



# COUNCIL MEETING AGENDA

Monday 18 December 2023  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
12 December 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 18 December 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: 12 December 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 10.00am.*

## ACKNOWLEDGEMENT OF COUNTRY

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

### 12/23.1.0 ATTENDANCE

#### 12/23.1.1 Present

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

#### 12/23.1.2 Apologies

Nil

### 12/23.1.3 Leave of Absence

### 12/23.1.4 Staff in Attendance

General Manager, John Brown  
Corporate Officer, Bec Wood

### 12/23.2.0 PUBLIC QUESTION TIME

### 12/23.3.0 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.*

### 12/23.4.0 CONFIRMATION OF MINUTES

#### 12/23.4.1 Confirmation of Minutes – Council Meeting 20 November 2023

#### OFFICER'S RECOMMENDATION:

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

## 12/23.5.0 COUNCIL WORKSHOPS HELD SINCE 20 NOVEMBER 2023 COUNCIL MEETING

There was a Workshop held on Monday 4 December 2023 and the following items were listed for discussion.

- Animal Control Report 7
- Trial of Green Waste –Fee free days at the Ansons Bay WTS 11
- Community Project – Craypot Christmas Tree
- Pending Development Application Updates
- Draft Amendments – Break O’Day Local Provisions Schedule
- Project update - Lower George Floodplain Avulsion Impact Assessment
- Managing conflicts of interests of Councillors Framework Review
- Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report Jul-Sept 2023
- Future of Local Government Review – Final Report
- Review – LG01 – Elected Members Allowances and Support Policy
- The lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing
- Extension of Free Green Waste – Councillor K Chapple

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

ACTION	DECISION
PROPONENT	East Coast Surveying
OFFICER	Planning Officer – Alex McKinlay
FILE REFERENCE	DA 041-23
ASSOCIATED REPORTS AND DOCUMENTS	1. Draft Approved Plans and associated documents

**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 A DWELLING, CARPORT & SHED

RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED on land situated at 333 DAVIS GULLY ROAD, FOUR MILE CREEK described in Certificate of Title 136167/2 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	A-1500	JC	05/04/2023
Detailed Site plan	A-1501	JC	05/04/2023
Lower Ground Floor Plan	A-2000	JC	05/04/2023
Ground Floor Plan	A-2001	JC	05/04/2023
Mezzanine Floor Plan	A-2002	JC	05/04/2023
Roof Plan	A-2003	JC	05/04/2023
Western Elevation	A-3000	JC	05/04/2023
Southern Elevation	A-3001	JC	05/04/2023
Eastern Elevation	A-3002	JC	05/04/2023
Northern Elevation	A-3003	JC	05/04/2023
Section	A-4000	JC	05/04/2023
Shed Plan and Elevations	A-7000	JC	05/04/2023
333 Davis Gully Road Traffic Impact Assessment	Nil	Midson Pty Ltd	May 2023
Provisional Site Classification & On-site Wastewater Disposal Design	Reference No. GL23217Ac	Geoton	20/07/2023

333 Davis Gully Road, Four Mile Creek			
Preliminary Natural Values Assessment	Nil	Mulcahy Planning and Property Services	20/10/2023

2. The shed 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. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. The crossover must be constructed in accordance with standard drawings TSD-RO3-v3 & TSD-R04-v3.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.
6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
7. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
8. Compliance with State (Tasmanian Threatened Species Protection Act 1995) and National Threatened Species Protection Laws (Environment Protection and Biodiversity Conservation Act 1999) is required at all times during the development.
9. The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. It is a requirement that a permit to 'take' small-leafed glycine (*Glycine microphylla*), a threatened species, will need to be obtained from the Department of Natural Resources and Environment (NRE) prior to works being undertaken for the proposed driveway. This is required as it was identified within the preliminary natural values assessment prepared by Mulcahy Planning and Property Services, that the proposed driveway is likely to impact upon the threatened flora species known as small-leafed glycine.
12. To ensure that the proposed development is sympathetic to the natural values of the subject site, a Wedge-Tailed Eagle Nest Survey by a suitably qualified person and a response to management issues it raised, is required to be submitted to Council for review prior to the issuing of a building permit. This is required to ensure that the intended

development site will not contribute towards adversely impacting upon Wedge-Tailed Eagles which are listed as a threatened species under the Tasmanian Threatened Species Protection Act 1995 and also listed as an endangered Tasmanian subspecies under the Environment Protection and Biodiversity Conservation Act 1999.

13. If there are any existing large tree limbs, logs or stumps present on the development site, both an assessment and advice is to be sought from a suitably qualified ecologist on protecting suitable habitat of the Giant Blind Velvet Worm (*Leucopatus anophthalmus*) is to be submitted to Council for review. This is required to ensure that the intended development will not adversely impact the Blind Velvet Worm, which is listed as an endangered species under the Tasmanian Threatened Species Protection Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
14. 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.
15. 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 stabilized (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
16. 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.
17. 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.
18. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
19. 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.
20. 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. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website <http://www.bodc.tas.gov.au/webdata/resources/files/GuidelinesforSoilandWaterManagement.pdf>). All worked areas not covered by structures must be promptly and progressively stabilised (eg revegetated) so that they will not erode and/or act as a source of sediment transfer.
2. 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.
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. 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
5. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by an accredited designer.

## **INTRODUCTION:**

The applicant is seeking approval for the development of a single dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek (CT 136167/2). The proposed development also includes the construction of a new access, new internal driveway and is intended to be serviced by the provision of an onsite wastewater system for disposal purposes.

## **PREVIOUS COUNCIL CONSIDERATION:**

Nil

## **OFFICER'S REPORT:**

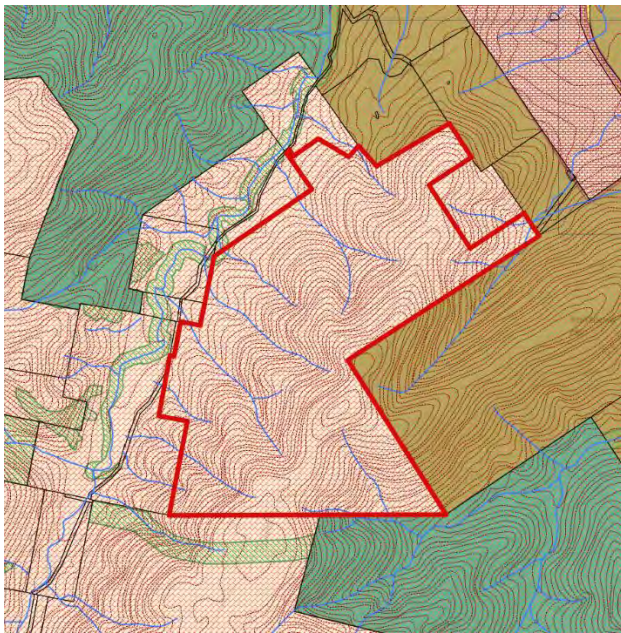
### **1. Proposal**

An application was submitted by the applicant Michelle Schleiger (Woolcott Surveys) on the 28/02/2023 for the owner Patrisha Tussenbroek of the subject site at 333 Davis Gully Road, Four Mile Creek (CT 136167/2), for the construction of a single dwelling, carport and shed. The submitted elevations demonstrate that the proposed three bedroom dwelling will have a maximum building height of 9.406 and the associated shed and attached carport have been shown to have a maximum

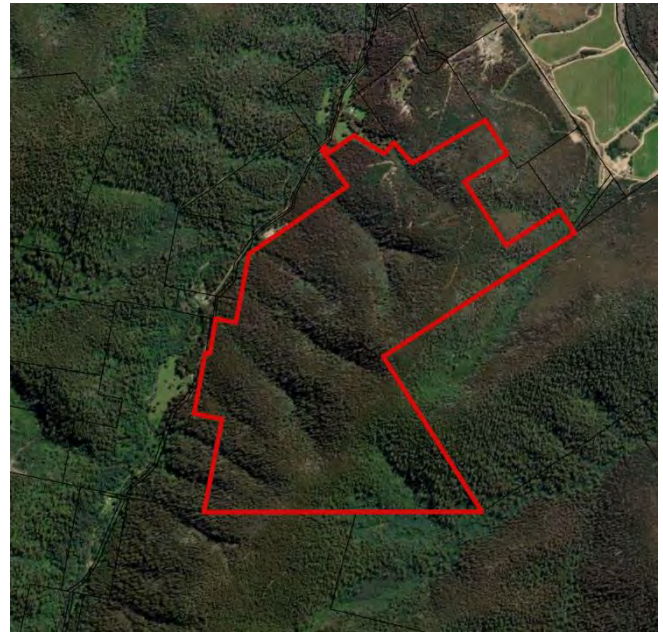
building height of 4.329m. The total site coverage of the proposed development has been calculated to be approximately 0.023%.

### 1.1. Site Characteristics and Background

The development site at 333 Davis Gully Road, Stieglitz, has an approximate area of 175.5ha and is subject to the 26.0 Rural Resource Zone under the interim planning scheme, contains moderate to dense vegetation coverage, situated on land that can be characterised as having moderate to steep slopes in places across the subject site.



Locality Plan



Aerial Imagery

## 2. Applicable Planning Assessment

- 26.0 Rural Resource Zone: Assessment is required for the Use Standard 26.3.2 *Dwellings (P1.1 & P1.2)* and Development Standards 26.4.1 *Building Location and Appearance (P1 & P2)*.
- E4.0 Road and Railway Assets Code: Assessment is required for the Use Standard E4.6.1 *Use and road or rail infrastructure (P3)* and Development Standards E4.7.2 *Management of Road Accesses and Junctions (P2)* and E4.7.4 *Sight Distance at Accesses, Junctions and Level Crossings (P1)*.
- 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: Assessment is required for the Development Standard E16.7.1 *Onsite Wastewater Management (P1.1, P1.2, P1.3 and P2)*.

