



COUNCIL MEETING AGENDA

Monday 17 July 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
11 July 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 July 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 July 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.

07/23.1.0 ATTENDANCE

07/23.1.1 Present

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

07/23.1.2 Apologies

Nil

07/23.1.3 Leave of Absence

Councillor Janet Drummond

07/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Rebecca Wood

07/23.2.0 PUBLIC QUESTION TIME

07/23.3.0 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.

07/23.4.0 CONFIRMATION OF MINUTES

07/23.4.1 Confirmation of Minutes – Council Meeting 26 June 2023

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 26 June 2023 be confirmed.

07/23.5.0 COUNCIL WORKSHOPS HELD SINCE 26 JUNE 2023 COUNCIL MEETING

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

- Review of Council Delegations
- Animal Control Report
- Review of the Banner Infrastructure Hire Policy – CB05
- Transfer assets used by Break O’Day SES Unit to Department of Police, Fire and Emergency Management (DPFEM)
- Lease of Public Land under S.178 Local Government Act – Elizabeth Street, Mangana
- Pending Development Application Updates
- NRM Committee Meeting Minutes 6 June 2023
- Local Government Association of Tasmania (LGAT) – General Meeting November 2023 - Call for Motions
- Tasmanian Housing Strategy Exposure Draft 51
- A Week in the Life of Break O’Day Council 109
- Fingal Youth Park 121
- EOI Break O’Day Aquatic Committee 127
- Future of Local Government Review 164

07/23.6.0 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.

07/23.6.1 DA 078-2023 Residential - Shipping Container

ACTION	DECISION
PROPONENT	D J Frappell, R Holloway
OFFICER	Alex McKinlay, Planning Officer
FILE REFERENCE	DA 078-2023
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none">1. Draft Approved Plans and associated documents2. Completed Planning Scheme Assessment3. Copies of the representations received (x5)

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 - SHIPPING CONTAINER on land situated at 28 FRESHWATER STREET, BEAUMARIS described in Certificate of Title 155447/3 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	A01	Unify Design	April 2023
Floor Plan & Elevations	A02	Unify Design	April 2023

2. The shipping container is approved for non-habitable residential use only
3. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
4. 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.
5. 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.
6. 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.

7. 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

1. 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 placement of placement of a 6.060m by 2.440m (14.7864m²) shipping container for residential purposes on the subject site at 28 Freshwater Street, Beaumaris. Submitted plans demonstrate that the proposed development will be serviced by an existing crossover and the installation of open drains along the lengths of the shipping container with subsequent stormwater being directed into an absorption trench.

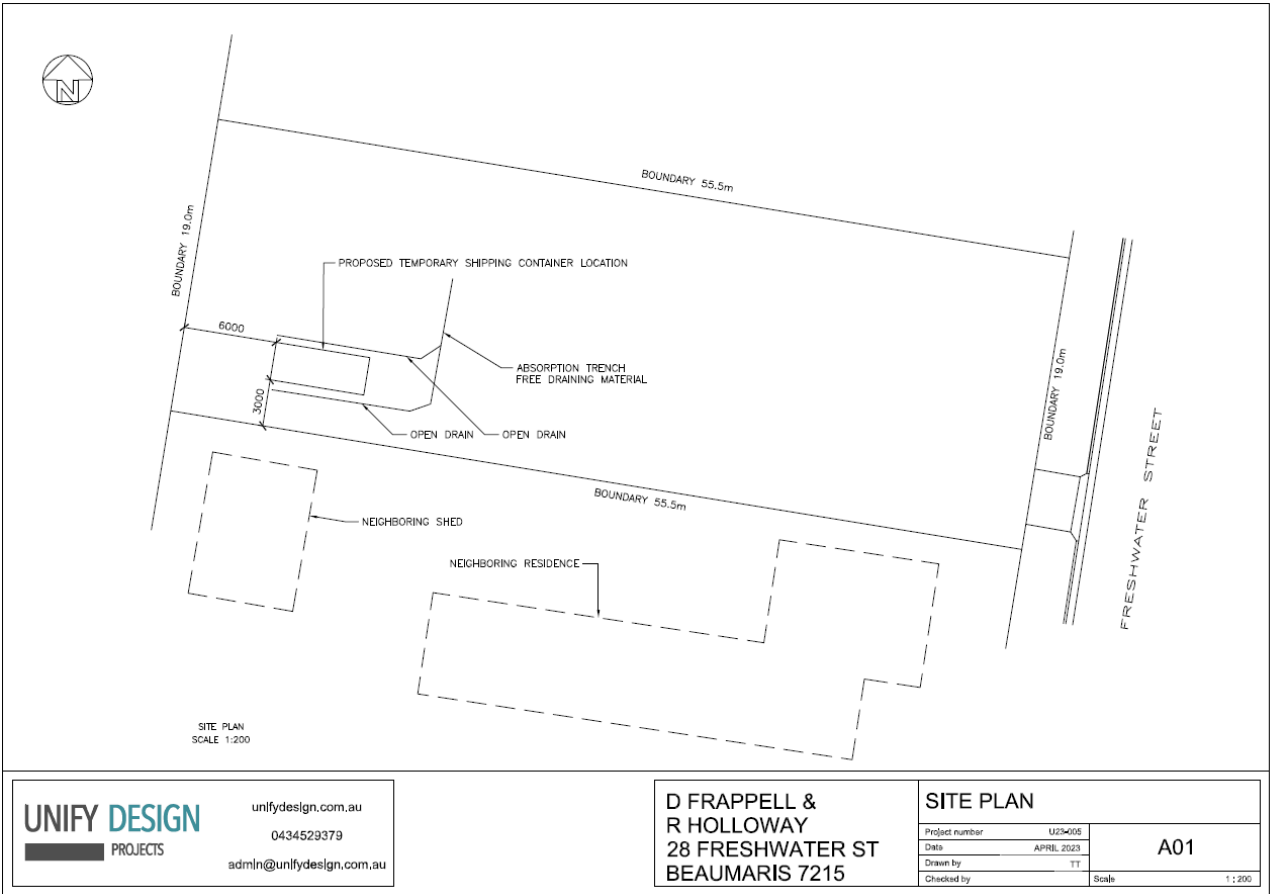
PREVIOUS COUNCIL CONSIDERATION:

Nil prior council considerations associated with the subject site at 28 Freshwater Street, Beaumaris.

OFFICER'S REPORT:

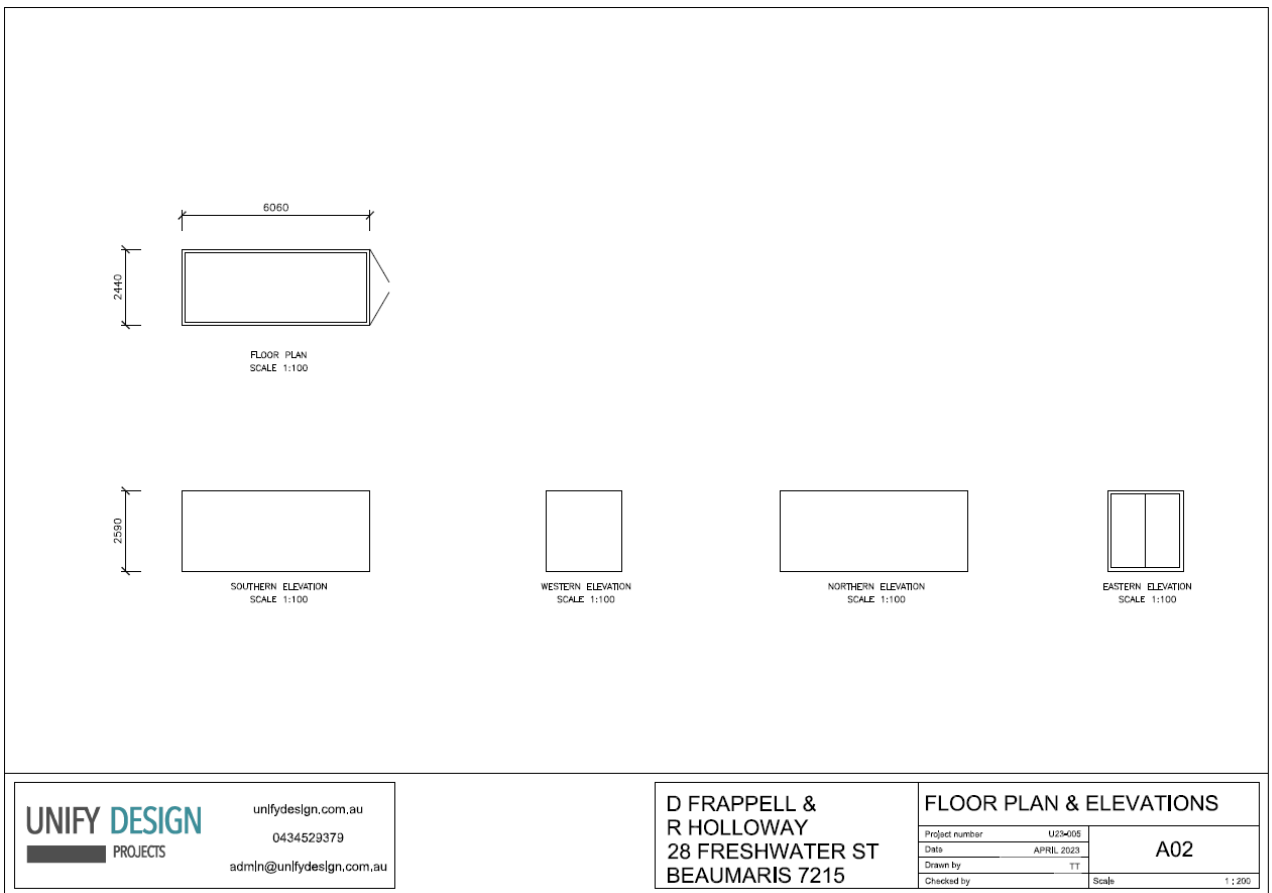
1. Proposal

An application was submitted by Mr Damian Frappell and Mrs. Rachael Holloway on 14 April 2023 as the owners of the land situated at 28 Freshwater Street, Beaumaris, for the placement of a shipping container on the subject site. The southern elevation shown within A02 of the submitted plans demonstrates that the 6.060m by 2.440m (14.7864²) shipping container will have a total height to the apex of 2.590m and will contribute towards a site coverage of 1.402884250474383% on the 1054m² subject site.



Site Plan Drawn by Unify Design
 Reference Number: A01
 Date: APRIL 2023

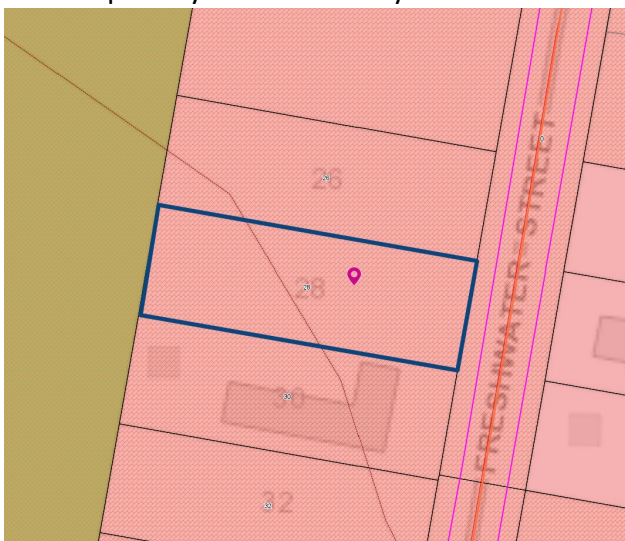
The written description provided by the applicant regarding the intended use of the proposed shipping container, confirmed that the shipping container would be utilised for temporary onsite storage until such time the applicant is able to construct their future dwelling. This can also be confirmed within the floor plan included on A02 of the submitted plans whereby it has been shown that no rooms nor facilities are intended to be included within the shipping container.



Floor Plan & Elevations Drawn by Unify Design
 Reference Number: A02
 Date: APRIL 2023

1.1 Site Characteristics and Background

The development site at 28 Freshwater Street, Beaumaris, has an approximate area of 1054m² and is subject to the 12.0 Low Density Residential Zone, contain sparse scrub vegetation coverage, situated on relatively flat land as evidenced by the minimal presence of contour lines, coastal height reference overlay has been applied but since the subject site is situated on land exceeding 2.36m in height assessment against the E14 Coastal Code was not required (note: 20m contour line crosses through the subject site) and the subject site is not impacted by the flooding overlay nor 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 *12.4.4.2 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)*. Assessment is also required for the Development Standards *E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)*.

3. Referrals

- Referral to Council’s Development Services Coordinator: A referral was issued to the Development Services Coordinator/Building Surveyor (Jake Ihnen) on the 05/06/2023 to review the proposed onsite stormwater disposal methods shown within the amended site plan. The Development Services Coordinator responded with the following, ‘*This is acceptable*’ (review the note included on TRIM ref. 23/12739).

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 20:

- 12.0 Low Density Residential Zone: *12.4.4.2 Stormwater Disposal (P1)*
- E6.0 Car Parking and Sustainable Transport Code: *E6.6.1 Car Parking Numbers (P1) & E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)*

Detailed assessment against the provisions of the *Break O’Day Interim Planning Scheme 2013* version 20 where the proposal was reliant on satisfying the performance criteria, is provided below. **The proposal is deemed to comply with the performance criteria applicable.**

Planning Assessment

12.4.4.2 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 includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>The applicant does not intend to dispose of stormwater overflow from the proposed shipping container in a manner that would be consistent with the requirements of Acceptable Solution A1. This is particularly demonstrated within the notes included on the email containing the RFI that was issued to the applicant (refer to TRIM ref. 23/10335), as Planning Officer Kathryn Clausen noted the following:</p>	

'Spoke with Damien 17/5/23 regarding the RFI - clarified that we do not need stormwater calculations for a 14m² shipping container but we do need to show a gutter/downpipe and have designer/plumber include a soakage pit on the plans showing that it well away from boundaries etc. A rainwater tank would assist but not necessary. Re set-backs, the container will be moved so it is 3m from the side boundary. Damien will confirm in writing that the container will be used for domestic storage. They don't intend to establish a driveway at this stage and understand that the application is discretionary on stormwater and driveway (access is existing).'

Further information submitted by the applicant on the 02/06/2023 and in particular the site plan, demonstrated the intention for onsite stormwater disposal methods. Notably, to ensure that stormwater will be managed effectively, the applicant has shown on the site plan that open drains will be located along the lengths of the shipping container and an absorption trench is proposed in order to manage stormwater onsite. Subsequently, a referral was issued to the Development Services Coordinator & Building Surveyor (Jake Ihnen) to confirm whether the proposed onsite stormwater disposal methods were sufficient and as seen on the notes included on the further information email titled 'Response to RFI – DA 078-2023' (review TRIM ref. 23/12739), the proposed methods to manage stormwater onsite were deemed to be acceptable.

Therefore, in consideration of the completed assessment above, the performance criteria can be considered appropriately satisfied.

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>

	<ul style="list-style-type: none"> h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and i) the recommendations of a traffic impact assessment prepared for the proposal; and j) any heritage values of the site; and k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> i) the size of the dwelling and the number of bedrooms; and ii) the pattern of parking in the locality; and iii) any existing structure on the land.
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Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

The applicant does not intend to provide formalised parking spaces for the proposed shipping container as evident on the submitted site plan. This is further evident when the applicant in response to the E6.0 Car Parking and Sustainable Transport Code stated, 'Given the site won't have occupants the parking will be provided in a future planning application when the owners plan to build a house' (Review TRIM ref. 23/13312 for reference). Although the provision of parking spaces does not form part of this application, since the subject site (1054m²) is currently vacant, a number of informal parking spaces can be accommodated on the subject site.

Therefore, the performance criteria can be considered appropriately satisfied.

E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)

Acceptable Solutions	Performance Criteria
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <ul style="list-style-type: none"> a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. 	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

Within the submitted site plan, it has been shown that neither car parking, access strips/driveway nor manoeuvring spaces are intended to be provided thereby requiring assessment against the performance criteria. Notably, applicant has confirmed that the purposes of the proposed shipping container is for temporary onsite domestic storage as the intention is to construct a residential dwelling within the near future (note: more than 6 months). Similar to the assessment completed for performance criteria P1 of E6.6.1 Car Parking Numbers, this is further evident when the applicant in response to the E6.0 Car Parking and Sustainable Transport Code stated, *'Given the site won't have occupants the parking will be provided in a future planning application when the owners plan to build a house'* (Review TRIM ref. 23/13312 for reference).

However, since the subject site (1054m²) is currently vacant and is serviced by an existing crossover, it is reasonable to conclude that since there is an existing access onto the subject site in addition to the potential for a number of informal parking spaces able to be accommodated, the performance criteria can be considered appropriately satisfied.

It is also worth noting that in correspondence with the applicant, Planning Officer Kathryn Clausen confirmed the following:

'Spoke with Damien 17/5/23 regarding the RFI - clarified that we do not need stormwater calculations for a 14m² shipping container but we do need to show a gutter/downpipe and have designer/plumber include a soakage pit on the plans showing that it well away from boundaries etc. A rainwater tank would assist but not necessary. Re set-backs, the container will be moved so it is 3m from the side boundary. Damien will confirm in writing that the container will be used for domestic storage. They don't intend to establish a driveway at this stage and understand that the application is discretionary on stormwater and driveway (access is existing)'. (refer to TRIM ref. 23/10335)

Therefore, in consideration of the completed assessment above, the performance criteria can be considered appropriately satisfied.

5. Representations

The application was advertised 17 June 2023 to 30 June 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Five (5) 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"> Representor objects to the proposed development based on covenants 02 and 03 included within the schedule of easements 	<ul style="list-style-type: none"> Assessment of the application received for the proposed development which includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, was conducted against the 12.0 Low Density Residential Zone and the E6.0 Car Parking and Sustainable Transport Code under the current interim

that effect the entire subdivision.

- Representor expresses that they bought into the subdivision due to the strong covenants in place. They note that if these particular covenants stay in place, this will ensure long-term quality of all builds in addition to maintaining the economic health of the entire development.
- Claim that the proposed development does not benefit neither adjoining properties nor the entirety of the subdivision.
- Representor concludes by asserting that if the proposed development were allowed to proceed that this may set a precedent for other properties in the surrounding area to place a shipping container or shed on a property and never build a dwelling.

planning scheme (note: version 20). Please refer to the Responsible Officer's Completed Planning Scheme Assessment for reference regarding how the relevant Acceptable Solutions and Performance Criteria for the 12.0 Low Density Residential Zone and E6.0 Car Parking and Sustainable Transport Code, could be considered appropriately satisfied.

- Matters raised within the submitted representation/s do not relate to discretionary items of this planning application which include *12.4.4.2 Stormwater Disposal (P1)*, *E6.6.1 Car Parking Numbers (P1)* & *E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)*.
- Review and or determination of whether the proposed development has complied with the covenants 02 and 03 listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. Compliance with existing covenants outlined within the schedule of easements is not a relevant matter for consideration but is a matter for the parties subject to sealed plan SP155447 to resolve (if any).

2. That no dwelling house or unit or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling house shall be constructed on such lot which except with the written approval of the Vendor that:

- (a) Is a construction or re-erection of any building which has been pulled down or demolished.
- (b) Is a relocation of a previously erected building.
- (c) Has its roof clad or exterior walls with previously used or second hand materials.
- (d) Has its exterior walls or roof clad with uncoloured galvanised iron or tin.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES		Registered Number SP 155447
SUBDIVIDER: FOLIO REFERENCE:	KURTUKOFF 139371/1	

3. The minimum size of any house is to be no less than 135 square metres.

Screenshot of Covenant 02 and 03 from the schedule of easements associated with sealed plan SP155447.

Representation 02

Issue	Response
<ul style="list-style-type: none"> • Representor objects to the proposed development due to the requirements of the covenants in place for the overall subdivision. • Further expressed that the developer at the time was clear in that these covenants were created to protect both the integrity of the area and the investments of the existing homeowners within the subdivision. • Specifically, covenant 02 from the schedule of easements provides the basis of the objection which the representor claims that if this is overlooked this may erode the protections that the covenants were intended to provide. • Understands the sentiments of the applicant but the representor in addition to other homeowners are concerned that if approval is issued this may lead to setting a precedent for 	<p>Due to the similarity with representation 01 above, the same response has been provided below:</p> <ul style="list-style-type: none"> • Assessment of the application received for the proposed development which includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, was conducted against the 12.0 Low Density Residential Zone and the E6.0 Car Parking and Sustainable Transport Code under the current interim planning scheme (note: version 20). Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Acceptable Solutions and Performance Criteria for the 12.0 Low Density Residential Zone and E6.0 Car Parking and Sustainable Transport Code, could be considered appropriately satisfied. • Matters raised within the submitted representation/s do not relate to discretionary items of this planning application which include <i>12.4.4.2 Stormwater Disposal (P1), E6.6.1 Car Parking Numbers (P1) & E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)</i>. • Review and or determination of whether the proposed development has complied with the covenants 02 and 03 listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. Compliance with existing covenants outlined within the schedule of easements is not a relevant matter for consideration but is a matter for the parties subject to sealed plan SP155447 to resolve (if any).

developments which could be considered outside the scope of the covenants being proposed. They note that this may result in a streetscape that undermines the integrity of the area and could impact upon the value of existing properties within the area.

- The representor then outlines examples of structures within the subdivision that likely do not meet the covenants and their subsequent impacts including, *'Already there is one unsightly and I believe illegal structure "tiny house" located on an allotment adjoining a colourbond shed, that clearly does not meet the requirements of the covenant, devalues the neighbourhood and is a danger to the community because it is not securely anchored to appropriate footings'.*
- Representor also found it difficult to understand how structure that includes both water and septic infrastructure could be

2. That no dwelling house or unit or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling house shall be constructed on such lot which except with the written approval of the Vendor that:

- (a) Is a construction or re-erection of any building which has been pulled down or demolished.
- (b) Is a relocation of a previously erected building.
- (c) Has its roof clad or exterior walls with previously used or second hand materials.
- (d) Has its exterior walls or roof clad with uncoloured galvanised iron or tin.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

JK

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 Department of Natural Resources and Environment Tasmania www.thelist.tas.gov.au



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES	Registered Number SP 155447
SUBDIVIDER: FOLIO REFERENCE:	KURTUKOFF 139371/1

3. The minimum size of any house is to be no less than 135 square metres.

Screenshot of Covenant 02 and 03 from the schedule of easements associated with sealed plan SP155447.

<p>removed once a home is constructed on the subject site and further noted that the shipping container was noted as a temporary structure.</p>	
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Representation 03

Issue	Response
<ul style="list-style-type: none"> • Represnetor wishes to object to the proposed development as the Freshwater Street Subdivision has a number of covenants in place to ensure that the protection of amenity for residents within the area. • Expressed that placement of shipping containers on vacant lots are unsightly and detract from the overall aesthetic of the subdivision. • Representor concluded that if this application is approved, this will result in the third shipping container located on a vacant lot within the Freshwater Street subdivision. 	<p>Due to the similarity with representation 01 and 02 above, the same response has been provided below:</p> <ul style="list-style-type: none"> • Assessment of the application received for the proposed development which includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, was conducted against the 12.0 Low Density Residential Zone and the E6.0 Car Parking and Sustainable Transport Code under the current interim planning scheme (note: version 20). Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Acceptable Solutions and Performance Criteria for the 12.0 Low Density Residential Zone and E6.0 Car Parking and Sustainable Transport Code, could be considered appropriately satisfied. • Matters raised within the submitted representation/s do not relate to discretionary items of this planning application which include <i>12.4.4.2 Stormwater Disposal (P1), E6.6.1 Car Parking Numbers (P1) & E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)</i>. • Review and or determination of whether the proposed development has complied with the covenants 02 and 03 listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. Compliance with existing covenants outlined within the schedule of easements is not a relevant matter for consideration but is a matter

for the parties subject to sealed plan SP155447 to resolve (if any).

2. That no dwelling house or unit or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling house shall be constructed on such lot which except with the written approval of the Vendor that:
 - (a) Is a construction or re-erection of any building which has been pulled down or demolished.
 - (b) Is a relocation of a previously erected building.
 - (c) Has its roof clad or exterior walls with previously used or second hand materials.
 - (d) Has its exterior walls or roof clad with uncoloured galvanised iron or tin.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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the **list** **SCHEDULE OF EASEMENTS**
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES	Registered Number SP 155447
SUBDIVIDER: KURTUKOFF FOLIO REFERENCE: 139371/1	

3. The minimum size of any house is to be no less than 135 square metres.

Screenshot of Covenant 02 and 03 from the schedule of easements associated with sealed plan SP155447.

Representation 04

Issue	Response
<ul style="list-style-type: none"> • Representor notes that the subject site is directly opposite of their home and wish to object on the basis that the covenants in place for the subdivision. • Similar to Representation 02 above, the representor further expressed that the developer at the time was clear in that these covenants were created to protect 	<p>Due to the similarity with representation 01, 02 and 03 above, the same response has been provided below:</p> <ul style="list-style-type: none"> • Assessment of the application received for the proposed development which includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, was conducted against the 12.0 Low Density Residential Zone and the E6.0 Car Parking and Sustainable Transport Code under the current interim planning scheme (note: version 20). Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Acceptable Solutions and Performance Criteria for the 12.0 Low Density Residential Zone and E6.0 Car Parking and Sustainable Transport Code, could be considered appropriately satisfied.

both the integrity of the area and the investments of the existing homeowners within the subdivision.

- Concerned that since the proposed development is not consistent with covenant 02 that if this overlooked this may potentially erode the protections that the covenants were intended to provide.
- Similar to Representation 02 above, the representor then outlines examples of structures within the subdivision that likely do not meet the covenants and their subsequent impacts including, *'Already there is one unsightly and we believe illegal structure located on an allotment adjoining a colourbond shed, that clearly does not meet the requirements of the covenant, devalues the neighbourhood and is a danger to the community because it is not securely anchored to appropriate footings'*.

- Matters raised within the submitted representation/s do not relate to discretionary items of this planning application which include *12.4.4.2 Stormwater Disposal (P1), E6.6.1 Car Parking Numbers (P1) & E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)*.
- Review and or determination of whether the proposed development has complied with the covenants 02 and 03 listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. Compliance with existing covenants outlined within the schedule of easements is not a relevant matter for consideration but is a matter for the parties subject to sealed plan SP155447 to resolve (if any).

2. That no dwelling house or unit or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling house shall be constructed on such lot which except with the written approval of the Vendor that:

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3. The minimum size of any house is to be no less than 135 square metres.

[Screenshot of Covenant 02 and 03 from the schedule of easements associated with sealed plan SP155447.](#)

<ul style="list-style-type: none"> • Similar to Representation 02 above, the Representor also found it difficult to understand how structure that includes both water and septic infrastructure could be removed once a home is constructed on the subject site and further noted that the shipping container was noted as a temporary structure. 	
--	--

Representation 05

Issue	Response
<ul style="list-style-type: none"> • Representor outlines that their primary concern with the proposed development is that this may be a potential violation of the existing covenants associated with the subdivision. • Similar to Representation 02 and 04 above, the representor further expressed that it was their understanding that these covenants were created to protect both the integrity of the area and the investments of the existing 	<p>Due to the similarity with representation 01, 02, 03 and 04 above, the same response has been provided below:</p> <ul style="list-style-type: none"> • Assessment of the application received for the proposed development which includes the placement of a 6.060m by 2.440m (14.7864m²) shipping container for the subject site at 28 Freshwater Street, Beaumaris, was conducted against the 12.0 Low Density Residential Zone and the E6.0 Car Parking and Sustainable Transport Code under the current interim planning scheme (note: version 20). Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Acceptable Solutions and Performance Criteria for the 12.0 Low Density Residential Zone and E6.0 Car Parking and Sustainable Transport Code, could be considered appropriately satisfied. • Matters raised within the submitted representation/s do not relate to discretionary items of this planning application which include <i>12.4.4.2 Stormwater Disposal (P1)</i>, <i>E6.6.1 Car Parking Numbers (P1)</i> & <i>E6.7.1 Construction of Car Parking Spaces and Access Strips (P1)</i>.

homeowners within the subdivision.

- Specifically, it is believed that the proposed development does not adhere to covenant 02 and can be considered as a significant risk as this could weaken the protections the covenants were established to provide.
- Representor concluded by urging consideration of the above concerns and to further consider the potential long-term impacts that this proposal and future proposals like this may upon the community.

- Review and or determination of whether the proposed development has complied with the covenants 02 and 03 listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. Compliance with existing covenants outlined within the schedule of easements is not a relevant matter for consideration but is a matter for the parties subject to sealed plan SP155447 to

2. That no dwelling house or unit or garage or garages or the outbuildings usually appurtenant to and normally used in connection with a dwelling house shall be constructed on such lot which except with the written approval of the Vendor that:

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3. The minimum size of any house is to be no less than 135 square metres.

Screenshot of Covenant 02 and 03 from the schedule of easements associated with sealed plan SP155447.

6. Mediations

Contact was made with the applicant via phone call made on the 03/07/2023 to discuss the representations that had been submitted against the proposed development. After being advised of the general process with regards to taking the application to the next Council Meeting to be decided, the applicant was further advised that they can submit responses to address the concerns raised within the submitted representations if they so choose to do but it is not a requirement. The following response was received by the applicant in response to the submitted representations on the 05/07/2023, *'We appreciate the residents' concern for the streetscape and for the covenant. These are two factors which influenced us to buy into the street. It is not our intention to go against the covenant when we seek to build. The shipping container is simply a temporary storage facility until a future build is complete, after which time the shipping container will be removed'* (see TRIM ref. 23/15170 for a copy of the response).

7. Conclusions

There has been a recent decision released by the Tasmanian Civil & Administrative Tribunal (TASCAT) and date of Orders 3 March 2023. The decision concerned the Launceston City Council and an approval for a shed on vacant land in the Low Density Residential Zone. The Tribunal set aside the approval and substituted with a decision to refuse to grant a permit for the application. The Launceston City Council assessed the application against the Tasmanian Planning Scheme. The decision centred on whether the proposal should be classified as residential use or storage use. Development Services has assessed the application in accordance with current understanding and interpretation of the Break O' Day Interim Planning Scheme 2013 and has requested further clarification from the State Planning Office in its interpretation. We are still awaiting advice from the State Planning Office.

In accordance with 8.10 of the Break O' Day Interim Planning Scheme 2013, the application has been assessed against the objectives of the Scheme, in particular the Low Density Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and three (3) Performance Criterion. The received representations have been considered.

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

LEGISLATION & POLICIES:

Break O' Day Interim Planning Scheme 2013 Version 18

Land Use Planning and Approvals Act 1993,

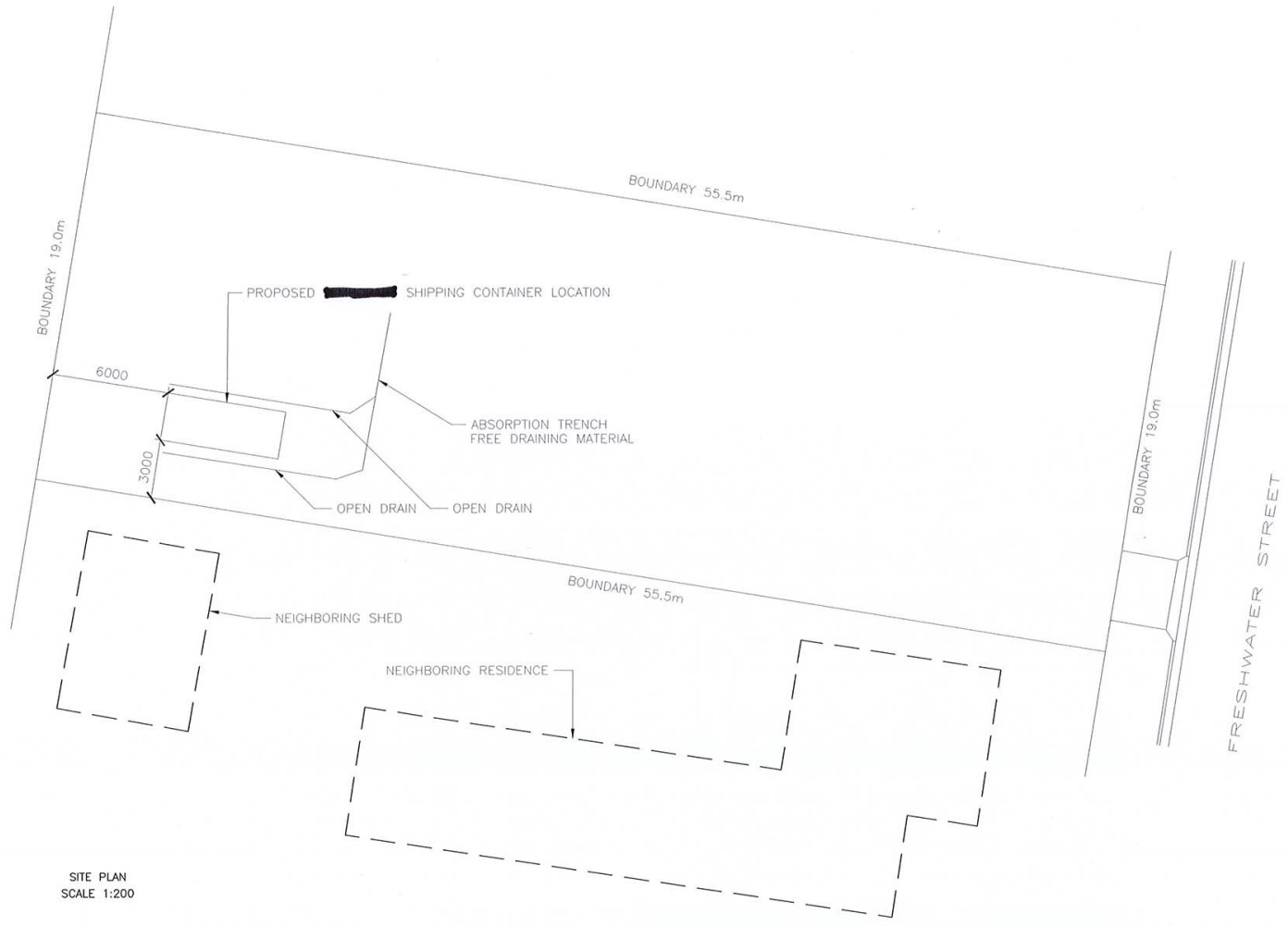
Local Government (Building and Miscellaneous Provisions) Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority



SITE PLAN
SCALE 1:200

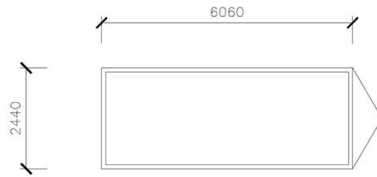
UNIFY DESIGN
PROJECTS

unifydesign.com.au
0434529379
admin@unifydesign.com.au

**D FRAPPELL &
R HOLLOWAY**
28 FRESHWATER ST
BEAUMARIS 7215

SITE PLAN

Project number	U23-005	A01
Date	APRIL 2023	
Drawn by	TT	
Checked by		
Scale		1 : 200



FLOOR PLAN
SCALE 1:100



SOUTHERN ELEVATION
SCALE 1:100



WESTERN ELEVATION
SCALE 1:100



NORTHERN ELEVATION
SCALE 1:100



EASTERN ELEVATION
SCALE 1:100

UNIFY DESIGN
PROJECTS

unifydesign.com.au
0434529379
admin@unifydesign.com.au

**D FRAPPELL &
R HOLLOWAY
28 FRESHWATER ST
BEAUMARIS 7215**

FLOOR PLAN & ELEVATIONS

Project number	U23-005	A02
Date	APRIL 2023	
Drawn by	TT	
Checked by		Scale 1 : 200

09/10/2017

ACTION	DECISION
PROPONENT	All Urban Planning (Department of Police, Fire & Emergency Management)
OFFICER	Rebecca Green, Planning Consultant
FILE REFERENCE	DA 108-2023
ASSOCIATED REPORTS AND DOCUMENTS	Site Plan, Floor Plans, elevations, sections Civil Services Plans Mechanical Services Plans Landscaping Plan Traffic Impact Assessment Planning Report Council Consent to lodge TasWater SPAN Representations(2) Applicant's response to representations

OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O' Day Council Interim Planning Scheme 2013* that the application for **Emergency Services – Police Station** on land situated at **2 Annie Street, St Helens** described in Certificate of Title CT 173142/2 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Ground Floor Plan, Mezzanine Plan, Elevations, Sections	Drawing No: P00-01, P10-01 to P10-02, P20-01 to P20-02, P30-01 to P30-01	HBV Architects	2/6/2023 (P00-01) May 2023
Civil Services Plans	Project No: 220388LO, Drawing No: C01 & C02	JMG Engineers & Planners	09/05/2023 (Rev: DA4)
Mechanical Services Plans	Project No: 220388LO, Drawing No: M01 & M02	JMG Engineers & Planners	09/05/2023 (Rev: P2)
Schematic Landscape Plan		Lange Design	27 April 2023 (Issue B)
Traffic Impact Assessment		Hubble Traffic	1 May 2023
Planning Report		All Urban Planning Pty Ltd	10 May 2023

2. Landscaping must be undertaken generally in accordance with the Schematic Landscape Plan provided by Lange Design, 27 April 2023 including and all perimeter fencing prior to any use of the development.
3. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2023/00612-BODC** as attached to this permit.
4. Storm water from the new development is to be collected and securely piped to an approved point of discharge to Council's underground storm water reticulation so as to ensure that flooding, erosion and nuisance are avoided. Design and construction shall be to the satisfaction of Council's Engineer.

A suitable stormwater connection must be provided by the developer (subdivider of the land in this instance) to connect to Manhole D1.1 as shown on JMG Drawing 220388LO-C01-DA4. Plumbing design for this building development must be accompanied by a report from a competent practicing engineering hydrologist which certifies compliance with all relevant requirements of ARR2016(as amended) including climate change allowance, and AS 3500.3., to ensure that runoff from impervious surfaces does not exceed the capacity of the stormwater connection. Landscaping shall provide overflow paths for 1:100 AEP stormwater events to avoid any contraventions of the Urban Drainage Act.

5. The applicant must ensure that external plant and mechanical equipment are located and/or designed to avoid interruption to the amenity of adjoining residential properties.
6. a) The areas shown to be set aside for General vehicle access and car parking must be:
 - i) completed before the use of the development;
 - ii) provided in accordance with Australian Standard AS 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking and to the satisfaction of Council's General Manager;
 - iii) provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - iv) surfaced with an impervious surface and drained to Council's stormwater drainage system;
 - v) Line-marked to indicate each space to the satisfaction of the Council.
8. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.
9. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with the requirements of Council's Works Manager. The construction of the vehicular crossovers will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be sealed and must be financed by the applicant.
10. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.

11. No works are to commence on the crossover(s) / stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Manager for the crossover/ stormwater connection.
12. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
13. Exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.
14. Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.
15. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. *All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.*
2. *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
3. *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
4. *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.*
5. *Activities associated with construction works are not to be performed outside the permissible time frame listed:
Monday-Friday 7am to 6pm
Saturday 9am to 6pm
Sunday and public holidays 10am to 6pm*

INTRODUCTION:

Application is made seeking approval for use and development of land at 2 Annie Street, St Helens CT 173142/2 for a new police station which involves:

- 1447m² police station building with office and meeting spaces as well as amenities and operations areas, boat storage shed, vehicle compound and 7 space secure carpark for police vehicles;
- An additional 22 car parking spaces for staff and visitors in addition to the 7 compound spaces (a total of 29 parking spaces including 1 accessible space);
- New 6m wide access from Annie Street;
- 2.4m high Colorbond fence along the side and rear boundaries of the approved Lot 1 of DA 297-2022;
- 2 x "Tasmania Police" signs including a wall sign on the northern elevation and a ground based sign on the Annie Street front boundary;
- Associated landscaping.

Emergency Services use class in the Community Purpose Zone is a permitted use, under Table 17.2 of the *Break O' Day Interim Planning Scheme 2013*.

