime; has been convicted in the preceding five years of a serious local government offence; or has been convicted of an offence for which the indictable penalty included imprisonment for more than five years (or imprisonment for life). A serious local government offence is an offence against the WA Act which is punishable by a sentence over a prescribed duration, or of a fine above a prescribed amount.

A court may also make an order disqualifying a councillor for misapplication of funds or property.

Northern Territory

A councillor may be determined to be unfit to hold that office by the Northern Territory Civil and Administrative Tribunal. This application may be made by any person residing and registered to vote in that local government area, and may only be made after that councillor is convicted of an offence under the *Local Government Act 2019* or another Act, demonstrating the councillor is unfit to remain in office. The Tribunal must consider whether the nature and details of the offence makes the member unfit to remain in office; the councillor's role as a community representative; the councillor's position of influence and trust; and the councillor's responsibility for managing public funds, in determining whether to dismiss a councillor from office.

A councillor is disqualified from holding the office of councillor if serving, or sentenced to during a term of office, a term of imprisonment of 12 months or more.

A person convicted of the offences of undue influence or bribery, in the *Criminal Code Act 1983*, committed in respect of a local government election is vacated from office and barred from holding office for two years.

A person is disqualified from the office of councillor if disqualified from managing a corporation under the Corporations Act 2001 (Cth) or Corporations (Aboriginal or Torres Strait Islander) Act 2006 (Cth).

IN CONFIDENCE

04/23.18.0 **CLOSED COUNCIL**

04/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 20 March 2023**

04/23.18.2 **Outstanding Actions List for Closed Council**

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