### 3. Referrals

- Referral to Council's Works Department: A referral was issued to the Works Department (See TRIM Ref. 23/5853) on the 08/03/2023 with regards to construction of a new crossover and whether a Traffic Impact Assessment Report would be required. The Works Department responded with the following on the 09/03/2023:
  - *There is no evidence that a formal access/crossover has ever existed for this property. See below for conditions for the new crossover. TIA is required.*

A follow-up referral occurred on the 30/05/2023 upon receipt of the Traffic Impact Assessment Report and the Works Department provided the following comments on the 30/05/2023:

- *'From David: I note receipt of the TIA. The conclusions made by Midson Traffic are accepted'.*
- Referral to Council's Environmental Health Officer: A referral was issued to the previous Environmental Health Officer (Chris Wicks – See TRIM Ref. 23/17357) in relation to the provided onsite wastewater report on the 26/07/2023 and the following comments were provided on the 01/08/2023:
  - *'Geoton have provided a "Provisional Site Classification and On-site Wastewater Disposal Design", which demonstrates that the site is suitable for wastewater disposal for a dwelling of at least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage. Also, please ask Geoton to address E.16'.*

A follow-up referral occurred (See TRIM Ref. 23/18040) on the 08/08/2023 as the applicant provided a written scheme response to the E16 code and Chris Wicks confirmed that the provided response was satisfactory on the 09/08/2023.

### 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 24:*

- 26.0 Rural Resource Zone: 26.3.2 Dwellings (P1.1 & P1.2) and 26.4.1 Building Location and Appearance (P1 & P2)
- E4.0 Road and Railway Assets Code: E4.6.1 Use and road or rail infrastructure (P3), E4.7.2 Management of Road Accesses and Junctions (P2) 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: *E16.7.1 Onsite Wastewater Management (P1.1, P1.2, P1.3 and P2).*

Detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme 2013* version 24 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**

### **26.0 Rural Resource Zone**

#### *26.3.2 Dwellings*

<b><i>Acceptable Solutions</i></b>	<b><i>Performance Criteria</i></b>
<p>A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or</p> <p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property; or</p> <p>A1.3 New dwellings must be within the resource development use class and on land that has a minimum current capital value of \$1 million as demonstrated by a valuation report or sale price less than two years old.</p>	<p>P1.1 A dwelling may be constructed where it is demonstrated that:</p> <p>a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to:</p> <p>i) scale; and</p> <p>ii) complexity of operation; and</p> <p>iii) requirement for personal attendance by the occupier; and</p> <p>iv) proximity to the activity; and</p> <p>v) any other matters as relevant to the particular activity; or</p> <p>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to:</p> <p>i) limitations created by any existing use and/or development surrounding the site; and</p> <p>ii) topographical features; and</p> <p>iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and</p> <p>P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling.</p>
<p><b><i>Assessment against the Performance Criteria is required.</i></b></p> <p><b><i>Performance Criteria Assessment</i></b></p>	



Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, 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 assessment below:

#### **P1.1**

- (b) (i) Subject site is currently vacant and adjoining properties are primarily utilised for residential purposes except for the properties adjoining the southern boundary of the subject site which one is owned Department Of Primary Industries, Parks, Water & Environment (note: Mount Elephant Road, Gray PID 2542268; identified as a Future Potential Production Forest) and the other property is owned by Parks and Wildlife Service (Little Beach State Reserve). Notably, both of the abovementioned properties are located more than 500m away from the development site.
- (ii) Subject site is quite steep in places as evidenced by the contour lines applicable to the subject site which are shown on the submitted site plan. Given topographical characteristics of the subject site it is reasonable to conclude that this property would be incapable of supporting an agricultural use. Additionally, the majority of properties surrounding the subject site are utilised for residential use (i.e. single dwelling) and it is worth noting that the adjoining property to the south is a forestry owned by Department Of Primary Industries, Parks, Water & Environment which has been identified as a Future Potential Production Forest and the other property is owned by Parks and Wildlife Service (Little Beach State Reserve).
- (iii) Review of the '*Land Capability*' layer on the LIST revealed that the majority of the property is subject to a land capability classification of 6 (*'Land marginally suited to grazing due to severe limitations'*), with some areas being subject to a land capability classification of 7 (*'Land with very severe to extreme limitations that make it unsuitable for agricultural use'*) and a small portion along the southern boundary being subject to a land capability classification of 5 (*'Land unsuited to cropping and with slight to moderate limitations to pastoral use'*).

**P1.2** - As part of the Request for Further Information Letter that was issued to the applicant, item 02 required the provision of an onsite report prepared by a suitably qualified person in addition to a written scheme response to the E16 On-Site Wastewater Management Code. In response to this item, the applicant submitted an onsite wastewater report on the 26/07/2023 and this report was referred to Council's previous Environmental Health Officer (Chris Wicks) which provided the following comments in relation to the submitted report (See TRIM Ref. 23/17357):

- '*Geoton have provided a "Provisional Site Classification and On-site Wastewater Disposal Design", which demonstrates that the site is suitable for wastewater disposal for a dwelling of at least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage. Also, please ask Geoton to address E.16'*

Accordingly, a response to the E16 Code above was requested to be provided by the applicant. As a result the applicant submitted a written scheme response to the E16 Code prepared by Geoton and this response was referred to Council's previous Environmental Health Officer (Chris Wicks) for review. In response to the provided written scheme response, Chris Wicks confirmed that the response was satisfactory (See TRIM Ref. 23/18040). Therefore, this performance can be considered appropriately satisfied.

#### 26.4.1 Building location and Appearance

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Building height must not exceed:</p> <p>a) 8m for dwellings; or</p> <p>b) 12m for other purposes.</p>	<p>P1 Building height must:</p> <p>a) be unobtrusive and complement the character of the surrounding landscape; and</p> <p>b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>The submitted plans demonstrate that the proposed dwelling will have a maximum building height of 9.406m above natural ground level which exceeds the acceptable solution's 8m building height for dwellings. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p> <p>(a) Although the proposed dwelling will exceed the acceptable solution building height by 1.406m, the somewhat minor increase from the 8m building height is unlikely to be obtrusive to the surrounding landscape within the Four Mile Creek Area. The proposed dwelling will be located on the highest point of the property where it is relatively flat and though some vegetation removal will be required for the construction of the development, the remainder of the property will remain heavily vegetated. This is particularly evident as the applicant within their written response to the submitted representations expressed that retention of trees exceeding 4m in height is intended to occur as part of the proposed development.</p> <p>In response to the submitted representations, the applicant submitted a preliminary natural values assessment prepared by a suitably qualified person (Jeff Mulcahy – Mulchay Planning and Property Services) who was also accompanied by botanist Fiona Walsh from Enviro-dynamics during the preliminary site assessment. Within the provided report, it is worth noting that a visibility analysis (note: the suitably qualified individual utilised the View Shed Analyses as per the letter) was conducted to ascertain the likely visual impact that the proposed development may have upon surrounding areas. Importantly it was determined that without vegetation screening the proposed development would likely be visible from, <i>'...Falmouth, parts of Four Mile Creek, parts of Ironhouse Point, large sections of the Tasman Highway between Ironhouse Point and Falmouth, and several dwellings along Davis Gully Road and inland to the west'</i> (Refer to page 22 of the preliminary natural values assessment</p>	

prepared by Jeff Mulcahy – Mulchay Planning and Property Services). As outlined previously, the retention of trees exceeding 4m in height has been expressed to occur where possible as part of the development to ensure that vegetation screening reduces the potential visual impact associated with the development. However, the suitably qualified person concluded that the proposed development will not result in a significant visual impact and nor is it likely to be visible from surrounding areas. Additionally, it is worth noting that there are a number of properties within proximity to the subject site that have both established residential uses and substantially cleared land in order to accommodate that use with such examples including:

- 209 Davis Gully Road, Four Mile Creek (PID 2116875)
- 289 Davis Gully Road, Four Mile Creek (PID 7514530)
- 326 Davis Gully Road, Four Mile Creek (PID 1533220)
- 430 Davis Gully Road, Four Mile Creek (PID 7514573)
- 430 Davis Gully Road, Four Mile Creek (PID 7514573)
- 207 Davis Gully Road, Four Mile Creek (PID 1890762)
- 98 Banticks Creek Road, Four Mile Creek (PID 6407637)
- 21443 Tasman Highway, Four Mile Creek (PID 7627308)
- 21473 Tasman Highway, Four Mile Creek (PID 7349512)
- 21921 Tasman Highway, Four Mile Creek (PID 1963407)

Giving consideration to the topographical characteristics, size and vegetation existent on the subject site and established residential uses on properties within the surrounding area that have also required clearing, it is reasonable to conclude that this performance criterion can be considered appropriately satisfied.

(b) Amenity of the surrounding properties which are primarily residential in nature (note: expect for the adjoining properties to the south as outlined within the completed assessment above for clause 26.3.2 *Dwellings*), are unlikely to be significantly impacted by the proposed development as the proposed development is not likely to be in full view from existing residences on adjoining properties. Refer to assessment completed for criterion (a) above.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A2 Buildings must be set back a minimum of:</p> <p>a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or</p> <p>b) 200m where a sensitive use is proposed; or</p>	<p>P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <p>a) the topography of the land; and</p> <p>b) buffers created by natural or other features; and</p>

c) the same as existing for replacement of an existing dwelling.	c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
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**Assessment against the Performance Criteria is required.**

**Performance Criteria Assessment**

Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

The proposed development which is considered as a sensitive use will have a setback to the eastern side boundary of less than 200m thereby requiring assessment against the performance criteria. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) As per the completed assessment for clause 26.3.2 *Dwellings* above, adjoining properties are primarily utilised for residential purposes except for the properties adjoining the southern boundary of the subject site which one is owned by Department Of Primary Industries, Parks, Water & Environment (note: Mount Elephant Road, Gray PID 2542268; identified as a Future Potential Production Forest) and the other property is owned by Parks and Wildlife Service (Little Beach State Reserve). The proposed development has been sited on the highest point on the property which consists of mostly flat land conducive for development as illustrated within the elevations included within the submitted plans. The intended location for the proposed development is unlikely to impact upon the Future Potential Production Forest associated with the land owned by Department Of Primary Industries, Parks, Water & Environment given that the proposed development is located more than 500m away from the southern boundary.
- (b) Though some vegetation removal will be required for the intended development site on the property, the remainder of the heavily vegetated site will remain as it currently exists thereby providing natural screening/buffer. It is worth noting that within their response to the submitted representations and as shown on the submitted site plan, the applicant has confirmed that within the inner vegetation clearance zone (note: includes the proposed dwelling) that ground covering vegetation, shrubs and trees will be removed but within the outer vegetation clearance zone (note: includes the proposed shed, onsite wastewater system and rainwater tanks) ground covering vegetation will be removed but trees exceeding 4m in height will be retained where possible.