Site Location



Site Photos







PREVIOUS COUNCIL CONSIDERATION:

2 Lot Subdivision – DA 297-2022

OFFICER'S REPORT:

1. The Proposal

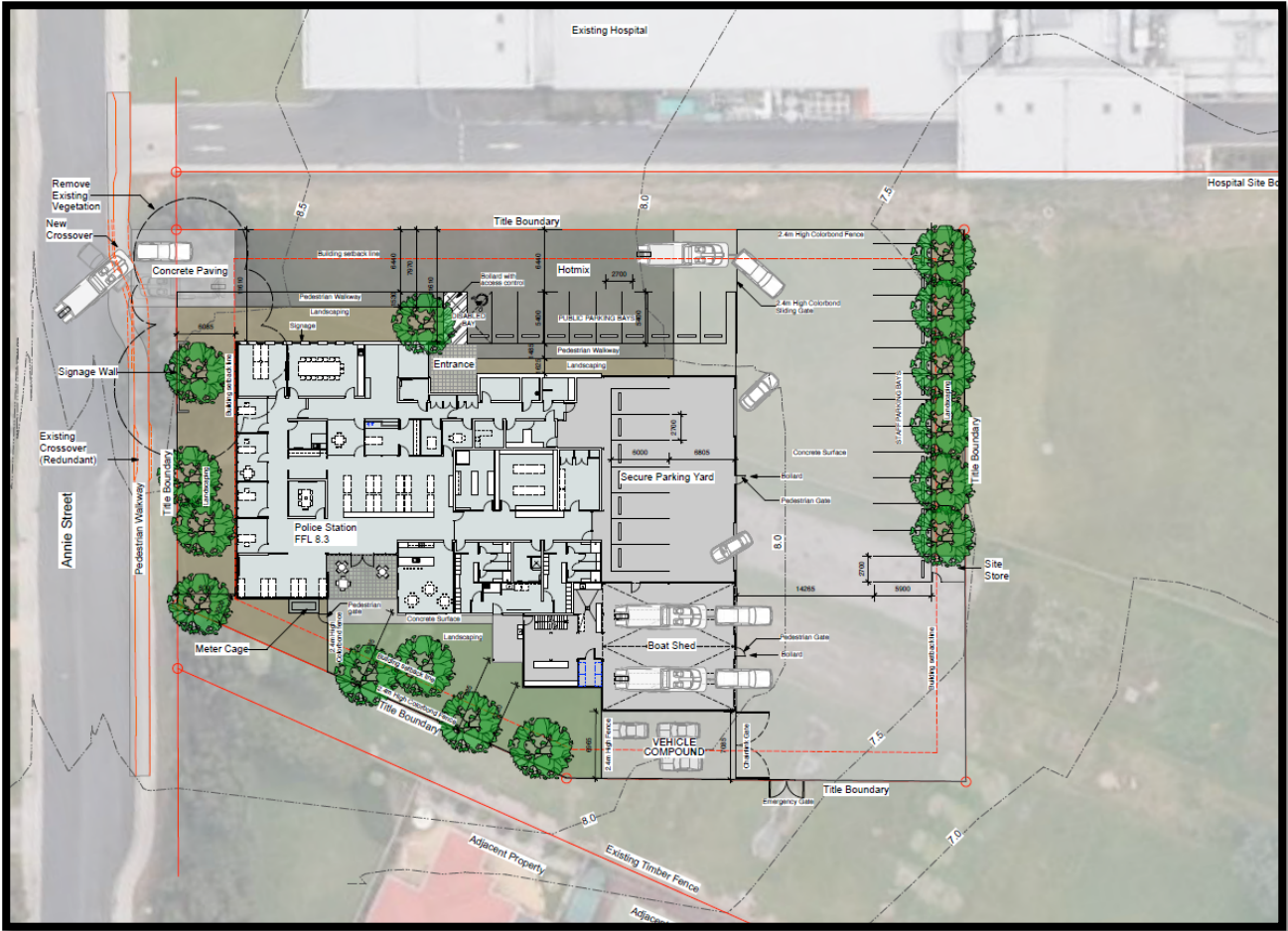
Break O'Day Council received a valid application on 18th May 2023 from All Urban Planning Pty Ltd (Department of Police, Fire & Emergency Management) for the use and construction of a police station at 2 Annie Street, St Helens.

Break O'Day Council owns the entirety of 2 Annie Street, St Helens CT 173142/2 currently. There is an approved subdivision of the title approved under planning permit DA 297-2022, 27 February 2023. The application was made on the basis that the approved subdivision will proceed and that the approved Lot 1 will be the site of the new police station. Lot 1 of approved DA 297-2022 comprises of an area of 4286m².

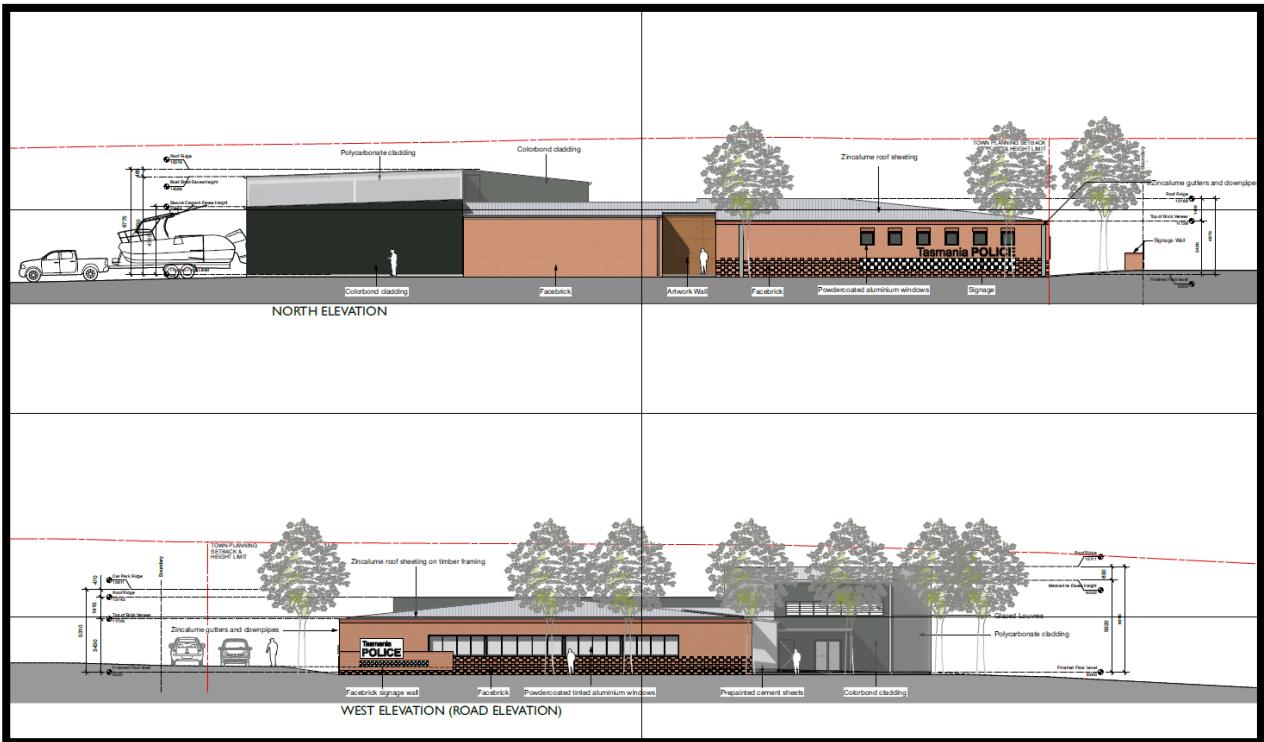
The site was subject to a planning scheme amendment 1/2015 which saw the land which was previously zoned General Residential rezoned to Community Purpose Zone, this became effective 31 December 2015.

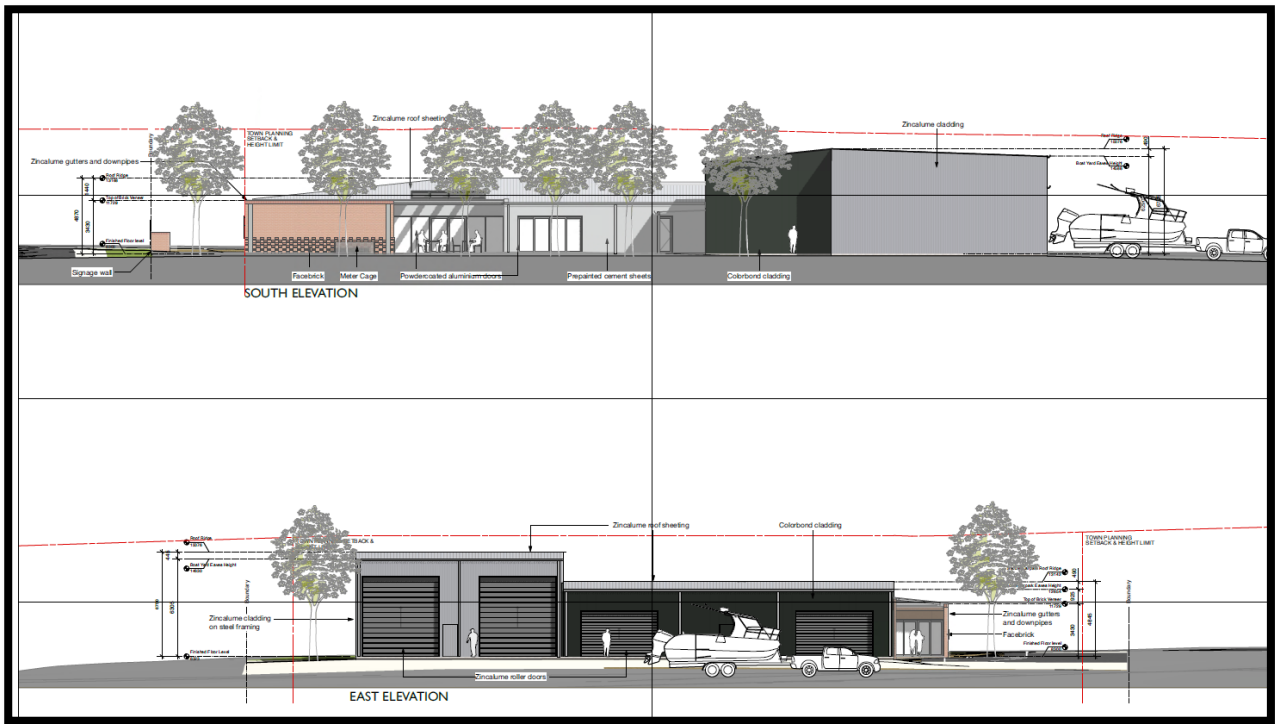
The total land area of 2 Annie Street is approximately 2.6ha and is essentially flat and cleared land. The site is located adjacent to the south of the St Helens District Hospital.

Proposed Site Plan



Elevations





2. Applicable Planning Scheme Provisions

Part 17 Community Purpose Zone

E4 Road and Railway Code

E6 Car Parking and Sustainable Transport Code

E15 Signs Code

3. Referrals

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

4. Assessment

The application has met the acceptable solutions for all issues, except for reliance upon three (3) performance criteria as detailed below;

- 1) 17.3.2 Amenity P1
- 2) 17.4.3 Stormwater Disposal P1
- 3) E4.6.1 Use and Road or Rail Infrastructure P2

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

Planning Assessment

17 Community Purpose Zone

17.2 Use Table

The proposed use fits the use class of Emergency Services, which is a Permitted use within the Community Purpose Zone.

Emergency Services as defined by the Scheme means:

“use of land for police, fire, ambulance and other emergency services including storage and deployment of emergency vehicles and equipment. Examples include ambulance station, fire station and police station.”

17.3 Use Standards

17.3.1 Zone Character

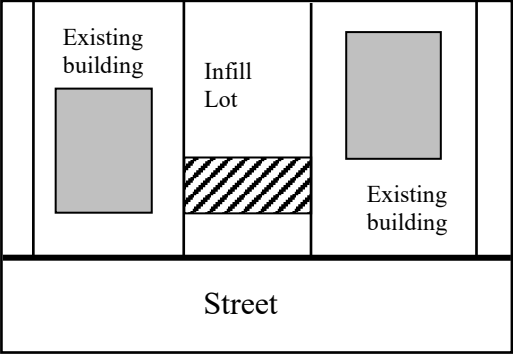
Acceptable Solutions	Proposed Solutions
A1 Storage of materials or equipment external to a building must not be visible from the road to which the lot has frontage.	A1 The proposal complies with the acceptable solution. No external storage of materials or equipment is proposed.
A2 Commercial vehicles for discretionary uses must be parked within the boundary of the property.	A2 Not applicable. Emergency services is a permitted use within the Community Purpose zone.

17.3.2 Amenity

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 For development within 20m of a residential zone, the operating hours of the use must be between 6am and 10pm.</p> <p>P1 The operating hours must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic management and illumination.</p>	<p>P1 All general police functions are to operate between 8:00am and 5:00pm with the exception of emergencies that may operate around the clock as required.</p> <p>The use of Emergency Services is a permitted use within the zone, which would entail normal operations of a police station including emergency services.</p> <p>The carpark is buffered from the adjoining residential lots, by way of physical distance as well as landscaping. A 2.4m high Colorbond fence is also proposed along the side and rear boundaries of approved Lot 1.</p> <p>The proposal provided details relating to location of mechanical plant and</p>

	<p>equipment and demonstrated the locality of these are quite some distance to the nearby residential dwellings.</p> <p>It would seem appropriate to place a condition on any approval pertaining to lighting of the subject site only.</p> <p>The proposal is considered to be compliant with the performance criteria.</p>
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17.4 Development Standards
 17.4.1 Building Design and Siting

Acceptable Solutions	Proposed Solutions
<p>A1 Building height must not exceed 8m.</p>	<p>A1 The proposal complies with the acceptable solution. The building height is to be approximately 6.7m.</p>
<p>A2 Buildings must be set back from the frontage a minimum distance of 6m or for infill lots, within the range of the front setbacks of buildings on adjoining lots, indicated by the hatched sections in Figure 17.4.1 below.</p> <p>Figure 17.4.1 – Front Setback for Infill Lots</p>  <p>The diagram illustrates a street frontage with three lots. The left and right lots contain 'Existing building' footprints. The middle lot is an 'Infill Lot'. A hatched area at the front of the infill lot indicates the required setback from the street. The setback for the infill lot is shown to be consistent with the setbacks of the existing buildings on the adjacent lots.</p>	<p>A2 The proposal complies with the acceptable solution. The building front setback is 6m from the Annie Street frontage as well as a setback of 6m on the Sunhaven Drive frontage.</p>
<p>A3 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>A3 The proposed building is sited to be 3m from the approved subdivision boundary. The vehicle compound adjacent to the southern boundary is enclosed with a 2.4m high Colorbond fence, but is not roofed.</p>

17.4.2 Subdivision – not applicable.

17.4.3 Stormwater Disposal

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>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.</p> <p>P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.</p>	<p>P1 The proposal is accompanied by a stormwater design and calculations prepared by JMG Engineers & Planners that directs stormwater to the proposed stormwater system approved as part of the subdivision.</p> <p>The proposal is considered to be compliant with the performance criteria.</p>

E4 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and Road or Rail Infrastructure

Acceptable Solutions/Performance Criteria	Proposed Solutions
<p>A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</p>	<p>A1 Not applicable.</p>
<p>A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day.</p> <p>P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>	<p>P2 The proposed use is expected to generate approximately 306 vehicle movements to and from the site daily. The Traffic Impact Assessment (TIA) submitted with the application examines the level of use of roads, accesses and junctions. The TIA demonstrates that the new access to the site will maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p> <p>The proposal is considered to be compliant with the performance criteria.</p>
<p>A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</p>	<p>A3 Not applicable.</p>
<p>A4 Use serviced by a side road from a deficient junction (refer E4 Table 2) is not to create an increase to the annual average daily</p>	<p>A4 Not applicable, the use will not be serviced by a side road.</p>

traffic (AADT) movements on the side road at the deficient junction by more than 10%.	
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E4.7 Development Standards

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

Acceptable Solutions	Proposed Solutions
<p>A1</p> <p>The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> a) New road works, buildings, additions and extensions, earthworks and landscaping works; and b) Building envelopes on new lots; and c) Outdoor sitting, entertainment and children’s play areas. 	<p>A1 Not applicable.</p>

E4.7.2 Management of Road Accesses and Junctions

Acceptable Solutions	Proposed Solutions
<p>A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</p>	<p>A1 The development site will use an existing vehicular access onto Annie Street.</p> <p>The proposal complies with the Acceptable Solution.</p>
<p>A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>A2 Not applicable.</p>
<p>A3 Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.</p>	<p>A3 The proposed access is not located within 6 metres of an intersection or break in a median strip. The proposal complies with the Acceptable Solution.</p>

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

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

Acceptable Solutions	Proposed Solutions
<p>A1 Sight distances at</p> <ul style="list-style-type: none"> a) An access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) Rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia; or 	<p>A1 a) The proposed access can achieve the required sight distances shown in Table E4.7.4.</p> <p>b) and c) – not applicable.</p>

c) If the access is a temporary access, the written consent of the relevant authority have been obtained.	
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E6 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Acceptable Solutions	Proposed Solutions
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <ul style="list-style-type: none"> a) Table E6.1; or b) A parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone). 	<p>A1 Table E6.1 does not specify particular parking requirement numbers for emergency services – police station. A fire/ambulance station requires 1 space per employee.</p> <p>The site will provide the following spaces:</p> <ul style="list-style-type: none"> 22 spaces for staff and visitors 7 compound spaces <p>The proposal complies with the Acceptable Solution.</p>

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

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

E6.7.2 Design and Layout of Car Parking

Acceptable Solutions	Proposed Solutions
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for a dwelling in the General Residential Zone) must be located behind the building line; and</p>	<p>A1.1 All proposed car parking is located behind the building line setback. The proposal complies with the Acceptable Solution.</p>

<p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>A1.2 Not applicable, no residential buildings are proposed.</p>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> a) Have a gradient of 10% or less; and b) Where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) Have a width of vehicular access no less than prescribed in Table E6.2; and d) Have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> i) There are three or more car parking spaces; and ii) Where parking is more than 30m driving distance from the road; or iii) Where the sole vehicle access is to a category 1, 2, 3 or 4 road; and <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>A2.1 Car parking and manoeuvring space will:</p> <ul style="list-style-type: none"> a) Be on almost level ground; and b) The proposal complies; and c) The proposal complies; and d) The proposal complies. <p>A2.2 The layout of car spaces and access ways are in accordance with <i>Australian Standards AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>

E6.7.3 Parking for Persons with a Disability

Acceptable Solutions	Proposed Solutions
<p>A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building.</p>	<p>A1 All spaces designated for use by persons with a disability have been located closest as practicable as possible to the main entry point to the building. The proposal complies with the Acceptable Solution.</p>
<p>A2 One of every 20 parking spaces or part thereof must be constructed and designated for use by persons with disabilities in accordance with <i>Australian Standards AS/NZ 2890.6 2009</i>.</p>	<p>A2 The proposal provides for 1 space in conjunction with the proposed police station. The proposal complies with the Acceptable Solution.</p>

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

Acceptable Solutions	Proposed Solutions
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <ul style="list-style-type: none"> a) At least one loading bay must be provided in accordance with Table E6.4; and b) Loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site. 	A1 Not applicable.

E6.8 Provisions of Sustainable Transport

E6.8.5 Pedestrian Walkways

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

E15 Signs Code

Signage proposed is considered to meet the exemptions under E15.4.1, being Public Signs. No further assessment is required.

5. Representations

The application was advertised 10 June 2023 to 26 June 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.

The representation is as follows:-

Representation 1	Response
Letter in support of proposal.	Noted.

Representation 2	Response
Concerns of dust generation during construction please.	Conditions are recommended on any approval for a permit which is standard to impose such in relation to soil and water management during construction phase. Subject to these usual practices it is expected that there will be no unreasonable construction impacts on nearby residents.
Concerns in relation to foliage from landscaping blowing into adjacent yards.	The proposed landscaping species are to be confirmed and not directly relevant to a provision in the planning scheme. The

	proponent has noted that representor's preference for evergreen trees.
Noise concerns from the use as well as associated air conditioning and mechanical plant.	The site will typically operate during normal work hours and is not likely to involve significant noise emissions (i.e. no sirens to be used from the site). All mechanical plant has been designed and located to avoid noise emissions beyond the subject site.
Light intrusion concerns.	The proposal involves security lighting only. A condition is recommended on any approval for a permit ensuring that light spill is not orientated outside the subject site.
Traffic concerns.	A TIA accompanied the application and confirmed from a traffic engineering and road safety perspective that the proposal is not expected to cause any adverse safety, amenity, or traffic efficiency impacts.

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 Community Purpose Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and three (3) Performance Criterion/discretions; the received representations have been considered. It is recommended for approval with conditions normally set to this type of development.

LEGISLATION & POLICIES:

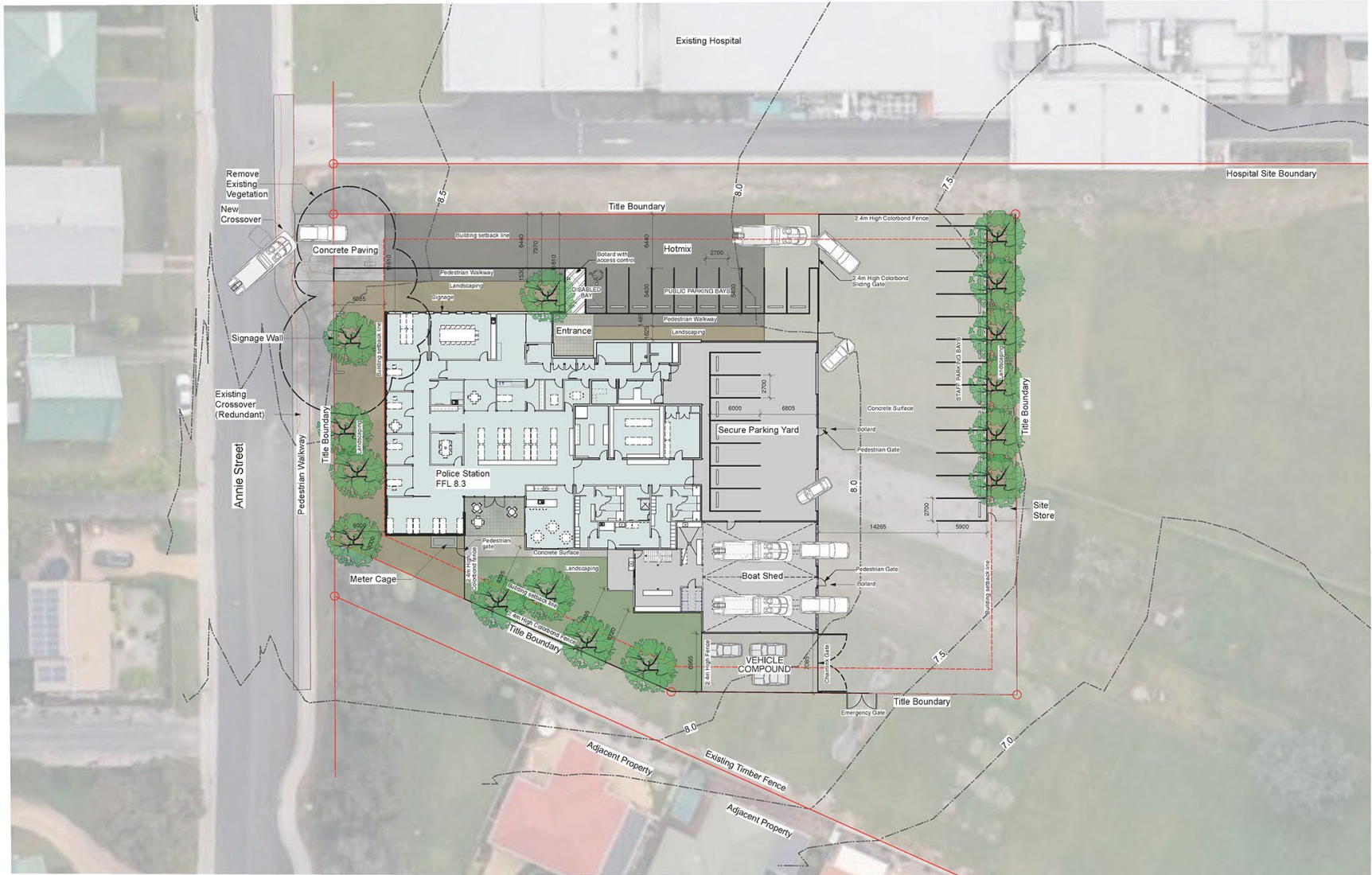
Break O' Day Interim Planning Scheme 2013;
Land Use Planning and Approvals Act 1993;
 Local Government (Building and Miscellaneous Provisions) Act 1993.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable, all costs of the development are the responsibility of the developer, except for those required as part of the subdivision works for the approved lot.

VOTING REQUIREMENTS:

Simple Majority



HBV ARCHITECTS

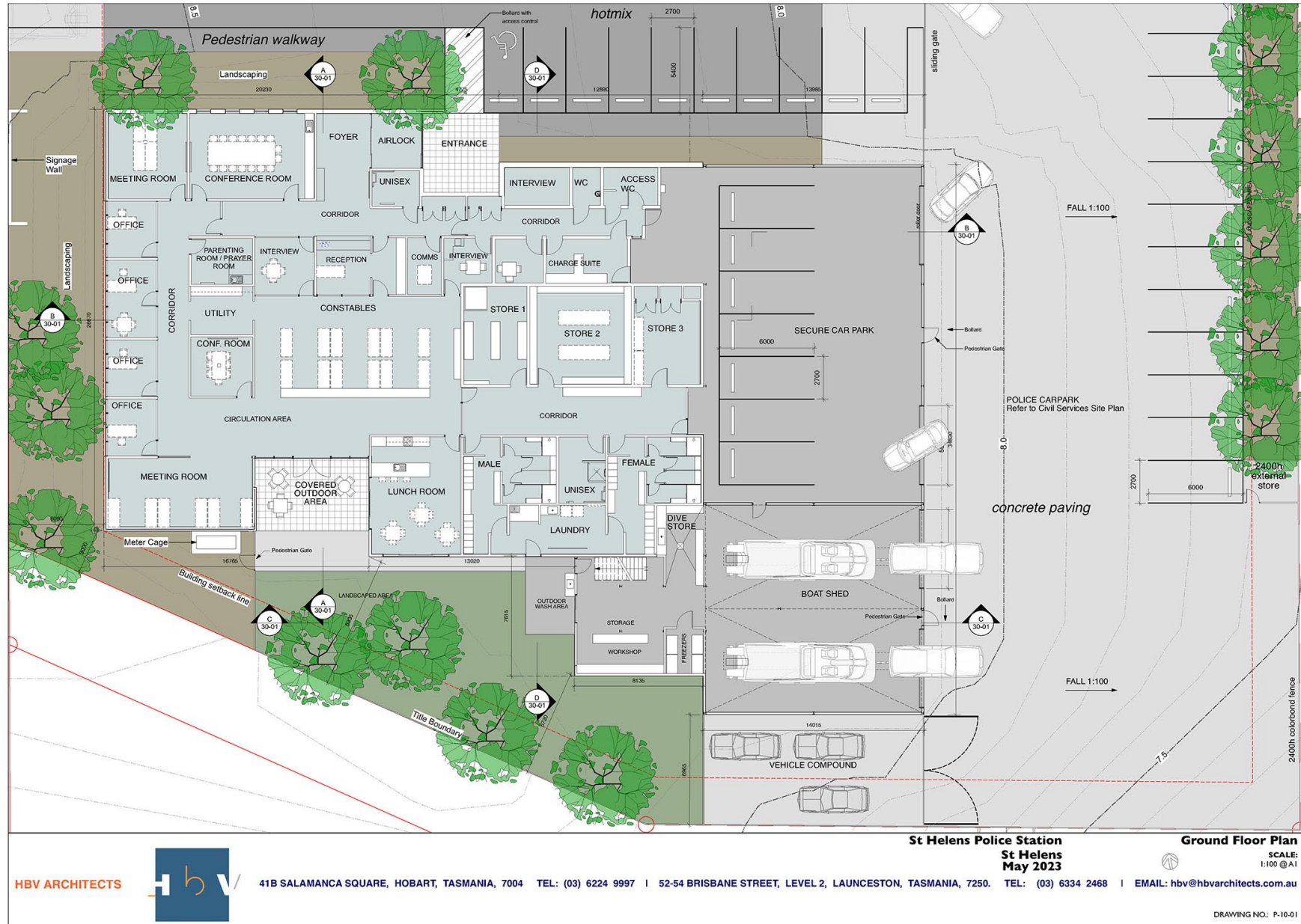


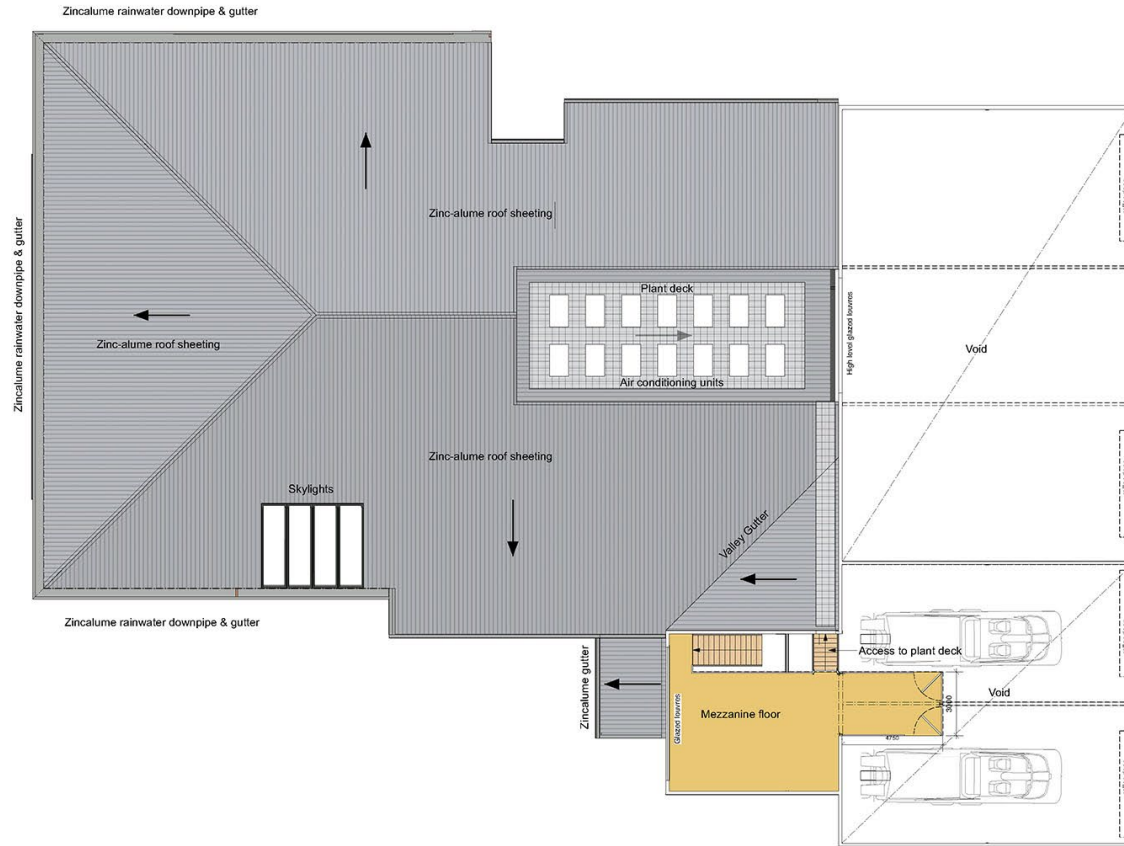
41B SALAMANCA SQUARE, HOBART, TASMANIA, 7004 TEL: (03) 6224 9997 | 52-54 BRISBANE STREET, LEVEL 2, LAUNCESTON, TASMANIA, 7250. TEL: (03) 6334 2468 | EMAIL: hbv@hbvarchitects.com.au

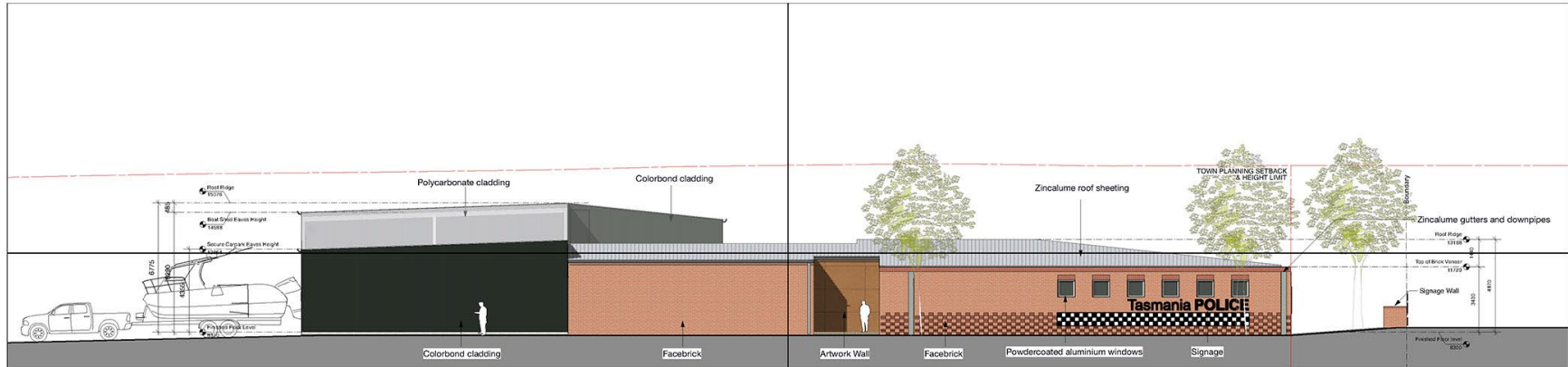
St Helens Police Station
St Helens
2/6/2023

Plan-Site
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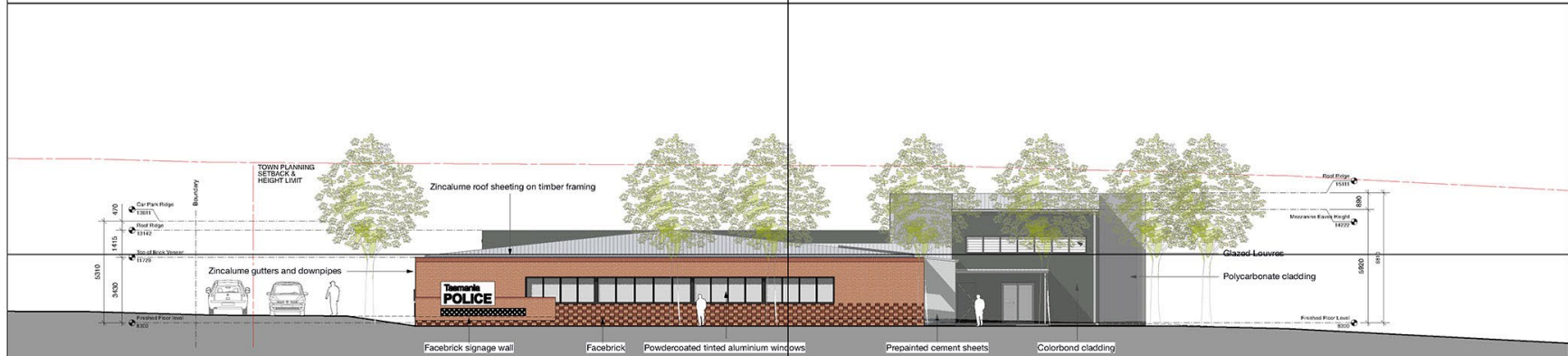
DRAWING NO: P-00-01







NORTH ELEVATION



WEST ELEVATION (ROAD ELEVATION)

HBV ARCHITECTS



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St Helens Police Station
St Helens
May 2023

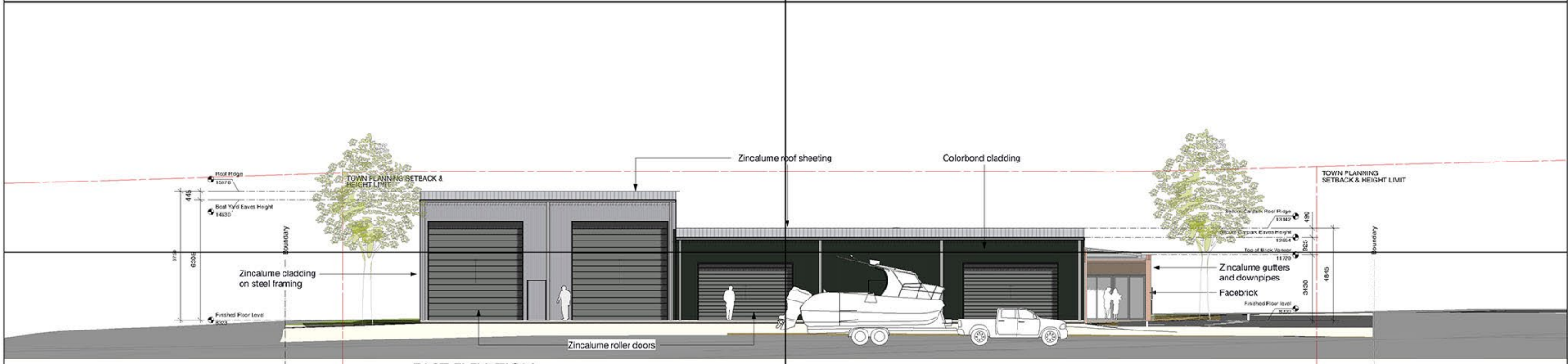
Elevations - Sheet 1 of 2

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1:100 @ A1

DRAWING NO: P-20-01



SOUTH ELEVATION



EAST ELEVATION



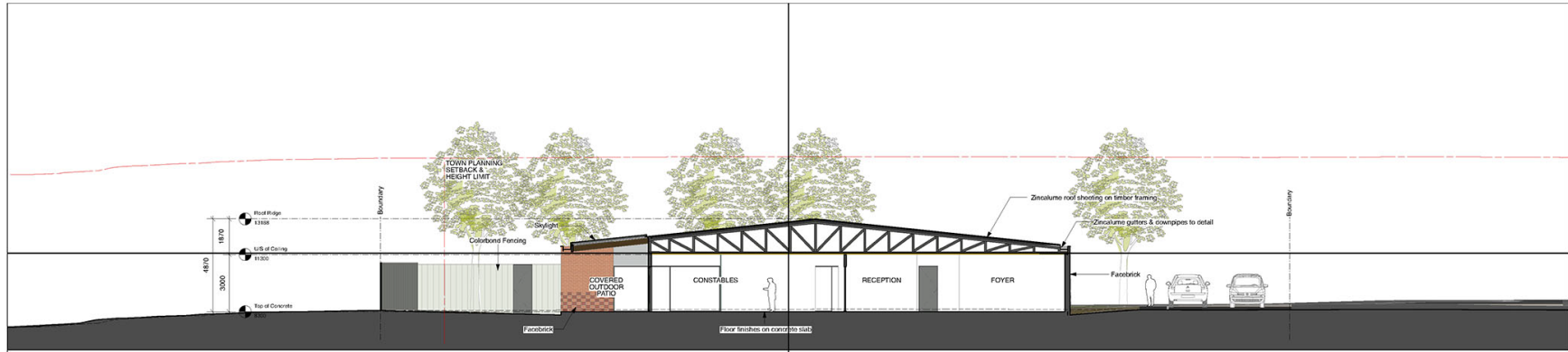
41B SALAMANCA SQUARE, HOBART, TASMANIA, 7004 TEL: (03) 6224 9997

52-54 BRISBANE STREET, LEVEL 2, LAUNCESTON, TASMANIA, 7250. TEL: (03) 6334 2468 | EMAIL: hbv@hbvarchitects.com.au

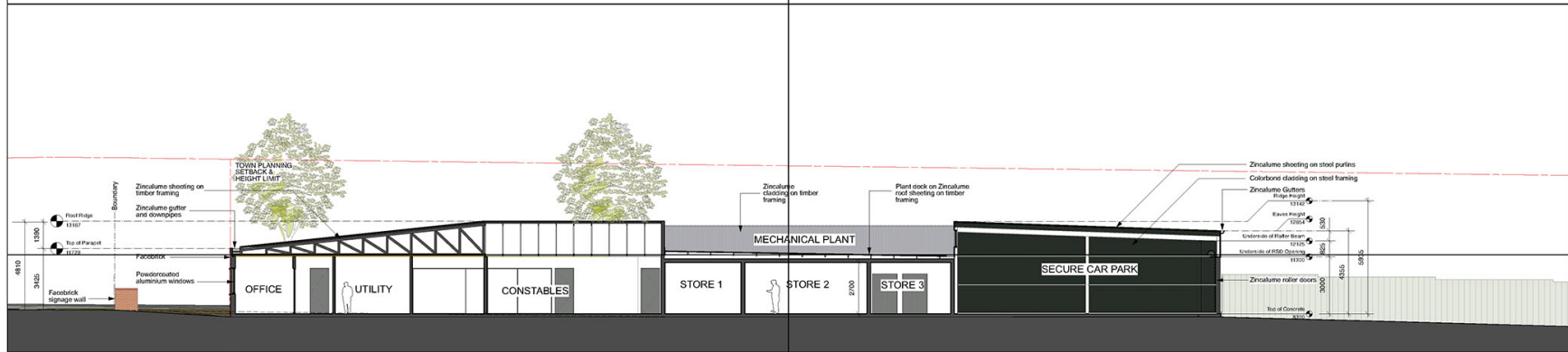
St Helens Police Station
St Helens
May 2023

Elevations - Sheet 2 of 2
SCALE:
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DRAWING NO.: P-20-02