(c) Location of the proposed residential development is consistent with surrounding residential properties as these properties are also located less than 200m from their respective boundaries with some examples including:

- 209 Davis Gully Road, Four Mile Creek (PID 2116875)
- 289 Davis Gully Road, Four Mile Creek (PID 7514530)
- 326 Davis Gully Road, Four Mile Creek (PID 1533220)
- 430 Davis Gully Road, Four Mile Creek (PID 7514573)
- 207 Davis Gully Road, Four Mile Creek (PID 1890762)
- 98 Banticks Creek Road, Four Mile Creek (PID 6407637)
- 21443 Tasman Highway, Four Mile Creek (PID 7627308)
- 21473 Tasman Highway, Four Mile Creek (PID 7349512)
- 21921 Tasman Highway, Four Mile Creek (PID 1963407)

(d) As outlined in criterion (a) above, the subject site is surrounded mostly by residential properties except for the two properties adjoining the southern boundary of the subject site. Mount Elephant Road, Gray, is owned by Department Of Primary Industries, Parks, Water & Environment (PID 2542268) which has been identified as a Future Potential Production Forest and the other property is owned by Parks and Wildlife Service (Little Beach State Reserve). Notably, both of these properties are located more than 500m away from the intended location for the proposed development on the subject site.

(e) As shown on the submitted site plan, the proposed development has been sited within the rear portion of the property and will subsequently be located more than 500m from the frontage boundary of the property adjoining Davis Gully Road.

## E4.0 Road and Railway Assets Code

### E4.6.1 Use and road or rail infrastructure

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is

	<p>dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Specifically, the subject site is not currently serviced by a formal access and will require the construction of a new crossover. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p> <ul style="list-style-type: none"> <li>(a) The subject site adjoins Davis Gully Road which is a council maintained road, is not identified as a category 1 road nor is it proclaimed as a limited access road. No further assessment is required.</li> <li>(b) Similar to the above, the subject site adjoins Davis Gully Road which is a council maintained road, is not identified as a category 1, 2 or 3 road nor is it proclaimed as a limited access road. No further assessment is required.</li> <li>(c) As part of the request for Further Information process a Traffic Impact Assessment Report was provided in order to address the requirements of this code. The applicant submitted a report prepared by Midson Traffic Pty Ltd which determined the following in relation to this particular performance criterion: <p><i>‘c. The driveway access will service a single residential dwelling and as such will have a relatively low traffic generation of 8 vehicles per day. The access driveway is located in a section of Davis Gully Road where adequate sight distance is available and the vertical and horizontal alignment are acceptable. There is no crash history in Davis Gully Road’ (refer to page 09 of the ‘333 Davis Gully Road Traffic Impact Assessment’ prepared by Midson Traffic Pty Ltd for reference).</i></p> <p>Upon receipt of the above report, a referral was issued to Council’s Works Department to determine the adequacy of its conclusions. The Manager of Council’s Works Department (David Jolly) confirmed the following within the referral, <i>‘I note receipt of the TIA. The conclusions made by Midson Traffic are accepted’</i>. Additionally, the Works Department have requested that the following conditions accompany the planning permit:</p> <ul style="list-style-type: none"> <li>• <i>The crossover must be constructed in accordance with standard drawings TSD-R03-v3 &amp; TSD-R04-v3.</i></li> </ul> </li> </ul>	

- *An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.*

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

#### *E4.7.2 Management of Road Accesses and Junctions*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	<p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Subject site adjoins Davis Gully Road which has a speed limit of 80km/h and the proposed development includes the construction of a new crossover to service the subject site (note: subject site not currently serviced by a crossover). However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p> <p>(a) The proposed development includes the construction of a new access to enable access to the subject site from Davis Gully Road. Notably, Davis Gully Road is a council maintained road and is not considered as either a category 1 road or limited access road. No further assessment is required.</p> <p>(b) Davis Gully Road is neither a category 1,2 or 3 road nor is it considered as a limited access road. No further assessment is required.</p>	

(c) As outlined within the completed assessment above for performance criteria P3 from clause E4.6.1 Use and road or rail infrastructure, a Traffic Impact Assessment Report was provided in order to address the requirements of this code as required by the Request for Further Information Letter issued to the applicant. The applicant submitted a report prepared by Midson Traffic Pty Ltd which determined the following:

*‘c. The driveway access will service a single residential dwelling and as such will have a relatively low traffic generation of 8 vehicles per day. The access driveway is located in a section of Davis Gully Road where adequate sight distance is available and the vertical and horizontal alignment are acceptable. There is no crash history in Davis Gully Road’ (refer to page 09 of the ‘333 Davis Gully Road Traffic Impact Assessment’ prepared by Midson Traffic Pty Ltd for reference).*

Upon receipt of the above report, a referral was issued to Council’s Works Department to determine the adequacy of its conclusions. The Manager of Council’s Works Department (David Jolly) confirmed the following within the referral, *‘I note receipt of the TIA. The conclusions made by Midson Traffic are accepted’*. Additionally, the Works Department have requested that the following conditions accompany the planning permit:

- *The crossover must be constructed in accordance with standard drawings TSD-RO3-v3 & TSD-R04-v3.*
- *An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.*

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<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><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p>	

The construction of the new access to service the proposed development is intended to be achieved off Davis Gully Road which has a speed limit of 80km/h. The Traffic Impact Assessment report prepared by Midson Traffic Pty Ltd, notes that a sightline distance for the new access can be approximated to be 80m. Though the speed limit for Davis Gully Road is 80km/h, utilising factors such as road geometry, road construction and width, Midson Traffic Pty Ltd estimated that the 85<sup>th</sup> percentile speed for vehicles are likely to be travelling at 60km/h. With reference to Table E4.7.4, a vehicle travelling at 60km/h within an area subject to a speed limit of more than 60km/h should have sight distances of 115m in order to meet the acceptable solution and as such assessment against the performance criteria has been required for this clause.

Subsequently, in response to the performance criterion, Midson Traffic Pty Ltd outlined the following:

*‘The SISD values provided in Table E4.7.4 of the Planning Scheme are based on Austroads sight distance requirements for road junctions. In this case the access is a residential driveway, not a road junction. The appropriate reference for sight distance requirements for residential driveways is Australian Standards, AS2890.1.*

*The 85th percentile speed is estimated to be 60-km/h. This requires a minimum sight distance of 55 metres for a domestic property access. The collision risk associated with the access is also very low, noting that the peak traffic generation will be 1 vehicle per hour. The corresponding opposing traffic flow on Davis Gully Road is likely to be in the order of 10 vehicles per hour.*

*On this basis the driveway access is deemed to comply with the requirements of Performance Criteria P1 of Clause E4.7.4 of the Planning Scheme’. (refer to page 10 of the ‘333 Davis Gully Road Traffic Impact Assessment’ prepared by Midson Traffic Pty Ltd for reference).*

As outlined within the assessments completed for clauses E4.6.1 *Use and road or rail infrastructure* (Performance Criteria P3) and E4.7.2 *Management of Road Accesses and Junctions* (Performance Criteria P2), a referral of the Traffic Impact Assessment Report to Council’s Works Department resulted in the following comment being provided by the Manager of Council’s Works Department (David Jolly), *‘I note receipt of the TIA. The conclusions made by Midson Traffic are accepted’*. Additionally, the Works Department have requested that the following conditions accompany the planning permit (See TRIM Ref. 23/5853):

- *The crossover must be constructed in accordance with standard drawings TSD-RO3-v3 & TSD-RO4-v3.*
- *An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.*

Therefore, it is reasonable to conclude that the completed assessment above demonstrates that the performance criteria can be considered appropriately satisfied.

## E8.0 Biodiversity Code

### E8.6.1 Habitat and Vegetation Management

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.	<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> <ul style="list-style-type: none"> <li>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</li> <li>b) means of removal; and</li> <li>c) value of riparian vegetation in protecting habitat values; and</li> <li>d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and</li> <li>e) need for and adequacy of proposed vegetation or habitat management; and</li> <li>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.</li> </ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>As part of the proposed development, the submitted site plan outlines the intended removal of ground covering vegetation, shrubs and trees within the inner vegetation clearance zone (note: includes the proposed dwelling) that ground covering vegetation, shrubs and trees will be removed but within the outer vegetation clearance zone (note: includes the proposed shed, onsite wastewater system and rainwater tanks) ground covering vegetation will be removed but trees exceeding 4m in height will be retained where possible. Notably, within the applicant's response to the submitted representations, the applicant reiterates that within the outer vegetation clearance that trees exceeding a 4m height are intended to be retained and that the intent of the proposed development is to minimise disturbance of natural characteristics associated with the subject site.</p> <p>Review of the property on the LIST with the 'TASVEG 4.0', 'TASVEG 4.0' and the 'overlays applied, demonstrate that the development site has been attributed the following vegetation group and description:</p> <ol style="list-style-type: none"> <li>1. TASVEG 3.0 = Dry eucalypt forest and woodland (Vegetation Community Group), (DOB) Eucalyptus obliqua dry forest (Vegetation Community Group Description). The proposed dwelling, carport and shed will be located within this area.</li> </ol>	

2. TASVEG 3.0 = Dry eucalypt forest and woodland (Vegetation Community Group), (DSO) Eucalyptus sieberi forest and woodland not on granite (Vegetation Community Group Description). Part of the proposed driveway will be located within this area.
3. TASVEG 3.0 = Dry eucalypt forest and woodland (Vegetation Community Group), (DAC) Eucalyptus amygdalina coastal forest and woodland (Vegetation Community Group Description). Part of the proposed driveway will be located within this area.
4. TASVEG 4.0 = same as TASVEG 3.0 above.
5. Threatened Native Vegetation Communities 2020 (TNVC 2020) = No threatened native vegetation communities were mapped on the subject site.

It is worth noting that over 350m south of the development site there is a Threatened Fauna Point which has identified the presence of the Giant Velvet Worm. In response to the submitted representations which outlined concerns regarding potential environmental impacts of the proposed development, the applicant submitted a preliminary natural values assessment prepared by a suitably qualified person (Jeff Mulcahy – Mulchay Planning and Property Services) who was also accompanied by botanist Fiona Walsh from Enviro-dynamics during the preliminary site assessment. The contents of the letter predominantly focused upon the impacts that the proposed development will likely have upon the natural values associated with the subject site. The report outlines that the following impacts may arise from the proposed development including the following (Refer to page 14 of the preliminary natural values assessment prepared by Jeff Mulcahy – Mulchay Planning and Property Services) :

*‘Direct impacts on natural values because of the proposed development could arise from:*

- *upgrade of existing vehicle tracks for provision of access,*
- *construction of new vehicle tracks for provision of access, and*
- *clearing and development of the building site and associated bushfire hazard management area.*

*Indirect impacts because of the proposed development could arise from:*

- *upgrade of existing vehicle tracks for provision of access (eg erosion or weed invasion),*
- *construction of new vehicle tracks for provision of access (eg erosion or weed invasion), and*
- *disturbance to breeding for any resident eagles that may be nesting in the area’.*

It was identified within the abovementioned letter on page 12, that there was one flora species on the subject site listed as threatened under the Tasmanian Threatened Species Protection Act 1995 (TTSPA). This flora species included eleven individual small-leaf glycine which are currently located where the proposed driveway is intended to be constructed. It is worth noting that within the submitted letter the suitably qualified person notes the following in relation to the development which may impact upon a listed threatened species (Refer to page 12 of the preliminary natural values assessment), *‘Where a development will involve impact to a species listed as threatened, a permit to ‘take’ will be required from the Department of Natural Resources and Environment (NRE). ‘Take’ includes kill, injure, pursue, catch, damage, destroy and collect’.* It was also identified within the submitted report that the likely threatened fauna species which may be impact upon by the development included the giant blind velvet worm and the wedge-tailed eagle which is also evident from the *‘Wedge-tailed Eagle Nesting Habitat*



– *Low (under 850m) Elevation Model* available on the LIST. However, the suitability qualified person confirmed that the areas for the proposed development do not currently contain significant habitat for the threatened fauna species but may have indirect impacts which have been outlined above.

Please be advised that the preliminary natural values assessment prepared by Jeff Mulcahy – Mulcahy Planning and Property Services has been reviewed by Council’s NRM Facilitator (See TRIM Ref. 23/25794) and with consideration given to the natural values associated with the subject site, the following conditions will be included as part of the permit as seen within the completed report:

8. *Compliance with State (Tasmanian Threatened Species Protection Act 1995) and National Threatened Species Protection Laws (Environment Protection and Biodiversity Conservation Act 1999) is required at all times during the development.*
9. *The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.*
11. *It is a requirement that a permit to 'take' small-leaved glycine (Glycine microphylla), a threatened species, will need to be obtained from the Department of Natural Resources and Environment (NRE) prior to works being undertaken for the proposed driveway. This is required as it was identified within the preliminary natural values assessment prepared by Mulcahy Planning and Property Services, that the proposed driveway is likely to impact upon the threatened flora species known as small-leaved glycine.*
12. *To ensure that the proposed development is sympathetic to the natural values of the subject site, a Wedge-Tailed Eagle Nest Survey by a suitably qualified person and a response to management issues is raised, it is required to be submitted to Council for review prior to the issuing of a building permit. This is required to ensure that the intended development site will not contribute towards adversely impacting upon Wedge-Tailed Eagles which are listed as a threatened species under the Tasmanian Threatened Species Protection Act 1995 and also listed as an endangered Tasmanian subspecies under the Environment Protection and Biodiversity Conservation Act 1999.*
13. *If there are any existing large tree limbs, logs or stumps present on the development site, both an assessment and advice is to be sought from a suitably qualified ecologist on protecting suitable habitat of the Giant Blind Velvet Worm (Leucopatus anophthalmus) and is be submitted to Council for review. This required to ensure that the intended development will not adversely impact the Blind Velvet Worm, which is listed as an endangered species under the Tasmanian Threatened Species Protection Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.*



## E16.0 On-Site Wastewater Management Code

### E16.7.1 Onsite Wastewater Management

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and buildings and structures.	P1.1 Buildings and structures must not be placed over onsite wastewater infrastructure; and P1.2 Buildings and structures within 3m of onsite wastewater infrastructure must not have a detrimental impact on the operation or integrity of the onsite wastewater management infrastructure; and P1.3 Onsite wastewater management must not have a detrimental impact on the foundations or footings of buildings or structures.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>The septic tank associated with the proposed onsite wastewater will be located approximately 1.3m south of the proposed shed thereby requiring assessment against this performance criteria. As shown within the submitted plans in addition to the onsite wastewater report prepared by Geoton, there will be no building structure placed over the proposed onsite wastewater infrastructure or the wastewater disposal area. Although the septic tank will have a setback less than the 3m requirement as outlined within the acceptable solution, an approximate setback of 1.3m to the proposed shed is unlikely to impact upon the operation of the onsite water system nor the foundations/footings of the proposed shed. Additionally, it is worth noting that the distribution box in addition to both the wastewater disposal area and the reserve area exceed the 3m horizontal setback.</p> <p>A referral was sent to Council's previous Environmental Health Officer (Chris Wicks) which resulted in the following comments (See TRIM Ref. 23/17357):</p> <p><i>'Geoton have provided a "Provisional Site Classification and On-site Wastewater Disposal Design", which demonstrates that the site is suitable for wastewater disposal for a dwelling of at least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage'.</i></p> <p>Therefore, in consideration of the completed assessment above, the performance criteria can be considered appropriately satisfied.</p>	

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A2 A minimum horizontal separation of 3m must be provided between onsite	P2 Hardstand, paved areas car parking and vehicle manoeuvring areas must:

wastewater management infrastructure and the following: a) hardstand and paved areas; b) car parking and vehicle manoeuvring areas; and c) title or lot boundaries;	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.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a dwelling, carport and shed for the subject site at 333 Davis Gully Road, Four Mile Creek, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>Similar to the assessment completed above, the septic tank associated with the proposed onsite wastewater will be located approximately 1.3m south of the vehicle manoeuvring area which will be associated with the proposed shed. However, the performance criterion can be considered appropriately satisfied given that the proposed onsite wastewater infrastructure is not located within the vehicle manoeuvring area (above or below it) and will not impact upon the operation of the onsite wastewater infrastructure given that there is a setback to the previously mentioned vehicle manoeuvring area.</p> <p>Additionally, the referral sent to Council's previous Environmental Health Officer (Chris Wicks) confirmed the following (See TRIM Ref. 23/17357):</p> <p><i>'Geoton have provided a "Provisional Site Classification and On-site Wastewater Disposal Design", which demonstrates that the site is suitable for wastewater disposal for a dwelling of at least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage'.</i></p>	

## 5. Representations

The application was advertised 12<sup>th</sup> August 2023 to 25<sup>th</sup> August 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Three (3) 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"> <li>Insufficient information within the development application regarding ecological impact of any land clearing required for the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>Though the proposed development is not located within an area subject to the Priority Habitat overlay, in response to concerns raised over the ecological impact that the proposed development may have upon the subject site, the applicant engaged the services of Jeff Mulcahy – Mulcahy Planning and Property Services to conduct a preliminary assessment of the existing natural values. This resulted in the provision of a 28 page preliminary natural values assessment letter which provided details about the</li> </ul>