SECTION A-A



SECTION B-B

HBV ARCHITECTS



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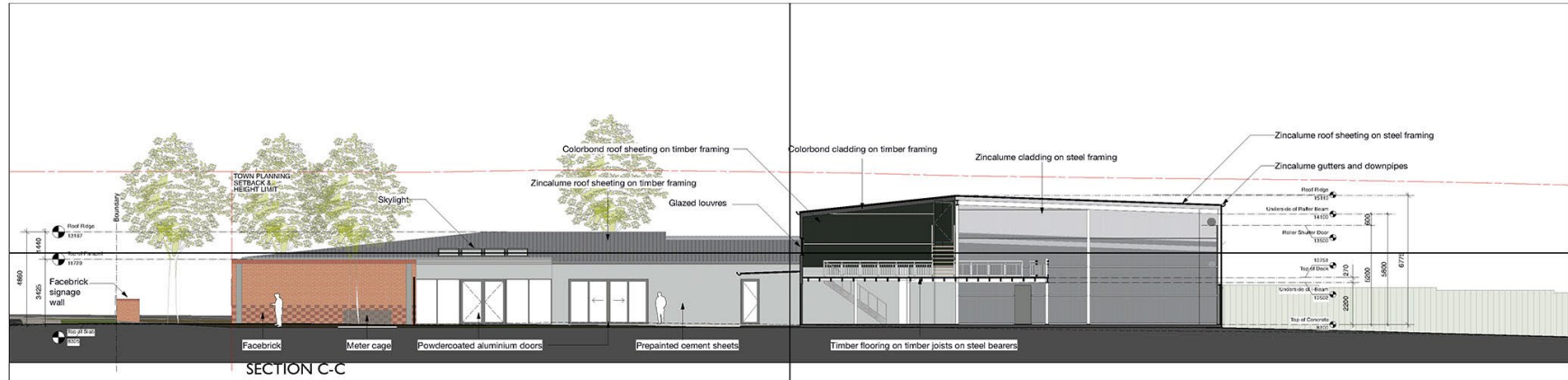
EMAIL: hbv@hbvarchitects.com.au

St Helens Police Station
St Helens
May 2023

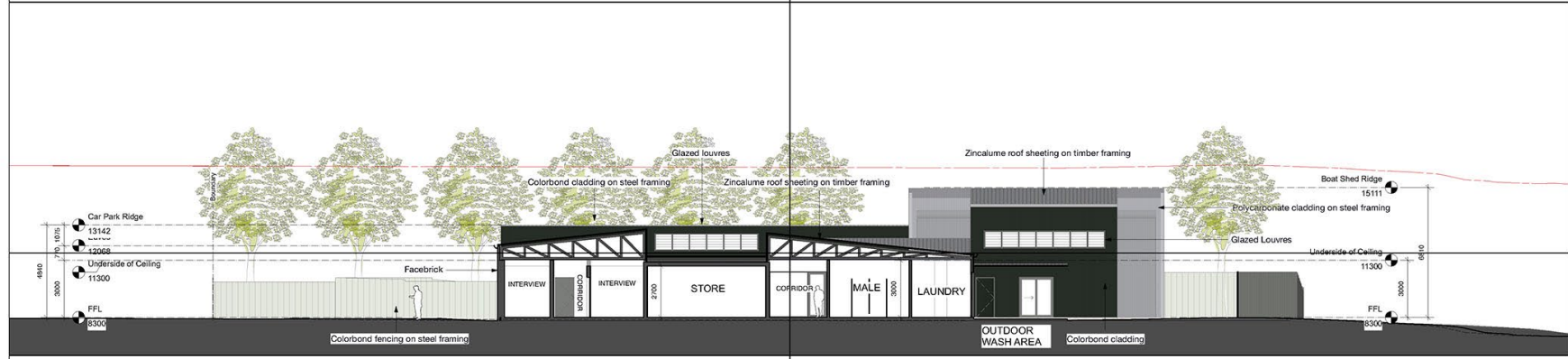
Sections - Sheet 1 of 2

SCALE:
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DRAWING NO.: P-30-01



SECTION C-C



SECTION D-D



41B SALAMANCA SQUARE, HOBART, TASMANIA, 7004 TEL: (03) 6224 9997

52-54 BRISBANE STREET, LEVEL 2, LAUNCESTON, TASMANIA, 7250. TEL: (03) 6334 2468

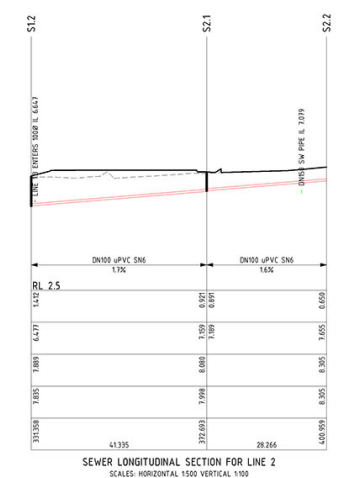
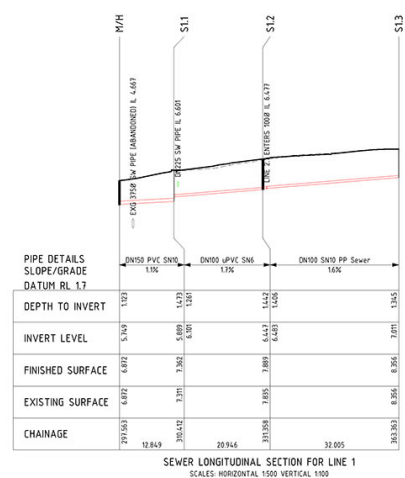
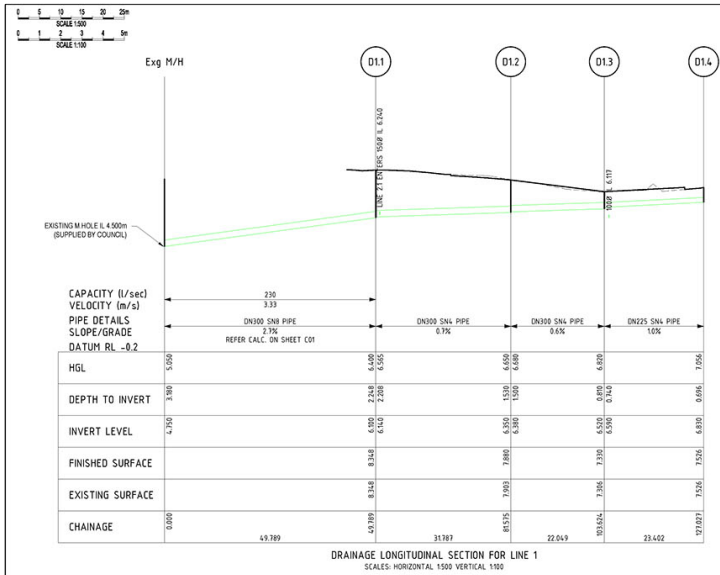
EMAIL: hbv@hbvarchitects.com.au

St Helens Police Station
St Helens
May 2023

Sections - Sheet 2 of 2
SCALE:
1:100 @ A1

DRAWING NO: P-30-02





THREAT BLOCK CONSTRUCTION NOTES

1. TEST THE THREAT AREA OF THE THREAT BLOCK AGAINST A CLEAN FACE OF UNDISTURBED NATURAL SOIL WITH AHP -10 MPa. THREAT BLOCKS NOT TO PROCEED WITH THESE SERVICES.
2. DO NOT USE STANDARD THREAT BLOCKS AS SHOWN ON THE DRAWINGS IN:
 - VARYING SIZE OF THREAT BLOCKS
 - UNDESIRABLE SOILS
 - UNDESIRABLE FACE OF THREAT BLOCKS
 INDIVIDUAL DESIGN IS REQUIRED FOR THESE SOILS.
3. IN LINE THREAT BLOCKS MUST HAVE A MINIMUM OF 24 OF SOLID UNDISTURBED GROUND AROUND BOTH SIDES OF THE BLOCK.
4. FINISH THREAT BLOCKS APPROXIMATELY 50 ABOVE THE TOP OF THE EXISTING OR PROPOSED FLOOR FINISH TO THE FLOOR OF THE TRENCH OR DEEPER IF NECESSARY TO ACHIEVE THE REQUIRED THREAT AREA.
5. MAXIMUM ENCASUREMENT AROUND FACE TO 100'.
6. WHEN POURING CONCRETE AGAINST ALL FITTINGS USE CONCRETE TO 10' TIGHT BETWEEN THE FITTING AND CONCRETE TO PREVENT DAMAGE TO THE FITTING.
7. USE MINIMUM GRADE AND CONCRETE.
8. CONCRETE BLOCKS MUST BE KEPT CLEAR OF OTHER SERVICES.
9. ENCASUREMENT TO COMFORM WITH MINIMUM BEARING PRESSURE (BPM)

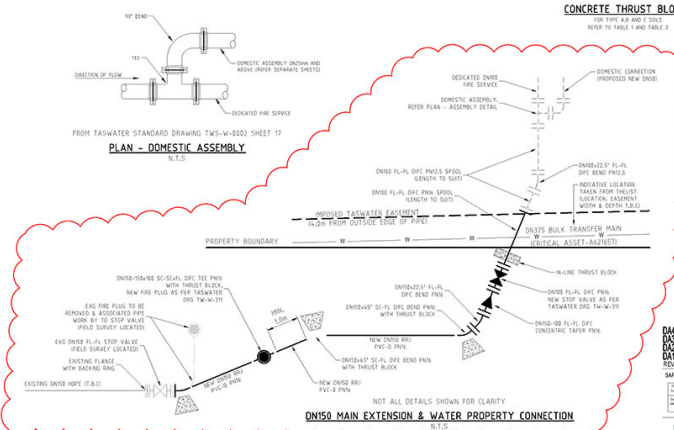
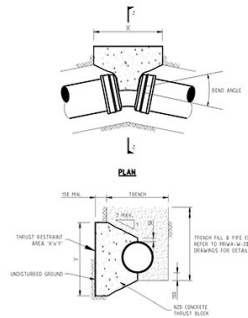
TABLE 1

SOIL TYPE	SAFE MINIMUM BEARING PRESSURE (BPM)
A. ROCK	300
B. FIRM CLAY	100
C. SOFT CLAY	50

TABLE 2

NOMINAL DIAMETER OF FITTING DN200 MINIMUM THREAT AREA FOR BLOCKS (MINIMUM METERS M²) FOR ALLOWABLE HORIZONTAL BEARING PRESSURE

BENCH ANGLE	SOIL TYPE	BEARING AREA (M ²)	DIMENSIONS (MM)
15.2°	A	0.87	100 300
	B	0.92	100 300
	C	0.97	100 300
22.5°	A	0.82	100 300
	B	0.87	100 300
	C	0.92	100 300
33°	A	0.81	100 300
	B	0.86	100 300
	C	0.91	100 300
45°	A	0.81	100 300
	B	0.86	100 300
	C	0.91	100 300
60°	A	0.81	100 300
	B	0.86	100 300
	C	0.91	100 300



DA 03 23 | Water Meter Relocated
 DA 03 23 | Sewer Water Imposed Encasement
 DA 24 23 | Sewer Water Imposed Encasement
 DA 24 23 | DA Issue
 DATE: 2023
 REVISION: 00000000

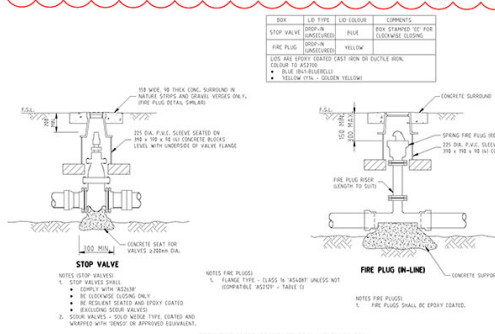
JING
 Engineers & Planners
 Johnstone McGee & Gandy Pty. Ltd.
 115 Thompson Street, North Sydney, NSW 1585
 02 9339 5500
 www.jing.com.au

PROJECT: DEPARTMENT OF POLICE, FIRE & EMERGENCY MGMT NEW POLICE STATION
 TITLE: CIVIL SERVICES LONGITUDINAL SECTIONS & WATER DETAILS

Accepted: CSM Date: _____
 Approved: NFA Date: _____
 The document is subject to approval by the relevant authority.

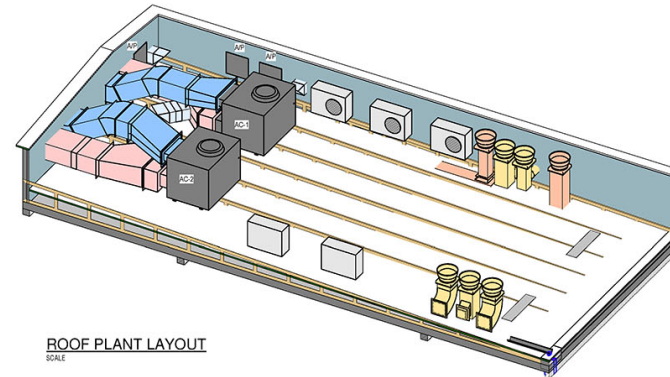
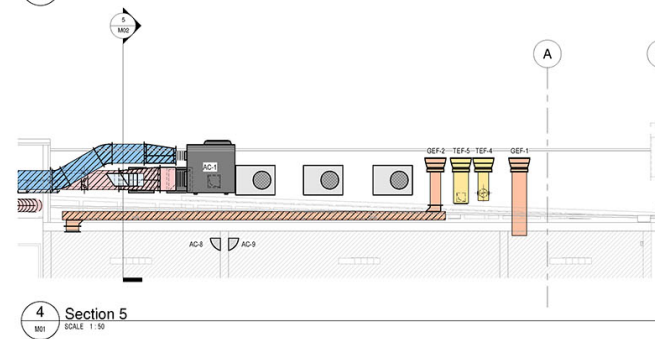
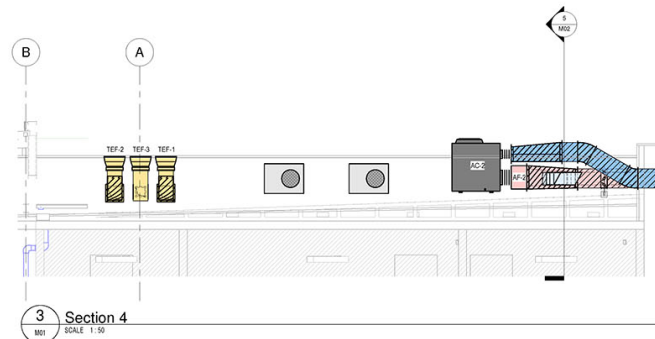
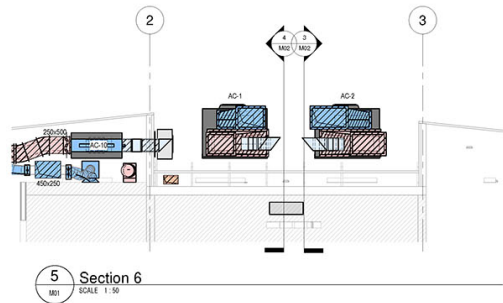
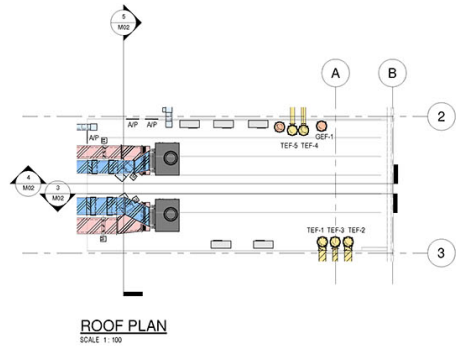
SCALE: AS SHOWN
 DESIGNED BY: CSM
 DRAWN BY: CSM
 PROJECT NO: 220388LO

PROJECT NO: 220388LO
 DWG NO: C02
 REVISION: DA4



FROM TASWATER STANDARD DRAWING TW-1-W-2002
STOP VALVES / FIRE PLUGS (HYDRANTS) TYPICAL INSTALLATION
 N.T.S.

WORK IN PROGRESS
NOT FOR CONSTRUCTION



- NOTES**
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE MECHANICAL SPECIFICATION.
 2. THIS DRAWING IS PROVIDED TO GIVE INDICATION OF THE EXTENT OF GENERAL REQUIREMENTS. IT IS NOT INTENDED TO BE COMPREHENSIVE AND DOES NOT TAKE PRECEDENCE OVER THE SPECIFIC REQUIREMENTS DETAILLED ELSEWHERE IN THE CONTRACT DRAWINGS AND SPECIFICATION.
 3. MECHANICAL SYSTEMS PIPE WORK ROUTES NOT SHOWN FOR CLARITY. DETAIL ROUTES AS PART OF WORKSHOP DRAWING SUBMISSION.
 4. WORKSHOP DRAWINGS SHALL SHOW FULL COORDINATION WITH BUT NOT LIMITED TO PROPOSED ELECTRICAL, PLUMBING & FIRE SERVICES, LIGHTING & CABLE TRAYS, DETECTORS, SPRINKLERS AND ASSOCIATED PIPE WORK.
 5. ALL THERMISTAT LOCATIONS TO BE CONFIRMED AND COORDINATED PRIOR TO ROUGH-IN OF CABLES.

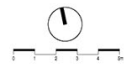


PI	09.06.23	PRELIMINARY ISSUE
PT	22.02.23	PRELIMINARY ISSUE
REV	DATE	REMARK
SAFETY IN DESIGN REPORT FOR VAS REGULATIONS		
<input type="checkbox"/> Approved for construction <input type="checkbox"/> Approved for construction <input type="checkbox"/> Approved for construction		

JMG
Engineers & Planners
Johnstone McCreedy & Gandy Pty. Ltd.
ACN 100 647 150 ABN 16 613 654 612
117 Harington Street, Inverell, NSW 020 6251 2055
49-51 Elizabeth Street, Lismore, NSW 020 6331 7044
www.jmg.com.au info@jmg.com.au helen@jmg.com.au

PROJECT
DPFEM
ST HELENS POLICE STATION
2 ANNE STREET, ST HELENS
TYPE
MECHANICAL SERVICES
ROOF PLAN

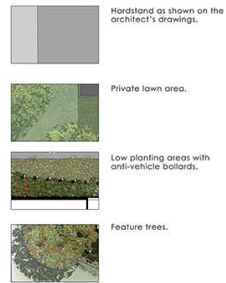
Accepted	N STULP	Date
Accepted	M ALLEN	Date
Approved	M ALLEN	Date
This drawing is the property of JMG and is not to be used for any other project without the written consent of JMG.		
Author	JMG	DATE
Drawn	JMG	DATE
Checked	JMG	DATE
Project No.	220388LO	Revision
DWG No.	M02	Revision
		P2



THIS IS A COLOUR DRAWING AND MUST BE REPRODUCED IN COLOUR AT ALL TIMES. **PRELIMINARY**

Author: Desi O'Hara; Project: 220388LO; Date: 09/06/23; PLOT DETAILS

PLAN LEGEND



NUMBER LEGEND

- 1 Entry / exit driveway as shown on the architect's drawings.
- 2 Pedestrian access off Ann Street to be delineated with pedestrian symbols and line marking.
- 3 Medium size feature trees to provide shade over the driveway and building, as well as visual interest within the landscape.
- 4 150mm (w) Concrete edge along the property boundary to provide a durable edge and delineation line between the planting area and the adjoining streetscape.
- 5 Durable Australian native tussock grasses form a mass planted green transition between the streetscape, and the low shrubs against the building.
- 6 A waving line of 600mm high recycled hardwood bollards provide an anti-vehicle barrier between the property boundary and the front of the building. The bollards continue around the each side of the front corner of the building to provide further protection.
- 7 Durable and low maintenance shrubs along the face of the building provides form, texture and scale to the street address. The low mature height of the shrubs will maintain visual surveillance from the building to the street.
- 8 Medium size Tasmanian native trees to provide shade and visual interest within the landscape.
- 9 Concrete edging to continue along the side boundary to delineate the planting areas from the adjoining property.
- 10 Medium size feature trees that match the entry area trees provide a frame to police station's street address.
- 11 Concrete pavement adjoining the lunch room and covered outdoor area extends the use of usable and trafficable space for staff.
- 12 Medium size Tasmanian native trees within the open lawn area to provide shade from the midday and afternoon sun.
- 13 2400mm (h) Colorbond security fence as shown on the architect's drawings.
- 14 Mass planted low growing flowering native shrubs provide colour and texture along the brick wall of the building.
- 15 2400mm (h) Colorbond security fence and sliding gate as shown on the architect's drawings.
- 16 500mm wide rock lined drainage trench to harvest the stormwater run-off from the adjoining hardstand area.
- 17 Medium height Tasmanian native trees with mass planted tussocks and shrubs providing an understory. Combined, the planting provides a backdrop of greenery, colour and texture along the rear boundary of the secured yard.
- 18 2400mm (h) Colorbond security fence along the rear yard as shown on the architect's drawings.



ELEVATION - Street View

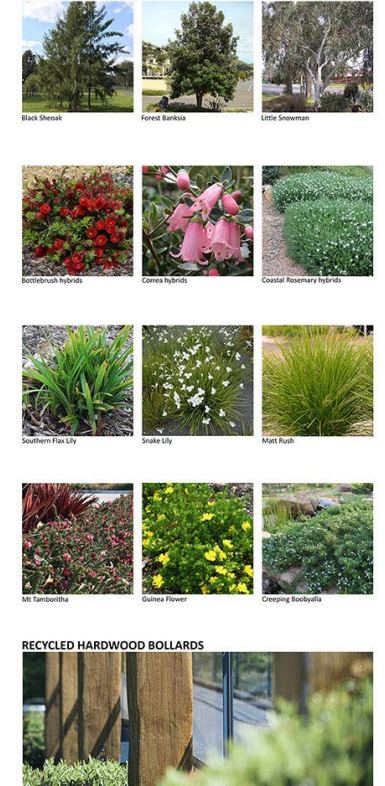
(Shown at a larger scale than plan)

PROPOSED PLANT SPECIES

BOTANICAL NAME	COMMON NAME	H x W*	POT**
Trees			
<i>Allocasuarina littoralis</i>	Black Sheoak	8 x 4m	45L
<i>Banksia integrifolia</i>	Coastal Banksia	8 x 3m	45L
<i>Eucalyptus pauciflora</i> x hybrid	Little Snowman	4 x 4m	45L
Shrubs			
<i>Callistemon</i> x hybrid	Bottlebrush hybrids	1 x 1m	200mm
<i>Correa</i> x hybrid	Correa hybrids	1 x 1m	200mm
<i>Westringia fruticosa</i> x hybrid	Coastal Rosemary	1 x 1m	200mm
Tussocks			
<i>Chorizanthe tasmanica</i> x hybrid	Southern Flax Lily hybrids	0.5 x 0.5m	140mm
<i>Diplazene moraea</i>	Snake Lily	0.7 x 0.7m	140mm
<i>Lomandra longifolia</i> x hybrid	Matt Rush	0.7 x 0.7m	140mm
Greenscreens			
<i>Crevillea lanigera</i> x hybrid	Mt Tamboritha	0.4 x 0.8m	140mm
<i>Hibbertia</i> species	Guinea Flower	0.2 x 0.6m	140mm
<i>Myoporum parvifolium</i>	Creeping Boobylla	0.2 x 0.6m	140mm

* Height x width at maturity. ** Proposed pot size.

PROPOSED PLANT IMAGES



RECYCLED HARDWOOD BOLLARDS



St HELENS POLICE STATION

Annie Street St Helens Tasmania

Schematic Landscape Plan

0 2 5 10m
27 April 2023
Issue B



ACTION	DECISION
PROPONENT	Zuri Creative Studio Pty Ltd
OFFICER	Planning Officer – Alex McKinlay
FILE REFERENCE	DA 276-2022
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 (x4)

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 ADDITIONS & ALTERATIONS, GARAGE, DECK AND ADDITIONAL CROSSOVER on land situated at 5 BAYVIEW AVENUE, BINALONG BAY described in Certificate of Title 60263/35 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	DA701 - DA04	Zuri Creative Studio	05/07/2023
Ground Floor Plan	DA710 - DA02	Zuri Creative Studio	06/10/2022
First Floor Plan	DA711 - DA03	Zuri Creative Studio	05/07/2023
Roof Plan	DA712 - DA02	Zuri Creative Studio	06/10/2022
Elevations 01	DA720 - DA02	Zuri Creative Studio	06/10/2022
Elevations 02	DA721 - DA02	Zuri Creative Studio	06/10/2022
Solar Study	DA731 - DA03	Zuri Creative Studio	05/07/2023
5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty ^o	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

2. The garage is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. drained in a manner that will not cause stormwater nuisance.

4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.
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 driveway 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. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. In order to address the lack of detail provided within the site plan (dimensions) contained in the submitted report prepared by Geoton (Reference No. GL23090Ab) and in the absence of a completed risk assessment required for Performance Criteria P3 as per section 3.1 of the Director's Guidelines for On-site Wastewater Management Systems, a boundary setback consistent with AS 1547 Appendix R is to apply.
12. A representative of the designer associated with the report prepared by Geoton (Reference No. GL23090Ab) is to inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design plan and required boundary setbacks and is not compromised by site constraints prior to any works on site.
13. The existing septic tank and trench system serving 5 Bay View Avenue, Binalong Bay must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of a building permit.
14. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
15. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
16. 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.

17. 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

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

INTRODUCTION:

The applicant is seeking approval for the development of dwelling additions & alterations, garage, deck and additional crossover for residential purposes on the subject site at 5 Bay View Avenue, Binalong Bay. Submitted plans demonstrate that the proposed development is further intended to be serviced by the provision of an internal driveway in conjunction with an additional crossover and the installation of an Aerated Wastewater Treatment System (AWTS). Stormwater generated by the roofed areas of both the existing dwelling and the proposed development will be directed to three 14,000L tanks with subsequent overflow being disposed into a new kerb connection point via a charged line. Additionally, a fourth tank/5500L garden water tank located along the western side boundary will be installed to capture stormwater generated by the forecourt and driveway areas with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench.

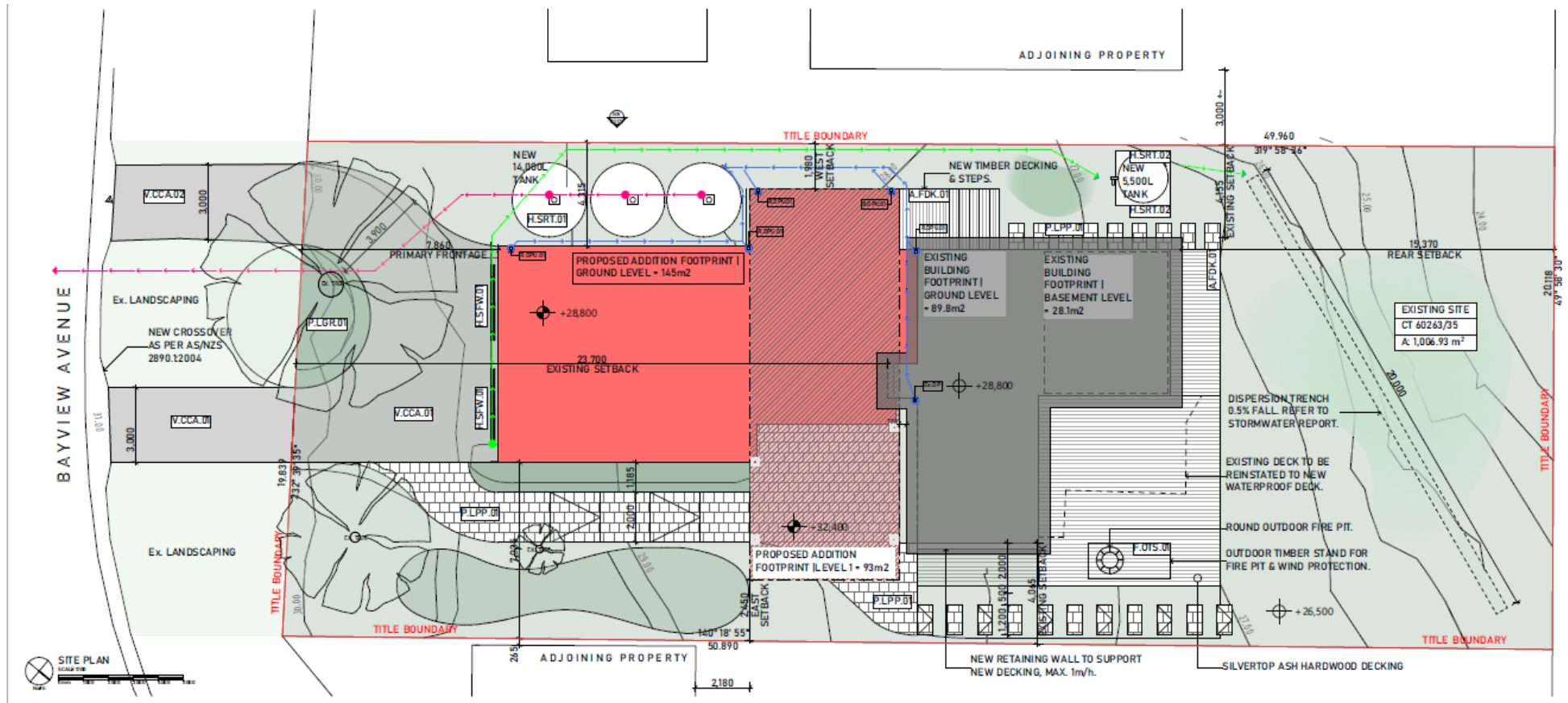
PREVIOUS COUNCIL CONSIDERATION:

Nil prior Council considerations associated with the subject site

OFFICER'S REPORT:

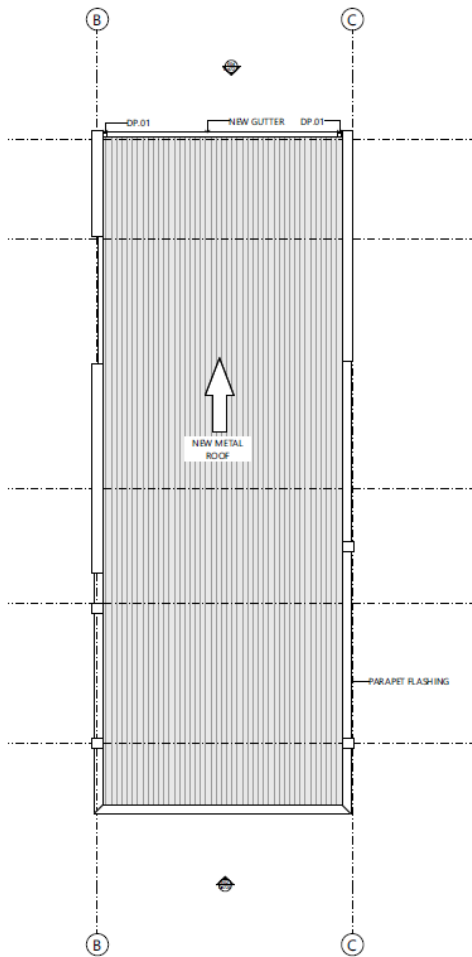
1. Proposal

An application was submitted by Mia Marelja-Williams (Zuri Creative Studio PTY LTD) on behalf of the land owners Mrs. Felicity Grant and Mr Ian Grant on 31 October 2022, as the owners of the land situated at 5 Bay View Avenue, Binalong Bay, for dwelling additions & alterations, garage, deck and additional crossover. Elevations included within the submitted plans demonstrate that the proposed dwelling addition will have a total building height to the apex of approximately 7.64m as measured from the western elevation. Notably, the proposed development will contribute to an approximate site coverage of 266m² or 26.41693067045376% of the approximately 1006.93m² subject site.

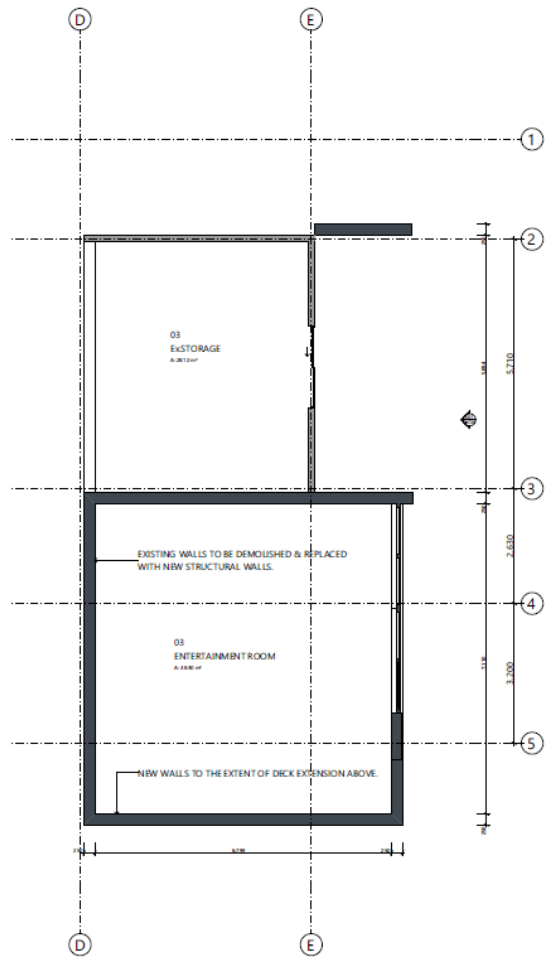


Site Plan Drawn by Zuri Creative Studio
 Drawing No: DA04
 Date: 05/07/2023

Provided floor plan for the proposed dwelling addition demonstrates that the ground floor is intended to comprise the following room layout: Garage, Foyer, Laundry, Bath Room and a New Deck (note: there are two existing Bedrooms, existing Kitchen and Living Room). The second storey of the dwelling addition, demonstrates the following room layout: Master Bedroom including Living Space Walk-in Wardrobe and Ensuite. Additionally, it is worth noting that the basement level of the existing dwelling structure is intended to include an entertainment room and utilise an existing storage space.



ROOF PLAN
1:100



BASEMENT LEVEL
1:100

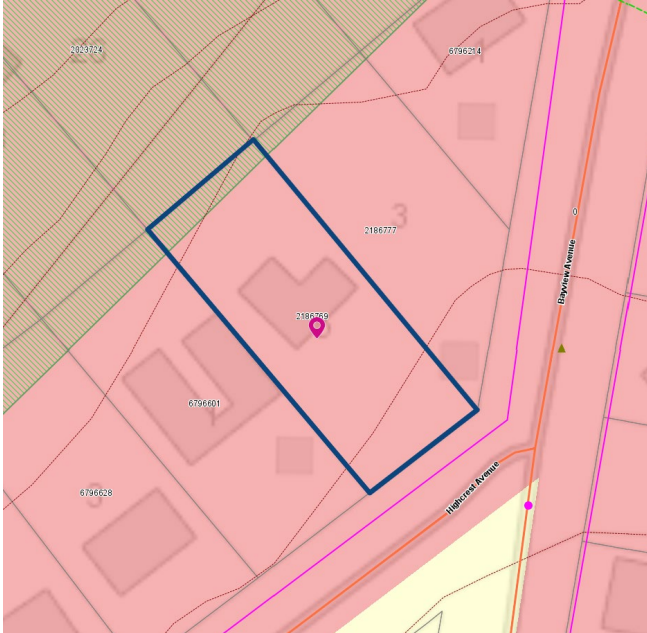
FLOOR PLAN LEGEND:

- NEW WALL
- EXISTING WALL
- ROOM NAME
- EXISTING DOOR
- NEW DOOR
- EXISTING WINDOW
- NEW WINDOW
- ▨ ROOF SHEET

Roof Plan Drawn by Zuri Creative Studio
 Drawing No: DA02
 Date: 06/10/2022

1.1. Site Characteristics and Background

The development site at 5 Bay View Avenue, Binalong Bay, has an approximate area of 1006.93m² and is subject to the 12.0 Low Density Residential Zone, contains some vegetation coverage, situated on slightly sloping land, not impacted by the flooding overlay and a section along the northern 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 *12.4.1.2 Site Coverage (P1)*, *12.4.1.5 Rear and Side Setbacks (P2)*, *12.4.1.6 Location of Car Parking (P1)* and *12.4.4.2 Stormwater Disposal (P1)*.
- **E4.0 Road and Railway Assets Code:** Assessment is required for the Development Standards *E4.7.2 Management of Road Accesses and Junctions (P3)* and *E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings (P1)*.
- **E6.0 Car Parking and Sustainable Transport Code:** The proposed development has been determined to satisfy all relevant acceptable solutions outlined within the use and development standards of the code.
- **E8.0 Biodiversity Code:** Assessment is required for the Development Standards *E8.6.1 Habitat and Vegetation Management (P2.1)*.
- **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 (P2)* & *E16.7.2 Surface and ground water impacts (P4)*.

3. Referrals

- Referral to Council's Works Department: A referral was issued to the Works Department on 25 November 2022 concerning stormwater and the proposed additional crossover. The Works Department responded with the following:
 - *All roof drainage must be connected to existing water storage tanks and overflow pumped to the kerb, which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3. See below for permit condition.*
 - *There is no need for a TIA based on the "new" crossover being closer to the east and having better sight distance to the east than the existing crossover.*
- Referral to Councils Environmental Health Officer: A referral was issued to the EHO Officer on 3 April 2023 to review the Onsite Wastewater Report submitted by the applicant. The EHO Officer responded with the following:
 - *The Onsite Wastewater Disposal Assessment and Design provided by Geoton, dated 8 March 2023, satisfactorily demonstrates that the site can accommodate wastewater management from the proposed development, subject to the installation of an AWTs. **NOTE EHO consent withheld as the site plan provided does not show the precise setback distances for the wastewater system absorption bed. This must be provided. The wastewater system designer is to address E.16 Onsite Wastewater Management Code.** The design represents and occupancy of five persons.*
 - *Further response (see TRIM ref.23/9753): Please advise the designer that the requirement that the site plan is to show the setback distances is important to demonstrate that the wastewater absorption bed will fit where it is located on the site plan. Given that there is exposed rock on this site it is important to demonstrate that the effectiveness of the absorption bed will not be compromised by a limiting layer (rock). Without dimensions, the site plan is indicative rather than specific. Also, the Directors Guidelines, 3.1 A3 Horizontal separation distance from a property boundary to a land application area must comply with (b) (i) 1.5m from an upslope or level property boundary... Performance Criteria requires a risk assessment, which I was unable to find. Hence my concern that the design specified a setback of only 1.0m from property boundary. Given the site constraints and the absence of a risk assessment, it is unwise to assume that the absorption area shown on the site plan is an accurate representation of the actual location. In order to address the lack of detail in the site plan, I recommend that it be a condition of the permit that, in the absence of a risk assessment, a boundary setback consistent with AS 1547 Appendix R, is to apply. I also recommend that it be a condition that a representative of the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design plan and, is not compromised by site constraints.*
- Referral to Council's Development Services Coordinator: A referral was issued to the Development Services Coordinator/Building Surveyor (Jake Ihnen) on the 5 July 2023 to review the calculations and design details to support onsite stormwater disposal of overflow from the fourth tank/5500L Garden Water Tank into a 20m long by 0.4m wide dispersion trench. The Development Services Coordinator responded with the following, 'The onsite stormwater report is suitable for planning approval purposes' (review the note included on TRIM ref. 23/15124).

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: *12.4.1.2 Site Coverage (P1), 12.4.1.5 Rear and Side Setbacks (P2), 12.4.1.6 Location of Car Parking (P1) and 12.4.4.2 Stormwater Disposal (P1).*
- E4.0 Road and Railway Assets Code: *E4.7.2 Management of Road Accesses and Junctions (P3) and E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings (P1).*
- E8.0 Biodiversity Code: *E8.6.1 Habitat and Vegetation Management (P2.1).*
- E16.0 Onsite Wastewater Management Code: *E16.6.1 Use and lot size (P1). Assessment is also required for the Development Standards E16.7.1 Onsite Wastewater Management (P2) & E16.7.2 Surface and ground water impacts (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

12.4.1.2 Site Coverage (P1)

Acceptable Solutions	Performance Criteria
A1 The site coverage must not exceed 20%, unless the existing lot is less than 1000m ² , in which case maximum site coverage is 30%.	P1 The site coverage must have regard to the: <ul style="list-style-type: none"> a) size and shape of the site; and b) existing buildings and any constraints imposed by existing development or the features of the site; and c) site coverage of adjacent properties; and d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and e) capacity of the site to absorb runoff; and f) landscape character of the area and the need to remove vegetation to accommodate development.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.</i></p>	

Site coverage of the proposed development in conjunction with the existing dwelling will equate to approximately 266m² or 26.41693067045376% of the approximately 1006.93m² subject site. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) Subject site is rectangular in shape and has an approximate area of 1006.93m² and is able to accommodate the proposed development.*
- (b) Proposed development which includes dwelling additions will contribute towards an additional floor area of 145m² to the existing dwelling which has a current floor area of 121m². The existing dwelling nor the features of the site pose constraints which would adversely impact upon the site coverage of the subject site.*
- (c) It is evident from the current available aerial imagery that the site coverage of the proposed development will likely be consistent with both the adjacent properties in addition to other properties within the surrounding area.*
- (d) Visual bulk of the proposed development will be predominantly screened by existing vegetation located along the front boundary in addition to the side and rear boundaries as well. It is also worth noting that there are a number of dwellings within the surrounding area that are of a similar scale and as such, the proposed development can be considered consistent with the established neighbourhood character.*
- (e) It is evident from the submitted site plan that the majority of the stormwater generated by the proposed development will be discharged to a new connection point to the kerb. However, stormwater generated by the driveway will be directed into a water adjoining the western side of the dwelling with subsequent overflow being discharged into a 20m long and 0.4m wide dispersion trench. Please refer to the planning assessment completed for 12.4.4.2 Stormwater Disposal for confirmation regarding the subject site's capacity to dispose of stormwater runoff.*
- (f) The proposed development only includes minimal removal and in particular, clearance will be limited to a portion of the front boundary. It is evident from aerial imagery that the landscape character of the surrounding area includes a mix of properties that are either mostly cleared or moderately vegetated.*

12.4.1.5 Rear and Side Setbacks (P2)

Acceptable Solutions	Performance Criteria
A2 Buildings must be set back from side boundaries 3m.	<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.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.

Submitted site plan demonstrates that the proposed development will have a setback of 1.98m to the western side boundary and 2.45m to the eastern side boundary. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) Private open space is predominately provided towards the rear of the existing dwelling.*
- (b) Current available aerial imagery demonstrates that the majority of dwellings within the surrounding area have side boundary setbacks less than 3m and is therefore considered consistent with the established character of the area.*
- (c) Proposed dwelling addition will be within immediate view from the Kitchen, Living Room and Deck of the adjoining property at 1 Highcrest Avenue (note: representation 01) and there is a boat shed on the adjoining property at 3 Bay View Avenue. Due to the existing tree line along the western side boundary which provides a visual screen between the properties in addition to the frosted glass window within the ensuite (review the first floor plan) for the proposed development, it is reasonable to conclude that the amenity and privacy of both habitable room windows and private open space of the adjoining property at 1 Highcrest Avenue is unlikely to be impacted upon in a detrimental manner.*
- (d) The provided shadow diagrams demonstrate that the proposed development will have some overshadowing impacts on the adjoining dwelling at 1 Highcrest Avenue but will be fairly minor in nature. This is especially evident when considering the existing tree line located along the western side boundary that likely contributes to existing overshadowing of the abovementioned property.*
- (e) Existing dwelling on the subject site has side boundary setbacks exceeding the minimum 3m and the private open will remain available for use (note: private open space located towards the rear of existing dwelling).*
- (g) Similar to the assessment completed above for 12.4.1.2 Site Coverage, the subject site is rectangular in shape and has an approximate area of 1006.93m² and is able to accommodate the proposed development.*
- (f) It is evident that the subject site slightly slopes towards the adjoining property at 1 Highcrest Avenue but this neither significantly reduces nor increases the impact of the proposed variation (i.e. subject site does not contain steep slopes).*

12.4.1.6 Location of Car Parking (P1)

Acceptable Solutions	Performance Criteria
<p>A1 A garage or carport must be located:</p> <p>a) within 20 metres of the dwelling it serves; and</p> <p>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</p>	<p>P1 Car parking facilities must be:</p> <p>a) close and convenient to dwellings and residential buildings; and</p> <p>b) located to minimise visual impact to the streetscape; and</p> <p>c) provided in a form that is appropriate to the area and development.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required. However, the performance criteria can be considered appropriately satisfied as evident in the completed below:</i></p> <p>(a) <i>The garage will form part of the proposed dwelling addition and therefore is able to effectively service the residential use associated with the existing dwelling.</i></p> <p>(b) <i>The section of the dwelling addition which includes the garage is intended to be constructed in front the existing dwelling and will have a 7.860m setback to the front boundary. Notably, existing vegetation that is intended to remain along the front boundary (note: some vegetation clearance required for the new crossover and driveway) will reduce the visual impact of the proposed development.</i></p> <p>(c) <i>Provision of car parking within a garage is consistent with how car parking is provided within the surrounding area and dwellings.</i></p>	

12.4.4.2 Stormwater Disposal – P1

Acceptable Solutions	Performance Criteria
<p>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.</p>	<p>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>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.</i></p> <p><i>Submitted site plan in conjunction with the Stormwater Report prepared by 6ty^o demonstrates that the stormwater generated by the roofed areas of both the existing dwelling and the proposed development will be directed to three 14,000L tanks with subsequent overflow being disposed into a new kerb connection point via a charged line. The documents also demonstrate</i></p>	

that there will be a fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) which will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site.

Referral to the Works Department regarding the proposed stormwater disposal via a charged line to the kerb resulted in the following conditions required to accompany a planning permit (review TRIM ref. 23/23722 for the Works Referral):

- All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
- An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.

Additionally, with regards to the onsite stormwater disposal method proposed for the fourth tank as detailed above, the amended stormwater report was referred to Development Services Coordinator & Building Surveyor (Jake Ihnen) and resulted in the following comments being provided (review the notes included on TRIM Ref. 23/15124):

- ‘The onsite stormwater report is suitable for planning approval purposes’

Therefore, the performance criteria can be considered appropriately satisfied.

E4.7.2 Management of Road Accesses and Junctions (P3)

Acceptable Solutions	Performance Criteria
A3 Accesses must not be located closer than 6m from an intersection, nor within 6m of a break in a median strip.	P3 Accesses must not be located so as to reduce the safety or efficiency of the road.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required. The additional crossover is located less than 6m from the intersection between Bay View Avenue and Highcrest Avenue. However, the performance criteria can be considered appropriately satisfied as the additional crossover is unlikely to reduce the safety or efficiency of the road as the crossover will be utilised for the purposes of servicing an existing residential use occurring on the subject site. It worth noting that within the current available aerial imagery that the property at 14 Bay View Avenue has an existing crossover which is located less than 6m from the abovementioned intersection.</p>	

E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings (P1)

Acceptable Solutions	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required. Specifically, an 80m sight distance cannot be achieved from the proposed access point to the east of the subject site. However, in response to the referral of this application, the Works Department confirmed the following (review TRIM ref. 22/23722 for the Works Referral):</i></p> <p><i>‘There’s no need for a TIA based on the “new” crossover being closer to the east and having better sight distance to the east than the existing crossover’.</i></p> <p><i>Therefore, the performance criteria can be considered appropriately satisfied.</i></p>	

E8.6.1 Habitat and Vegetation Management (P2.1)

Acceptable Solutions	Performance Criteria
<p>A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.</p>	<p>P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:</p> <p>a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and</p> <p>b) means of removal; and</p> <p>c) value of riparian vegetation in protecting habitat values; and</p> <p>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and</p>

- e) need for and adequacy of proposed vegetation or habitat management; and
- f) conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.

As part of the proposed development, removal of some existing vegetation located within the front section of property is intended to accommodate the proposed development including the additional crossover that has been proposed (please review advertising/site visit photos below for reference of existing vegetation). However, review of the property and in particular within the front section, approximately 6 trees are proposed to be removed but it is evident on the LIST with both the 'TASVEG 4.0' and 'TASVEG Live' overlays applied, that this section of the subject site has been attributed the following vegetation group and description:

1. *TASVEG 4.0 = Modified Land (Vegetation Community Group), FUR Urban Areas (Vegetation Community Group Description).*
2. *TASVEG Live = same as above.*

Consequently, the TASVEG layers from the LIST reveal that this section of the property does not contain native vegetation that could be identified as either environmentally significant or as an important habitat for local fauna species (note: further confirmed through the application of Threatened Fauna Point, Non-Threatened Fauna Point and Conservation Significance Fauna Point). Therefore, with regards to the above, removal of approximately 6 trees within the front section of the property to accommodate the proposed development is able satisfy the performance criteria.





Advertising/ Site Visit Photos
 Date: 05/05/2023
 Taken by: Planning Officer (Alex McKinlay)

Identify Results Disclaimer x

4 features found in 4 layers

Property Address	5 BAY VIEW AV BINALONG BAY TAS 7216
Property ID	2186769 View Details
Title Reference	60263/35 View Details
Owner Name(s)	FELICITY JANE GRANT
Postal Address	12C RIVERVIEW RD RIVERSIDE TAS 7250

▼ **TASVEG 4.0 (one feature)**

- WARNING: TASVEG mapping boundaries are indicative only. See explanation [here](#).

Feature	
Vegetation Community Group	Modified land
Vegetation Community Code	FUR
Vegetation Community	(FUR) Urban areas

POI: GDA84 MGA55 : 609850E, 5432605N Identify Options

10 m
 GDA94 MGA55 : 609778E, 5432661N 1.425 Disclaimer and Copyright Notice

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> <p>b) private open space;</p> <p>c) vehicle manoeuvring and car parking;</p> <p>d) hardstand and paved areas; and</p> <p>e) onsite wastewater management infrastructure</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.</i></p> <p><i>The subject site has an area of 1006.93 m² and the proposed development will result in the provision of three bedrooms and includes the installation of an Aerated Wastewater Treatment System (AWTS). However, the subject site is able to accommodate the proposed development, existing private open space that currently serves the existing dwelling, car parking and associated vehicle manoeuvring spaces in addition to hardstand and paved areas.</i></p> <p><i>The response provided by Council's EHO (Chris Wicks) regarding the referral of the onsite wastewater report prepared by Geoton, resulted in the following comments:</i></p> <ul style="list-style-type: none"> <i>'Please advise the designer that the requirement that the site plan is to show the setback distances is important to demonstrate that the wastewater absorption bed will fit where it is located on the site plan. Given that there is exposed rock on this site it is important to demonstrate that the effectiveness of the absorption bed will not be compromised by a limiting layer (rock). Without dimensions, the site plan is indicative rather than specific. Also, the Directors Guidelines, 3.1 A3 Horizontal separation distance from a property boundary to a land application area must comply with (b) (i) 1.5m from an upslope or level property boundary... Performance Criteria requires a risk assessment, which I was unable to find. Hence my concern that the design specified a setback of only 1.0m from property boundary. Given the site constraints and the absence of a risk assessment, it is unwise to assume that the absorption area shown on the site plan is an accurate representation of the actual location. In order to address the lack of detail in the site plan, I recommend that it be a condition of the permit that, in the absence of a risk assessment, a boundary setback consistent with AS 1547 Appendix R, is to apply. I also recommend that it be a condition that a representative of the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design</i> 	

plan and, is not compromised by site constraints' (refer to TRIM ref. 23/9753 for a copy of the EHO's response).

Inclusion of the recommend conditions as advised by the EHO (Chris Wicks), will be included within the planning permit for this application. Therefore, the performance criteria can be considered appropriately satisfied.

E16.7.1 Onsite Wastewater Management (P2)

Acceptable Solutions	Performance Criteria
<p>A2 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and the following:</p> <ul style="list-style-type: none"> a) hardstand and paved areas; b) car parking and vehicle manoeuvring areas; and c) title or lot boundaries; 	<p>P2 Hardstand, paved areas car parking and vehicle manoeuvring areas must:</p> <ul style="list-style-type: none"> a) not be located above or below each other; and b) have no detrimental impact on the operation or integrity of the onsite waste water management infrastructure.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.

Specifically, the site plan included within Geoton's report illustrates that the disposal bed for the proposed Aerated Wastewater Treatment System (AWTS) will be located less than 3m from eastern side boundary and the permeable eco pavers that form part of the development as well. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) The raised disposal bed is not located above or below hardstand, paved areas, car parking and vehicle manoeuvring areas.
- (b) A written scheme response prepared by the suitably qualified person that prepared Geoton's onsite wastewater report confirmed that, *'The operation of the raised disposal bed will not be impacted by the adjacent paved area'* (review written scheme response provided by Geoton under TRIM Ref. 23/9888).

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.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p><i>Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such, assessment against the performance criteria will be required.</i></p> <p><i>Within the onsite wastewater report prepared by Geoton, the Borehole logs illustrate that neither Borehole 1 nor 2 met refusal as both borehole were terminated at a depth of 1.8m thereby indicating a vertical separation of more than 1.5m from a limiting layer could be achieved. However, in response to the referral of the onsite wastewater report, Council’s EHO (Chris Wicks) expressed the following concerns and subsequent conditions that will be required to accompany the planning permit:</i></p> <ul style="list-style-type: none"> <i>‘Please advise the designer that the requirement that the site plan is to show the setback distances is important to demonstrate that the wastewater absorption bed will fit where it is located on the site plan. Given that there is exposed rock on this site it is important to demonstrate that the effectiveness of the absorption bed will not be compromised by a limiting layer (rock). Without dimensions, the site plan is indicative rather than specific. Also, the Directors Guidelines, 3.1 A3 Horizontal separation distance from a property boundary to a land application area must comply with (b) (i) 1.5m from an upslope or level property boundary... Performance Criteria requires a risk assessment, which I was unable to find. Hence my concern that the design specified a setback of only 1.0m from property boundary. Given the site constraints and the absence of a risk assessment, it is unwise to assume that the absorption area shown on the site plan is an accurate representation of the actual location. In order to address the lack of detail in the site plan, I recommend that it be a condition of the permit that, in the absence of a risk assessment, a boundary setback consistent with AS 1547 Appendix R, is to apply. I also recommend that it be a condition that a representative of the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design plan and, is not compromised by site constraints’ (refer to TRIM ref. 23/9753 for a copy of the EHO’s response).</i> <p><i>Inclusion of the recommend conditions as advised by the EHO (Chris Wicks) for the proposed Aerated Wastewater Treatment System (AWTS), will be included within the planning permit for this application. Therefore, the performance criteria can be considered appropriately satisfied.</i></p>	

5. Representations

The application was advertised 6 May 2023 to 19 May 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Four (4) representations were received prior to the closing date and time. The issues raised within the representations are as follows:-

Representation 01

Issue	Response
<ul style="list-style-type: none"> • Acceptable Solution of 12.4.1.5: Rear and Side Setbacks requires a 3m setback but the proposed dwelling addition will have a setback of 1.98m to the western side boundary. Particularly, the location of laundry, and bathroom on the second storey addition as well as the relocation/placement of the stormwater tanks contravene the Planning Scheme. All the water tanks, including the new 14,000 litre tanks encroach even closer to the boundary. As these tanks will need a pressure pump to operate, their proximity to the boundary will be intrusive. • In relation to the Performance Criteria: (c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings. Reference to the first site plan drawing submitted in the application, indicate that the new 2 storey extension is located over the rear third of 1 Highcrest Ave. The height of the extension with the location of the window in the upstairs bathroom will significantly impact on the amenity and privacy of our property. As the proposed development is on higher ground sloping down towards our property, this intrusion is amplified (performance criteria: (g) extent to which slope increase the impact of the proposed variation. The unroofed central, open deck design of our building, which has been in place for approximately 30 years, will be in full view from this window. 	<ul style="list-style-type: none"> • One of the discretionary items associated with this application is <i>12.4.1.5 Rear and Side Setbacks (P2)</i> as the site plan demonstrates a 1.98m setback to the western side boundary and 2.450m to the eastern side boundary for the dwelling addition. Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause 12.4.1.5 Rear and Side Setbacks (P2) under the 12.0 Low Density Residential Zone can be considered appropriately satisfied. • Regarding the three 14,000 Litre tanks, the overflow from the proposed tanks will be disposed into a new stormwater kerb connection point via a charged line (note: subject to conditions provided by the Works Department). In this instance a pressure pump will not be utilised to direct stormwater overflow from the abovementioned tanks to the new kerb connection. Please note that with reference to the applicants submitted stormwater report, a pressure pump does not form part of the proposed stormwater disposal methods. • Review of the submitted site plan demonstrates that only 1 tree along the western side boundary is intended to be removed to

<ul style="list-style-type: none"> • (d) impact on the solar access of habitable rooms windows and private open space of adjoining dwellings: The solar equinox diagrams in the proposal, due to the height of the proposed development will clearly affect solar access to our property. The diagrams of the shadows cast in the proposal stop at the boundary. It is obvious that the shadows cast will have a significant effect on sun in our kitchen and living areas in the mornings in Summer, Autumn Winter and Spring and block sunlight at noon in Autumn and Winter. As the setback from the boundary does not comply with the 3m provision of the planning scheme, and the upward sloping ground between our properties, this solar access is further restricted. • Concerns about potential removal of vegetation along the western boundary as this currently provides good screening between both properties (i.e. privacy). • Question the purpose of the white brick wall at the end of the balcony along the northern end of the structure/deck along the western boundary. Particularly, the necessity and purpose of the wall has been questioned and if it is a requirement of the current planning scheme as a solid feature. 	<p>accommodate the proposed development. Remaining vegetation along the western side boundary will continue to provide screening between the subject site and 1 Highcrest Avenue.</p> <ul style="list-style-type: none"> • The white brick wall which is located along the western side of the proposed deck (note: refer to the western elevation for context) has been utilised in place of a glass balustrade. The applicant on behalf of the owners has developed the design of the proposed development and the inclusion of the white brick wall forms part of that design. It is not a requirement under the current interim planning scheme but please note that the white brick wall has a total height of 3.4m which is less than the 8m building height requirement under acceptable solution A1 of <i>12.4.1.3 Building Height</i> and has a side boundary setback exceeding the 3m requirement of the acceptable solution A2 for <i>12.4.1.5 Rear and Side Setbacks</i>.
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Representation 02

Issue	Response
<ul style="list-style-type: none"> • Understands having the overflow pipes charged so the waste water flows to the streetside gutter, but there is a tank immediately adjoining 26 Binalong bay road. Unsure of where the water goes from this tank once the tank is full. The area along the rear boundary is solid sheet rock and there is little soil absorption and the Geoton report does not show anything on that part of the block at all. • Can't see where all three boreholes were drilled on the site plan from Geoton's report. Can only see hole 3 was drilled in 	<ul style="list-style-type: none"> • In the first version of the stormwater report prepared by 6ty^o, a fourth 14,000L tank was shown to be located in the corner of the western boundary adjoining 1 Highcrest Avenue and 26 Main Road, Binalong Bay. However, in response to the submitted representations, the applicant has supplied a revised stormwater report and site plan which now demonstrates that the fourth tank will be located along the western

front of the house in the fill area and 2 at the back of the house, but I can see where hole 1 was bored.

- Concerned that concentrating water from behind the house down to there as well as the runoff from all the paths will potentially cause a problem for 26. Runoff from 5 Bayview as it exists currently causes washouts now as the soil/rocks can't absorb it.
- *'The surrounds of the house contain sections of paths, an outside deck and a vehicle forecourt area, with little of these being provided with a direct stormwater connection. Care should be taken to ensure that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land'* - How is this proposed?
- *'Collected stormwater can be directed to a dispersion trench along the contour or to a garden watering tank. The flows collected from the forecourt area are minor, totally some 3 l/s for the 1 % AEP and 1600 litres for a 10-minute burst event (a thunderstorm)'* - Where is such a trench proposed and a flow rate of 3ls in a storm for all the area is way below what we see now, before adding paths and roadways preventing soil absorption. This report only talks about the forecourt area, what about the driveways paths etc., are they accounted for?
- 12.4.1.5 Setbacks. Interpretation is that the setback is required to be 3 metres, but the existing setback is 2510. If the Representor wanted to build an 8 metre high building on 3 Bayview Avenue would shading preclude the Representor from being 3 metres from their boundary because the setback on the plan is proposed to be 2510. Will the Representor have to build half a metre further away from the boundary due to shading?
- Geoton report section 4.5, it talks about 3.0 metres from cross slope buildings for waste water disposal. Can't see any plans for where the Waste water treatment area is going on the plans. The Representor notes

end of the existing dwelling structure, will have a 5,500L capacity and subsequent overflow is intended to be disposed into a 20m long and 0.4m dispersion trench. Please note that the Geoton report was completed for the proposed Aerated Wastewater Treatment System (AWTS) and not for stormwater purposes.

- Representor locates the boreholes from the Geoton report as outlined in Representation 04 below.
- Stormwater from the existing dwelling structure will also be directed into three 14,000L tanks along the western side boundary as seen within the site plan with overflow being discharged to a new kerb connection point via a charged line (note: Proposed development does include outdoor permeable eco pavers to provide pathways for the proposed development).
- The fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site. The revised stormwater report on pg. 09 of the report further states, *'The surrounds of the house contain sections of paths, an outside stairwell and the water storage tanks, with these having no direct stormwater connection. Care should be taken to ensure that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land. This may be achieved by landscaping or the*

that they know when they built the boatshed on 3 Bayview it was extremely heavy impermeable clay, hence the concern over the 3 metre cross slope if the waste water treatment area is going to be in that area. Can't see the boreholes marked from Geoton report to know what and where. The soil changes rapidly on 3 Bayview from heavy clay to solid granite in decaying granite sands with completely different drainage properties.

- Is the existing septic tank structure being removed?

interception of any surface flows by the installed dispersion trench'.

- Please refer to the Responsible Officer's Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause 12.4.4.2 *Stormwater Disposal (P2)* under the 12.0 Low Density Residential Zone can be considered appropriately satisfied.
- The application is discretionary on 12.4.1.5 *Rear and Side Setbacks (P2)* as the site plan demonstrates a 1.98m setback to the western side boundary and 2.450m to the eastern side boundary for the dwelling addition. Accordingly, assessment against the performance criteria was required (Please refer to the Responsible Officer's Completed Planning Scheme Assessment) but if the Representor wishes to construct a structure on 3 Bay View Avenue, the 2.450m setback to the eastern boundary of the proposed dwelling addition will not impact upon the ability for the Representor to site a structure 3m from the adjoining side boundary. The setback requirements apply to individual properties within their respective boundaries.
- Similar to the point above, Representor locates the boreholes from the Geoton report as outlined in Representation 04 below.
- Existing septic system is intended to be replaced with a new Aerated Wastewater Treatment System (AWTS). However, the following condition will be included on the planning permit:

13. The existing septic tank and trench system serving 5 Bay View Avenue, Binalong Bay must be demolished, treated with lime and backfilled. A

	<p><i>report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of a building permit.</i></p>
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Representation 03 (Another representation submitted by Representor 02 above)

Issue	Response
<ul style="list-style-type: none"> • Observations regarding the tank above the boundary of 26 and 28 Binalong Bay Road and the proposed. There is the area marked above where that tank for a paved area and deck area, but no plans on where the runoff will be managed from those areas. Does that go into the tank in the corner of the block or run down the representor’s blocks? It is solid granite less than 2 metres inside 26 Boundary which would mean the concentrated water movement would all run across the top of the rocks and down the hill. In an east Coast storm this has the potential to cause washing due to the speed the water will travel from pavers to rock and beyond. Has this been addressed in a report? • Interpretation of the reports is that if the Representor wanted to build up high on those blocks 26 and 28 and install a bore due to the lack of town water at Binalong Bay, the Representor believes that they would be restricted because the waste water above will be filtering down preventing them from potentially doing this. Is that a correct assumption? Representor further asks if they wanted to put a bore on 3 Bayview would they be permitted to use it. 	<ul style="list-style-type: none"> • Similar to the response provided for representation 02 above: <ul style="list-style-type: none"> - The fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site. The revised stormwater report on pg. 09 of the report further states, <i>‘The surrounds of the house contain sections of paths, an outside stairwell and the water storage tanks, with these having no direct stormwater connection. Care should be taken to ensure that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land. This may be achieved by landscaping or the interception of any surface flows by the installed dispersion trench’.</i> - Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause 12.4.4.2 <i>Stormwater Disposal (P2)</i> under the 12.0 Low Density Residential Zone can be considered appropriately satisfied. • The proposed disposal bed for the new Aerated Wastewater

	<p>Treatment System (AWTS) has been shown within Geoton’s report to be located within the front section of the subject site. Potential construction of structures up high on blocks 26 Main Road & 28 Main Road and the hypothetical installation of a bore on adjoining properties will be for the Representor to consider.</p> <ul style="list-style-type: none"> • Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Performance Criteria from the E16.0 Onsite Wastewater Management Code can be considered appropriately satisfied.
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Representation 04 (Another representation submitted by Representor 02 above)

Issue	Response
<ul style="list-style-type: none"> • Found the bore holes within the Geoton report, but challenges their validity doing a soil water test in the driest month of the year 22nd February to see if it can cope with 600 Litres per day. Representor asserts that stating that minimum water depth is > than 1.8 metres, would be accurate for that time of year, but consideration should be given to the water table on the 1st September for example, water table will be a lot less than this and could be possibly be <200mm which would result different calculation. • Page 07 of the stormwater report prepared by 6ty^o – “This equates to a total impervious fraction of 22% of the lot, with all of the site discharging to ground if the rainwater storage tanks are full” – Representor notes that in other parts of the report it is says water will be directed to the kerb through charged pipes and questions which one to believe. • Stormwater report only outlines 3 tanks, yet there are 4 on the plan and there is no comment on the tank adjoining 26 Binalong 	<ul style="list-style-type: none"> • The submitted onsite wastewater report by Geoton to support the installation of a new Aerated Wastewater Treatment System was prepared by a qualified wastewater system designer and was reviewed by Council’s EHO (Chris Wicks). • The outlined section of the stormwater report that the Representor makes reference to, is with regards to the existing site prior to the proposed development. Stormwater generated by the roof areas of the proposed development will be directed into three 14,000L tanks with overflow being disposed into a new kerb connection point (note: subject to conditions required by the Works Department). As detailed in representation 03 above, the fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the

<p>bay Road, what this tank does and where does the overflow go?</p> <ul style="list-style-type: none"> Attached pics 3808 you can see proposed pavement, yet in 3807 it is showing grass and as such unsure which one to believe, but if its pavement where is the concentrated water going? 	<p>existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site.</p> <ul style="list-style-type: none"> While there is a difference between both the pictures provided, the site plan included within the report prepared by Geoton is indicative of the proposed development whereas the submitted plans by the applicant demonstrate the design details of the proposed development.
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The recommendation for approval has been made following due consideration of the representation and comments.

6. Mediations

Nil

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 (10) Performance Criterion. The received representations has been considered.

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

LEGISLATION & POLICIES:

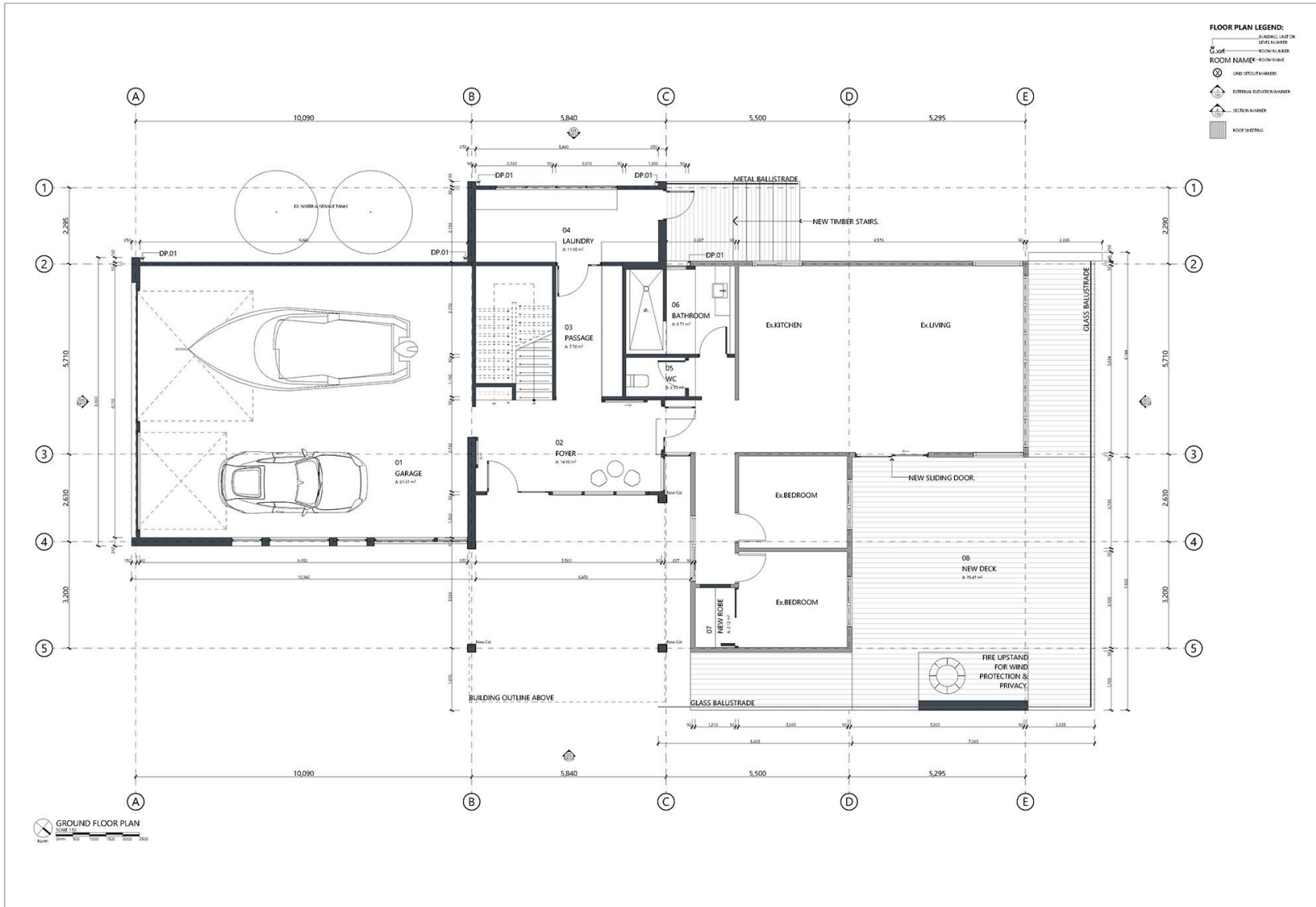
- Break O’Day Interim Planning Scheme 2013 Version 18*
- Land Use Planning and Approvals Act 1993,*
- Local Government (Building and Miscellaneous Provisions) Act 1993*

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority



GENERAL NOTES:

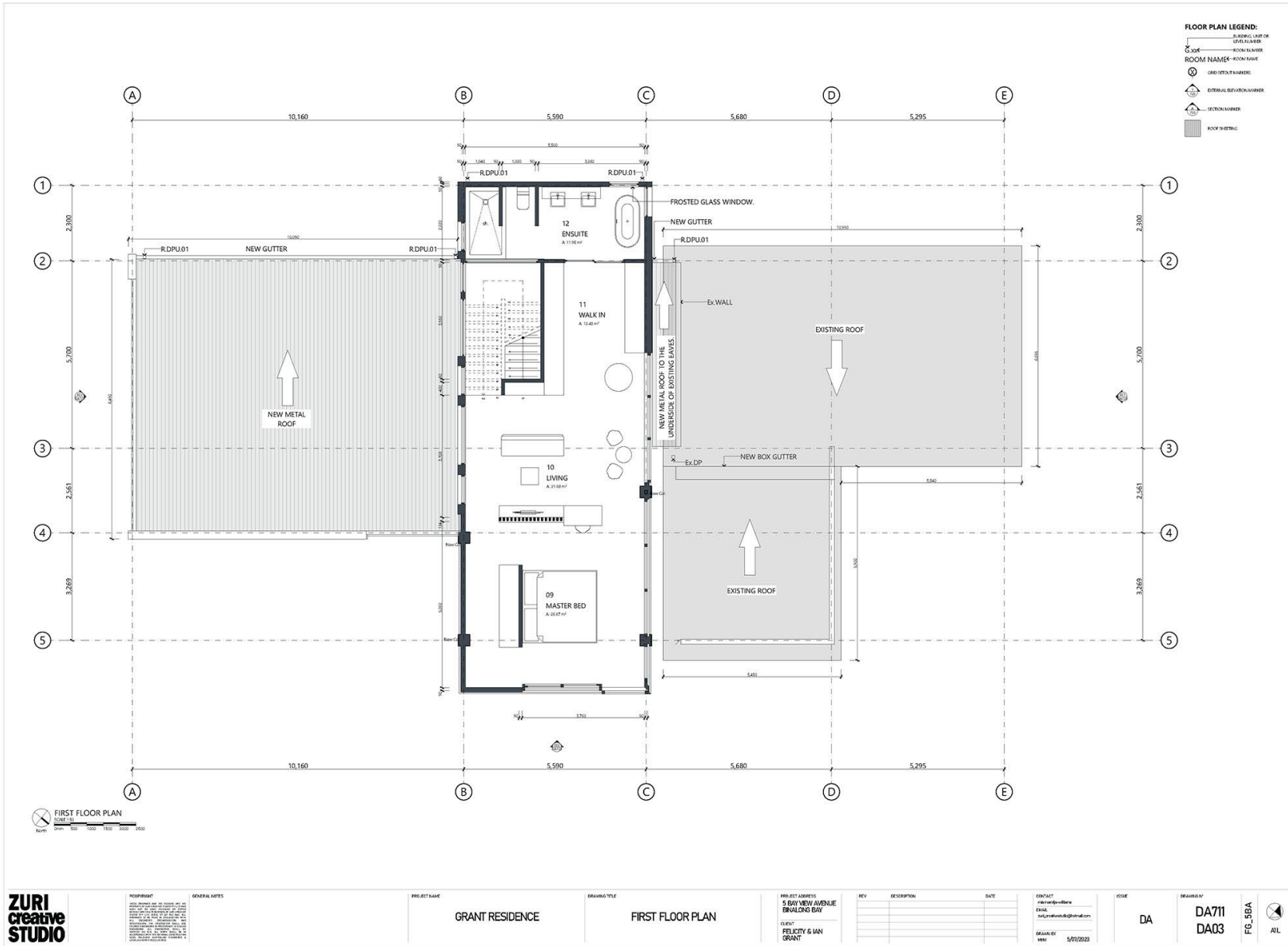
GENERAL INFO		CLIENT		DESIGNER		DATE	
CLIENT:	FRIDITY & IAN GRANT	DESIGNER:	ZURI CREATIVE (S.D.) PTY LTD	DATE:	15/06/2022	DATE:	15/06/2022
ADDRESS:	15 ROCKVIEW DRIVE, FRANKING BAY TMS 7515	CONTACT:	MIA MARIELLA WINDRAS	DATE:	15/06/2022	DATE:	15/06/2022
DATE:	07/05/2022	E-MAIL:	zuri_creative@zuricreative.com				

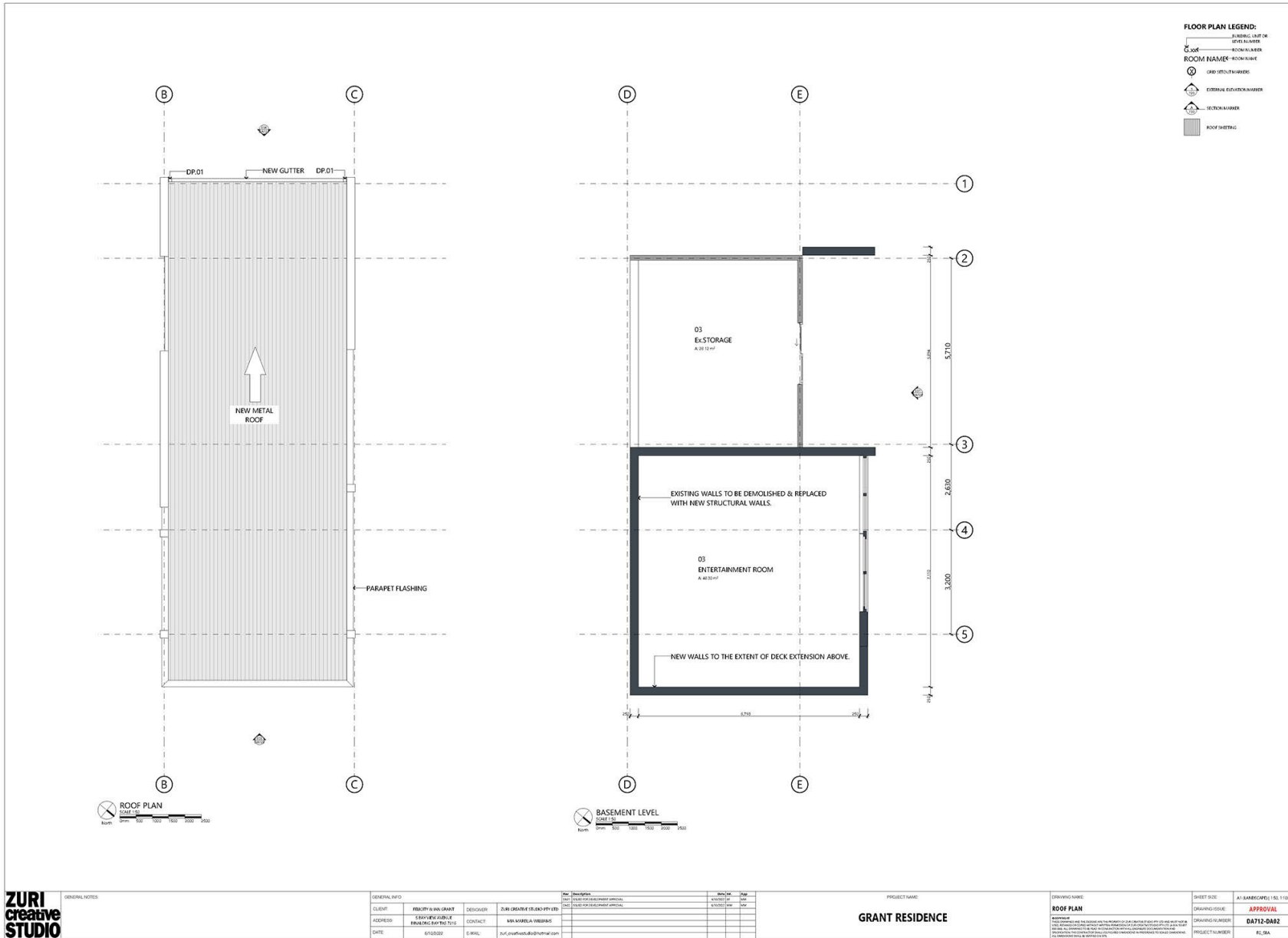
PROJECT NAME:
GRANT RESIDENCE

DRAWING NAME:
GROUND FLOOR PLAN

DRAWING NUMBER:
DA710-0402

SHEET INFO	
SHEET SIZE:	A1 (Landscape) 1100 x 1500
DRAWING ISSUE:	APPROVAL
DRAWING NUMBER:	DA710-0402
PROJECT NUMBER:	FL08A











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

07/23.7.0

COUNCIL MEETING ACTIONS

07/23.7.1

Outstanding Matters



COUNCIL RESOLUTIONS - MEETINGS - PUBLIC 10/07/2023

34

GOALS

79%

GOAL COMPLETION

COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS - JUNE 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
25%	26/06/2023	31/07/2023	06/23.9.2.131 Online Access Centre Funding – Cllr Carter	That Council write to the State Government requesting: 1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024. 2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023. 3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input	Letter developed and sent to the Minister	General Manager
100%	26/06/2023	31/07/2023	06/23.13.7.137 Long-Term Financial Plan Review	That Council endorse the Long Term Financial Plan 2023 – 2033.	Action complete.	Business Services Manager
100%	26/06/2023	31/07/2023	06/23.13.8.138 2023-2024 Budget Estimates	That Council adopt the Budget Estimates for the 2023/2024 FY.	Action complete.	Business Services Manager
100%	26/06/2023	31/07/2023	06/23.13.9.139 2023-2024 Rates Resolution	That Council approve the Rates Resolution 2023-2024.	Action complete.	Business Services Manager

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	26/06/2023	31/07/2023	06/23.13.10.140 Request for General Rate Remission and Service Rate Remission – PID 6414634 - 4 Dunn Street, Mathinna	That: In accordance with the provisions of s.129 of the <i>Local Government Act 1993</i> and Council's <i>Rating Exemptions and Remission Policy no LG11</i> , Council approve a General Rate remission and a 50% Service Charge Remission to the total value of \$803.80 as requested for the property known as 4 Dunn Street, Mathinna identified as PID 6414634.	Processed and letter sent by Rates Officer.	Corporate Services Coordinator
100%	26/06/2023	31/07/2023	06/23.13.11.141 Review of Conservation Covenant Support Policy (EP03)	That Conservation Covenant Support Policy (EP03) be adopted as amended.	Policy updated.	Corporate Services Coordinator
100%	26/06/2023	31/07/2023	06/23.14.3.144 Policy Review – AM13 Memorial Gardens Policy	That Policy AM13 Memorial Gardens Policy be accepted without amendment.	Policy reviewed with no change to policy endorsed by Council at the 26 June 2023 Council Meeting	Manager Infrastructure and Development Services
100%	26/06/2023	31/07/2023	06/23.14.4.145 Policy Review – AM18 Nature Strip Planting	That Policy AM18 Nature Strip Planting be accepted with minor amendment.	Policy was endorsed by Council at the 26 June 23 Council meeting with minor grammatical amendment only.	Manager Infrastructure and Development Services
100%	26/06/2023	31/07/2023	06/23.15.2.147 Ansons Bay – Local Township Plan	That Council adopt the second Ansons Bay Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.	Council at their meeting on the 26th June, 2023 adopted the Ansons Bay Township Plan for a three year term.	Manager Community Services
100%	26/06/2023	31/07/2023	06/23.15.3.148 St Helens – Local Township Plan	That Council adopt the second St Helens Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.	Council at their meeting on the 26th June, 2023 adopted the St Helens Township Plan for a three year term.	Manager Community Services
100%	26/06/2023	31/07/2023	06/23.15.4.149 St Marys – Local Township Plan	That Council adopt the second St Marys Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.	Council at their meeting on the 26th June, 2023 adopted the St Marys Township Plan for a three year term.	Manager Community Services
100%	26/06/2023	31/07/2023	06/23.15.5.150 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 but provides \$5,000 for the 2023 – 2024 financial year to assist with the ongoing running costs of the Centre.	Council at their meeting on the 26th June, 2023 approved a financial contribution of \$5,000 to assist the St Helens Online Access Centre with their costs in running the Access Centre	Manager Community Services
100%	26/06/2023	31/07/2023	06/23.15.6.151 Notice of Motion - St Helens Online Centre – Community Funding Program 2022 - 2023	That Council re-offer the sum of \$3,000 to the St Helens Online Centre, which had previously been offered as part of the Community Funding Program 2022 – 2023.	Council at their meeting on the 26th June, 2023 approved a financial contribution of \$3,000 be re-offered to the St Helens Online Access Centre as part of their application under the Community Funding Program.	Manager Community Services

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	26/06/2023	31/07/2023	06/23.16.2.153 Break O Day Climate Change Action	Council endorse the Climate Change Action 2023 plan of Council activities, which it will implement with support from the regional council's Northern Climate Change Program.	Council endorsed the Climate Change Action 2023 plan of Council activities at its June Meeting.	NRM Facilitator
25%	26/06/2023	29/02/2024	06/23.16.3.154 Draft Municipal By-Law & Regulatory Impact Statement	<ol style="list-style-type: none"> 1. In accordance with section 156 of the Local Government Act 1993, Council resolves to make a by-law for the regulation of refuse disposal sites, household refuse disposal, animal control, caravans and control of burning, and 2. Proceed to forward decision and draft documents to the Director of Local Government for certification under Section 156A(6) of the Local Government Act, and 3. Subsequent to the director of the office of local government certification, proceed to notification and seek community submissions for consideration. 	By-Law and Updated decision forwarded to Office of Local Government for certification. Subsequent to the certification the consultation phase will commence.	Development Services Coordinator
100%	26/06/2023	31/07/2023	06/23.16.4.155 Replacemen tof Current Planning Enforcement Policy with New Compliance Policy	1. That Council replace the current Planning Enforcement Policy (EP02) with the attached new Compliance Policy.	The Policy has now been finalised and uploaded to Councils Databases	Development Services Coordinator
100%	26/06/2023	31/07/2023	06/23.16.5.156 Short Stay Accommodation (STA) – Short Term Rental Accommodation (NSW Term) – Visitor Accommodation – Break O Day Local Government	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note that at this stage development of a Policy regulating Short Stay Accommodation is premature; and 2. Accept this report as an Interim Report in response to Cr. Drummonds motion concerning regulation of short stay accommodation (20/02/2023) and that Development Services continue to analyse relevant data as part of the 2023/2024 financial year strategic planning programme with the view to formulating recommendations based on relevant data. 3. Continues to participate in Local Government Association Tasmania discussions initiated by Clarence City Council and Launceston City Council, around member councils and short stay accommodation. 	The report was provided for information, no further reporting is required at this stage until such time as Council officers have conducted further analysis and research.	Development Services Coordinator
100%	26/06/2023	31/07/2023	06/23.17.2.158 Draft 2023-2024 Annual Plan	That the 2023-2024 Annual Plan be adopted.	Adopted Annual Plan will now be loaded into Cascade for monitoring and reporting	General Manager
100%	26/06/2023	31/07/2023	06/23.17.4.159 Launceston Gastronomy	That Council approve funding in the 2023/2024 budget to provide the requested funding of \$3,457.96 to the Launceston Gastronomy project	Launceston Gastronomy notified of Council's decision	General Manager

COUNCIL RESOLUTION MAY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	15/05/2023	30/06/2023	05/23.17.4 Northern Tasmania Development Corporation Governance	It is recommended that the Council endorse the following documents: 1. The draft Northern Tasmanian Development Corporation (NTDC) Members' Letter of Expectation; 2. The revised NTDC Constitution; and 3. The draft NTDC Member Agreement 2023-2026	Members Agreement signed following decision of Council	General Manager
50%	15/05/2023	30/06/2023	05/23.17.6 Economic Development Strategy Review	That Council 1. Allocate funding within the 2023-2024 budget for the development of an Economic Development Strategy 2. Undertake an Expression of Interest (EOI) for a consultant to develop the Economic Development Strategy	Funding allocation included within draft 2023-24 Budget	General Manager

COUNCIL RESOLUTIONS APRIL 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
48%	17/04/2023	30/04/2023	04/23.15.3 Review of the Community Facility Hire Policy – CB07	That Council nominate Councillors Drummond, Oldham, Johnstone, Carter, Wright to work with Community Services staff to review Policy CB07 – Section 2 – Hirer Categories & Concessions.	Another meeting has been organised for July with the relevant Councillor.	Manager Community Services

COUNCIL RESOLUTIONS - MARCH 2023

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 – Cllr 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.	Proposed dog exercise areas (St Marys Dog Group) - under assessment.	Manager Infrastructure and Development Services
36%	20/03/2023	30/06/2023	03/23.15.7 St Helens Sports Complex	<ol style="list-style-type: none"> 1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project. 2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project. 	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

COUNCIL RESOLUTIONS FEBRUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	20/02/2023	30/06/2023	02/23.9.1 - Short Stay Accommodation Policy – Cllr J Drummond	That Council discuss a short stay accommodation policy at a workshop.	Refer June 2023 Council decision. Pending further investigation and outcomes of other actions around the State	Development Services Coordinator
75%	20/02/2023	31/03/2023	02/23.15.6 Policy AM21 – Single Use Plastics Policy	<ol style="list-style-type: none"> 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
100%	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.	The 2023-2024 budget adopted by Council at its June meeting included allocations to continue the weed control and revegetation works by Council and the Parks and Wildlife Service, to implement the joint Weed Management Plan.	NRM Facilitator
90%	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 	Expressions of Interest for Working Group received and will be finalised by Council at the July Council meeting	General Manager
15%	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. 	Budget approved at June Council Meeting. Draft policy will be prepared and equipment will be ordered.	Corporate Services Coordinator

COUNCIL RESOLUTIONS - JANUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	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.	Complete. Great outcome of Council working with the club and contractor to deliver a very high standard result.	Business Services Manager

COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
65%	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 continuing to investigate recent issues, such with Taswater regarding 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
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
50%	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.	Councils Communications Coordinator and NRM Facilitator will develop public communications on Off Road Vehicle issues for the ahead of the summer season, in collaboration with the Parks and Wildlife Service and other stakeholders.	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.	Corporate Services Coordinator

07/23.8.0 PETITIONS

Nil.