<ul style="list-style-type: none"> <li>• Location of the proposed dwelling is unacceptable regarding fire risk.</li> <li>• Proposed driveway is extremely steep and likely to result in significant and ongoing erosion risks.</li> <li>• Queried whether an assessment has been completed for the potential impact upon scenic amenity within the area.</li> </ul>	<p>environmental features that were observed on the subject site and potential impacts that the development may have if not appropriately managed. Notably, the preliminary site assessment was also conducted in the presence of Fiona Walsh from Enviro-Dynamics and predominantly included rapid surveys confined to the following locations: forest immediately adjoining the access track from the property frontage and the location for the proposed dwelling, shed and attached carport structures. Contents of the provided letter does acknowledge the presence and or potential presence of listed threatened flora and fauna species including: eleven individual small-leafed glycine (<i>Glycine microphylla</i>) located on the driveway, potential presence of giant velvet worms (<i>Tasmanipatus barretti</i>) and potential presence of wedge-tailed eagles (please refer to preliminary natural values assessment letter completed by Jeff Mulcahy – Mulchay Planning and Property Services for further details). Accordingly, to ensure that the proposed development does not adversely impact upon the natural values associated with the subject site, the following conditions will accompany the planning permit:</p> <ol style="list-style-type: none"> <li>8. <i>Compliance with State (Tasmanian Threatened Species Protection Act 1995) and National Threatened Species Protection Laws (Environment Protection and Biodiversity Conservation Act 1999) is required at all times during the development.</i></li> <li>9. <i>The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.</i></li> <li>11. <i>It is a requirement that a permit to 'take' small-leafed glycine (<i>Glycine microphylla</i>), a threatened species, will need to be obtained from the Department of Natural Resources and Environment (NRE) prior to works being undertaken for the proposed driveway. This is required as it was identified within the preliminary natural values assessment prepared by Mulchay Planning and Property Services, that the proposed driveway is likely to impact upon the threatened flora species known as small-leafed glycine.</i></li> <li>12. <i>To ensure that the proposed development is sympathetic to the natural values of the subject site, a Wedge-Tailed</i></li> </ol>
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	<p><i>Eagle Nest Survey by a suitably qualified person and a response to management issues it raised, is required to be submitted to Council for review prior to the issuing of a building permit. This is required to ensure that the intended development site will not contribute towards adversely impacting upon Wedge-Tailed Eagles which are listed as a threatened species under the Tasmanian Threatened Species Protection Act 1995 and also listed as an endangered Tasmanian subspecies under the Environment Protection and Biodiversity Conservation Act 1999.</i></p> <p>13. <i>If there are any existing large tree limbs, logs or stumps present on the development site, both an assessment and advice is to be sought from a suitably qualified ecologist on protecting suitable habitat of the Giant Blind Velvet Worm (Leucopatus anophthalmus) is to be submitted to Council for review. This is required to ensure that the intended development will not adversely impact the Blind Velvet Worm, which is listed as an endangered species under the Tasmanian Threatened Species Protection Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.</i></p> <ul style="list-style-type: none"> <li>• Provision of a bushfire report is not required during the planning application stage but will be a requirement for the building application. This application does not include subdivision nor is the development considered as a vulnerable or hazardous use in accordance with the definitions provided in <i>E1.3 Definition of terms in this Code</i> under the <b>E1.0 Bushfire-Prone Areas Code</b> from the interim planning scheme.</li> </ul> <p>It is worth noting that it was recommended during the request for further information process that a bushfire report could be provided during the planning application stage but was not a requirement. As such, the applicant opted not to provide a bushfire report during the planning application stage further confirming that as part of the building application process, a bushfire report prepared by a suitably qualified practitioner will be provided.</p> <ul style="list-style-type: none"> <li>• Property is not subject to the land slip overlay under the interim planning scheme mapping, however in light of the concerns raised by the submitted representations and comments provided within the preliminary natural values letter submitted by Jeff Mulcahy – Mulcahy Planning and Property Services which noted the erosion impacting upon</li> </ul>
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	<p>the current access track, the following conditions will accompany the permit:</p> <ol style="list-style-type: none"> <li>9. <i>The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.</i></li> <li>10. <i>The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.</i></li> </ol> <ul style="list-style-type: none"> <li>• Proposed development does not require assessment against the E7.0 Scenic Management Code since the frontage of the subject site nor is the proposed development within 100m of the Scenic Corridor Overlay. However, in response to concerns raised within the submitted representations regarding the potential visual impacts of the proposed development the preliminary natural values assessment letter prepared by Jeff Mulcahy – Mulcahy Planning and Property Services also included an assessment with regards to the potential visual impact. In particular viewshed analyses was conducted in order to assess the potential visual impact that the proposed development may contribute to as further detailed within the provided letter. Notably, the suitably qualified person concluded that the modelling for the viewshed analysis indicates that the proposed development is unlikely to have a significant visual impact nor is it likely to be visible from surrounding areas, Tasman Highway or surrounding residential properties.</li> </ul> <p>As outlined within the completed scheme assessment for clause 26.4.1 <i>Building location and Appearance</i> from the 26.0 Rural Resource Zone, it is worth noting that there are a number of properties within proximity to the subject site that have established residential uses which are also subject to the 26.0 Rural Resource Zone and have substantially cleared land in order to accommodate the residential use with such examples including:</p> <ul style="list-style-type: none"> <li>- 209 Davis Gully Road, Four Mile Creek (PID 2116875),</li> <li>- 289 Davis Gully Road, Four Mile Creek (PID 7514530),</li> <li>- 326 Davis Gully Road, Four Mile Creek (PID 1533220),</li> </ul>
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	<ul style="list-style-type: none"> <li>- 430 Davis Gully Road, Four Mile Creek (PID 7514573),</li> <li>- 207 Davis Gully Road, Four Mile Creek (PID 1890762),</li> <li>- 98 Banticks Creek Road, Four Mile Creek (PID 6407637),</li> <li>- 21443 Tasman Highway, Four Mile Creek (PID 7627308),</li> <li>- 21473 Tasman Highway, Four Mile Creek (PID 7349512),</li> <li>- 21921 Tasman Highway, Four Mile Creek (PID 1963407).</li> </ul>
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## Representation 02

Issue	Response
<ul style="list-style-type: none"> <li>• Query why Connors Road can't be utilised for access purposes as it is a gazetted road which comes out onto Davis Gully Road.</li> <li>• Construction of a new road from 333 Davis Gully Road would be occurring on steep land likely accessible by four wheel drive vehicles. Would like to know consideration of materials and drainage that is intended to be utilised and there is some concern about the effects of runoff that might impact upon their property (209 Davis Gully Creek Road, Fourmile Creek)</li> <li>• Lack of a completed environmental assessment of the threatened species on the subject site and especially with regards to the location of the wedge tail eagles nests.</li> <li>• The track that is intended to be utilised is not an old logging track.</li> <li>• Subject site has highly erodible soil and landslips have not been mentioned or mapped.</li> </ul>	<ul style="list-style-type: none"> <li>• The submitted site plan demonstrates that the majority of the internal access is proposed and will connect to sections of Connors Road that traverse through the property. The applicant within their written response to the submitted representations provides a fairly comprehensive explanation as to why access will be contained within the boundaries of the subject site (refer to pages 01 and 02 of the applicant's written response to the submitted representations).</li> <li>• Proposed driveway will be conditioned to be constructed in accordance with a bushfire hazard management plan. The Tasmanian Fire Service have property access requirements that will form part of the Bushfire Report when it is prepared during the building application stage. In lieu of a prepared bushfire report (note: which is not required for the planning application stage), the following permit conditions will be included: <ul style="list-style-type: none"> <li>9. The access and driveway is to be designed and constructed in accordance with a bushfire hazard</li> </ul> </li> </ul>

	<p>management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.</p> <p>10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.</p> <ul style="list-style-type: none"> <li>• Refer to point one included within the response column of Representation 01 above.</li> <li>• Unsure of what this is referring to as there is no mention of an old logging track within the documentation that was advertised.</li> <li>• Property is not subject to the land slip overlay under the interim planning scheme mapping, however in light of the concerns raised by the submitted representations and comments provided within the preliminary natural values letter submitted by Jeff Mulcahy – Mulchay Planning and Property Services which noted the erosion impacting upon the current access track, the conditions 9 &amp; 10 will accompany the permit.</li> </ul>
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### Representation 03

Issue	Response
<ul style="list-style-type: none"> <li>• Reference to objective (b) of <i>clause 26.4.1 Building Location and Appearance</i> is made in relation to the proposed development with the concerns being expressed: <ul style="list-style-type: none"> <li>- Proposed driveway from Davis Gully Road circles around to the summit of Ironhouse Hill and intends to utilise an existing fire trail on the subject site. Existing fire trail is overgrown in areas and require substantial earthworks in order to ensure that the proposed</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Planning Officer's completed planning scheme assessment for performance criteria P1 and P2 of <i>clause 26.4.1 Building Location and Appearance</i>.</li> <li>• Though the development site is subject to the Bushfire Prone Areas Overlay as seen on Council's Interim Planning Scheme mapping, neither a bushfire report nor a planning assessment is required as</li> </ul>