07/23.9.0 NOTICES OF MOTION

MOTION:

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

SUBMISSION IN SUPPORT OF MOTION:

07/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

07/23.11.0 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.

07/23.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

07/23.12.1

Mayor's Communications for Period Ending 17 July 2023

28.06.2023	Launceston	– MTB event and Dragon Trail meeting with George Town Council
30.06.2023	Hobart	– Local Government Association of Tasmania (LGAT) – Annual General Meeting
03.07.2023	St Helens	– Council Workshop
06.07.2023	Hobart	– LGAT and Office of Local Government - Recruitment and Performance Management of General Managers
14.07.2023	Bicheno	– Future of Local Government Review meeting with Glamorgan Spring Bay Council Mayor and General Manager.
17.07.2023	St Helens	– Council Meeting

07/23.12.2

Councillor's Reports for Period Ending 17 July 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

07/23.13.0 BUSINESS AND CORPORATE SERVICES

07/23.13.1 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:

Overview

During the reporting period, departmental staff have delivered a number of key functions in order for Council to meet its statutory compliance requirements.

Tasmanian Audit Office (TAO)

Responding to requests for information relating to the upcoming 2022/2023 financial year audit.

Rates

Post Council adoption of the 2022/2023 Rates Resolution, staff have been completing the tasks required in preparation for the issuing of rates notices. A significant reform of the rates notice and information pack has been instigated. Council has also moved to a Tasmanian based printing company for the printing and delivery of the next Rates Notice. Thanks to Council's Rates Officer for her efforts in streamlining and redesigning these processes and her assistance in the modelling and structure of the Rates Resolution for the year ahead.

End of Financial Year Preparations

Staff moved quickly from preparing Long Term Financial Plans, Budget Estimates and Rates Resolutions last month to now undertaking End of Financial year tasks. This is a very busy time for staff and I would like to thank them all for their efforts.

Investments

A number of term deposits have matured in the reporting period and have been reinvested. The interest rates now on offer will see an increase in the return on investment of these funds.

Maturing	Term (Month)	Principle Amount	Interest	Total Amount	Interest Rate	Bank
18.09.2023	3	1,000,000.00	12,876.71	\$ 1,012,876.71	5.00%	Bendigo
10.11.2023	12	1,007,022.43	42,882.05	\$ 1,049,904.48	4.27%	CBA
10.11.2023	12	1,008,843.21	42,959.58	\$ 1,051,802.79	4.27%	CBA
28.11.2023	12	1,500,000.00	64,921.64	\$ 1,564,921.64	4.34%	CBA
18.12.2023	6	1,000,000.00	26,863.01	\$ 1,026,863.01	5.30%	Bendigo
24.01.2024	12	1,100,000.00	49,912.88	\$ 1,149,912.88	4.55%	Bendigo
19.03.2024	9	1,000,000.00	40,912.33	\$ 1,040,912.33	5.45%	Bendigo
06.04.2024	9	1,500,000.00	62,325.00	\$ 1,562,325.00	5.54%	CBA
16.06.2024	12	1,000,000.00	54,295.89	\$ 1,054,295.89	5.40%	Bendigo
		\$10,115,865.64	\$397,949.09	\$10,513,814.73		

Rates Summary - 30 June 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 start of Financial Year	1.69	190,722.57	1.53	163,358.71
Rates and Charges Levied	97.23	10,953,469.51	96.79	10,323,935.18
Interest and Penalty Charged	1.08	121,475.85	1.68	179,468.27
Total Rates and Charges Demanded	100.00	11,074,945.36	100.00	10,503,403.45
Less Rates and Charges Collected	90.18	10,159,499.89	91.24	9,732,744.45
Less Credit Journals and Supp Credits	1.06	118,868.12	1.82	194,465.54
Remissions and Discount	5.00	563,560.61	5.15	548,829.60
Unpaid Rates and Charges 30 June	3.76	423,739.31	1.79	190,722.57

Remissions and Discounts

	2022/2023	2021/2022
Early Payment Discount	106,720.17	105,396.70
Pensioner Rebates	456,840.44	443,432.90
	563,560.61	548,829.60

Number Rateable Properties	6786
Number Unpaid Rateable Properties	909
% Properties Not fully paid	13.40

Right to Information (RTI) Requests

Nil

132 and 337 Certificates

	132	337
June 2023	23	18
May 2023	40	23
June 2022	42	26

Debtors/Creditors @ 6 July 2023

DEBTORS INFORMATION

Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 22/23	Month	YTD 21/22
63	\$501,942.60	827	56	921

CREDITORS INFORMATION

Payments Made

Current			Previous Year	
Month	Mth Value	YTD 22/23	Month	YTD 21/22
280	\$1,242,187.03	2630	361	4439

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Services

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

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.

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

LEGISLATION & POLICIES:

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 December 2023 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023
5. Profit and Loss

INTRODUCTION:

Presented to Council are the monthly financial statements.

PREVIOUS COUNCIL CONSIDERATION:

Council considers financial reports on a monthly basis.

OFFICER'S REPORT:

Council should note that these are preliminary figures for June and not final end of year figures, end of year adjustments are currently underway and final statements will be presented later in the year.

Profit and Loss
Break O'Day Council
For the year ended 30 June 2023

Account	Actual YTD	Budget YTD	Budget Variance % YTD	2023 Annual Budget	Notes
Trading Income					
Rates	10,896,168	10,840,244	1%	10,840,244	
User Fees	1,484,854	1,399,726	6%	1,399,726	
Operating Grants	4,843,491	2,423,090	100%	2,423,090	1
Interest & Investment Income	744,608	563,369	32%	563,369	2
Contributions	88,000	20,000	340%	20,000	3
Other Revenue	130,680	32,000	308%	32,000	4
Total Trading Income	18,187,801	15,278,429	19%	15,278,429	
Gross Profit	18,187,801	15,278,429	19%	15,278,429	
Capital Grants					
Grants - Commonwealth Capital	1,894,911	2,994,381	-37%	2,994,381	5
Grants - Roads to Recovery	696,526	647,000	8%	647,000	
Grants - State Capital	551,424	500,000	10%	500,000	6
Total Capital Grants	3,142,861	4,141,381	-24%	4,141,381	
Other Non Operating Income					
Net Gain/Loss on Disposal of Assets	14,087	120,000	-88%	120,000	7
Total Other Non Operating Income	14,087	120,000	-88%	120,000	
Total Non Operating Revenue	3,156,948	4,261,381	-26%	4,261,381	
Operating Expenses					
Employee Costs	5,702,017	5,839,111	-2%	5,839,111	
Materials & Services	5,566,359	6,103,348	-9%	6,103,348	
Interest Expense	272,601	271,341	0%	271,341	
Depreciation	4,250,298	3,943,626	8%	3,943,626	
Other Expenses	328,838	246,584	33%	246,584	8
Total Operating Expenses	16,120,114	16,404,010	-2%	16,404,010	
Operating Net Profit	2,067,687	(1,125,581)	-284%	(1,125,581)	
Net Profit (Including Non Operating Revenue)	5,224,635	3,135,800	67%	3,135,800	

Notes

- Operating grants are up \$2.4m (100%) on budget YTD which primarily relates to the 100% prepayment of the 23-24 Financial Assistance Grants of \$3.56m, originally budget to only receive 50% in advance.
- Interest and Investment income is up \$181k (32%) on budget YTD, primarily due to higher than expected interest rates.
- Contributions are up \$68k on budget YTD. These contributions related to Public Open Space Contributions.
- Other revenue is up \$99k on budget YTD primarily due to the retention of unclaimed s.137 property sales funds that have matured; reimbursements received for maternity leave cover and training levies; and insurance recoveries.
- Commonwealth Capital Grants are down \$1.1m (37%) on budget YTD primarily due to grant projects which are expected to carry forward to the following financial year, with milestone payments yet to be received.
- State Capital grants are up \$51k (10%) on budget YTD, primarily due to the final payment being received for the Georges Bay Multi Use Track.
- Net gain/loss on disposal of assets is \$118k below budget partially due to the unexpected write off of some assets claimed on insurance and partially offset by insurance recoveries included in other income.
- Other expenses are up \$82k (33%) on budget YTD primarily due to election costs.

Balance Sheet
 Break O'Day Council
 As at 30 June 2023

Account	30 Jun 2023	30 Jun 2022
Assets		
Current Assets		
Cash & Cash Equivalents	14,284,073	11,813,436
Trade & Other Receivables	522,589	638,959
Inventory	238,387	325,193
Other Assets	2,838	3,938
Total Current Assets	15,047,887	12,781,527
Non-current Assets		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	177,370,581	181,797,388
Right of Use Asset	17,734	17,734
Intangible Assets	46,147	71,377
Investment in Water Corporation	32,937,531	32,937,531
Other Investments	30,000	30,000
Total Non-current Assets	210,416,385	214,868,421
Total Assets	225,464,272	227,649,948
Liabilities		
Current Liabilities		
Trade & Other Payables	386,823	1,040,079
Contract Liabilities	0	1,290,072
Lease Liability	11,800	11,800
Interest Bearing Loans & Borrowings	0	389,024
Provisions	947,362	873,394
Trust Funds and Deposits	742,459	676,031
Total Current Liabilities	2,088,444	4,280,400
Non-current Liabilities		
Lease Liabilities	17,734	17,734
Interest Bearing Loans & Borrowings	5,866,821	5,866,821
Provisions	669,180	551,270
Total Non-current Liabilities	6,553,736	6,435,825
Total Liabilities	8,642,180	10,716,225
Net Assets	216,822,092	216,933,723
Equity		
Accumulated Surplus	41,038,221	41,050,041
Reserves	175,783,871	175,883,682
Total Equity	216,822,092	216,933,723

Statement of Cash Flows
 Break O'Day Council
 For the year ended 30 June 2023

Account	YTD	2022
Operating Activities		
Receipts from customers	1,506,097	1,352,000
Receipts from rates	10,663,060	10,203,000
Receipts from Operational Grants	4,845,903	4,316,000
Contributions	155,057	97,000
Interest received	279,008	118,000
Dividends received	465,600	466,000
Payments to employees	(5,590,494)	(5,354,000)
Payments to suppliers	(6,600,632)	(7,471,000)
Finance Costs	(272,601)	(303,000)
Cash receipts from other operating activities	893,119	730,000
Cash payments from other operating activities	803	0
Net Cash Flows from Operating Activities	6,344,920	4,154,000
Investing Activities		
Payment for property, plant and equipment	(5,609,336)	(4,737,000)
Capital Grants received	1,981,923	3,500,000
Proceeds from sale of property, plant and equipment	84,555	217,000
Net Cash Flows from Investing Activities	(3,542,858)	(1,020,000)
Financing Activities		
Proceeds of trust funds and deposits	57,599	24,000
Repayment of loans	(389,024)	(1,882,000)
Repayment of leases	0	(11,000)
Net Cash Flows from Financing Activities	(331,425)	(1,869,000)
Net Cash Flows	2,470,637	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	2,470,637	1,265,000
Cash and cash equivalents at end of period	14,284,073	11,813,436

Break O'Day Council
Capital Works 2022-2023
For the period ending 30 June 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	
H662W - 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	
Mayor Vehicle - RAV4	40,759	-	
Turf Mower Replacement	-	-	2nd hand Mower - Contingent of co-funding from St Helens Football Club 50.50- deferred to 23/24
Digger for MTB Trails	47,600	-	Community Contribution
1321 Fuso Fighter	113,028	130,000	Truck with HYAB (on-board crane)
1219 Street Sweeper	-	150,000	
Water Tanker FG1628 FRM	182,540	-	
Mower Trailer	11,575	20,000	
1084 - Box Trailer	4,929	3,000	
1252 Box Trailer	3,897	3,000	
1080 Box Trailer	3,897	3,000	
1097 - Pavement Roller (self propelled)	-	30,000	
Mobile Porta-loo	-	4,000	Additional unit
Small Plant - VARIOUS	45,082	40,000	
Total Plant & Equipment	652,771	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	25,210	30,000	
Air Conditioner - Council Building Incl Server Room	17,333	13,750	
Air Conditioner - St Marys depot replacement	3,339	-	
Desktop replacements 2022/23	21,322	21,000	
Tablet/Laptop Replacement - Councillors	21,834	22,000	
Planning & Reporting Software	-	15,000	
Street furniture & signage	7,002	20,000	
Ricoh IM C4500 A3 colour copier/printer/scanner	6,908	6,255	
Total Furniture & IT	102,949	159,505	
Buildings			
Marine Rescue Building - Additions	995	-	Helens Marine Rescue. Additions plus gantry. Defer to 23/24
Fingal Community Shed (Old Tas Hotel)	24,966	378,497	BSBR Grant
Mangana Communications Cell	58,909	115,119	BSBR Grant
St Marys Indoor Recreation Facility	51,802	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	18,018	50,000	Solar Panel & Kitchen upgrades - Contribution from Scamander Sports Complex \$20k
St Marys Hall Upgrades	35,249	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	21,840	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	18,482	-	
Police Station Acquisition	2,550	-	
History Room - Projector replacement	14,019	11,000	
Stadium repaint of floors and replace damaged equipment	98,577	-	Insurance to cover
St Helens Stadium Caged Access Ladder	6,292	-	
Council Chambers additions and improvements	1,343	47,934	New Indoor/Outdoor Kitchen/Lunch Room Extension.Painting outside.
Total Buildings	395,044	1,891,867	
Parks, Reserves & Other			
Special Project - Marine Strategy	34,233	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	46,273	33,000	
Playground equipment replacement program - Cornwall	-	60,000	
Playground equipment replacement program	14,394	64,261	
Dog exercise area St Helens Improvements	2,197	10,000	
Secret Sculpture Walk	438	-	
Wrinklers Lagoon Redevelopment Design & Planning - Amenities Building	-	27,646	Transfer \$30,600 from CE110
Parnella/Foreshore Walkway	245,570	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	23,840	60,000	
St Marys Cemetery Master Plan - Columbarium Wall & garden	25,219	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	9,859	14,390	09/21.16.3 Contributed Asset - Council contribution, part of larger grant funded project (total value \$235k)
Special Project: EPIC MTB Status	2,257	-	
Special Project: Scamander Coastal Hazards Project	5,291	30,000	
Totals Parks, Reserves & Other	413,792	1,672,804	
Roads - Streetscapes			

Project Details	Revised 2023		Comments
	YTD	Budget	
LRCI Round 3 - Cecilia St St Helens	300,930	320,000	Bayside section - Circassian St down, and intersection with Esplanade
Quail St Parking Bay	-	50,000	
Fingal Streetscape	3,409	-	
Total Streetscapes	304,339	370,000	
Roads - Footpaths			
Annual replacement of damaged footpaths	6,731	25,000	
Akaroa - Akaroa Ave	35,310	25,000	Replace 100m of path
Maori Place	-	10,000	Replace 40m of path
Penquin St	-	5,000	Replace 95m of path
Irishtown Rd	15,356	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	83,050	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	327,055	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 TBA	43,752	50,000	
Total Kerb & Channel	43,920	50,000	
Roads - Resheeting			
1214 - Roses Tier Rd	53,649	60,000	
1215 - Roses Tier Rd	-	60,000	
Eddystone Rd	39,511	50,000	
Policemans Point Road	20,733	30,000	
St Mary's Area	73,868	100,000	
Upper Scamander Road, Scamander	55,397	70,000	
41 - Anchor Rd	29,396	37,000	
2258 - McKerchers Rd	13,243	8,190	
2259 - McKerchers Rd	8,390	9,623	
2260 - McKerchers Rd	5,772	2,662	
2380 - Tims Creek Rd	17,292	6,880	
2392 - Tyne Rd	3,775	6,370	
2393 - Tyne Rd	4,303	7,262	
2394 - Tyne Rd	3,654	6,166	
2303 - Old Roses Tier Rd	16,618	6,848	
999 - Victoria St Part C	830	1,400	
998 - Victoria St Part C	213	360	
997 - Victoria St Part C	1,244	2,100	
2138 - Franks St Fingal	2,249	3,795	
1024 - Franks St Fingal	2,015	3,400	
1081 - Sorell St	3,970	6,700	
1053 - Louisa St	1,659	2,800	

Project Details	Revised 2023		Comments
	YTD	Budget	
Ansons Bay Resheeting	1,901	-	
Fingal Streets	12,272	6,500	
85 - Forest Lodge Rd	18,347	50,000	
Tyne Rd	65,804	-	
Kennel Hill Rd	1,765	-	
Evercreech Rd	16,246	-	
October Flood Event - Renewals	751,908	-	
Total Resheeting	1,226,026	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	48,835	42,874	
166 - Mathinna Rd	24,328	25,901	
251 - Upper Esk Rd	-	16,096	
252 - Upper Esk Rd	51,564	57,245	
274 - Rossarden Rd	23,512	18,852	
275 - Rossarden Rd	-	27,882	
324 - Cornwall Rd	17,163	21,268	
341 - Posiedon St	15,584	15,638	
342 - Posiedon St	801	801	
343 - Perseus St	7,255	11,308	
352 - Lawry Heights	2,583	1,776	
378 - Kings Park	7,294	2,971	
383 - Cobrooga Dve	2,502	4,784	
436 - Circassian St	17,271	8,234	
491 - Beaulieu St	21,747	13,280	
492 - History Room C/P	-	6,735	
529 - Targett St	7,176	12,995	
530 - George St	12,628	18,144	
694 - St Helens Point Rd	6,040	10,420	
759 - Hilltop Dr	-	6,092	
768 - Highcrest Ave	4,240	8,806	
789 - Coffey Ct	10,558	9,867	
891 - Nicks Cl	2,410	4,186	
913 - Ansons Bay Rd (Priory Rd)	-	5,233	
1001 - Champ St Fingal	4,468	8,244	
1089 - Seymour St	-	4,196	
1090 - Seymour St	13,886	17,657	
1155 - North Ansons Bay Rd	45,097	79,115	
Totals Reseals	346,941	515,684	
Roads - Construction, Digouts & Other			
Mathinna Road	3,552	100,000	Reduction to fund increased digouts below
St Helens Pt Rd - Parkside	114,398	200,000	
The Gardens Digouts B	4,072	-	
The Gardens Digouts C	4,072	-	
The Gardens Digouts D	4,072	-	
The Gardens Digouts 1	85,319	-	
The Gardens Digouts 2	24,245	-	
The Gardens Digouts 3	5,650	-	
Ansons Bay Road	34,695	-	
Digouts to be allocated	-	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	7,962	25,000	
218 - Mathina Plains Road	-	-	Sealing - Stage 3 works. Defer to 23/24

Project Details	Revised 2023		Comments
	YTD	Budget	
			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 Projects allocated to 22/23	-	76,000	
LRCI Phase 3 North Ansons Bay Sealing	445,542	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	11,266	1,000	Defer to 23/24
Ansons Bay Rd - Seal 800m	51,252	65,000	Carried Forward
Totals - Roads Construction, Digouts & Other	927,601	1,335,056	
Totals Roads & Footpaths	3,175,883	3,386,318	
Bridges			
B1605 - St Columba Falls Rd	218,352	215,571	Replace timber bridge with concrete structure to SM1600
B2293 - Cecilia St	7,437	224,000	Replace bridge with concrete structure to SM1600
B63 Gardiners Creek Road	28,526	47,000	renew timber deck and runners
B7027 - Mathinna Plains Road	-	-	Defer to 23/24
B2177 St Patricks Head Rd	-	23,483	
B7010 Rettrays Rd	13,331	40,000	
B160 - Newman Street Footbridge	2,344	10,000	Replace timber deck with FRP
Total Bridges	269,991	560,054	
Stormwater			
Minor stormwater Jobs	45,070	50,000	
Treloggens Track Stormwater	3,825	30,732	
Osprey Drive	994	10,000	Design only
Atlas Drive - Retaining Wall anchor	41,564	69,595	C/fwd project
Beaumaris Ave		25,000	
Freshwater St/Lade Crt Beaumaris	34,204	70,000	Previously deferred project
Penelope Street	6,479	120,000	Stormwater Main - frontage of caravan park 275 Im
Falmouth St, St Helens	-	-	Design only. Defer to 23/24
Lottah Rd	27,162	-	
Medeas Cove	7,639	-	
German Town	7,027	-	
Mathinna Plains Rd	3,347	-	
Peron Street	4,015	-	
Total Stormwater	181,326	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	5,193,664	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:**

One staff member is currently on Annual Leave.

Visitor Information Centre Report:

VIC staff noted:

- Main tourists this month were Vic, Brisbane and NSW.
- Our door count numbers for June are the highest ever since we started recording numbers in 2007.
- Have had four operators from out of area contact us as they are wanting to display their brochures with us as they do not currently.
- Staff at Mt Field National Park approached us to see if we would display their brochures, which we were more than happy to do.
- Had our yearly Audit with TVIN. Vanessa Douglas visited the Centre to check off all the requirements that we are to follow being a 'Yellow I'. She was quite impressed with our set up and what we have available for tourists.

The History Room Curator Report:

- Participated in the stage 3 FoLG review via ZOOM for the NE community catchment.
- Valley Voice Archive: Project team have set up a domain site for public access to all the archive. Almost completed this project. Will make contact with Fingal Neighbourhood House when the site is uploaded and available.
- NAIDOC display created in foyer cabinet.
- Repairs & Maintenance work undertaken at centre (Mineral Cabinet and HW dispenser).
- Stats are comparable with previous years.

Statistics:

Door Counts:

Month/Year	Visitor Numbers	Daily Average	History Room
June 2013	766	25.53	62
June 2014	880	29.33	54
June 2015	1,038	34.60	38
June 2016	803	26.77	35
June 2017	918	30.60	30
June 2018	820	27.33	49
June 2019	805	26.83	58
June 2020	196	14.00	8
June 2021	919	30.63	63
June 2022	1,000	33.33	34
June 2023	1,276	42.50	45

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
April	4,265.51	333.00	105.65
May	3,805.27	309.00	110.00
June	2,187.51	179.00	69.20

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Economy

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

Strategies

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

LEGISLATION & POLICIES:

Nil

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Angela Matthews, Corporate Services Coordinator
FILE REFERENCE	014\002\010\
ASSOCIATED REPORTS AND DOCUMENTS	Correspondence detailing the Summary of Changes prepared by Simmons Wolfhagen – August 2022 and March 2023 Updated Delegation Register May 2023 (<i>Circulated under separate cover</i>)

OFFICER’S RECOMMENDATION:

That having conducted a review of Council’s Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2023.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Reviews undertaken annually.

OFFICER’S REPORT:

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

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

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

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

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

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

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

As a matter of best practice, it is usual for delegations to be made by the Council to the General Manager. Delegations under the Land Use Planning and Approvals Act (LUPAA) do not allow the General Manager to sub-delegate.

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

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

The Local Government Association of Tasmania (LGAT) engages Simmons Wolfhagen to undertake an annual review, amend and update LGAT's model delegations. The Delegations Register Index shows the Legislation included within Councils delegations register and highlights any amendments etc in relation to the specific legislation. Through this review Simmons Wolfhagen have completed reviews which may include amendments that have been made to the following Acts/Regulations:

1. *Archives Act 1983;*
2. *Building Regulations 2016;*
3. *Burial and Cremation Regulations 2015;*
4. *Dog Control Act 2000;*
5. *Environmental Management and Pollution Control Act 1994;*
6. *Food Act 2003;*
7. *Land Use Planning and Approvals Act 1993;*
8. *Land Use Planning and Approvals Regulations 2014;*
9. *Local Government Act 1993;*
10. *Local Government (Building and Miscellaneous Provisions) Act 1993;*
11. *Local Government (Highways) Act 1982;*
12. *Monetary Penalties Enforcement Act 2005;*
13. *Public Health Act 1997;*
14. *Right to Information Act 1993;*
15. *Roads and Jetties Act 1935; and*
16. *Traffic Act 1925.*

Correspondence from Simmons Wolfhagen (attached) provides a summary of the amendments made through the review and hence the amendments which have been made in Councils delegations to align with this legal advice.

LEGISLATION / STRATEGIC PLAN & POLICIES:

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

BUDGET AND FINANCIAL IMPLICATIONS:

There are no financial implications identified in adopting these delegations.

VOTING REQUIREMENTS:

Simple Majority

Contact: Nathan Street
Our Ref: NS:TCC:132644

31 August 2022

Mr Michael Edrich,
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001

By email Michael.Edrich@lgat.tas.gov.au

Dear Mr Edrich,

Legislative Audit and Compliance Register/Delegations Register for Members

The Local Government Association of Tasmania ('LGAT') has engaged Simmons Wolfhagen to amend and update the LGAT Delegations Register ('Register').

This work has been completed in accordance with our instructions. This letter provides a brief summary of the amendments that have been made.

1. Amendment to the Register

- 1.1. We have identified five (5) acts that have been amended since the last audit of the register earlier in 2022, they are:
 - (a) *Archives Act 1983;*
 - (b) *Building Regulations 2016;*
 - (c) *Environmental management and Pollution Control Act 1994;*
 - (d) *Local Government Act 1993; and*
 - (e) *Right to Information Act 1993.*
- 1.2. Of these five amendments there were no significant amendments made that affect the delegation powers of local governments.
- 1.3. The register has been amended to included further detail on specific delegation the Local Governments' and General Managers' can make.
- 1.4. Enclosed with this correspondence is the updated Register and Delegations Index, with all changes highlighted in red.

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- › Local Government, Environment & Planning Law
- › Employment & Workplace Relations Law
- › Bankruptcy, Insolvency & Securities Enforcement
- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

- 1.5. Attached as **Annexure A** to this letter is a summary of every change that was made to the Register.

2. Advice on Discretionary Delegations

- 2.1. I also provide the following clarification on our view of the role of the Register.
- 2.2. All relevant sections of legislation that may be delegated by Council are included in the register. This does not mean that every section identified must be delegated. This primarily relates to decisions that are discretionary in nature and some of those matters may be highly contentious, which individual Councils may wish to not delegate. Such sections are to be contrasted with those that are purely procedural such as notification requirements which you would ordinarily anticipate being delegated.
- 2.3. In those contentious situations, Council's may wish to place a condition on delegation. For example, where a disclosure is made against a General Manager, a condition on any delegation may be that it must be determined and referred on by the Council itself by the elected members.

If you have any questions in regard to the register or the other material that is **enclosed**, please do not hesitate to contact me.

Yours faithfully
Simmons Wolfhagen



Nathan Street
Senior Associate | Local Government, Environment, Planning & Development Law
nathan.street@simwolf.com.au

Annexure A

Summary of all changes as at 15 August 2022

A. SUMMARY OF AMENDED ACTS

Five (5) Acts have been amended since the last delegations register update, these are:

- (a) *Archives Act 1983*;
- (b) *Building Regulations 2016*;
- (c) *Environmental management and Pollution Control Act 1994*;
- (d) *Local Government Act 1993*; and
- (e) *Right to Information Act 1993*.

There has also been a general alteration to Acts in the register by way of update and to improve the usability and communication of relevant information.

Each separate Act will be addressed below:

1. **Archives Act 1983**

- 1.1. The Act was amended on:
 - (a) 18.03.2022.
- 1.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.
- 1.3. Further details have been made in relation to section 15(3).

2. **Building Regulations 2016**

- 2.1. The Act was amended on:
 - (a) 01.07.2022.
- 2.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

3. **Environmental management and Pollution Control Act 1994**

- 3.1. This Act was amended on:
 - (a) 29.03.2022.
- 3.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

4. **Local Government Act 1993**

- 4.1. This was amended on:
 - (a) 16.06.2022.
- 4.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

5. *Right to Information Act 1993*

- 5.1. This was amended on:
 - (a) 18.03.2022
- 5.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

B. NON-AMENDED ACTS

The following acts were not amended between 7 January 2022 and 15 August 2022. However, the register has been updated to provide greater descriptions of Council's or general manager's delegation powers.

6. *Dog Control Act 2000*

- 6.1. Description of the delegation powers has been added to the register
- 6.2. The inclusion of s 82 which permits the delegation of the general manager's functions or powers under the Dog Control Act.

7. *Food Act 2003*

- 7.1. Description of the delegation powers has been added to the register

8. *Land Use Planning and Approvals Act 1993*

- 8.1. Description of the delegation powers has been added to the register.

9. *Local Government (Highways) Act 1982*

- 9.1. Description of the delegation powers has been added to the register.

10. *Monetary Penalties Enforcement Act 2005*

- 10.1. Description of the delegation powers has been added to the register.

11. *Public Health Act 1997*

- 11.1. Description of the delegation powers has been added to the register.

12. *Right to Information Act 1935*

- 12.1. Description of the delegation powers has been added to the register.

Contact: Nathan Street
Our Ref: NS:TCC:132644

20 March 2023

Mr Michael Edrich,
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001

By email Michael.Edrich@lgat.tas.gov.au

Dear Mr Edrich,

Legislative Audit and Compliance Register/Delegations Register for Members

The Local Government Association of Tasmania ('LGAT') has engaged Simmons Wolfhagen to amend and update the LGAT Delegations Register ('Register').

This work has been completed in accordance with our instructions. This letter provides a brief summary of the amendments that have been made.

1. Amendment to the Register

1.1. We have identified eight (8) acts that have been amended since the last audit of the register in 2022, they are:

- (a) *Burial and Cremation Regulations 2015;*
- (b) *Environmental Management and Pollution Control Act 1994;*
- (c) *Land Use Planning and Approvals Act 1993;*
- (d) *Local Government (Building and Miscellaneous Provisions) Act 1993;*
- (e) *Public Health Act 1997;*
- (f) *Roads and Jetties Act 1935;*
- (g) *Tasmanian Civil and Administrative Tribunal Act 2020; and*
- (h) *Traffic Act 1925.*

1.2. Of these eight amendments the only significant amendment was to the delegation of local governments under section 39 of the Roads and Jetties Act 1935.

1.3. The amended section no longer refers to all 'road authorities' this affects the delegation powers of local governments. Section 39 is now purely focused on the minister's rights to enter land adjoining any roads that they are the road authority for.

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- > Conveyancing, Property Development, Easements & Subdivisions
- > Family & De Facto Relationship Law
- > Wills, Estate Planning & Administration of Estates
- > Commercial Litigation, General Litigation & Dispute Resolution
- > Local Government, Environment & Planning Law
- > Employment & Workplace Relations Law
- > Bankruptcy, Insolvency & Securities Enforcement
- > Insurance Law, Personal Injury Law
- > Building, Construction & Engineering Law

- 1.4. The amendments to the *Road and Jetties Act 1935* include the section 39 being repealed and replaced. The amended section 39 does not refer to or apply to Local Governments. Section 39 is now focused on the Minister's rights to enter land adjoining any roads that they are the road authority for.
- 1.5. Accordingly, this section has been removed from the Register.
- 1.6. If Council's have previously relied upon this power to enter land, it will be necessary for authorisation to be obtained from the Minister under section 39(2)(a) of the *Road and Jetties Act 1935* for this entry to continue to be lawful.
- 1.7. **Enclosed** with this correspondence is the updated Register and Delegations Index, with all changes highlighted in red.
- 1.8. Attached as **Annexure A** to this letter is a summary of every change that was made to the Register.

2. Advice on Discretionary Delegations

- 2.1. I also provide the following clarification on our view of the role of the Register.
- 2.2. All relevant sections of legislation that may be delegated by Council are included in the register. This does not mean that every section identified must be delegated. This primarily relates to decisions that are discretionary in nature and some of those matters may be highly contentious, which individual Councils may wish to not delegate. Such sections are to be contrasted with those that are purely procedural such as notification requirements which you would ordinarily anticipate being delegated.
- 2.3. In those contentious situations, Council's may wish to place a condition on delegation. For example, where a disclosure is made against a General Manager, a condition on any delegation may be that it must be determined and referred on by the Council itself by the elected members.

If you have any questions in regard to the register or the other material that is **enclosed**, please do not hesitate to contact me.

Yours faithfully
Simmons Wolfhagen



Nathan Street
Senior Associate | Local Government, Environment, Planning & Development Law
nathan.street@simwolf.com.au

Annexure A

Summary of all changes as at 27 February 2023

A. SUMMARY OF AMENDED ACTS

Eight (8) Acts have been amended since the last delegations register update, these are:

- (a) *Burial and Cremation Regulations 2015*;
- (b) *Environmental Management and Pollution Control Act 1994*;
- (c) *Land Use Planning and Approvals Act 1993*;
- (d) *Local Government (Building and Miscellaneous Provisions) Act 1993*;
- (e) *Public Health Act 1997*;
- (f) *Roads and Jetties Act 1935*;
- (g) *Tasmanian Civil and Administrative Tribunal Act 2020*; and
- (h) *Traffic Act 1925*.

Each separate Act will be addressed below:

1. ***Burial and Cremation Regulations 2015***

- 1.1. The Regulations were amended on:
 - (a) 16.11.2022.
- 1.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

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

- 2.1. This Act was amended on:
 - (a) 14.12.2022.
- 2.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

3. ***Land Use Planning and Approvals Regulations 2014***

- 3.1. The Regulations were amended on:
 - (a) 21.12.2022.
- 3.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

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

- 4.1. This Act was amended on:
 - (a) 01.12.2022.
- 4.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

5. Public Health Act 1997

- 5.1. This Act was amended on:
 - (a) 24.10.2022
- 5.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

6. Road and Jetties Act 1935

- 6.1. This Act was amended on:
 - (a) 30.11.2022
- 6.2. The amendments to this Act include the section 39 being repealed and replaced. The amended section 39 does not refer to or apply to Local Governments. Section 39 is now focused on the Minister's rights to enter land adjoining any roads that they are the road authority for.
- 6.3. Accordingly, this section has been removed from the Register.
- 6.4. If Council's have previously relied upon this power to enter land, it will be necessary for authorisation to be obtained from the Minister under section 39(2)(a) of the Road and Jetties Act 1935 for this entry to continue to be lawful.

7. Tasmanian Civil and Administrative Tribunal Act 2020

- 7.1. This Act was amended on:
 - (a) 21.11.2022
- 7.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

8. Traffic Act 1925

- 8.1. This Act was amended on:
 - (a) 30.11.2022
- 8.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA
DELEGATIONS REGISTERS – FEBRUARY 2023

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
1.	<i>Archives Act 1983</i>	18.03.22	27.02.23	20.01.2021
2.	<i>Building Act 2016</i>	05.11.21	27.02.23	18.01.22
3.	<i>Building Regulations 2016</i>	01.07.22	27.02.23	21.12.16
4.	<i>Burial and Cremation Act 2019</i>	25.12.19	27.02.23	31.01.20
5.	<i>Burial and Cremation Regulations 2015</i>	16.11.22	27.02.23	31.01.20
6.	<i>Dog Control Act 2000</i>	18.12.19	27.02.23	18.01.22
7.	<i>Environmental Management and Pollution Control Act 1994</i>	14.12.22	27.02.23	18.01.22
8.	<i>Food Act 2003</i>	05.10.21	27.02.23	13.05.16
9.	<i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	27.11.20	27.02.23	20.01.2021
10.	<i>Historic Cultural Heritage Act 1995</i>	05.11.21	27.02.23	18.01.22
11.	<i>Land Use Planning and Approvals Act 1993</i>	05.11.21	27.02.23	18.01.22
12.	<i>Land Use Planning and Approvals Regulations 2014</i>	22.12.22	27.02.23	18.01.22
13.	<i>Litter Act 2007</i>	02.12.19	27.02.23	20.01.2021
14.	<i>Local Government Act 1993</i>	16.06.22	27.02.23	18.01.22
15.	<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	01.12.22	27.02.23	18.01.22
16.	<i>Local Government (General) Regulations 2015</i>	05.11.21	27.02.23	18.01.22
17.	<i>Local Government (Highways) Act 1982</i>	01.01.22	27.02.23	18.01.22
18.	<i>Local Government (Meeting Procedures) Regulations 2015</i>	29.06.15	27.02.23	13.05.16
19.	<i>Monetary Penalties Enforcement Act 2005</i>	01.07.19	27.02.23	18.01.22
20.	<i>Place Names Act 2020</i>	01.07.20	27.02.23	18.01.22
21.	<i>Public Health Act 1997</i>	24.10.22	27.02.23	18.01.22
22.	<i>Public Interest Disclosure Act 2002</i>	01.03.21	27.02.23	18.01.22
23.	<i>Right to Information Act 2009</i>	18.03.22	27.02.23	07.09.20
24.	<i>Roads and Jetties Act 1935</i>	30.11.22	27.02.23	27.02.23

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

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

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

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
25.	<i>Strata Titles Act 1998</i>	05.11.21	27.02.23	18.01.22
26.	<i>Survey Co-Ordination Act 1944</i>	01.07.20	27.02.23	20.01.2021
27.	<i>Tasmanian Civil and Administrative Tribunal Act 2020.</i>	21.11.22	27.02.23	18.01.22
28.	<i>Traffic Act 1925</i>	30.11.22	27.02.23	18.01.22
29.	<i>Urban Drainage Act 2013</i>	05.11.21	27.02.23	18.01.22
30.	<i>Vehicle and Traffic Act 1999</i>	01.07.21	27.02.23	18.01.22
31.	<i>Weed Management Act 1999</i>	01.07.19	27.02.23	31.03.16

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

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

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

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:


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

PREVIOUS COUNCIL CONSIDERATION:

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

OFFICER'S REPORT:

Asset Maintenance	
Facilities	<ul style="list-style-type: none"> Preventative Maintenance Inspections (PMI) of Council owned buildings and playgrounds.
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. Sealing maintenance throughout the municipality.
MTB	<ul style="list-style-type: none"> Routine track maintenance.

Weed Management for June 2023	
Goshen	<ul style="list-style-type: none"> Spanish heath, blackberry
Fingal	<ul style="list-style-type: none"> Broadleaf, thistles
St Helens Town Link	<ul style="list-style-type: none"> Caper spurge, thistles, broadleaf
Binalong Bay	<ul style="list-style-type: none"> Various weeds
St Marys	<ul style="list-style-type: none"> Common holly <i>Ilex aquafolium</i>
	<p>Caper spurge (<i>Euphorbia lathyris</i>) is an environmental and noxious weed. An invasive weed of riparian shrubland and riverine escarpment, caper spurge has the potential to dominate areas of native vegetation; large infestations exist in coastal vegetation and conservation areas in Tasmania. This weed is poisonous to humans and livestock with its milky sap causing dermatitis and eye irritation. While toxic to most species, it can be eaten by goats. It germinates from autumn to early summer with most germinating in spring. After an initial explosive release of the seeds, they are quickly dispersed in water and mud, and externally transported by animals, people and vehicles. While easily hand-pulled, it is advised to wear gloves.</p>

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	267	246	199	TBA	2,678
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	69	61	50	61	756
2021/22 (T)	48	53	52	53	52	70	73	60	53	60	55	68	687

CAPITAL WORKS

Activity	Update
Bridge 1605 replacement – St Columba Falls Road	Nearing completion.
Bridge 7010 - Rattrays Road	Completed
Bridge 63 - Gardiners Creek Road	Completed
Road resealing program 2022/2023	Completed
Unsealed road re-sheeting program 2022/2023	Completed
Young Street Footpath	Completed
Mt Paris Dam Road – William Street urban area sealing	Pavement upgrade completed. Sealing contractor delay - sealing to occur in 2 nd quarter of 23/24.
North Ansons Road	Stage 1 sealing completed 1.8km. Stage 2 to pavement upgrade completed, sealing to occur in 2 nd quarter of 23/24.
Cecilia Streetscape project	Major works completed – minor landscaping works in progress.
St Helens Point Road	Segment 1 at Parkside and Segment 2 at Stieglitz have been resealed. Line marking – waiting for contractor to do line marking.
Freshwater Court, Beaumaris - drainage work	Completed
St Marys Cemetery Masterplan	New columbarium and remembrance wall. Fencing and landscaping work is progress. Blockwork delayed due to contractor unavailability until late August.
Cornwall Soldiers Memorial Park	Storm water and footpath renewal works completed. Garden works yet to occur.

LEGISLATION / STRATEGIC PLAN & POLICIES:

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

Goal

Infrastructure

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

Strategy

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

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: 8th June to 5th July 2023														Reporting Period Total	2022-2023 YTD	
Category/Area	Ansons Bay	Binalong Bay, The Gardens	Cornwall	Fingal, Manganna	Falmouth	Four Mile Ck	Upper Esk, Mithinna, Evercreech	Beaumaris	Scamander	Seymour, Denison	Parnella, Stieglitz, Akarora	Goshen, Pyengana, Weidborough	St Helens			St Marys
Dog - Attack on a person (Serious)									1						1	3
Dog - Attack on another animal (Serious)								1							1	10
Dog - Attack/Harassment - on another animal (Minor)															0	0
Dog - Attack/Harassment on a person (Minor)															0	4
Dog - Declared Dangerous															0	4
Dog - Dangerous Dogs Euthanised															0	5
Dog - Barking													1		1	43
Dog - Chasing a person															0	1
Dog - Impounded	1												1		2	14
Dog - in Prohibited Area															0	0
Dog - Lost Dogs Reported															0	3
Dog - Rehomed/kennel for rehoming	1														1	1
Dog - Wandering/at large		1	1								1		1		4	47
Verbal Warnings given to dog owners		1							1				1		3	46
Notice Issued - Unregistered Dog															0	32
Notice Issued - Bark Abatement Notice															0	0
Notice Issued - Caution Notice															0	13
Notice Issued - Infringement Notice		1							2						3	16
Infringement Notice - Disputes															0	0
Infringement Notice - Time Extension Request															0	0
Infringement Notice - Revoked															0	6
Written Letter - Various matters to Dog owners.													4	2	6	47
Patrols - Township/Urban Areas													2	1	3	105
Patrols - Beaches/Foreshore		2						2	2		1		3		10	149
Unregistered Dog - Notice to Register															0	0
Kennel Licence - No licence held															0	3
Kennel Licence - Issued															0	1
Other - Cat complaints															0	3
Other - Livestock															0	0
Other - Poultry													1		1	4
Other - Animal Welfare, RSPCA intervention								1					1		2	14
TOTAL	2	5	1	0	0	0	0	4	6	0	2	0	13	5	38	574
Registered 2023-2024 YTD	1,170															
Pending 2023-2024	289															

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:

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

Goal

Environment

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

Strategies

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable

VOTING REQUIREMENTS:

Simple Majority

07/23.15.0 COMMUNITY DEVELOPMENT

07/23.15.1 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 matters 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

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

Council Sponsorship	
Funding for BEC Directory	2,000
St Helens Marine Rescue	3,000
Suicide Prevention Golf Day	1,000
BEC	28,000

Updates on current projects being managed by Community Services:

Pump Track Project

A brief has been developed for the Flagstaff Pumptrack. We are now in the process of developing tender documents for Design and Construct. Community Feedback on the St Helens Pumptrack project is still being collated.

Break O’Day Municipal Emergency Management Plan

This document has currently been through a total rewrite and is currently with the Commissioner of Police awaiting sign off. This document is required by the Act *Emergency Management Act 2006* (the Act) (and other legislation that requires emergency management related plans) that describes governance and coordination arrangements and assigned responsibilities for: a geographic area; identified hazard; or function relevant to emergency management. This includes descriptions of processes that provide for safe and effective operations for emergency situations.

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.

Scooter Jam on 7 May in Youth Week was postponed due to weather and illness. It will now be held on Sunday 13 August. This coincides with International Youth Day on 12 August. A complete wet weather option will also be designed ready to implement.

Planning is underway for the Festival of Wellbeing on Saturday 14 October.

July 2023

- 1 – Cup of Kindness – St Marys Hall
- 3 – Community Wellbeing Conversation - St Helens Neighbourhood House
- 8 – Cup of Kindness – St Helens – Portland Hall
- 12- YCONNECT – Youth Movie Night – St Marys Hall

August 2023

18 – Vietnams Veterans Day

Learner Driver Mentor Program

The Program Coordinator has secured 6 months of funding for this program which will be reviewed at the end of the year to see if we can secure another 6 months of funding. The program is in need of additional mentors if anyone knows of someone that may be interested in volunteering for this project please get them to contact the Community Services Department.

On Road Hours: 34

Learners in the car: 13

Learners on the waiting list: 9

Mentors: 6

GET IN 2 GEAR

THE LEARNER CAR IS HERE

Fingal Valley Neighbourhood House, Break O'Day Council and Driver Mentoring Tasmania are excited to announce that the Learner Driver Automatic car will be in Fingal Every Wednesday from 9am - 3pm

If you are a learner and are interested in being a part of this program at Fingal please contact Bec at the House on 6374 2344



Break O'Day Christmas Festivities Committee:

This committee is made up of community members, which have met on two occasions and are planning for Christmas events and decorating some of our towns throughout the Municipality. We have good representation from the Fingal Valley and the coastal towns. The group has started fundraising to support these events and decorating our townships.

Community Wellbeing Project

The wellbeing certificate part of the project has been redesigned and packaged into an 8-week face-to-face program.

20 applications and more expressions of interest were received for this year's two rounds of the eight-week Wellbeing Certificate. 20 people are ready to start the program, with 10 starting on 10 July in St Helens on Mondays 9am-12pm at St Helens Neighbourhood House, and 10 starting on 13 July in St Marys on Thursdays 10am-1pm.

Many of these applications and expressions of interest were received via the wellbeing website www.wellbeingaction.org Feedback about the website continues to be positive.

People reported hearing about the program through varied sources including, Facebook, posters, website, community groups, the neighbourhood houses and through conversations with Leah. The program was also promoted on Star FM radio on 20 June.

A variation document is still in the process of being finalised with the Tasmanian Community Fund but both parties are pleased that minimum numbers of enrolments for 2023 have been met.

The Festival of Wellbeing website has been updated and is ready to host all the information about this year's event. Expressions of Interest are now open and promotion is about to get underway. The Festival will be held on Saturday 14 October at the Bendigo Bank Community Stadium in St Helens.

Leah hosted a wellbeing conversation at the Live Well Live Long Program in St Marys on 15 June.

Leah is holding conversations with other local councils in Australia and with organisations in Tasmania about our wellbeing project and what we are learning and how we are adjusting to work best with our community.

Youth Report

The Break O'Day area has secured a pilot project [Live4Life](#) (a peer support mental health program) to be hosted by Fingal Valley Neighbourhood House. Council attended an activation session at St Helens District School on 6 July to learn more about the project and how Council might be involved. Casey Musicka has been appointed Project Officer. This is the first time the Live4Life model will be implemented outside of Victoria.

Scooter Jam on 7 May in Youth Week was postponed due to weather and illness. It will now be held on Sunday 13 August. This coincides with International Youth Day on 12 August. A complete wet weather option will also be designed ready to implement. We will continue to collaborate with the Youth Collective of North East Coast Tasmania (YCNECT) and Scooter Stop to design the day.

A roadmap for creating a Community Youth Strategy has been developed. This has been shared with key people in our community who work with young people. We are now seeking to establish a working group to embark on this work. We may be able to connect this work in with Live4Life program about to commence in Break O'Day and make use of the partnerships in Live4Life as a working group for the strategy. Our co-design process is based on the approach we used to create the Community Volunteer Strategy.

Leah and Jenna have attended Free2Be sessions and are building connections with a small group of young people. Free2Be will be coming to the August Council workshop to share their youth perspective with Council.

Health and Wellbeing

Planning continues within the Community Services team for the Health and Wellbeing planning work funded by the \$20,000 Healthy Tasmania Grant from the Tasmanian Government. Council will use these funds to plan for the former Hub 4 Health facility focussed on preventative health programs and outreach. It has been decided to consult with the community but not to co-design a community plan, as there are many operational and logistical decisions that cannot be designed by community. We expect to consult with community in October.

Our Social Services Network meeting was held at the Fingal Valley Neighbourhood House and online on 19 June. A dedicated youth network meeting was held too. A winter e-news was issued. This network continues to grow.

Council purchased 250 branded Keep Cups for our Cup of Kindness Campaign funded by the Healthy Tasmania Neighbour Day Grants. Council gave Keep cups filled with cookies at St Marys market on Saturday 1 July and St Helens market on Saturday 8 July. This was also a great opportunity to promote the Wellbeing Certificate the wellbeing website and the Festival of Wellbeing.

Access and Inclusion

Leah attended Tourism Industry Access and Inclusion Workshop in Bicheno on 20 June. 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.

Staff attended an Open to Autism Awareness Session in St Helens on 26 June.

LEGISLATION / STRATEGIC PLAN & POLICIES:

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

Goal

Community

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

Strategies

- 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	DISCUSSION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	002\024\004\
ASSOCIATED REPORTS AND DOCUMENTS	Policy No CB05

OFFICER’S RECOMMENDATION:

That Policy CB05 be amended as follows:

1. Change the name of the Policy from Banner Pole Hire Policy to Banner Infrastructure Hire Policy;
2. Include the Cecilia Street banner infrastructure within the policy; and
3. An indemnity clause that if a banner is damaged it is not the responsibility of Break O’Day Council.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069

Amended 23 April 2014 – Minute No 04/14.13.10.103

Amended 16 April 2018 – Minute No 04/18.14.3.93

OFFICER’S REPORT:

Council review their policies to ensure that any new issues/changes are captured within. The banner infrastructure across Cecilia Street used to be owned and managed by the St Helens Chamber of Commerce but was handed to Council to manage and maintain so it is timely that it be included within a Policy. The existing Banner Hire Policy was the most appropriate policy for this new infrastructure to sit under but this has identified the need to change the name of the existing Policy by removing the word “Pole” and add the word “Infrastructure” in its place. The attached policy reflects these additions, which include the requirements for the banner to be used in the Cecilia Street Banner infrastructure:

Cecilia Street Banner –

1. The maximum size of a banner can be 7m wide by 1m high.
2. The top rope must be 12mm diameter polypropylene and the bottom rope must be 8mm polypropylene.
3. Free ends of ropes must be at least 1.5m long for tying to rigging.

4. Ropes must be in good condition and checked for strength before the banner is handed over to Council for hoisting. The top rope can be stronger than specified in (2) above but the bottom rope must be as shown.
5. Banner as handed to Council with ropes attached must weigh no more than 15 kg.
6. Banner material must be strong enough to avoid pieces of hazardous size breaking off in the wind, for the duration of its display period. Principle hazards will relate to uses of the street by vehicles and pedestrians and it will not be acceptable for all or part of a display to impede safe movement of traffic. However, all matters relating to possible pollution of the surrounding environment must be considered and mitigated.
7. Where the selected material is impervious to airflow, stability vents shall be provided. Vents shall be self-opening, with an open area of approx. 8500 mm² per square metre of banner, divided equally between locations near the top and bottom ropes, and spread evenly on the width. Spacing's must be close enough to give stability without creating a failure of material under load.

The other addition to the policy is an indemnity clause. Anyone hiring the existing banner poles as part of the hire agreement has to provide a copy of their current insurance documentation ensuring that any damage caused by their banners is the responsibility of the hirer. The inclusion of the indemnity clause is just reiterating this fact.

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

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.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There is no cost to Council at this stage of the review.

VOTING REQUIREMENTS:

Simple Majority

**POLICY NO CB05
BANNER INFRASTRUCTURE HIRE
POLICY**

DEPARTMENT:	Community Services
RESPONSIBLE OFFICER:	Community Services Manager
LINK TO STRATEGIC PLAN:	Create an informed and involved community by developing channels of communication.
STATUTORY AUTHORITY:	N/A
OBJECTIVE:	To set procedures for booking Council's banner <i>infrastructure</i> situated along Cecilia Street, St Helens and Main Street, St Marys to ensure recommended banner design, <i>sizing</i> , construction and message content is followed.
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 23 April 2014 – Minute No 04/14.13.10.103 Amended 16 April 2018 – Minute No 04/18.14.3.93 Amended

POLICY

1. PROCEDURES

The Policy and Guidelines gives definition to the banner *infrastructure* and banners. It deals with the management of generic banners, design specifications, content, sponsorship guidelines, message guidelines and banner pole bookings. It also prescribes associated fees and charges for pole hire.

2. DEFINITION

- a. Banner refers to a sign bearing a design, slogan or message.
- b. Banner ***infrastructure*** refers to specifically erected poles in St Helens and St Marys that are the property of the Break O'Day Council and are used for the purpose of displaying banners ***as well as the across street banner in Cecilia Street, St Helens.***
- c. The hire fee is the fee that Council charges for the use of all banner poles. This fee includes hire of the pole, erection and removal costs of banners. The hire fee is reviewed annually and included in Council's Fees and Charges.

3. GENERIC BANNERS

Generic banners will add colour and vibrancy to the streetscape and also enhance St Helens' and St Marys' attractiveness.

4. BANNER SPECIFICATIONS

Banner Single Pole dimensions are 1800mm x 590mm – St Helens x 8
Banner Single Pole dimensions are 1700mm x 800 mm – St Marys x 4
Cecilia Street Banner -

1. **The maximum size of a banner can be 7m wide by 1m high**

2. The top rope must be 12mm diameter polypropylene and the bottom rope must be 8mm polypropylene
3. Free ends of ropes must be at least 1.5m long for tying to rigging.
4. Ropes must be in good condition and checked for strength before the banner is handed over to Council for hoisting. The top rope can be stronger than specified in (2) above but the bottom rope must be as shown.
5. Banner as handed to Council with ropes attached must weigh no more than 15 kg.
6. Banner material must be strong enough to avoid pieces of hazardous size breaking off in the wind, for the duration of its display period. Principle hazards will relate to uses of the street by vehicles and pedestrians and it will not be acceptable for all or part of a display to impede safe movement of traffic. However all matters relating to possible pollution of the surrounding environment must be considered and mitigated.
7. Where the selected material is impervious to air flow, stability vents shall be provided. Vents shall be self-opening, with an open area of approx. 8500 mm² per square metre of banner, divided equally between locations near the top and bottom ropes, and spread evenly on the width. Spacing's must be close enough to give stability without creating a failure of material under load.

- Banner material used will depend on the life expectancy of the banner. However It is recommended that a high quality standard or premium vinyl, of 740-750 gsm weight, that is tear and crack resistant and suitable for use in extreme conditions (for example -20° to +70°) be used for best results;
 - Reinforced side hems;
 - Pre-cut and reinforced eyelet holes at pocket hem;
 - The hems will be stitched, with polyester thread, or welded;
 - Protective coating recommended for longevity easy clean surface of banner eg. heat activated liquid lamination.
- b. Previously used banners must be clean and free of fading, rips or tears. Banners more than three (3) years old will not be hung until inspected and approval given by Council's designated staff member.
- c. One-off banner pole bookings need not heed the last point at Clause 4 b of this guideline, although it is highly recommended.

5. BANNER DESIGN

- a. A banner design must accompany all applications for banner pole hire.
- b. Banner designs must be approved by Council's Community Services department prior to banner construction. Pre-approved banners need not be resubmitted for approval provided no changes to the banner design have been made. Display of pre-used banners is subject to clause 4 c above.
- c. Banner design should adhere to the following criteria:
 - The banner design proof submitted to Council for approval is to be provided in full colour and be a true representation of the proposed banner;
 - Artwork for approval can be submitted either in hard copy form as a high quality colour, laser print or provided electronically as a PDF or similar file;
 - Banner colours should complement the event or message being promoted;
 - It is recommended that banners be presented with the message printed on both sides. This will maximise the message and capitalise on traffic flows from both

direction.

- d. Submission of a banner design proof does not imply immediate acceptance by Council of the proposed design. Booking applications will be notified within seven (7) working days of approval, required amendments or refusal.
- e. Acceptance of banner design will be at the discretion of Break O'Day Council's Community Services Manager.

6. SPONSORSHIP CONTENT ON BANNERS

Banners portraying the names of event sponsors are permitted under these Guidelines but must adhere to the following criteria:

- a. The primary purpose of the banner is to promote the activity, event or festival for which the banner pole has been booked.
- b. Where it is proposed to include sponsorship acknowledgment on the banner the following will apply:
 - Sponsorship acknowledgement will be confined to a maximum of 20% of the banner;
 - Sponsorship acknowledgement will not dominate the message the banner is being used for.
- c. Council reserves the right not to allow acknowledgement of sponsor(s).

7. BANNER MESSAGE GUIDELINES

- a. The message on the banner ***infrastructure*** must relate to an event or activity that promotes cultural, sporting, special events and community service announcements which are relevant to the Break O'Day Municipality.
- b. Banners must not display any potentially offensive message or image and must not be seen to be politically or religiously biased.
- c. Advertising messages must comply with Australian Advertising Standards.

8. BANNER BOOKING PROCESS

- a. Bookings for Banner ***infrastructure*** Hire must be submitted on a Break O'Day Council Application form and received by Council no less than fourteen (14) days prior to the requested hire period. These forms are available by contacting Council or downloading from Council's website www.bodc.tas.gov.au.
- b. Bookings will generally only be taken by Council up to a maximum of 12 months in advance of the intended booking dates.
- c. Preference will be given to bookings of one month's duration. Periods less than this could incur additional charges.
- d. All effort will be made to ensure banners are erected on the banner ***infrastructure*** booked. However, Council reserves the right to use alternative poles where Council deems it necessary.
- e. The maximum length of hire will be one (1) month. Extensions will be considered upon merit and in consideration of any other potential hirer.
- f. Banners must be delivered to Council at least five (5) working days prior to erecting.

- g. Approval of different designs requesting to be hung simultaneously will be at the discretion of the Council and will be dependent on the designs and messages being complementary.

9. ALLOCATION GUIDELINES

- a. Whilst all effort will be made to ensure applicants receive the banner ***infrastructure*** requested, Council reserves the right to make the final decision on acceptance of banner booking, location of a banner and the banner period of hire.
- b. Every endeavour will be made by Council to erect banners within three (3) working days of the specified banner pole booking and removal within five (5) working days after the specified banner pole booking.

10. HIRE FEES AND CHARGES

- a. Hire fees will be charged as per Council's adopted Schedule of Fees & Charges.
- b. Payments for hire costs are due within seven (7) days of Council's confirmation of the booking. A tax invoice receipt will be forwarded within seven (7) working days of receipt of the payment. Applications to reduce, alter or waive the banner ***infrastructure*** hire fee should be directed to Council's General Manager. In the case of community organisations, should you consider your organisation may qualify for a reduction or waiver of these fees, a letter should accompany the application form explaining why you believe there are grounds for any amendment to the fees.

11. PUBLIC LIABILITY CERTIFICATE OF CURRENCY

Applications must be accompanied by a copy of the applicant's Public Liability Certificate of Currency. Minimum coverage is \$10M. Applications will not be processed without a copy of this document.

Break O'Day Council does not accept any liability for damage to banners or property when the banner poles have been hired. If any damage occurs whilst an organisations's banners are on display, it will be the responsibility of the organisation/persons that hired the banner poles including the poles that allow banners to be displayed across Cecilia Street, St Helens. The organisation that is hiring the infrastructure will indemnify Council for any third party claim for loss or damage, including costs or expenses, in connection with the banner, except to the extent the loss or damage is caused or contributed to by the negligence of the council.

12. MONITORING AND REVIEW

This Policy will be reviewed every three 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	DISCUSSION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	004\011\005\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER’S RECOMMENDATION:

1. That Council approve the transfer of ownership of the following vehicles to the Department of Police, Fire and Emergency Management (DPFEM) which are currently owned by Break O’Day Council:
 - Canter Rigid Truck
 - Car trailer
 - Holden Rodeo Utility
 - Mario Box Trailer
2. That Council does not transfer the funds received through an insurance claim from a vehicle owned by Break O’Day Council which was used by the SES Unit, that was written off in the sum of \$9,541.82 (ex GST) to the Department of Police, Fire and Emergency Management (DPFEM).
3. That Council consider not entering into any further Memorandum of Understandings (MOU) once the current MOU expires on 30 June 2024.

INTRODUCTION:

In the past Council has provided vehicles to assist the local volunteer SES Units to undertake their duties in relation to road crash rescue and any other emergency events.

PREVIOUS COUNCIL CONSIDERATION:

Not applicable

OFFICER’S REPORT:

The Tasmanian Government are currently establishing a fit for future fire and emergency services agency with the current Fire Service Act under review. It is proposed that under a new Act – Fire and Emergency Services Act the Tasmania Fire Service (TFS) and the State Emergency Service (SES) will combine but still retain their own individual identities (Media Release - Premier Rockliff 24/1/23).

Council currently provides a truck, utility and two trailers for use by the local SES volunteer units – St Helens and St Marys. Both vehicles are of age and if Council was to continue to provide these vehicles and continue with the MOU – we may be asked to replace the truck and utility and fit out some so that they are fit for purpose. Council’s Policy AM15 – Asset Disposal does not provide for the transfer of an asset so therefore a decision of Council is required to transfer these assets to the relevant Government Department. Council staff’s understanding of the reforms is that Local Government will no longer fund SES on any level and any Local Government assets such as vehicles would transition across to the new agency ownership through the reform process. How that is meant to happen is unclear at this stage – hence our request to undertake this process now.

Not all 29 Councils provide the same financial assistance or in some cases, any level of assistance to their local SES Units. Break O’Day Council’s commitment to provide financial and asset assistance has been in place in excess of 20 years and not been reviewed in that time that we are aware of in regard to the support that Break O’Day Council provides. Break O’Day Council has committed to provide the sum of \$18,500 for the 2023 – 2024 period in line with the current MOU in place.

A few years ago, an SES volunteer was involved in a single vehicle accident with the vehicle being written off by our insurer. Council has now received a request from the Acting Northern Region Manager requesting Council to gift the funds received from the vehicle write off to their organisation. They have stated that if Council provides the funds, they will assist with the purchase of new vehicle once additional funds have been sourced. Under the current MOU –

“10. Through its fee for service arrangement with SES, the Council will provide for the operational and administration needs of the SES Unit.

All equipment (operational, rescue; vehicles, PPE) will be purchased, owned, operated, maintained and where required replaced by SES.”

Reading the above clause, it is our interpretation that the SES organisation are required to replace any vehicles not necessarily Council’s obligations under the MOU.

It is our understanding that the Northern Region of the State Emergency Service will contact Council staff in relation to entering into a new Memorandum of Understanding in the next few months to look at a funding model where Council will continue to fund the local unit as the existing MOU finishes on 30 June 2024. We believe that any negotiations should be put on hold until the funding of the new organisation has been determined by the State Government which will outline how they intend to fund this new agency.

LEGISLATION & POLICIES:

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

Goal

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.

STRATEGIC PLAN & ANNUAL PLAN:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

No extra funding has currently been budgeted for in the 2023 – 2024 budget to fund the additional request for \$9,541.82 (ex GST).

VOTING REQUIREMENTS:

Absolute Majority

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	038\004\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That in making this resolution, Council has considered all objections lodged against this lease and that Council under Section 178 of the *Local Government Act 1993* authorise the General Manager to lease part of Certificate of Title Volume 203723 Folio 5 being land situate in Elizabeth Street, Mangana for the purpose of the construction of a small cell mobile tower.

INTRODUCTION:

Council was successful in obtaining funding through the Black Summer Bushfire Recovery Fund and one of the projects that was successful was the installation of a small cell mobile tower at Mangana. Telstra have requested that they enter into a lease arrangement with Council on the land, which the small cell mobile tower is located.

PREVIOUS COUNCIL CONSIDERATION:

05/23.15.6.120 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That pursuant to Section 178 of the *Local Government Act 1993* the Council:

1. Gives notice of its intention to Lease part of Certificate of Title Volume 203723 Folio 5 being land situate in Elizabeth Street, Mangana for the purpose of the construction of a small cell mobile tower.
2. Authorise the General Manager to proceed with giving notification of this intention in accordance with the requirements of section 178 of the *Local Government Act 1993*.

OFFICER'S REPORT:

Council has received one (1) objection in regards to the lease of a parcel of land at Elizabeth Street, Mangana. The objection is not against the leasing of the land for the purpose of the small cell tower as such but in relation to 5G microwave transmission from the small cell tower.

"I am a resident of Mangana and would like to register my opposition to any installation of any microwave transmitting devices in the area. The reason is that they have been proven to cause adverse effects on bees and other important insect populations in areas where they have been installed. 5G millimetre wave technology was originally designed to control insects over large broad acre cropping in the US. By chance it was determined the same frequencies were effective for communications. Unfortunately, now, it is only the small out

of the way places that do not have 5G installed, such as Mangana that can still provide a refuge for our important insects.

I would urge you to do some research please before pushing this thing. If installed it will only advantage Telstra and not our community, and certainly not our wildlife.

Telstra already have plenty enough places to make money at the expense of our environment.”

Information provided in relation to the safety of small cells is that they are low powered radio transmitters for mobile phone services. Their small size makes them far more discreet. Telstra uses small cells to improve coverage, connectivity, and customer mobile experience without the need to build as many big mobile towers. Small cells are not new – they have been used in our cities and suburbs since the 2G era nearly 30 years ago.

Telstra further states:

“Small cell towers enhance mobile coverage in regional and rural areas. Telstra’s new 5G mmWave small cells use advanced antenna technology including beamforming to better direct signals to a user’s device while minimising interference from other users’ thereby achieving high upload and download data rates. This also helps to minimize EME levels.

Small cells use low power levels and are designed to comply with Australia’s mandatory EME safety standards, and our testing shows that EME levels near small cells are very low – far below EME safety limits, which themselves have a significant safety margin built in.”

The person who has lodged an objection against this proposal will be advised within seven days of Council’s decision as required under s178 (6)(b) of the Local Government Act 1993. They then have fourteen (14) days to lodge an appeal against Council’s decision after receipt of same.

An appeal:

- must be made in accordance with the *Resource Management and Planning Appeal Tribunal Act 1993*.
- may only be made on the ground that the decision of the Council is not in the public interest in that –
 - The community may suffer undue hardship due to the loss of access to and the use of, the public land; or
 - There is no similar facility available to the users of that facility.

LEGISLATION & POLICIES:

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

Goal

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.

STRATEGIC PLAN & ANNUAL PLAN:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The cost of this project is funded through the Black Summer Bushfire Recovery Fund. There will be costs associated with this process under S.178 but under the proposed lease arrangement with Telstra Limited – there are funds to cover these costs.

VOTING REQUIREMENTS:

Simple Majority

07/23.16.0 DEVELOPMENT SERVICES

07/23.16.1 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 matters 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. Completed joint response in consultation with Regional Planners Group in relation to Tasmanian Planning Policies;
2. Ongoing Testing and Collation of feedback to State Government Department regarding implementation of Plan Build;
3. Ongoing consultation phase for new proposed Strata Titles Policy;

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		2	7	9	44	
Permitted	1	1	6	5	7	2	3	5	1		3		34	
Discretionary	17	22	5	13	11	13	15	10	10	9	14	15	154	
Amendment	3	1	3	2	1	2	1		1	1	2	3	20	
Strata	1				1		1		1		1	2	7	
Final Plan	1	6		1	2	1	2	1	2	1		2	19	
Adhesion					2						1		3	
Petition to Amend Sealed Plan			1		2								3	
Boundary Rectification														
Exemption														
Total applications	28	33	17	23	30	22	24	20	15	13	28	31	284	326

Ave Days to Approve Nett *														
	43.7	33.66	21.41	27.26	36.03	29.9	46.16	25.35	34.46	35	25.78	26.2	32.04	

* Calculated as Monthly Combined Nett Days to Approve/Total Applications

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

June 2023

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
159-2020 AMEND 2	St Helens	Consolidate Lots 31 & 32 - Include Lot 42 in stage 2	S56	25	25
084-2023	Scamander	Dwelling, Garage & Shed	S57	40	34
088-2023	St Helens	Construction of a Shed	S57	42	42
102-2023	Binalong Bay	Demolition of Shed, New Dwelling & Shed with Amenities	S57	33	33
151-2021 STRATA	St Helens	Staged Strata Development	STRATA	165	13
064-2022	Mathinna	Dwelling & Legalisation of Outbuildings & Demolition	S57	43	42
094-2023	St Helens	Dwelling Alteration & Additions	NPR	1	0
082-2023	Fingal	Construction of Garage	NPR	1	0
111-2023	Scamander	Construction of Roof Over Existing Deck	NPR	15	10
310-2021	Fingal	Boundary Adjustment	S57	592	39
050-2023	Stieglitz	Demolish Shed & New Shed	NPR	82	68
046-2023 AMEND	Cornwall	Change in Setbacks to Adjoining Properties	S56	5	5
123-2023	St Helens	Alteration to Entrance and Internal Alterations	NPR	1	0
043-2019 STRATA 4	Falmouth	Staged Strata Development - Final Stage	STRATA	26	26
115-2023	Scamander	Shed/Carport	NPR	30	1
303-2022	Stieglitz	Dwelling Additions & Alterations, New Deck & Shed	S57	194	35
035-2023	St Helens	Dwellings x 2	S57	43	42
114-2023	Fingal	2 x Shipping Containers	NPR	22	0
133-2023	Fingal	Demolition of Shed & Construction of Shed and Carport	NPR	1	0
016-2023	Fingal	Additional Use for Visitor Accommodation	S57	36	35

291-2022	Binalong Bay	Demolition of a Shed and Construction of an Outbuilding with Amenities and Retaining Walls	S57	197	48
065-2023	Beaumaris	Construction of a New Shed & Retaining Wall	S57	44	43
073-2023	Fingal	Shed	S57	43	42
112-2023	Beaumaris	Construction of Outbuilding and Retrospective Approval of Compost Toilet	S57	40	32
106-2022 AMEND	Akaroa	Minor Amendment to Approved Plans, Dwelling	S56	1	1
118-2023	Scamander	Construction of Shed	S57	37	31
087-2022 FINAL	St Helens	Final Plan of Survey - 4 Lot Subdivision	FINAL	105	34
270-2021 FINAL	St Helens	Final Plan of Survey - 3 Lot Subdivision	FINAL	35	35
315-2022	Binalong Bay	Additional Use for Visitor Accommodation	S57	44	44
059-2023	Stieglitz	Dwelling Addition & Shed	S57	80	43
139-2023	Stieglitz	Retrospective Approval of Dwelling Addition & Alteration	NPR	8	8

TOTAL 31

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
New Lighting Towers	St Helens Sports Complex – Football Oval	Lights now operational, final adjustments still to be completed.
Marine Rescue Additions	St Helens Foreshore	Completed May 2023

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

Description	Location	Updates
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.
St Marys Waste Transfer Station Additions	St Marys Waste Transfer Station	<ul style="list-style-type: none"> • Nearing Completion; • Final earthworks to be completed.
New Solar Panels & Heating Improvements	St Marys Community Hall	<ul style="list-style-type: none"> • Re-roofing now completed
Sports Floor Replacement & New Backboard	Bendigo Bank Community Stadium	<ul style="list-style-type: none"> • Insurance Claim approved; • Backboard now replaced; • Flooring contractor booked to commence in October 2023.
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> • Repainting identified as priority which has now commenced.

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

Description	Location	Updates
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.

Building Services Approvals Report June 2023

No.	BA No.	Town	Development	Value
1.	2019 / 00043 - LOT 8	Falmouth	Legalisation - Visitor Accommodation	\$96,000.00
2.	2022 / 00248	The Gardens	New Dwelling/Visitor Accommodation & deck	\$110,000.00
3.	2020 / 00227 - AMEND	Akaroa	Amendment to size of deck	N/A
4.	2022 / 00258	St Marys	New Shed	\$28,000.00
5.	2022 / 00295	Scamander	Retrospective Deck & Alterations (Café)	\$100,000.00
6.	2019 / 00043 - LOT 2	Falmouth	New Visitor Accommodation & Deck	\$500,000.00
7.	2023 / 00074	Seymour	New Shed with Veranda	\$43,000.00
8.	2023 / 00060	St Helens	Demolition & New Shed	\$40,000.00
9.	2022 / 00308	St Helens	New Dwelling (x2)	\$463,000.00
10.	2021 / 00272	St Helens	New Visitor Accommodation	\$362,000.00
11.	2023 / 00099	St Helens	Demolition & New Shed	\$17,000.00
12.	2021 / 00033	Seymour	New Telecommunications Tower	\$285,000.00
13.	2022 / 00274	Beaumaris	New - Deck Addition	\$35,000.00
14.	2019 / 00098 - AMEND	St Marys	Amended for solar panels & changes to windows & staircase (Dwelling)	N/A
15.	2021 / 00069	St Marys	Legalisation - Shed	\$26,500.00
16.	2023 / 124	Falmouth	Plumbing only – Onsite wastewater upgrade (Dwelling)	N/A
17.	2022 / 298	St Helens	Plumbing only – amended plumbing approval x 2 (Unit 1 and Unit 2)	N/A
18.	2023 / 134	St Helens	Plumbing only – amenities in existing shed	N/A

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2021/2022	2022/2023
	\$24,450,540.00	\$32,305,743.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2022	2023
	June	\$1,024,000.00	\$2,105,500.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2021/2022	2022/2023
	June	173	198

ENVIRONMENTAL REPORT

Description	Updates
Community Awareness and Engagement	Organising of the annual <i>Irapuna Community Weekend</i> during August is well underway. This year, the event is part of National Science Week 2023 and has received a community engagement grant from Inspiring Australia. Around 150 volunteers are expected to help clean-up 60km of coastline on the five walks organised by Wildcare Friends of Irapuna Coast. Council is one of the supporting partners, along with PWS, Tasmanian Walking Company, Tasmanian Aboriginal Land Council, Life's and Adventure, NRM North, and Friends of Eddystone Point Lighthouse.
Cat Management	With recent changes to legislation, concern for cat management continues to grow state-wide, regionally and locally. A recent information session by Landcare Tasmania highlighted the impacts of cats on the environment and graziers and best practice for effective trapping. Unfortunately, RSPCA Tasmania - a key partner for Council in a population control trial in Break O'Day - has been too busy with cat colonies elsewhere to join piloting the initiative. Opportunities for this and other population management actions will continue to be developed in Break O'Day.
St Marys Flood Warning System	Council's rain gauge station at St Patricks Head recently stopped transmitting data to the Bureau of Meteorology and the flood alerts system. Substantial rain at the time was monitored by the rain gauge at Gray and did not reach the first 'moderate flood' alert level. St Patricks Head station has now been repaired.
Scamander Coastal Hazards and Flood Risks project	A Funding Agreement for this project is with the Australian Government's <i>Coastal and Estuarine Risk Mitigation Program</i> for approval. Arrival of the funding will enable work to begin on recruiting specialist services and engaging the community and stakeholders in the project.

Recreational Water Quality

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

Water sampling results over the 2022-23 season indicated conditions at the ten waters monitored were safe for swimming according to the Tasmanian Recreational Water Quality Guidelines. All natural waters may be subject to local poorer water quality from time to time due to weather or other conditions.

Immunisations

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

MONTH	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 6 July 2022

Current Year	Previous Year
YTD 2022/2023	YTD 2021/2022
79	40

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Environment

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

Strategies

- 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	DISCUSSION/DECISION
PROPONENT	NRM Facilitator
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	017\010\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That Council support new and existing environmental volunteers in the Break O'Day community to attend the *Tasmanian Community Landcare Conference 2023* by providing ticket bursaries with Landcare Tasmania to the value of \$1040 and that recipients be determined by the General Manager.

INTRODUCTION:

Landcare Tasmania is seeking sponsors for its biennial Tasmanian Community Landcare Conference.

PREVIOUS COUNCIL CONSIDERATION:

Council discussed sponsoring attendees at the Tasmanian Community Landcare Conference through ticket bursaries at its July Workshop.

OFFICER'S REPORT:

Landcare Tasmania has invited ticket bursaries to sponsor people to attend the *Tasmanian Community Landcare Conference* at Triabunna on 13 to 15 October. Bursaries aim to help volunteers who might not otherwise be able to afford to participate in the three-day conference.

Supporting Break O'Day environment and Landcare volunteers to attend the Conference will help them gain Landcare knowledge, experience and contacts from around the state and bring this knowledge back to their communities. Both Council's Strategic Plan and the Break O'Day Environment and NRM Strategy recognise the importance of the contributions the community make to caring for the natural environment and the need to support that shared responsibility.

Break O'Day Council support is proposed for:

- A total sponsorship amount of \$1040, sufficient to cover the full cost of two places, or half the cost of two and full cost of one.
- Environment and Landcare volunteers from Break O'Day.
- To encourage, firstly residents who's environmental volunteering activity is new, novel or just developing in their local community, and secondly to support our many existing local environment and Landcare groups to have a member attend the conference.

The cost of accommodation (Friday and Saturday night) for bursary recipients is not included. The support of sponsors will be acknowledged with display of their logo at the Conference.

Landcare Tasmania will promote and collect applications for conference ticket bursaries that have been sponsored and then ask sponsors to select recipients of their bursaries. Selection of recipients of Break O’Day Council bursaries will likely occur within a short timeframe and would be against the criteria (above). Depending on timing, Council’s NRM Committee will be asked to provide input, but the decision on recipients rest with the General Manager.

Following the Conference, what bursary recipients will bring back to Break O’Day can be followed-up with them, to extend the benefits to other environment and Landcare volunteers across the municipality.