<p>driveway is constructed to an appropriate standard for access purposes. It is anticipated that this will result in the driveway being within view of the Tasman Highway and believe that this might also be visible from Scamander. Damage upon scenic values of Iron House Hill to be seen from tourist road which has been discerned as Tasman Highway (leaving Scamander and heading south towards Hobart).</p> <p>The footprint of the proposed development has been shown on the plans to be 70m by 70m excavation area. Proposed development is located on the top of Ironhouse Hill and believe that significant earthworks will be detrimental to the 'hill skyline' and significant disturbance of Ironhouse Hill should be prevented.</p> <ul style="list-style-type: none"> <li>• Notes that the property is subject to the Bushfire Prone Areas Code and acknowledges that it is not a requirement for this code to be addressed during the planning application. Making reference to the definition of <u>Bushfire-Prone Area</u> from <b>E1.3 Definitions of terms in this Code</b>, the representor contends that item (b) of the definition is applicable to the proposed development. Specifically, the representor asserts further excavation will be required to meet the '<i>...Greater than 1 hectare</i>' requirement outlined in item (b) of the definition which will further contribute to visual impact of the development from the Tasman Highway. Further notes that Ironhouse Hill is an extreme bushfire prone zone and since the proposed dwelling is intended to be sited at the summit of the subject site it would be impossible to vacant safety during a bushfire event.</li> <li>• With reference to the performance criteria P1 of clause 26.4.1 <i>Building Location and Appearance</i> from the 26.0 Rural Resource Zone, representor notes that the proposed dwelling has an overall building height of</li> </ul>	<p>the development cannot be considered as either a vulnerable or hazardous use and does not include subdivision. Provision of a Bushfire Report will be required during the Building application stage for the proposed development. It is worth noting that the 1-hectare requirement that the representor makes reference to is taken from the definition of '<i>bushfire-prone area</i>' from section <b>E1.3 Definition of terms in this Code</b> as outlined within the E1.0 Bushfire-Prone Areas Code.</p> <ul style="list-style-type: none"> <li>• Refer to Planning Officer's completed planning scheme assessment for performance criteria P1 of clause 26.4.1 <i>Building Location and Appearance</i>.</li> <li>• Side boundary setback of 95m to an eastern side boundary which adjoins a property subject to the 14.0 Environmental Living Zone is noted and the application is also discretionary on 26.4.1 <i>Building location and Appearance</i> (Performance Criteria P2) due to the setback. The '<i>Provisional Site Classification &amp; On-site Wastewater Disposal Design 333 Davis Gully Road, Four Mile Creek</i>' prepared by Geoton does note that reassessment will be required once appropriate access to the development site is provided. This reassessment may instead require the installation of an accredited secondary treated system. For the purposes of the planning application stage, a referral of this report was issued to Council's previous Environmental Health Officer (Chris Wicks) confirmed the following, '<i>Geoton have provided a "Provisional Site Classification and On-site Wastewater Disposal Design", which demonstrates that</i></li> </ul>
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<p>10.706m though part of the structure will be subterranean, the proposed dwelling will have a building height 9.4m above the ground level. Strongly disagree that this is marginally higher than the acceptable solution's 8m building height. Due to the height of the proposed dwelling and its intended location on top of the hill, the structure will be prominent on the skyline and will be seen from the Tasman Highway.</p> <p>Additional concern regarding the amount of glazing for the proposed dwelling and querying what evidence there is that the reflective glare from the sun will not impact upon the visual amenity from the Tasman Highway. Due to the significant earthworks required for the proposed driveway and building structures in addition to the building height of the proposed dwelling, the representor contends that this will be obtrusive and won't complement the character of the surrounding landscape.</p> <ul style="list-style-type: none"> <li>Proposed building site is located 95m from the 14.0 Environmental Living Zone which adjoins the north eastern boundary of the subject site (note: subject site adjoins representor's property). With reference to the submitted Onsite Wastewater report prepared by Geoton it was noted that the final site is yet to be determined to the proposed site being uncleared and that an alternative site may be required.</li> <li>With reference to the E8.0 Biodiversity Code, the representor notes that the subject site (approx. 175ha) has natural pristine bushland and that significant earthworks will result in the removal of a substantial amount of natural habitat. Subject site is very dense in some places and has not been thoroughly surveyed to identify the presence of significant flora and fauna species. Over the past 30 years of owning the adjoining property, the representor has walked on general boundary and has identified the presence of tree ferns, lush gullies and numerous</li> </ul>	<p><i>the site is suitable for wastewater disposal for a dwelling of at least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage'.</i></p> <ul style="list-style-type: none"> <li>Refer to point one included within the response column of Representation 01 above.</li> <li>Proposed onsite wastewater system: <ul style="list-style-type: none"> <li>The location of the waste disposal area /trenches are more 100m away from the mapped watercourses of Tin Creek (note: located east of the subject site) and Old Billys Creek (note: located to the south of the subject site).</li> <li>If explosives are required for excavation of the development site, all works will need to be done in accordance with the requirements of the relevant Australian Standard (AS 2187.2–2006: <i>Explosives – Storage and use – Use of Explosives</i>). It is worth noting that the report provided by Geoton does not outline the use of explosives but if such an approach is raised it will be addressed during the building application stage.</li> <li>Excavation is limited to the area for the proposed building structures and driveway (if required). Given the size of the proposed development and potential erosion that may arise, the following condition will accompany the permit:</li> </ul> </li> </ul> <p>14. <i>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</i></p>
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<p>fauna. Representor concludes this point with the following question, <i>‘What process has been undertaken to determine that the development does not impact the protection of biodiversity?’</i></p> <ul style="list-style-type: none"> <li>• Representor is of the understanding that the proposed development will have wastewater to dispose of and has the following concerns: <ul style="list-style-type: none"> <li>- Black and Grey Water may pollute the two springs if not treated properly. Two springs seep out of Ironhouse Hill which one spring feeds into Tin Creek and on the other side of Ironhouse Hill is another spring that feeds into Old Billy’s Creek which is located on land owned by National Parks. Proposed development is situated above the headwaters of Tin Creek.</li> <li>- On the proposed excavation site it may be necessary to drill into solid rock below and use explosives. Representor outlines that any disturbance to the ground must be carefully conducted as this may damage the two springs.</li> <li>- Below the subject site there is existing landslip and erosion, any stormwater runoff from large scale cut into the Ironhouse Hill will cause a lot of erosion with sediment running down the hill.</li> <li>- Presence of highly erodible soils in the areas have stopped logging by Forestry. For context the representor notes that the Mt Elephant State Forest was passed on the National Parks and taken out of production following the Regional Forest Agreement. Representor further conveys that it has been reported to them by Lionel Poole from the St Helens brank of National Parks that the reason for the logging operation to stop in this area was “Highly Erodible Soils”.</li> </ul> </li> </ul>	<p><i>and Water Management, published by Hobart City Council and available on Council’s website (<a href="http://www.bodc.tas.gov.au/web/data/resources/files/Guidelines_for_Soil_and_Water_Management.pdf">http://www.bodc.tas.gov.au/web/data/resources/files/Guidelines_for_Soil_and_Water_Management.pdf</a>).</i> 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 stabilized (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.</p> <ul style="list-style-type: none"> <li>- Submitted report by Geoton does outline that given the characteristics of the soil it has been deemed to have, <i>‘... sufficient depth and clay content to provide an adequate attenuation period for the breakdown of pathogens within the treated effluent’</i> (refer to page 05 of the report provided by Geoton). It is worth noting that a water licence issued by the Department of Natural Resources and Environment Tasmania would be required for the representor to take water from both the mapped watercourses (Tin Creek &amp; Old Billys Creek) for domestic purposes.</li> <li>- As mentioned above, the previous Environmental Health Officer (Chris Wicks) confirmed the following in relation to the submitted onsite wastewater report, <i>‘Geoton have provided a “Provisional Site Classification and On-site Wastewater Disposal Design”, which demonstrates that the site is suitable for wastewater disposal for a dwelling of at</i></li> </ul>
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<ul style="list-style-type: none"> <li>- Septic tank absorption will seep into the layers of soil. Concerned that during heavy rain events that the system will be overloaded with pollution heading downhill which may put the two springs in danger of contamination with dangerous bacteria. The representor noted that many years ago they ran a one kilometre pipeline from Tin Creek to their house and that the fresh spring water is clean and unpolluted. Additionally, the representor further confirms that that they pump fresh unpolluted water from Old Billy's Creek and as such it is important that both springs on Ironhouse Hill are protected from damage by the proposed development.</li> <li>- Representor also refers to following section of the Geoton Report (<i>refer to page 01 of the 'Provisional Site Classification &amp; On-site Wastewater Disposal Design 333 Davis Gully Road, Four Mile Creek' report prepared by Geoton</i>): <p><i>This report is a provisional report issued to the client for the purpose of obtaining a planning permit as no access to the proposed house was available due to very thick vegetation. We have been informed that once a permit has been received, the client will invest on providing a formal access track and clearing of the proposed house site. As such, the contents and recommendations within this report are provisional in nature and are subject to a reinvestigation once access and the building site have been cleared of thick vegetation and further investigation can be conducted within the footprint of the proposed development'.</i></p> </li> <li>- With reference to the above section from the Geoton Report, the</li> </ul>	<p><i>least three bedrooms. However, this is a provisional design only and is to be verified at a later stage of the development. The verified design will be required at the building approval stage'.</i></p> <p>Accordingly, a verified design for the proposed onsite wastewater system will be required during the building application stage as per the comments above.</p>
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representor states the following, <i>‘One must question the veracity of the report contents’.</i>	
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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 Rural Resource Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and twelve (12) Performance Criterion. The received representations has been considered.

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

### **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### Goal

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

#### *Key Focus Area:*

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

### **LEGISLATION & POLICIES:**

*Break O’Day Interim Planning Scheme 2013 Version 24*

*Land Use Planning and Approvals Act 1993,*

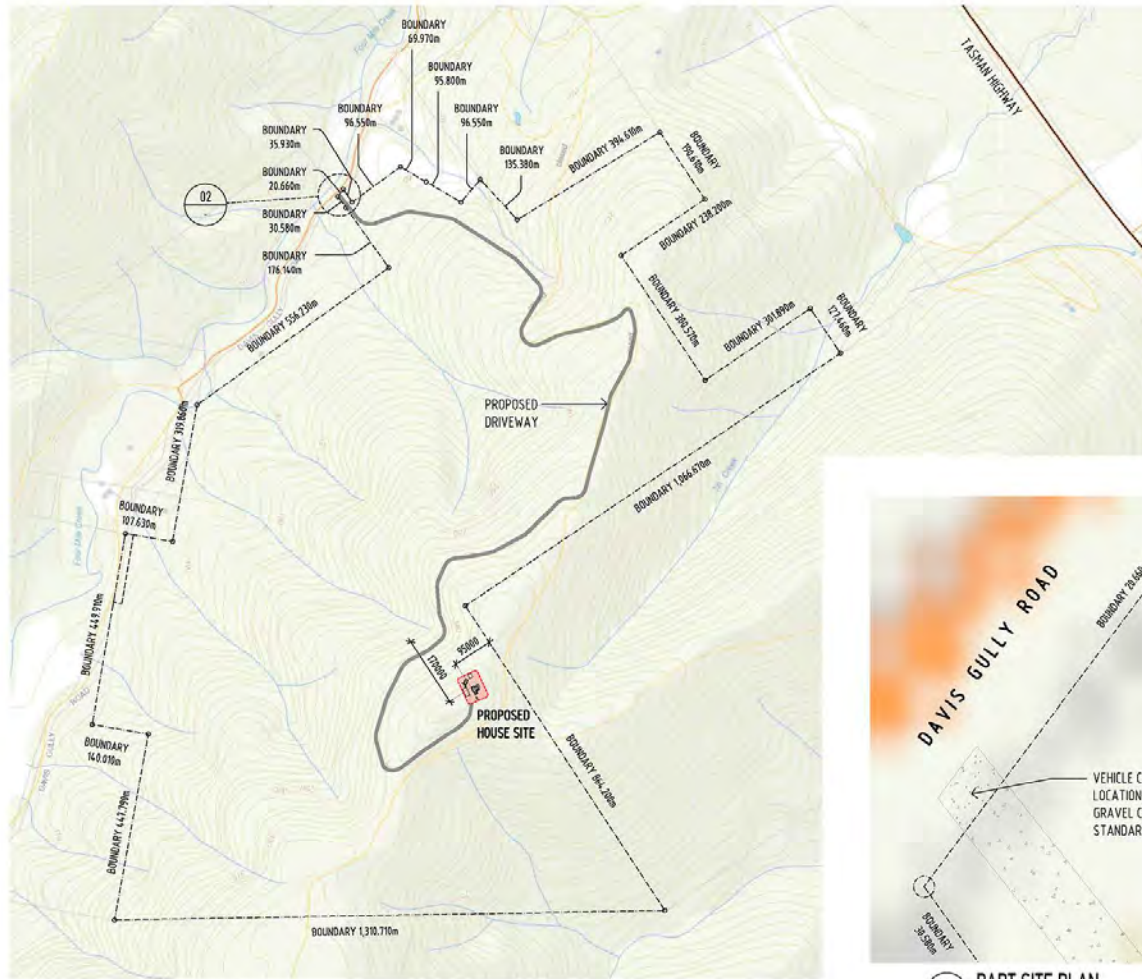
*Local Government (Building and Miscellaneous Provisions) Act 1993*

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

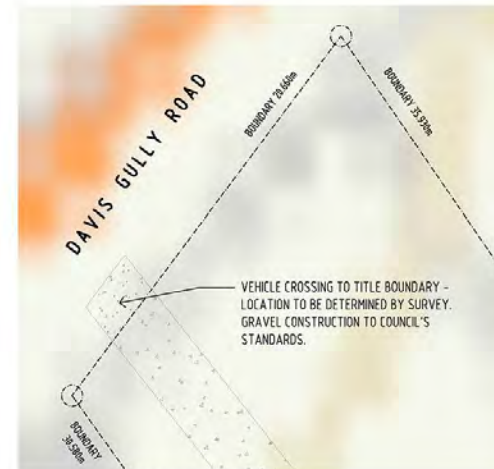
Not applicable, all costs of the development are the responsibility of the developer.

### **VOTING REQUIREMENTS:**

Simple Majority



01 SITE PLAN  
SCALE: 1:100,000 @ A3



02 PART SITE PLAN  
SCALE: 1:200 @ A3

SCALE (m)

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08.02.2023	FOR PLANNING APPROVAL	A
Revision	Description	Date

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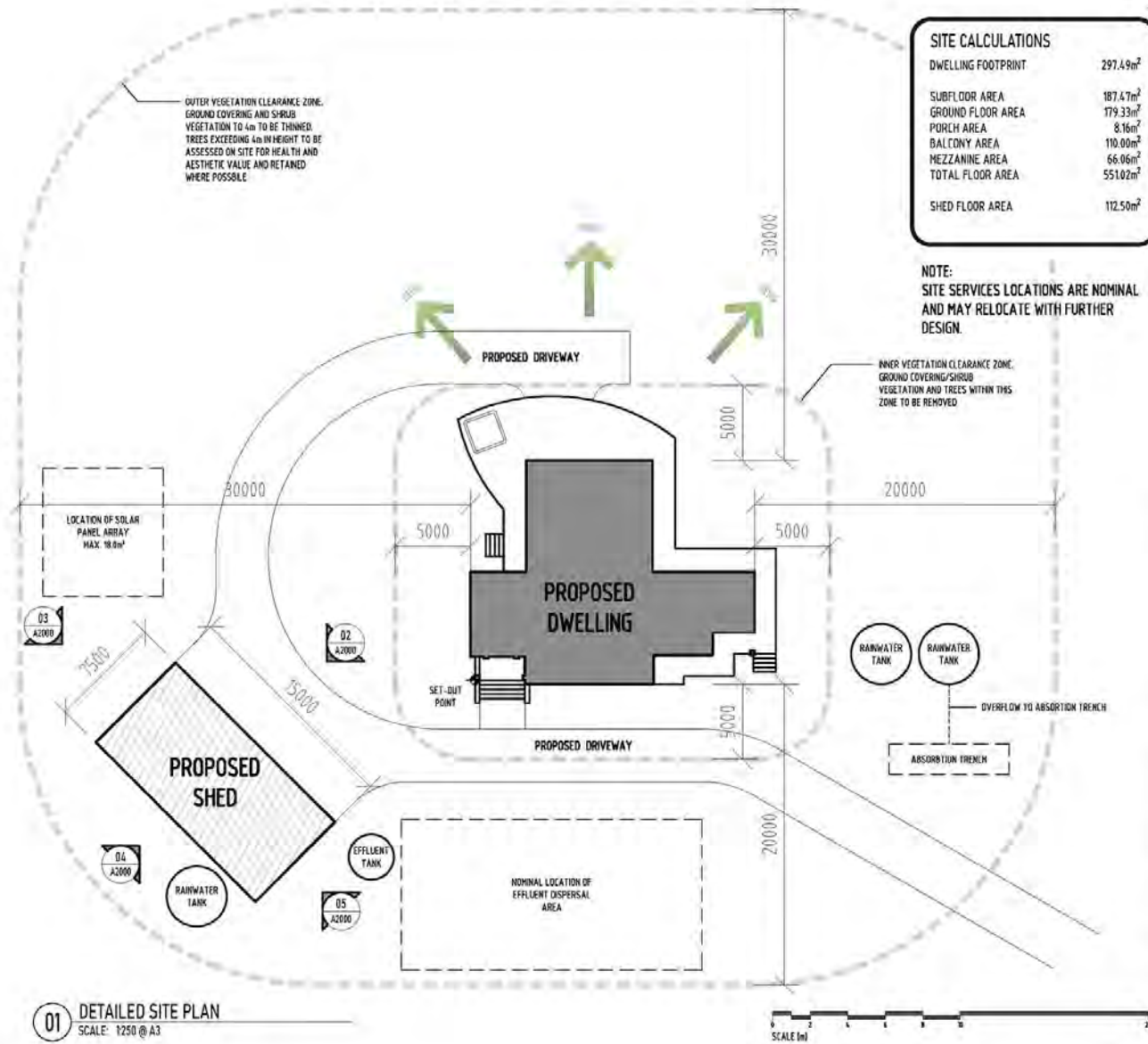
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333 DAVIS GULLY ROAD  
FOUR MILE CREEK  
TASMANIA 7215

Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSENBROEK

Drawing Title:  
SITE PLAN

Scale:	AS SHOWN
Drawn by:	JC
Checked by:	JC
File:	21-1201-WD.dwg
Project No:	21-1201
Drawing No:	Revision
	A-1500 C





SITE CALCULATIONS	
DWELLING FOOTPRINT	297.49m²
SUBFLOOR AREA	187.47m²
GROUND FLOOR AREA	179.33m²
PORCH AREA	8.16m²
BALCONY AREA	110.00m²
MEZZANINE AREA	66.06m²
TOTAL FLOOR AREA	551.02m²
SHED FLOOR AREA	112.50m²

**NOTE:**  
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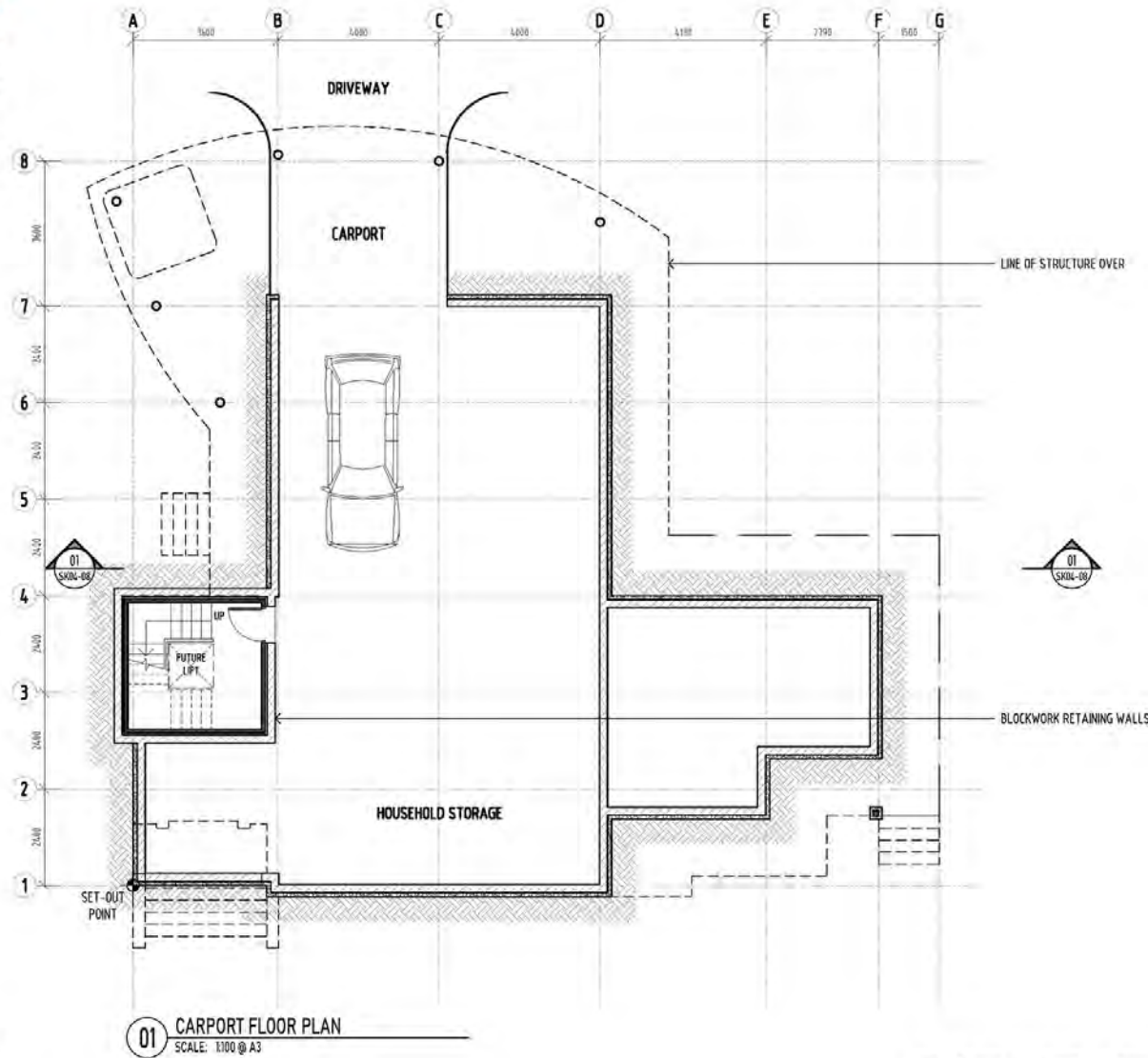
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Ms P VAN TUSSENBROEK