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Environment

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

Strategies

- 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.
- Undertake and support activities, which restore, protect and access the natural environment, which enables us to care for, celebrate and enjoy it.

2023-2024 Break O’Day Council Annual Plan

Key Focus Area:

3.3.1 Land and Water Management - Develop and implement strategies and activities that prevent land degradation and improve water quality within our rivers, estuaries and coastal areas.

Actions

2.3.1.1 Land Water Management Activities

Secure financial and human resources for projects to repair land, water and coastal resources and safeguard their health and productivity.

LEGISLATION & POLICIES:

Nil

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

The sponsorship will be provided through Council’s 2023-2024 budget allocation for Community Grants and Contributions for Community Education and Engagement in the environment and natural resource management.

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION/DISCUSSION
PROPONENT	NRM Special Committee
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	010\028\003\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Meeting Minutes - NRM Special Committee – 6 June 2023

OFFICER'S RECOMMENDATION:

That Council receive the Minutes of the NRM Committee Meeting held on 6 June 2023 and consider any matters for further Council attention.

INTRODUCTION:

The Break O'Day NRM Special Committee met on 6 June 2023 at the Child and Family Learning Centre, St Helens.

PREVIOUS COUNCIL CONSIDERATION:**04/23.16.2.97 Moved: Clr L Johnstone/ Seconded: Clr K Wright**

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.

CARRIED UNANIMOUSLY**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**OFFICER'S REPORT:**

Minutes from the NRM Committee's recent June 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.

Current outstanding NRM Committee actions

	Item	Status
<i>4 August 2020</i>		
6.2.1	Seek to fill remaining community, education and forest industry representative vacancies on Council's NRM Committee	Continue for remaining vacancies.

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Environment

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

Strategy

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

Tuesday 6 June 2023

Postponed from 23/05/2023

BREAK O'DAY CHILD & FAMILY LEARNING CENTRE

Meeting room, 1 Groom St. St Helens

1:00 – 3:30 pm

1 Attendance

Present:

Clr Kylie Wright (Break O'Day Council); Clr Liz Johnstone (Break O'Day Council); Clr Ian Carter (Break O'Day Council); Howard Jones (Community Representative); Anne Bennet (Education sector); Tim Rhodes (Agriculture Industry).

And guest, Cameron Mead (angasi oyster discussion).

Meeting was chaired by Clr. Liz Johnstone

Apologies:

Janet Drummond (Break O'Day Council - Chair); Todd Dudley (NE Bioregional Network); Dom Neyland (Parks and Wildlife Service);

Meeting note taking: Polly Buchhorn, NRM Facilitator.

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

Howard Jones acknowledged and thanked Dom Neyland and the Parks and Wildlife Service for Dom's efforts in leading the Committee's field trip to look at Off Road Vehicle issues at St Helens Point. And this was endorsed by other members.

2.1.2 Decision: That the Minutes of the Meeting held on Tuesday 7 March 2023 at Break O'Day Council Chambers are confirmed.

Moved: Tim Rhodes

Seconded: Anne Bennet

Carried

3 Declaration of interest of a member or close associate

The NRM Facilitator reminded Committee members of the need to review the Agenda and declare any interests they have in decisions the Committee is making to take action or provide advice or recommendations to Council.

Nil to declare.

4 Business arising from the previous meeting

4.1 Committee Membership

Anne Bennet was welcomed to her first meeting as the appointed Education sector representative for the Break O'Day Council NRM Special Committee.

4.2 Council plans for NRM Activity 2023-2024

Members noted the priorities for NRM activity in 2023-2024 was passed on to Council at Council's April meeting.

Howard Jones suggested the 'Catchment, stream and water quality management' priority should name up the 'South Esk and catchments', not just the George catchment and bay. The coastal catchments are another significant part of the priority.

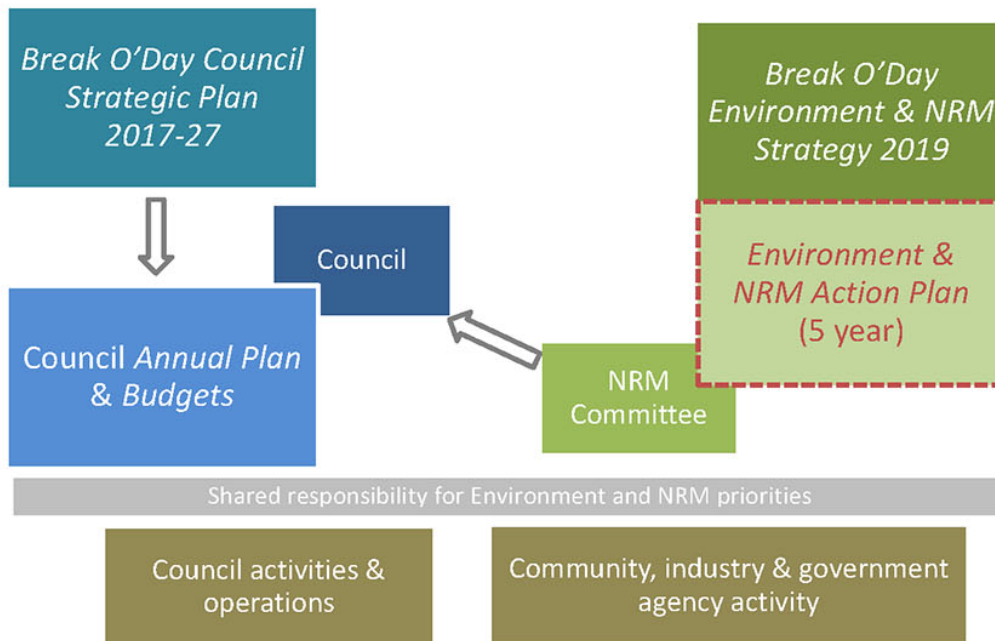
Ian Carter noted that weed problems are a common issue in Township Plans, which were recently updated by communities and Council. Weed management is clearly a significant issue for township communities and deserves a higher level of attention and activity. Strategic weed management in towns was discussed briefly.

Ian Carter also asked about the Scamander River mouth coastal and flood hazards project. The NRM Facilitator gave a rough outline of the project and reported we were waiting for a draft Grant Deed to arrive, via the SES, from the Australian Government and its Coastal and Estuarine Risk Mitigation Program.

4.3 Review of the Break O'Day Environment and NRM Action Plan 2018-2023

The Committee began to review and update the *Environment and NRM Action Plan 2018-2023*.

The NRM Facilitator provided some background on the five year Environment and NRM Action Plan and its medium-term priority actions for implementation.



Besides the longer-term Environment and NRM Strategy 2019, municipal Strategic Plan (revised in 2017) and Council's Annual Plans and budgets, the new Action Plan should also reference the recently revised northern regional *NRM Strategy 2023*.

The priority actions in this regional strategy are likely to be attract regional NRM investment by the Australian Government over the five years from 2023/24. While that investment is still uncertain, there is a large number of regional priorities relevant to Break O'Day.

Committee members workshopped and mapped the priority actions in the regional *NRM Strategy 2023* relevant to Break O'Day, across the Aims and Strategies of the current Break O'Day NRM Action Plan.

- A large number of regional actions for threatened flora, fauna and vegetation communities, align with Flora & Fauna Conservation and Threatened Biodiversity strategies in the Action plan (1.3.2)
- There are limited regional priority actions directly relating to Land and Soil and Biosecurity (1.1 & 1.2) aims in the Break O'Day Action Plan
- The 'North East corner of Tasmania' regional biodiversity action relates to a range of local priorities and may offer flexible opportunities
- The 'George catchment' is a specific water focused regional priority (the Esk catchment and riparian vegetation are others)
- There are several marine and coastal regional priorities, including for sea grass, Dianas basin and native angasi oysters.

- The local strategic issues for 'Our Use' (Natural Hazards & Risks, Access and Awareness) all relate to some or parts of some regional priorities, including 'Healthy Country' for Aboriginal NRM.
- The Committee identified Citizen Science as an opportunity across two local issues: Shared Responsibility and Recourses for Implementation.

The Committee will develop this work further at future meetings, to review and extend the NRM Action Plan.

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 community, and forest industry representative vacancies on Council's NRM Committee.	Continue for remaining vacancies.
7 March 2023		
4.1	Nomination of new Committee Member to be appointed representing the education sector.	Completed
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. And urges Council to increase further its resources for weed management and animal control (dog and cat management) in 2023-2024.	Completed

6 Issues

6.1 Georges Bay native angasi (*Ostrea angasi*) oyster reefs

The Committee was joined by Mead to share his knowledge in a general discussion of Georges Bay's wild native flat oysters and reefs. Cam has in the past participated in the commercial and regulated native flat oyster fishery in the Bay and also volunteers locally with *Fishcare*. The NRM Facilitator noted he had also discussed angasi oysters with Alan Flintoff, who is proxy aquaculture representative active in the Bay since the 1980s, including harvesting and management of the angasi oyster beds.

The Committee discussed the Bay's angasi oyster reefs at length, firstly by viewing a video by [The Nature Conservancy Australia](#), some of which featured in recent media stories on reef restoration work in Tasmania, which highlighted Georges Bay:

"The reefs were once a dominant feature of southern Australia's coastline but the one near the fishing port of St Helens is one of the only known natural shellfish reefs still in existence." (ABC Rural 17 May 2023)

Some of the points made in the discussion include

- That Georges Bay may be one of the last places where remnants of the original and heavily fished native angasi oyster reefs. However the discussion did not have data or information at hand on the original extents or the Bay holding a last remnant of them, at state or national level
- Commercial harvesting continues today by divers under two licensed annual quotas under existing commercial fisheries sustainability regimes. Stocks are managed with a survey and report by the Institute of Marine and Antarctic Studies every three years (the last in 2021) to inform take quotas of about 10% of shellfish biomass. The condition of the wild stocks and supply to markets fluctuates
- There is no information about recreational harvesting, if any or much
- The remaining native angasi oyster 'reefs' tend to occur in quite deep water and where tidal currents are strong
- They form deep 'reefs' of oysters in part due to the larvae of *Ostrea angasi* not dispersing far in the water column and currents as other shellfish often do. Spat (with shell already forming) are released by parents and settle close by on available firm substrates (other oysters). This short dispersal means new reef sites are unlikely to develop and healthy existing reefs are important.
- The seagrass beds of Georges Bay are the cornerstone of its marine ecosystem.

The discussion concluded the Bay's angasi oyster reefs

- may be significant remnants of original reefs that once were common in Australia
- likely contribute significant ecosystem services including water quality, marine habitat and the Bay's recreational and commercial fisheries
- possible management issues are moorings/anchoring, education and conservation strategies, such as new and extended reefs.

The Committee would continue to explore the condition, significance and issues for the Georges Bay native angasi oyster reefs.

6.2 NRM North Association Group 'A' Representation

The Committee considered delegates representing Break O'Day as 'Group A' members of the Northern Tasmanian NRM Association (NRM North), for their AGM later in 2023.

6.2.1 Motion: Liz Johnstone represent Break O'Day Council and Howard Jones represent Break O'Day Council NRM Committee, in the Northern Tasmanian NRM Association.

Moved: Kylie Wright Seconded: Anne Bennet Carried

6.3 Dog Management – Shorebirds and Migratory Birds

The Committee noted that the Break O'Day Council Dog Management Policy is being included in Council's annual plan for review during 2023/24. Members had no further reports or issue to raise.

6.4 Weed Management Activity report

The report on weed control, management activity and projects since the previous meeting was noted.

6.5 Break O'Day Native Plant lists

The two native plant lists for Break O'Day – *Break O'Day Plant Species list* (NRM North/USN) and *Native Plants of the Break O'Day Municipality* (NRM North) – and their availability was not discussed and will be raised again at a later meeting.

7 NRM staff update

The NRM Facilitators report was noted.

Ian Carter asked, regarding working students of the *Hands on Learning* at St Helens school with environmental activities, that opportunities to support students at St Marys school also be sought.

8 Committee Members update and other business

8.1 Water Quality in Break O'Day River

Howard Jones intended to seek more information from Taswater regarding discharge of waste water from the St Marys sewage treatment plant (STP) into the Break O'Day River.

He feels their response so far has been inadequate as it didn't provide information for the recent period of discharges. And the Permit for the STP allowed for 190KL per day to be discharged. Howard would report back to the Committee.

9 Next meeting dates

The Committee discussed and agreed to retain the future meeting dates it previously set unchanged.

The NRM Facilitator would organise for a 'field trip' at the next meeting - at Scamander River mouth to inform the Committee about the *Scamander River Coastal Hazards Risk Mitigation and Pathways Planning* project.

Current next meeting dates for 2023 are

- September 5 2023
- December 5 2023

(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.)

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:**

28.06.2023	Launceston	– St Helens MTB Network, meeting with George Town Council and the organisers of Dragon Trail to discuss the potential for a larger north-east Tasmania MTB event across multiple networks in the region.
29.06.2023	Hobart	– Regional Jobs Hub, meeting with Jobs Tasmania Director and Program Manager to discuss Governance arrangements and the load on Boards operating Hubs. Discussion also covered off on reporting requirements under the Contract and the need to streamline information requirements.
30.06.2023	Hobart	– Local Government Association of Tasmania, General Meeting and Annual General Meeting
03.07.2023	St Helens	– Council Workshop

Meetings & Events Not Yet Attended:

13.07.2023	MS Teams	– Tasmanian Housing Strategy - Local Councils Action Plan Meeting involving Break O'Day, Dorset, Meander Valley, Northern Midlands, Glamorgan-Spring Bay, Southern Midlands, Central Highlands and Homes Tasmania
14.07.2023	MS Teams	– Regional Jobs Hub, Regional Jobs Hub Chair Meeting

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included Charlie di Francesco.

Communications Report – JULY 2023

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Sent out first week of May. Included stories on: <ul style="list-style-type: none"> • Fingal Youth Park • Future of Local Government Review • Irapuna Community Weekend • Weed of the Month • Works Report and more
Social Media	Community Events	When asked to promote material 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"> • Australian Navy Cadets • Online Access Centre – need for volunteers
	Government Events and Activities	Govt. Activities promoted including but not limited to: <ul style="list-style-type: none"> • Breast Cancer Bus • Government Services Remote Team visits • Shelly Point Camp ground closure – PWS
	Most engaged with post	PWs’ closure of Shelly Point Campground – Reach = 5682 Engagement = 1160
	Promotion of Council Activities	<ul style="list-style-type: none"> • Cup of Kindness • Future of Local Govt. activities • Fingal Youth Park engagement activities • Newsletter • Draft Township Plans and more
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	<ul style="list-style-type: none"> • The Survey data for the St Helens Pumptrack is being collated and is almost complete. • Tender documents for the Flagstaff Pumptrack are being developed.
	Fingal Youth Park	<ul style="list-style-type: none"> • Letter sent to adjoining property owners • Developed poster which was sent to the FVNHH and displayed at the House • We will be holding a community meeting • Sent advert to the Valley Voice • Survey developed as available online and in hardcopy • Facebook posts
	Future of Local Government Review	Working with consultant to develop collateral etc. Work to date includes: <ul style="list-style-type: none"> • Development of a survey

		<ul style="list-style-type: none"> • Development of promotional material • Emailing Community champions • Development of advert, radio script and media release • Facebook posts
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
202 Tully Street, St Helens	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
40 Beaulieu Street, St Helens Subdivision	Affixing Common Seal	Schedule of Easements	Number 21 – Miscellaneous Powers and Functions to the General Manager
38 Annie Street, St Helens	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
05.06.2023	337 Certificate	38 Talbot Street, Fingal	3201246
07.06.2023	337 Certificate	3/1 Vince Lane, Binalong Bay	3526788
07.06.2023	337 Certificate	289 Tasman Highway, Beaumaris	6791544
07.06.2023	337 Certificate	18-30 Gardiners Creek Road, St Marys	6402481
09.06.2023	337 Certificate	9/72 Tully Street, St Helens	9415387
09.06.2023	337 Certificate	7 Talbot Street, Fingal	6412524
14.06.2023	337 Certificate	8 Beaumaris Avenue, Beaumaris	6787211
14.06.2023	337 Certificate	37 Moriarty Road, Stieglitz	6784926
14.06.2023	337 Certificate	16 Seaview Avenue, Beaumaris	2503111
16.06.2023	337 Certificate	47 Talbot Street, Fingal	6412313
19.06.2026	337 Certificate	109 Scamander Avenue, Scamander	6784205
20.06.2023	337 Certificate	12 Young Street, St Helens	6796054
21.06.2023	337 Certificate	21 Scamander Avenue, Scamander	9283297
22.06.2023	337 Certificate	10 Canhams Road, St Helens	9420845
27.06.2023	337 Certificate	25693 Tasman Highway, St Helens	2713370
29.06.2023	337 Certificate	33 Beaulieu Street, St Helens	2701839
30.06.2023	337 Certificate	5 Main Street, St Marys	6404807

Tenders and Contracts Awarded:

Nil

LEGISLATION / STRATEGIC PLAN & POLICIES:

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

Goal

Services

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

Strategy

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

BUDGET AND FINANCIAL IMPLICATIONS:

Not applicable

VOTING REQUIREMENTS:

Simple Majority

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Break O’Day Council Submission to <i>Future of Local Government Review – Stage 2 Interim Report</i> (provided separately)

OFFICER’S RECOMMENDATION:

That Council endorse the submission on the *Future of Local Government Review – Stage 2 Interim Report* based on the feedback provided at the Council meeting.

INTRODUCTION:

The Future of Local Government Review entered the third phase of activity following the release by the Local Government Board of its *Stage 2 Interim Report* of the Review. Through discussions with Council over the last few months, Council’s approach in its submission to this report has been developed resulting in the attached draft Submission for consideration.

The formal consultation period on the Report is open until 2 August 2023 and the Submission will need to be finalised based on the comments from Council at the meeting.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshops, May 2023, June 2023, July 2023

Council Meeting – May 2023

Council Meeting – June 2023

- The General Manager advised the following:
 - That we have had two members of parliament who have now changed from Liberal to Independents and this may affect whether the process will be progressed or not. He now feels it is less than a 50/50 chance whether anything will go ahead.
 - We have received the information packs and noted that there are inaccuracies in data, broad assumptions and incorrect statements. In general, there was a lack of information for Councils to make decisions.
 - We have indicated a preference and said we need more information before a final decision is made.
 - The critical area is community engagement – the Board is not intending to do any sessions but our Executive Officer is developing a plan, which will come to the next workshop.

- The community engagement report will be included as an attachment to our submission. The Council submission will not be based on community feedback but it will be included with the submission.
 - Community engagement will be through a number of avenues and will also trying to capture those that live outside the Break O’Day area – including landowners, property owners and those that may be impacted by the changes such as those in neighbouring Council areas. We will be engaging outside support for this.
- Councillor LeFevre said it is important that we do our due diligence and it is logical that it will be based on where people work, play, go to school, shop etc.
 - Councillor Carter asked how do we have a conversation with Bicheno and Coles Bay as well to make sure we get their feedback. The General Manager said we are going to try to capture this through the online community engagement.
 - Councillor Oldham noted that it was mentioned with the boundary adjustment that we leave Weldborough out, he is of the view that we look as though we are weak if we give this area away.
 - Mayor Tucker said that we could be an example and work with Sorell and Glamorgan-Spring Bay to do a voluntary boundary adjustment as long as the State Government agrees to provide the funding to cover the transition.

COUNCIL DECISION:

06/23.17.3.159 Moved: Clr B LeFevre / Seconded: Clr V Oldham

That Council note the General Manager’s update on the Future of Local Government Review.

CARRIED UNANIMOUSLY

OFFICER’S REPORT:

The General Manager notes that Council will need to finalise its submission to the *Future of Local Government Review – Stage 2 Interim Report* at this Council meeting as there is no scheduled meeting or workshop between now and the closing date for submissions on 2 August 2023. Councillor’s comments and feedback will be taken on Board in finalising the Submission. The final version of the submission will be circulated to Councillors prior to lodging with the Local Government Board

It is also important to note that the current community engagement activities will not be finalised until just before the closing date for submissions. As discussed with Councillors previously, the approach being taken is to make reference to the engagement activities in our submission providing a brief summary of community views. The Engagement Report will be attached as an appendix to Council’s submission.

The Local Government Board provided an Information Pack, which outlined three (3) scenarios for consideration and pointed out that these scenarios are not the only options for reform.

Scenario 1 – *Establishing three new councils: A. the existing Break O’Day council area (potentially with Bicheno); B. a council encompassing George Town and Dorset, extending to incorporate Lebrina, and; C. retaining the current Flinders council*

Scenario 2 – Establishing two new councils comprising A. the ‘mainland’ portion of the Community Catchment and B. retaining the current Flinders council

Scenario 3 – Establishing a consolidated North-East council comprising the whole North-East Community Catchment, including Flinders Island

Response to the Stage 2 Interim Report

The Board in providing this information asked Councils and communities to consider four fundamental questions:

1. *What are the strengths?*
2. *What are the weaknesses or challenges?*
3. *Are there any adjustments that could be made to maximise the strengths and minimise the weaknesses?*
4. *Are there any other entirely different scenarios the Board should consider, which would still deliver against the Board’s criteria and structural reform principles?*

Council through its discussions at the Council Meetings and Workshops worked towards the development of a position in relation to a formal response to the *Stage 2 Interim Report*. From these discussions, the draft submission has been developed which:

1. Critiques the adequacy of the Foundations of Structural Reform and Criteria to Assess Proposals in the Stage 2 Interim Report
2. Demonstrates the connection to Dorset/George Town/Flinders as detailed in the North-East Community Catchment does not exist and is illogical
3. Argues for detailed consideration of an East Coast Council involving the Break O’Day and Glamorgan-Spring Bay area
4. Addresses community engagement

STRATEGIC PLAN & ANNUAL PLAN:

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

Achieving the Vision

Leadership/Ownership – Council Role

- We will be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
- We will make decisions for the greater good of Break O’Day by being accessible and listening to our community.

2023-2024 Break O’Day Council Annual Plan

Management Team Objectives – Local Government Reform

Local Government reform

Participate actively in the Future of Local Government Review process with a focus on achieving the best outcome for the Break O’Day area.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not quantified at this stage. Very substantial human resources were required to actively participate in the process.

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\002\008\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER’S RECOMMENDATION:

For discussion and consideration.

INTRODUCTION:

The Call for Motions has been advertised for the General Meeting of the Association to be held on 1 November 2023.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop 3 July 2023

The following items have been suggested by Councillors

- Resourcing levels of Parks and Wildlife Services and Crown Land Services are and how this is impacting on works which need to be completed.

OFFICER’S REPORT:

This call for motions is an opportunity for Council to discuss and consider any aspects of Local Government, which could be listed for debate/discussion at the General Meeting of LGAT on 1 November 2023.

Closing date for submissions to LGAT is Friday 28 July 2023.

STRATEGIC PLAN & ANNUAL PLAN:2023-2024 Break O’Day Council Annual PlanGoal

Corporate

Stakeholder Management

Local Government Association of Tasmania (LGAT) and Australian Local Government Association (ALGA)

Participate actively at the State and National level in Local Government matters including policy development.

LEGISLATION & POLICIES:

Nil

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There would be no financial implications for Council.

VOTING REQUIREMENTS:

Simple Majority

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	040\049\002\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Memorandum of Understanding 01 July 2023 – 30 June 2025

OFFICER’S RECOMMENDATION:

That Council endorse the Memorandum of Understanding with East Coast Tasmania Tourism for the period 1 July 2023 to 30 June 2025

INTRODUCTION:

In 2020, Council entered into a Memorandum of Understanding (MoU) with East Coast Tasmania Tourism (ECTT), which detailed the relationship expectations between the two organisations and underpinned the funding arrangements aligning them to the funding received through Tourism Tasmania. A new MoU has been developed which reflects the future focus of ECTT and details Council’s expectations for the next two years.

PREVIOUS COUNCIL CONSIDERATION:

Council Workshop July 2023

OFFICER’S REPORT:

Council makes a very significant contribution to the tourism sector through a variety of channels including East Coast Tasmanian Tourism financially and through the day-to-day activities of a number of Council officers. Council receives regular reports from ECTT on its activities and it is important that Council clearly articulate its expectations of the organisation in return for the funding support provided.

Council officers involved in Tourism activities have reviewed an initial draft of the MoU, which is an evolution of the first MoU to ensure that there is an alignment in priorities between ECTT and Council. The MoU is structured in Part I to reflect the focus of the ECTT Strategic Plan and the Strategic Goals which guides service delivery. Part II sets out the legal requirements of the MoU and Schedule 1 the funding arrangement and reporting schedule.

The General Manager draws Councillor’s attention to the contents of Schedule 2 in the MoU which focuses on the specific Break O’Day activities.

1. Events and activities – which includes support for events, promotion, and working with Council on key events.
2. Tourism 30 Strategy – ensuring that there is an alignment with the ECTT Strategy and that industry is well informed. Visitor information services forms part of this activity.

3. Destination Management & Local Action Planning – Development and implementation of destination management for the East Coast which includes local Destination Action Plans and business community engagement.
4. Industry development – skills development, training and support.
5. Organisational effectiveness – governance and representation on the Board from experienced and qualified Break O’Day located members.
6. Bay of Hires Master Plan.
7. Housing – working with Council and the State Government to address the shortage of housing for workers.
8. Employment and skills – linking into Break O’Day Employment Connect activities.
9. Experience infrastructure – supporting development of ideas, which increase the range of activities, and infrastructure for visitors to enjoy.

Following feedback from Councillors, the Memorandum of Understanding with East Coast Tasmania Tourism can be finalised.

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Economy

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

Strategies

- Create a positive brand, which draws on the attractiveness of the area and lifestyle to entice people and businesses’ to live and work in BOD.
- Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

Key Focus Area

Opportunities

Identify and realise opportunities that develop and support the Break O’Day economy in a sustainable manner.

Key Focus Area

Brand

Understand and communicate the unique characteristics and differences of our communities and the Break O’Day area to foster a sense of pride and authenticity.

2023-2024 Break O’Day Council Annual Plan

Marketing

Work with East Coast Tourism, Tourism agencies and Break O’Day Chamber of Commerce and Tourism to promote our area as a desirable tourism destination.

Visitor Information Provision

Work with ECTT to complete a review of the St Helens Visitor Information services having regard to the Review initiated by the Tasmanian Government.

Bay of Fires Master Plan

Support and participate in the process to develop a Master Plan for the Bay of Fires area, lobby for increased funding.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATION

Council provided \$60,000 to East Coast Tasmania Tourism in the 2023-2024 Council Budget.

VOTING REQUIREMENTS:

Simple Majority



Funding Agreement

Between

BREAK O'DAY COUNCIL

And

EAST COAST TASMANIA TOURISM INC

01 July 2023 – 30 June 2025

REGIONAL TOURISM FUNDING

THIS MEMORANDUM OF UNDERSTANDING is made **BETWEEN**

BREAK O'DAY COUNCIL, corporation established under the Local Government Act 1993 Tasmania.

AND

EAST COAST TASMANIA TOURISM INC (ABN 20 205 382 807) of PO Box 115, Bicheno, Tasmania, 7215

IT IS NOW AGREED

1. The purpose of this Memorandum of Understanding (MoU) and all schedules attached thereto is to define the services / outputs that will be delivered by East Coast Tasmania Tourism (ECTT) in return for specified funding by Break O'Day (BODC) Council.
2. This Agreement will apply for the period 01 July 2023 to 30 June 2025
3. The terms and conditions of funding, including details of reporting requirements and schedule of payments, are detailed in Schedules One to this Agreement.
4. BODC will provide funding to ECTT in return for the services/outputs that will be delivered by ECTT for the funded program as detailed in Part 1 and in Schedule 1 of this Agreement. ECTT will take sole responsibility for the expenditure of the funding provided under this Agreement and agrees it will fully implement the activities and further has agreed to be legally bound to carry out those activities and services for the funded Program throughout East Coast Tasmania as detailed in this Agreement unless otherwise agreed in writing.
5. BODC and ECTT acknowledge below their acceptance of the terms and conditions of this Agreement and the schedules attached thereto.

Signed on behalf of Break O'Day Council Name: Position: Signature: Date:	Signed for and on behalf of East Coast Tasmania Tourism Incorporated Name: Position: Signature: Date:
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PART I PROGRAM DESCRIPTION

This Memorandum of Understanding is based on a partnership to operate a Regional Tourism Organisation (RTO) for the East Coast Tasmania Region, validated by Strategic Planning Documents for East Coast Tasmania Tourism.

Schedule One of this agreement expands upon priority activity and measurement that relates to the below stakeholder benefits.

SERVICES TO BE DELIVERED BY East Coast Tasmania Tourism	KEY PERFORMANCE INDICATORS
<p><u>Core Operational Activities</u></p> <p>Operate a viable and sustainable regional tourism organisation to undertake the holistic development of tourism in the East Coast Tasmania region.</p> <p>Deliver stakeholder benefits to the tourism industry of the Break O’Day municipality:</p> <ul style="list-style-type: none"> Destination Management & Local Action Planning Destination Marketing Major Events Attraction, Leveraging & Support Investment Attraction Industry Development & Support Industry Advocacy & Recognition Organisational Effectiveness <p>Facilitate communication with BODC, Tourism Tasmania and wider industry on tourism issues and initiatives.</p>	<p>Effective delivery of projects defined within ECTT’s annual plan, according to defined performance measures.</p>
<p><u>STRATEGIC GOAL – Leadership</u></p> <p>Establish new and strengthen existing relationships, and instigate collaboration with local government, state agencies, community groups and businesses.</p> <ul style="list-style-type: none"> • Encourage social, environmental, cultural and economic wellbeing through the visitor economy • Embrace and pursue effective partnerships and collaboration • Infrastructure investment. CATALYST PROJECT: Great Eastern 	<p>The ECTT RTO is appropriately managed and governed in line with ASIC requirements, represented at key state industry forums and highly visible within the industry network on the East Coast.</p> <p>Annual reporting to all stakeholders on performance of; East Coast Tasmania as a destination, and ECTT as an organisation. Reports to be based on an analysis of the available market research relating to destination performance, and ECTT’s performance against Schedule One agreed activity</p>

3

<p>Drive journey and Coastal Path</p> <ul style="list-style-type: none"> • Invest in experience development to deepen the visitor offering aligned to positioning and pillars • Infrastructure Development 	
<p><u>STRATEGIC GOAL – Advocacy</u> Encourage social, environmental, cultural and economic wellbeing through the visitor economy</p> <ul style="list-style-type: none"> • Embrace and pursue effective partnerships and collaboration • Infrastructure investment CATALYST PROJECT: Great Eastern Drive journey and Coastal Path • Invest in experience development to deepen the visitor offering aligned to positioning and pillars • Infrastructure Development 	
<p><u>STRATEGIC GOAL – Industry Development</u> Engage deeply and frequently with tourism operators and provide second-to-none support through training, communication and the provision of opportunities for connection and mentoring.</p> <ul style="list-style-type: none"> • Embrace and pursue effective partnerships and collaboration • Invest in experience development to deepen the visitor offering aligned to positioning and pillars • Infrastructure Development 	<p>Businesses on the East Coast aligned with the visitor economy will be supported to be effectively run and viable, through collaboration, advice and training.</p>
<p><u>STRATEGIC GOAL – Destination & Product Development</u> Develop the diversity and quality of experiences and information available to visitors by facilitating industry experience development and investment. Work to encourage investment and attract sustainable, eco-friendly and high-end developments and experiences; ensuring the visitor footprint is minimal. Build a compelling case to live, work and invest on the East Coast.</p> <ul style="list-style-type: none"> • Embrace and pursue effective partnerships and collaboration • Invest in experience development to deepen the visitor offering aligned to positioning and pillars • Infrastructure investment CATALYST PROJECT: Great Eastern 	<p>Support industry to develop new and optimise existing visitor experience products that meet visitor expectations and align to the DMP and T21/Recovery plans</p>

4

Drive journey and Coastal Path	
<p><u>STRATEGIC GOAL – Marketing/Drive Visitation</u> Create a fresh brand and undertake a marketing mission across all platforms to position the East Coast as the number one nature-based adventure destination for a global audience.</p> <ul style="list-style-type: none"> • Strengthen the East Coast appeal as a destination - a year-round place to play, the uncrowded coastline and nature and culture abound • Embrace and pursue effective partnerships and collaboration 	Marketing activities will be equitable across the region, aligned with the statewide offer but tailored to the unique proposition of the East Coast with the view to increase the contact with consumers for increased regional dispersal and spend by visitors
<p><u>Positive Impact Plan</u> Develop and implement a Positive Impact Plan - work with community to establish a place brand which will then lead to better destination management planning aligned to community values not just tourism industry values of place.</p>	Positive Impact Plan instigated, completed, adopted by ECTT and progress with implementation (contingent on timing parameters and further funding sources).
<p><u>Aboriginal People</u> Engage with the Tasmanian Aboriginal community to have deeper understanding of opportunities for collaboration and development sensitively.</p>	
<p><u>Brand and marketing, including digital strategy</u></p> <ul style="list-style-type: none"> • Regional attributes resonate with the Tasmanian tourism brand. • Facilitate regional content that can be utilised in destination marketing. • Marketing and digital strategies are appropriate to identified market opportunities. 	

SERVICES TO BE DELIVERED BY East Coast Tasmania Tourism	KEY PERFORMANCE INDICATORS
<p><u>Core Operational Activities</u> Operate a viable and sustainable regional tourism organisation to undertake the holistic development of tourism in the East Coast Tasmania</p>	Annual reporting to all stakeholders on performance of; East Coast Tasmania as a destination, and ECTT as an organisation. Reports to be based on an

<p>region.</p> <p>Deliver stakeholder benefits to the tourism industry of the Break O’Day municipality:</p> <ul style="list-style-type: none"> Destination Management & Local Action Planning Destination Marketing Major Events Attraction, Leveraging & Support Investment Attraction Industry Development & Support Industry Advocacy & Recognition Organisational Effectiveness <p>Facilitate communication with BODC, Tourism Tasmania and wider industry on tourism issues and initiatives.</p>	<p>analysis of the available market research relating to destination performance, and ECTT’s performance against Schedule One agreed activity.</p> <p>Effective delivery of projects defined within ECTT’s annual plan, according to defined performance measures.</p> <p>Recognition initiatives such as quarterly high achiever awards issued to celebrate excellent Tourism operators See Schedule One for actions</p>
<p><u>Positive Impact Plan</u></p> <p>Develop and implement a Positive Impact Plan - work with community to establish a place brand which will then lead to better destination management planning aligned to community values not just tourism industry values of place.</p>	<p>See East Coast Positive Impact Plan for ECTT strategy that evolves the tourism planning approach to a more united and connected process to deliver positive impacts for community, culture and conservation alongside the visitor economy</p> <p>Create a fresh brand and undertake a marketing mission across all platforms to position the East Coast as the number one nature-based adventure destination for a global audience as well as an attractive all year round destination.</p> <p>Funding contingent on state gov investment First stage is place branding with councillors, with community of BODC to celebrate and protect the regions characteristics. Positive Impact Plan completed, adopted by ECTT and progress with implementation</p>
<p><u>Advocacy</u></p> <ul style="list-style-type: none"> • Advocate for East Coast tourism, ensuring that visitors to our region enjoy an excellent experience. • Work with partners to promote our destination and support our industry by providing operators with the tools and services they need to succeed. 	<p>Work closely with OCG, DSG and private investors in attracting investment to support new projects and address barriers. Provide leadership in solution-based projects such as providing affordable housing for workers, improving road conditions, improve telecommunications network.</p>

<ul style="list-style-type: none"> Engage with our community to ensure our industry is sustainable. 	Provide BODC with connection to T30 action planning information and initiatives
<p>Strategy</p> <ul style="list-style-type: none"> Implement partnership marketing strategies to raise profile of BODC region to visitors and strengthen the East Coast appeal as a destination - a year-round place to play, the uncrowded coastline and nature and culture abound. Ensure that the industry is well informed of and participates in strategic activities of Tourism Tasmania such as T30 	<p>Marketing activities will be equitable across the region, aligned with the statewide offer but tailored to the unique proposition of the East Coast with the view to increase the contact with consumers for increased regional dispersal and spend by visitors</p> <p>Provide BODC with connection to T30 action planning information and initiatives.</p>
Social media management to raise profile of BODC region to visitors.	Equal representation on all ECTT social media channels highlighting tourism experiences and operators.
<p>Aboriginal People</p> <p>Engage with the Tasmanian Aboriginal community to have deeper understanding of opportunities for collaboration and development sensitively.</p>	
SERVICES TO BE DELIVERED BREAK O' DAY COUNCIL	KEY PERFORMANCE INDICATORS
General Managers to work with ECTT to facilitate the above activities.	<ol style="list-style-type: none"> Participation in quarterly Local tourism leadership forums Regular meetings to discuss projects requiring collaboration

PART II TERMS & CONDITIONS

1. SCOPE OF THE AGREEMENT

- 1.1 In consideration of the continuing performance by ECTT of its obligations under this Agreement, and subject BODC being satisfied that the ECTT has complied with its obligations under this Agreement and that funding is being expended in accordance with this Agreement and the schedules attached thereto, BODC shall make payments as prescribed in Schedule One to this Agreement.
- 1.2 Objectives and scope of cooperation include, but are not limited to, the following:
- 1.2.1 Facilitate the work of the Regional Tourism Organisation as defined by the Strategic Plan for East Coast Tasmania
- 1.3 This Partnership Agreement does not affect or override any Agreements currently in existence with BODC.

2. REQUIREMENTS

- 2.1 The following requirements are associated with the use of allocated funds:

2.1.1 Bi-annual stakeholder reports provided to BODC outlining:

Destination Performance

- Visitation measures (visitor numbers, average length of stay & daily expenditure)
- Market conditions
- Anecdotal feedback from industry and visitors as relevant

ECTT Organisation Performance

- Destination Management & Local Action Planning
- Destination Marketing
- Major Events Attraction, Leveraging & Support
- Investment Attraction
- Industry Development & Support
- Industry Advocacy & Recognition
- Organisational effectiveness

for the East Coast Tasmania region.

- 2.1.2 A report outlining the results of an annual review of ECTT's operations.

3. REPORTING

3.1 ECTT will provide reports as detailed in 2.1.1, 2.1.2 above.

4. FUNDING

4.1 BODC will make payment to ECTT on receipt of an invoice for the annual funding sought.

4.2 Funds provided by BODC to ECTT under this Agreement shall be expended only on the delivery of services/outputs for which the funding has been provided.

4.3 BODC shall not be held responsible for any liabilities, losses or cost overruns incurred in relation to any programs undertaken by ECTT.

4.4 Any unspent/uncommitted funds at the end of the period as detailed in Schedule One to this Agreement which have been provided by BODC are to be retained by ECTT for agreed activities in following financial periods.

5. PUBLICITY AND ACKNOWLEDGMENT

5.1 ECTT will specifically acknowledge the assistance provided under this Agreement by BODC in all relevant activities, publications and advertising material and may publicise the benefits accruing to ECTT and the State, as a result of the support provided under this Agreement.

5.2 At all times, BODC has a right to view and approve all material featuring the BODC logo's, prior to production of any publications and advertising material and ECTT must not publicise the material without the approval of BODC.

6. INSURANCE

6.1 ECTT will ensure that it has adequate insurance cover in place to protect physical assets against loss and/or damage, and to indemnify ECTT against legal liability for personal injury and/or property damage claims made by third parties.

7. SUBCONTRACTING OR ASSIGNMENT

7.1 ECTT will be fully responsible for carrying out the agreed program notwithstanding that ECTT may have subcontracted or assigned the performance of any part of the Program.

8. ETHICAL EMPLOYMENT POLICY

8.1 ECTT agrees that it shall be bound by the Tasmanian Government's Ethical Employment Policy ("the Policy") (as amended from time to time). ECTT confirms that, as at the date of this Agreement, it is meeting its obligations to its employees under the applicable industrial instruments and legislation, as referred to in the Policy, and shall continue to meet such obligations during the term of this Agreement.

9. INDEMNITY

9.1 ECTT shall release and indemnify BODC, its servants and agents from and against all actions, proceedings, claims and demands which may be brought or made against it or them by any person in respect of or by reason of or arising out of:

- the performance by ECTT of its rights and obligations under this Agreement;
- any negligence or other wrongful act or omission of ECTT, staff or other servants, employees or agents or of any other persons for whose acts or omission ECTT is vicariously liable;
- any negligence or other wrongful act or omission of staff or the visitors, invitees or licensees of ECTT;
- death, injury, loss of or damage to ECTT, staff or its other servants, employees, agents or visitors; or
- any breach of this Agreement by ECTT.

10. GOODS AND SERVICES TAX

10.1 In this Agreement, "GST", "Tax Invoice", "Recipient Created Tax Invoice" and "Taxable Supply" have the same meaning as in A New Tax System (Goods and Services Tax) Act 1999. Further, for the purposes of this Agreement, "Taxable Supply" means the obligations of ECTT under the terms of this Agreement.

10.2 Each funding payment specified in Schedule One is exclusive of GST and shall be increased by an amount equal to any GST payable with respect to the Taxable Supply for which the payment is made provided that with each relevant claim for payment, ECTT shall submit a Tax Invoice, unless the parties have agreed in writing to have issued a Recipient Created Tax Invoice.

11. INTELLECTUAL PROPERTY

11.1 ECTT shall indemnify and at all times keep BODC indemnified against any action, claim, suit or demand, including a claim, suit or demand for, or liability to pay, compensation or damages and costs or expenses arising out of, or in respect of, any breach of any third party's intellectual property rights.

12. PRIVACY

12.1 ECTT acknowledges and agrees that it shall be bound by the Information Privacy Principles and/or any applicable code of practice as BODC may have approved under the Information Privacy Act 2000 with respect to any act done or practice engaged in by ECTT for the purposes of this Agreement in the same way and to the same extent as BODC would have been bound by the Information Privacy Principles or any such applicable code of practice in respect of that act or practice had it been directly done or engaged by BODC.

13. ENTIRE AGREEMENT AND VARIATION

13.1 This Agreement and the schedules attached thereto constitute the entire Agreement between the parties and supersede all communications, negotiations, agreements, whether oral or written, between the parties with respect to the subject matter of this Agreement.

13.2 No agreement or understanding varying or extending this Agreement shall be legally (unless otherwise agreed in writing) binding upon either party unless in writing and signed by both parties.

14. DISPUTE

14.1 If either BODC or ECTT considers that there is a dispute or difference arising out of or relating to this Agreement ("Dispute") the parties may adopt the procedure set out in this clause to resolve the Dispute. Notwithstanding the provisions in this clause, if the Services that are the subject of this Agreement have not yet been completed, ECTT shall at all times proceed to complete the Services and perform its obligations without delay.

14.2 If the parties agree to adopt the procedures set out in this clause, either party within 28 days of the Dispute arising shall send a notice to the other party specifying the detailed particulars of the matters in Dispute and its proposal for their resolution ("Dispute Notice").

14.3 BODC Representative (or other person authorised by BODC and ECTT (or its representative) shall meet personally within two working days (or other such period as agreed) after service of the Dispute Notice to attempt to resolve the Dispute on a basis consistent with a wish to retain a long term relationship between the parties.

14.4 If the parties are unable to resolve the Dispute within 3 working days of the meeting referred to in clause 15.3 (or such longer period as may be agreed) the Dispute will be referred to the Chief Executive Officer of Tourism Tasmania.

15. WAIVER

15.1 The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single or partial exercise of a power or right preclude any other or further exercise of that or any other power or right. A power, right or obligation may only be waived in writing, signed by the party to be bound by the waiver.

16. TERMINATION

16.1 BODC may terminate this Agreement by written notice:

- (a) if, in the reasonable opinion of BODC and ECTT after having been given 12 months notice in writing, fails to carry out its obligations under this Agreement; or
- (b) if ECTT goes into liquidation, or a receiver and manager, administrator or mortgagee or chargee's agent is appointed, or becomes subject to any form of insolvency administration or arrangement.

17. NEGATION OF PARTNERSHIP AND AGENCY

17.1 ECTT shall not, by virtue of this Agreement, or for any purpose, be deemed to be a partner or agent of BODC or as having any power or authority to bind or represent BODC.

18. SEVERANCE

18.1 If any provision of this Agreement is held invalid unenforceable or illegal for any reason, this Agreement shall remain otherwise in full force, apart from such provision, which shall be deemed deleted.

19. CONFLICT OF INTEREST

19.1 ECTT shall inform BODC of any matter connected with this Agreement that may give rise to an actual or potential conflict of interest of the BODC, its officers, employees, servants, or agents of the kind referred to in this Agreement at any time during the performance of the Services.

19.2 Information provided by ECTT under these provisions shall be treated as commercial-in-confidence by BODC.

Schedule One

This schedule forms part of the Agreement between Break O’Day Council (BODC) and East Coast Tasmania Tourism (ECTT).

BREAK O’DAY COUNCIL – EAST COAST TASMANIA TOURISM INCORPORATED – FUNDING AGREEMENT

Period: 01 July 2022 to 30 June 2025	Funding: Annual funding of \$60,000 (+GST) to facilitate the operation of a Regional Tourism Organisation as identified in the Strategic Plan for East Coast Tasmania.	Reporting Schedule (period ending): Bi-Annual Reports: - January - August Annual Review: October
Payment Schedule: <ul style="list-style-type: none">• within 30 days of invoice – issued August 2023. Following years invoices will be issued in July.		

Agreed Activity - Deliverable actions from the agreed partnership

This schedule forms part of the Agreement between Break O’Day Council (BODC) and East Coast Tasmania Tourism (ECTT).

BREAK O’DAY COUNCIL – EAST COAST TASMANIA TOURISM INCORPORATED – FUNDING AGREEMENT

Events and Activities	Actions	Timing
A culture of volunteering and support to enable vibrant and sustainable events, activities and community groups.	<p>Event support – partnership marketing – liaise with tourism Tasmania monthly for advertising and promotional activities and sharing the calendar of events.</p> <p>Work with events in BODC such as Bay of Fires Arts Festival, Dragon trail and other MTB events, Festival called George and more.</p> <p>Promotion of BODC events through our own channels – as agreed.</p> <p>Support and promote BODC & ECTT aligned industry work shops migrant events, grant writing workshop etc.</p>	Ongoing

Tourism 30 Strategy		
2023 – 2025 activities	Actions	Date scheduled
Ensure that the industry is well informed of and participates in strategic activities of Tourism Tasmania such as T30	Provide BODC with connection to T30 action planning information and initiatives.	Ongoing
Tourism 30 Strategy. Support and implement priorities with this State-wide strategy that directs collective investment in sustainably growing the visitor economy of Tasmania.	Participate as a partner in the Tasmanian Tourism Network in the receiving and provision of updates for the East Coast. Updates to be shared with Board and Partners	Ongoing

14

Visitor Information Services	Work in partnership with Councils, T30, State Growth and TICT in the development of Visitor Information Services for the East Coast incl. uniform branding for the Great Eastern Drive and other tourism information boards.	Ongoing
Destination Management & Local Action Planning		
2023 – 2025 activities	Actions	Date scheduled
Development of Destination Management Plan informs the direction of visitor economy development in East Coast Tasmania	Development of East Coast Positive Impact Plan aligned with T30 priorities (contingent on timing and further funding sources)	Ongoing
Destination Action Plans (DAPs) determine and coordinate the effective implementation of local tourism initiatives across East Coast communities	Annual milestones set with each DAP Group in partnership with ECTT in the DAP planning	Ongoing
Engagement with Business communities ECTT staff representation and support in BODC area	Recruit and employ Industry Support Officer dedicated to BODC region. Provide deep engagement with tourism operators, deliver required training and support to operators and represent ECTT regularly at local industry group meetings. Build stronger relationships with the local business community e.g. Chambers, LTAs, DAP groups	Ongoing
Regional Stakeholder Advocacy and Support		
<ul style="list-style-type: none"> • The value of the RTO is recognised by industry and community, and strategic priorities are identified. • Stakeholders are supportive and engaged through leadership, advocacy and stakeholder management at government and industry level • Ongoing engagement with, and alignment of, the local industry (including individual operators and local tourism associations) and in relation to the overall direction of the industry at a sector, region and state level RTO participation model is representative of the region’s visitor economy planning • RTOs are collaborating and sharing industry-wide opportunities for the benefit of their stakeholders including visitors 		
2023 – 2025 activities	Actions	Date scheduled

Quarterly Council Officer meetings	Quarterly meetings with Council General Managers and key officers to discuss ECTT activities and Council tourism priorities and projects.	Quarterly
Half-yearly Council presentations	Presentation provided to Councils in April and October each year providing an update on ECTT activities.	Half yearly
Local Tourism Forums	Super DAP meeting - DAP chairs and/or representatives, Council representatives and Parks attend quarterly forums – joint activity is reviewed and plans agreed.	Quarterly
Data research	Ensure that Council and Industry are continually updated with the latest data	Ongoing
2023 – 2025 activities		
	Actions	Date scheduled
Marketing partnership with Tourism Tasmania	Continue to work in partnership with Tourism Tasmania to ensure East Coast has a strong voice in the Tasmania story	Ongoing
Industry Development		
<ul style="list-style-type: none"> • Build industry capability through advocacy and coordination of state-wide programs with other TTas/RTOs/TICT/THA • Support the development, implementation and/or continued industry engagement with the local Drive Journey • Regionally specific programs with the main focus on Destination Action Plans and engaging with active DAP leadership groups 		
Skills training & support	Review existing priorities from T30 plan and partner with agencies to ensure the development requirements for the East Coast are met as per the product and experience audit.	Ongoing
Organisation Effectiveness		
	Actions	Date scheduled
Good Governance. ECTT’s Board provides sound governance and clear strategic direction.	Six (6) agenda based Board meetings guide organisation with representation from both Council	Bi-monthly
Board Membership. Encourage participation on the ECTT Board by appropriately experienced and qualified Break O’Day located members.	Increase in the number of Board members located in the Break O’Day area	

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Financial Responsibility. ECTT accounts for its activities according to appropriate financial processes, as per its incorporation and provides transparency in its reporting to stakeholders.	Annual budget to be approved by Board no later than July of the financial year. Annual reporting to Partners and Industry that aligns with rules of association at AGM to be held in October each year	Annual
Annual Plan. ECTT prepares an Annual Plan to guide its activities for the forthcoming year	Annual Plan to be adopted by the Board at the same time as the Annual Budget is adopted.	Annual

Break O'Day Council Priority Activities			
2023 – 2025 activities	Actions	Date scheduled	Break O'Day Council Strategic Alignment
Destination Marketing. Provide support and assistance to BODC where required in relation to the marketing and development of the region, including MTB	Assistance provided to BODC in relation to marketing of the region	Ongoing	KFA Brand: Understand and communicate the unique characteristics and differences of our communities and the Break O'Day area to foster a sense of pride and authenticity.
Board Membership. Encourage participation on the ECTT Board by appropriately experienced and qualified Break O'Day located members.	Increase in the number of Board members located in the Break O'Day area.	Ongoing	KFA Brand: Understand and communicate the unique characteristics and differences of our communities and the Break O'Day area to foster a sense of pride and authenticity.
Industry Engagement. Develop the profile of ECTT in the BODC area and engage with operators on an individual basis through a program of visiting operators.	Increased engagement of BODC tourism operators in ECTT activities.	Ongoing	KFA Opportunities: Identify and realise opportunities that develop and support the Break O'Day economy in a sustainable manner.
Visitor Information Services. Work with BODC to complete a review of the St Helens Visitor Information services having regard to the Review initiated by the Tasmanian Government.	Review of visitor information services completed.	Dec 23	KFA Brand: Understand and communicate the unique characteristics and differences of our communities and the Break O'Day area to foster a sense of pride and authenticity. KFA Opportunities: Identify and realise opportunities that develop and support the Break O'Day economy in a sustainable manner

<p>Bay of Fires Master Plan. Support BODC and PWS in the development and implementation of a Master Plan for the Bay of Fires area addressing visitor and infrastructure needs within the area.</p>	<p>Participation in the Steering Committee and industry engagement activities.</p>	<p>Ongoing</p>	<p>KFA Opportunities: Identify and realise opportunities that develop and support the Break O’Day economy in a sustainable manner</p> <p>KFA Appropriate Development: Encourage sensible and sustainable development through sound land use planning, building and design.</p> <p>KFA Community Facilities: Provide community facilities that encourage participation and supports the lifestyle of residents and growing visitor numbers.</p>
<p>Events A culture of volunteering and support to enable vibrant and sustainable events, activities, and community groups</p>	<p>Event support – partnership marketing – liaise with tourism Tasmania monthly for advertising and promotional activities and sharing the calendar of events.</p> <p>Work with events in BODC such as Bay of Fires Arts Festival, Dragon trail and other MTB events, Festival called George and more.</p> <p>Promotion of BODC events through our own channels – as agreed. Support and promote BODC & ECTT aligned industry work shops</p>	<p>Ongoing</p>	<p>KFA Events and Activities: Create a culture of volunteering and support to enable vibrant and sustainable events activities and community groups</p>

	migrant events, grant writing workshop etc.		
Housing Work with BODC and the State Government to address the shortage of housing for workers.		Ongoing	KFA Housing: Develop an understanding of housing needs and advocate for and facilitate the construction of a range of housing solutions
Employment and Skills Support the activities of Break O' Day Employment Connect to facilitate employment and the delivery of training and skills development activities for the Tourism sector		Ongoing	KFA Opportunities: Identify and realise opportunities that develop and support the Break O' Day economy in a sustainable manner
Experience Infrastructure		Ongoing	KFA Opportunities: Identify and realise opportunities that develop and support the Break O' Day economy in a sustainable manner

Key:

TTas = Tourism Tasmania

GSBC= Glamorgan Spring Bay Council

BODC = Break O' Day Council

PWS = Parks & Wildlife Service

DMP = Destination Management Plan

DAP = Destination Action Plan

ECTT = East Coast Tasmania Tourism

VIC = Visitor Information Centre

TVIN = Tasmanian Visitor Information Network

RTO = Regional Tourism Organisation

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	004\020\001\
ASSOCIATED REPORTS AND DOCUMENTS	<ul style="list-style-type: none"> • Break O’Day Aquatic Facility Project Methodology

OFFICER’S RECOMMENDATION:

That Council appoint the following representatives to the Break O’Day Aquatic Committee:

1. Representatives from the community, <Person 1> and <Person 2>
2. Representative from the health sector, <Person 3>
3. Representatives from Council, <Councillor 1> and <Councillor 2>
4. Representative from East Coast Aquatic and Wellbeing Committee, <Person4>

That Council agree to the East Coast Aquatic and Wellbeing Committee’s request for a second representative on the Committee and that <Person 5> be appointed.

INTRODUCTION:

In order to ensure that community voice was loud and strong and that they were with us every step of this project’s journey, Council decided to establish a Break O’Day Aquatic Facility working group.

Expressions of interest for the project opened in May and closed on 2 June. 13 submissions were received with one being withdrawn. This leaves us with:

- 8 x applications from the Community
- 2 x application from the Health sector
- 2x East Coast Aquatic and Wellbeing Committee

PREVIOUS COUNCIL CONSIDERATION:**Council Meeting 20 February 2023****02/23.17.4.042**Moved: Clr J Drummond/ Seconded: Clr L Johnstone

That Council:

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

CARRIED UNANIMOUSLY**OFFICER’S REPORT:**

During the development of the Aquatic Facility Project Methodology, it was determined that Council should establish a Working Group made up of:

- 2 x Councillors
- 2 x Community members
- 1 x Health Sector Representative
- 1 x Representative from the East Coast Aquatic and Wellbeing Centre

Councillors must now consider who they would like to be on the Working Group from the Community, Health Sector, and the Aquatic Committee and amongst yourselves.

To make it easy for Councillors to fairly assess the applications we have developed an evaluation matrix. This matrix has a scoring key to ensure that there is a definitive way to calculate and score the submissions.

The matrix criteria has been developed based on the expectations of the group outlined in the methodology and include:

EXPERIENCE

- Previous experience in the Aquatic industry
- Financial Skills
- Management Skills/ experience
- Health industry skills/experience
- Business Acumen

REPRESENTATION

- Connection to the community
- Ability to keep an open mind
- Ability to work constructively with a team
- Are they part of the Community Aquatic Committee?
- Any other skills worth noting (Comment)
- How would you score these skills (Point score)

You will note that we have added the extra check under representation as to whether they are part of the East Coast Aquatic and Wellbeing Committee. This was so that we could ensure a true representation from outside the committee. So we could validate this we asked the committee to send us a list of their current members.

The East Coast Aquatic and Wellbeing Committee has written to Council asking if we would consider allowing them to have two representatives on the Working Group. They have provided two applications to help with Councillor's consideration.

STRATEGIC PLAN & ANNUAL PLAN:

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

Goal

Community

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

Strategies

1. Create an informed and involved community by developing channels of communication.
2. Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
3. Foster and support leadership within the community to share the responsibility for securing the future we desire.

Key Focus Areas:

Communication

Improve and develop communication processes that lead to the community feeling more informed and involved.

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

Infrastructure

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

Strategies

4.3 Develop and maintain infrastructure assets in line with affordable long-term strategies.

Key Focus Areas:

4.3.3 Recreational Facilities:

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

Actions 4.3.3.7 Swimming and Hydra Therapy Pool

Develop a feasibility analysis of the potential project including community engagement and a review of the options for the establishment of a centre incorporating a swimming pool and hydra therapy pool.

LEGISLATION & POLICIES:

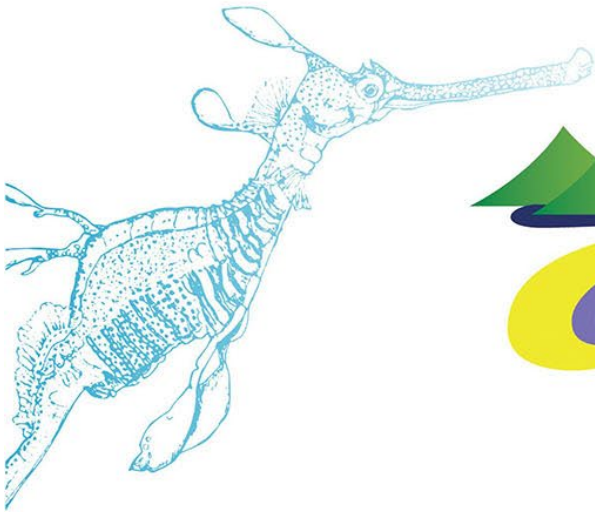
- BODC Community Engagement Policy **CB03**
- Local Government Act

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority



Break O'Day
COUNCIL

Aquatic Facility Project Methodology



Version: 1 – Date: February 2023

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

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Introduction

The investigations and ultimately decision making in relation to a potential Aquatic Facility in the Break O’Day area will be the most complex and ultimately future shaping project to be considered by the Council since the 1993 amalgamation of Councils creating Break O’Day.

It is a project that has been lobbied for vocally by some within the community, whilst the majority of the community has remained largely silent. A decision to proceed with an Aquatic Facility will be something that will be lived with for future generations.

Project Governance

The importance of community engagement and participation in the project cannot be understated. This will need to occur on many levels and at several times during the consideration of this potential project. It is proposed that the Break O’Day Aquatic Facility Working Group be established comprising a cross-sectional and skills based membership and include the following membership:

- Break O’Day Councillors (2)
- Aquatic Facility Committee (1)
- General community representatives (2)
- Health sector representative (1)

The key skill sets that ideally should be on the Working Group include:

- Management and operation of an aquatic facility or pool
- Aquatic activities
- Health needs
- Financial and asset management
- Business acumen

An open expression of interest process will occur for general community and health sector representatives. Through the working group establishment process and in assessing potential members, consideration needs to be given to a mix of demographics, age and geography.

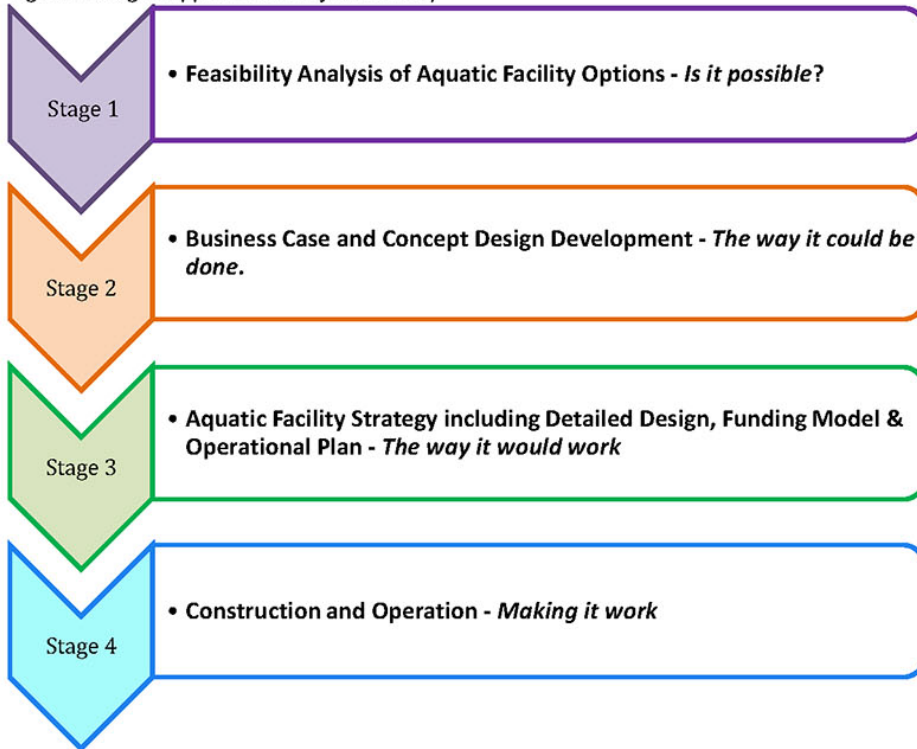
A draft Terms of Reference is included as Appendix 1. These need to be considered and endorsed by Council. Appointment of working group members will be a decision of Council.

Project Approach

The project will take a staged approach wherein at the end of the first two stages, the Council will need to make a key decision about whether Council is satisfied that the project should proceed to the next stage or not based on the information provided. This ‘gated’ approach ensures that funds are only spent to the level necessary to secure a decision rather than potentially spending funds on consultancies and designs which are unnecessary. It will also ensure that community engagement can be more targeted and influential as the project proceeds.

The project will comprise a maximum of four stages and could potentially cease at the end of the first or second stage. The decision by Council at the end of Stage 2 will be key and will not necessarily guarantee if and when the project is delivered as there will be a very heavy reliance on external funding for the construction of the Aquatic Facility.

Figure 1: Staged Approach to Project Delivery



Community Engagement

Strategic Alignment

All community engagement must be in line with Break O' Day Council's Community Engagement Strategy. To ensure this, we expect to be able to review Communications plans and content before it goes out to the community.

The Aims of the Community Engagement Strategy are:

- Aim 1. Inclusion and Accessibility We will use a range of communication methods to try and reach as many people as possible and will try to provide everyone the opportunity to participate.
- Aim 2. Transparency and Accountability We will be fair, transparent and accountable in our decision-making and do all we can to create a thriving community where everyone feels safe, welcome and connected.
- Aim 3. Integrity and Respect We will do all we can to make sure everyone understands the role and value of community engagement, and that our engagement is consistent and understood.
- Aim 4. Open and Honest Communication We will be clear and consistent in our approach to community engagement to ensure people can participate in decision-making where appropriate.
- Aim 5. Best Practice We will recognise and apply the most appropriate engagement methods according to the audience, matter or project. We will make sure staff have access to tools and resources to perform best practice community engagement

As we will be establishing a Working Group for this project the Community Engagement Strategy places this project at the IAP2 Collaborate level. Our intent and promise to the community at this level is as follows;

- **Intent:** Building and maintaining strong relationships to achieve better outcomes.
- **Promise:** Foster partnerships with community to share processes and responsibilities.

The Working Group will have the power to influence how consultation is undertaken based on their knowledge of the community and their particular cohorts.

Engagement Activities

Community Engagement could take a variety of forms throughout the project and decisions will need to be made around what is the most valuable and meaningful way to engage with the community at these various stages. It is also important to consider the Inform level of Council's Community Engagement Plan when planning engagement activities and keeping the community informed on the project – it is important that they join us on this journey every step of the way.

Promotion of Engagement Activities

Methods of promoting opportunities to participate in Community engagement must be broad and include both digital and print platforms. Council will assist by sharing these opportunities through our platforms and contacts as well as funding any advertising costs.

The Working Group will also play a role in promoting to the community through their groups, opportunities for community involvement in the project.

Consultation should be open and promoted for a minimum of one month to allow ample opportunity for the community to have their say.
Council will establish a page to host all relevant information about this project on our Community Engagement webpage. This will/can include links to surveys, reports and further information.

Council expects that consultants will provide a mechanism through their survey work to join a mailing list for this project. This will be used in reporting back to the community.

Reporting back to the community

Any reports developed through this process must be in Plain English – preferably at a Grade 8 Flesh Kincaid Level. They should be clear and easy to understand and include visuals such as graphs etc where possible.

Once consultants have reviewed community and stakeholder feedback and a report has been developed, it will be Council's responsibility to ensure that this information is made available on our website. We will promote the availability of all reports and information via our own channels.

Monitoring

After each round of Community engagement we expect that the consultants will review their engagement by asking the following questions:

- Was our process inclusive and accessible?
- Did we talk to the right people?
- Did we ask the right questions?
- Was the timing right?
- Was the information easy to understand?
- What worked well and what didn't?
- Did we have the right resources?
- What feedback did we receive from the community about the consultation?
- What learnings are there for next time?

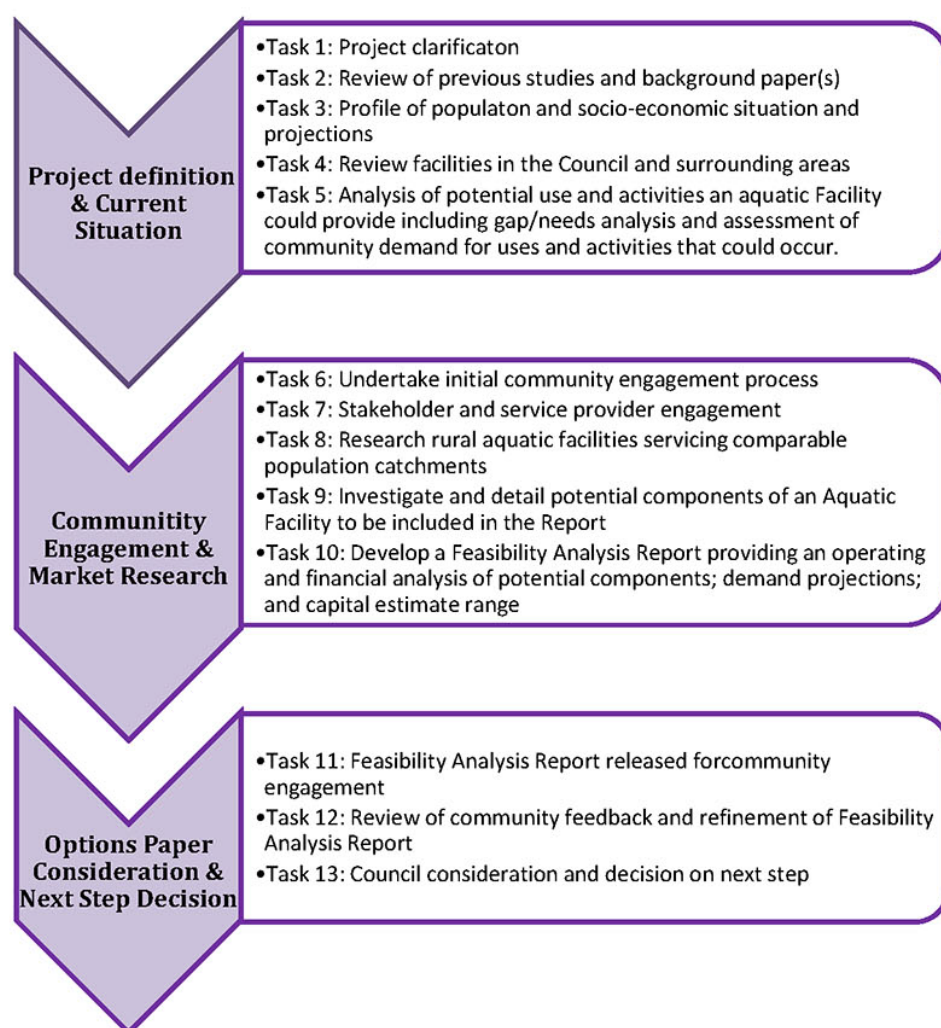
Any learnings and changes to approach should be included in the report.

Stage 1 – Feasibility Analysis of Aquatic Facility Options

Is it Possible?

The first Stage of the project will be to undertake a Feasibility Analysis which will be a high level examination as to whether the project is possible. There has been discussion about various components which might be included in an Aquatic Facility, including a swimming pool; children’s water park with slides; hydrotherapy pool; gymnasium; program rooms; cafeteria etc. The feasibility analysis will investigate and detail the various components and the likely level of use from the community. Financial projections and estimates developed during this stage will be broad in nature. This leads to the development of a Feasibility Analysis Report and ultimately a decision by Council as to whether it is possible.

Figure 2: Stage 1 – Feasibility Analysis of Aquatic Facility Options Tasks

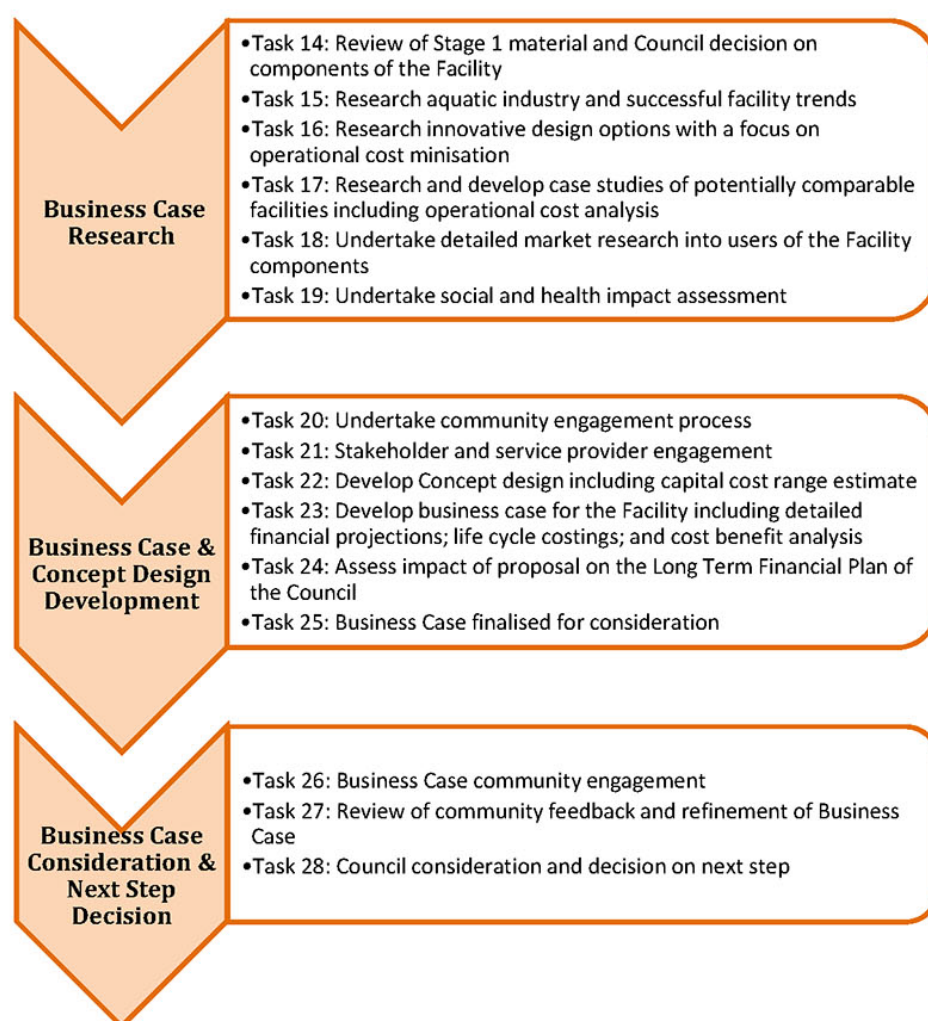


Stage 2 – Business Case & Concept Design Development

The way it could be done

The second stage of the project is to build on the work completed in the first stage undertaking more in-depth targeted investigations to develop the Business Case and a Concept Design for the Aquatic Facility. Through this part of the process a good understanding of the Cost/Benefit of the project will be developed along with more refined financial projections and capital cost estimates. These elements along with the impact of the project on Council's Long Term Financial Plan will be at the core of the Business case which will be provided for Council consideration and a decision as to whether the Aquatic Facility is given the green light to proceed.

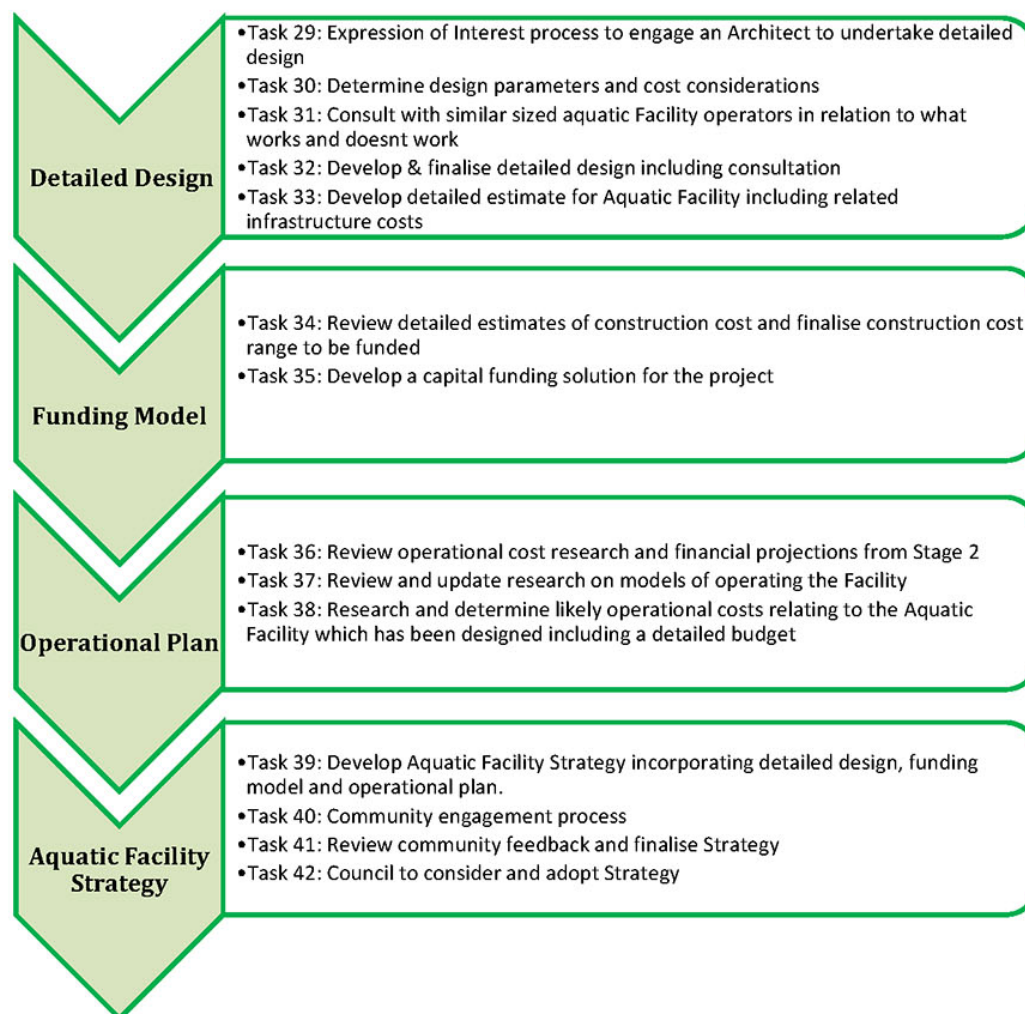
Figure 3: Stage 2 – Business Case & Concept Design Development Tasks



Stage 3– Aquatic Facility Strategy incl. Detailed Design, Funding Model & Operational Plan - *The way it would work*

Commencing this stage means Council has made a decision that the proposed Aquatic Facility is financially and operationally sustainable and supported by the community. At the core of the third Stage is a focus on being specific about the proposed Aquatic Facility and the development of an Aquatic Facility Strategy to deliver the project.

Figure 4: Stage 3 – Aquatic Facility Strategy Tasks

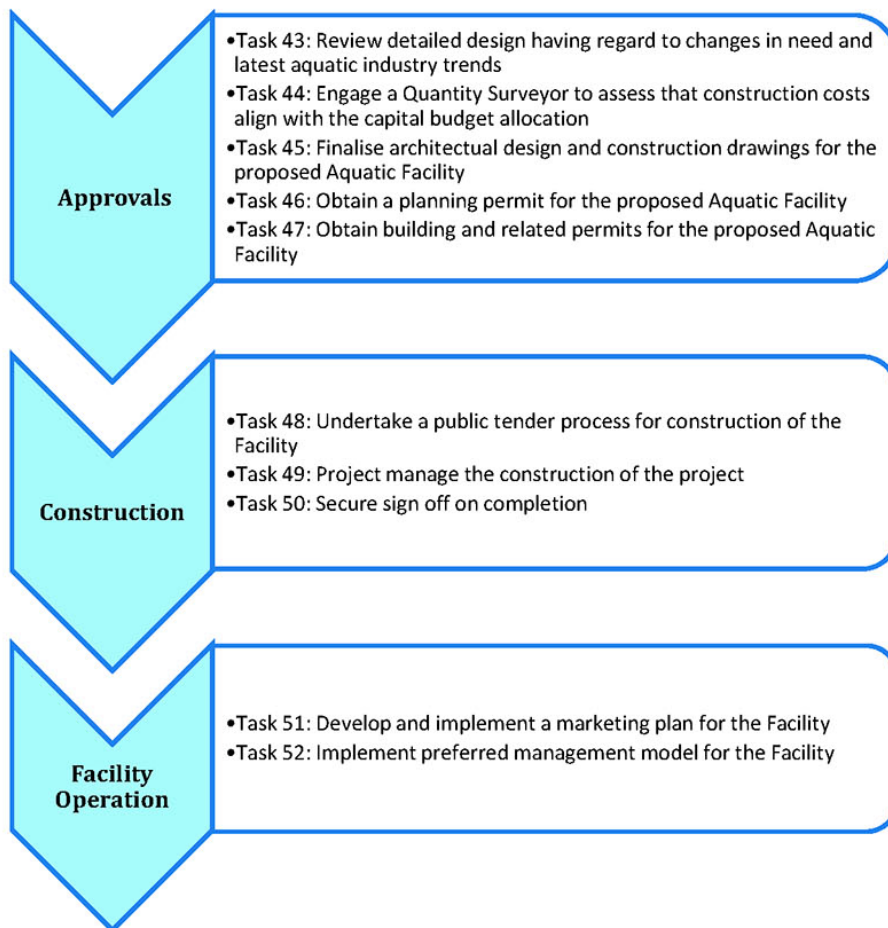


Drawing on the work from the previous Stages, detailed design of the proposed Aquatic Facility will be undertaken including addressing associated infrastructure requirements. The funding model for construction of the Facility will detail the potential mix of funding sources, how the Facility will operate and a Strategy/workplan to bring the proposed Aquatic Facility to fruition as it provides the detail necessary for the various elements to progress.

Stage 4 – Construction and Operation - *Making it work*

The fourth Stage is provided for completeness, providing broad detail in relation to progressing the project once the necessary funding has been secured.

Figure 5: Construction and Operation Tasks



Appendix – Terms of Reference

Break O’Day Aquatic Facility Investigation

[Draft] Terms of Reference of the Working Group

The Break O’Day Council is examining the feasibility of constructing and operating an Aquatic Facility within the Break O’Day area. The investigations and ultimately decision making in relation to a potential Aquatic Facility in the Break O’Day area will be the most complex and ultimately future shaping project to be considered by the Council since the amalgamation of Councils which occurred in 1993 creating Break O’Day. It is a project that has been lobbied for vocally by some within the community, whilst the majority of the community has remained largely silent. A decision to proceed with an Aquatic Facility will be something which will be lived with for future generations.

Purpose

By definition a working group is a committee or group appointed to study and report on a particular question and make recommendations based on its findings. The particular questions which the working group will need to focus on in a staged approach are

**Is an Aquatic Facility possible?
What is the way it could be done?
How we can make it work?**

The purpose of the Working Group is to:

- Bring a broad base of knowledge, skills, experience and connection to the community
- Represent the views or feedback of their individual stakeholder groups accurately, honestly and with respect
- Monitor progress with the delivery of the Consultancy;
- Provide guidance to the Consultant(s) in relation to the delivery of the project and in relation to issues which may arise;
- Accurately circulate progress updates and critical news to their represented stakeholder groups; and

Role of individual Steering Committee members:

- Bring an open mind when considering the project and information
- Actively participate in the investigation; support the project; encourage community engagement and participation; promote its outputs; and be an advocate for the project
- Understand the strategic implications and outcomes of the project and its components
- Recognise the significance of the project for some or all major stakeholders, consider and represent their interests

- Be genuinely interested in the project and the outcomes being pursued in the project
- Make every effort to attend scheduled meetings and, if not able to attend, inform the Chair before the meeting is conducted

In practice, this means Committee members:

- Represent stakeholders requirements and perspectives so they are considered during project planning and delivery phases;
- Help balance conflicting priorities and resources;
- Consider ideas and issues raised;
- Provide positive and constructive advice to the committee;
- Communicate the outcomes of the Committee meetings to their organisations; and
- Represent the project and its priorities and decisions to stakeholders.
- Respect the confidentiality of information and timeframes for the release of information

Members of the Committee can expect:

- That each member will be provided with complete, accurate and meaningful information in a timely manner;
- To be given reasonable time to consider draft Reports and key recommendations;
- To be alerted to potential risks and issues that could impact the projects as they arise; and
- To participate in open, honest and respectful discussions.

Endorsed by the Break O’Day Council on?????

IN CONFIDENCE

07/23.18.0	CLOSED COUNCIL
07/23.18.1	Confirmation of Closed Council Minutes – Council Meeting 26 June 2023
01/23.18.2	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.