**Drawing Title:**  
DETAILED SITE PLAN

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Project No:	21-1201
Drawing No:	A-1501
Revision:	C

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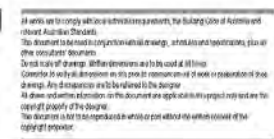
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Ms P VAN TUSSENBROEK**

Drawing Title:  
**LOWER GROUND FLOOR PLAN**

Scale:	A3 SHOWN
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Checked by:	JC
File:	21-1201-WD.dwg
Project No:	21-1201
Drawing No:	A-2000
Revision:	C





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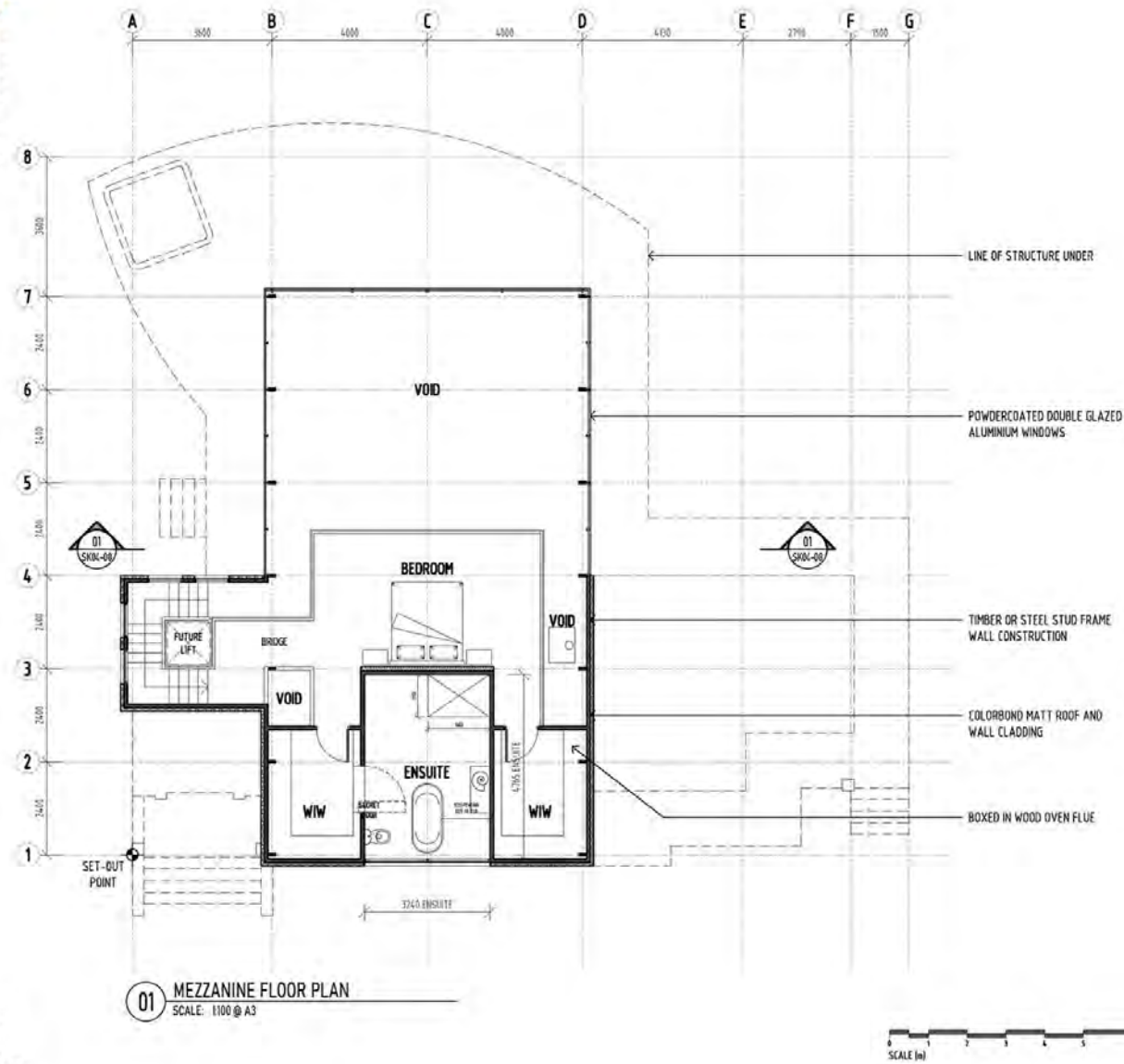
PROPOSED DWELLING

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TASMANIA 7215

Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSEN BROEK

Drawing Title:  
**GROUND FLOOR PLAN**

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Checked by:	JG
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Drawing No.:	Revision:
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Revision:	Description	Date

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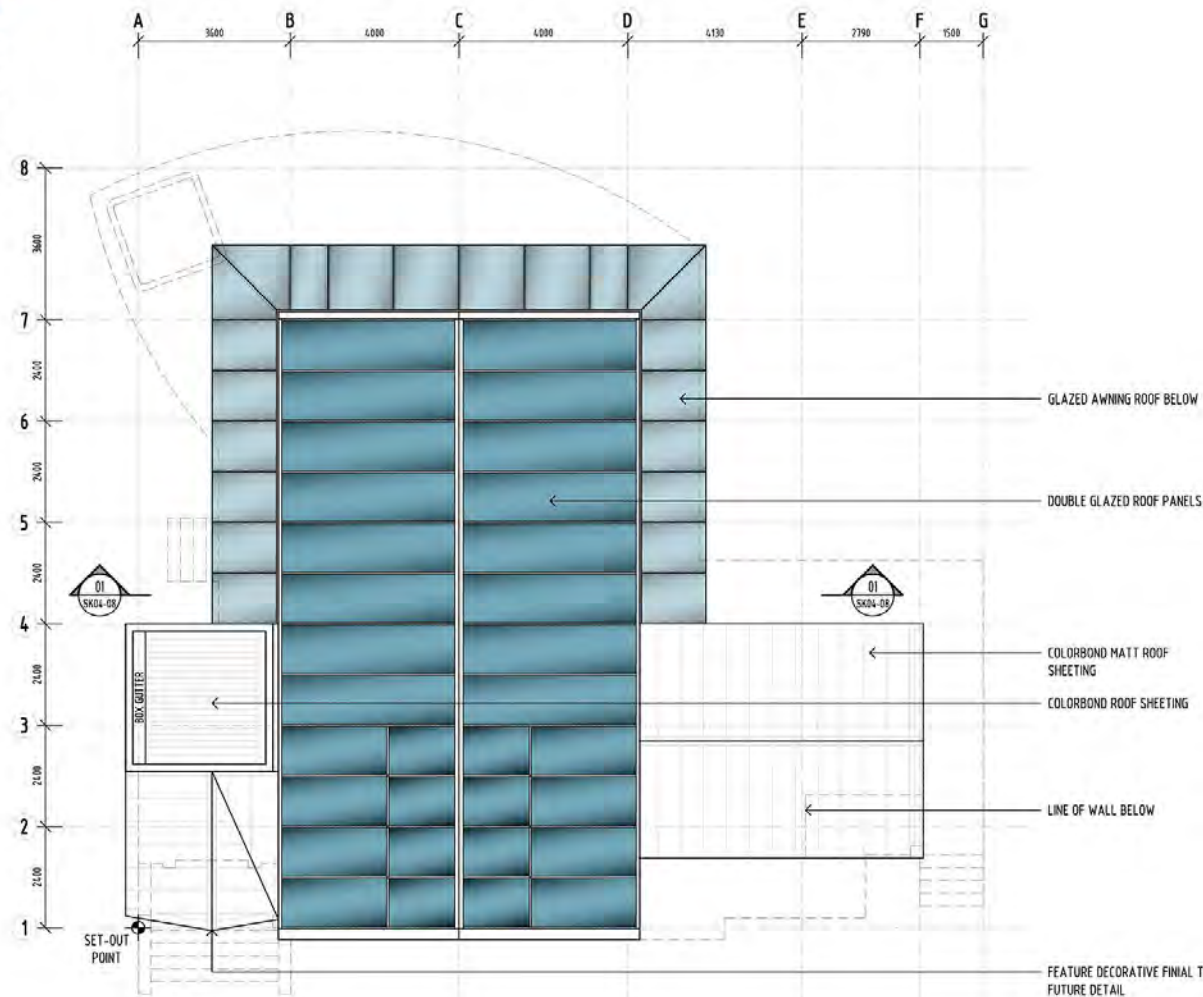
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Ms P VAN TUSSENBROEK

Drawing Title  
**MEZZANINE FLOOR PLAN**

Scale:	AS SHOWN
Drawn by:	JG
Checked by:	JG
File:	21-1201-WD.dwg
Project No:	21-1201
Drawing No:	Revision

PRINT IN COLOUR



01 ROOF PLAN  
SCALE: 1:100 @ A3



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05.04.2023	FOR PLANNING APPROVAL	C
24.02.2023	FOR PLANNING APPROVAL	B
08.02.2023	FOR PLANNING APPROVAL	A
Revised:	Description:	Date:

Project:  
PROPOSED DWELLING

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333 DAVIS GULLY ROAD  
FOUR MILE CREEK  
TASMANIA 7215

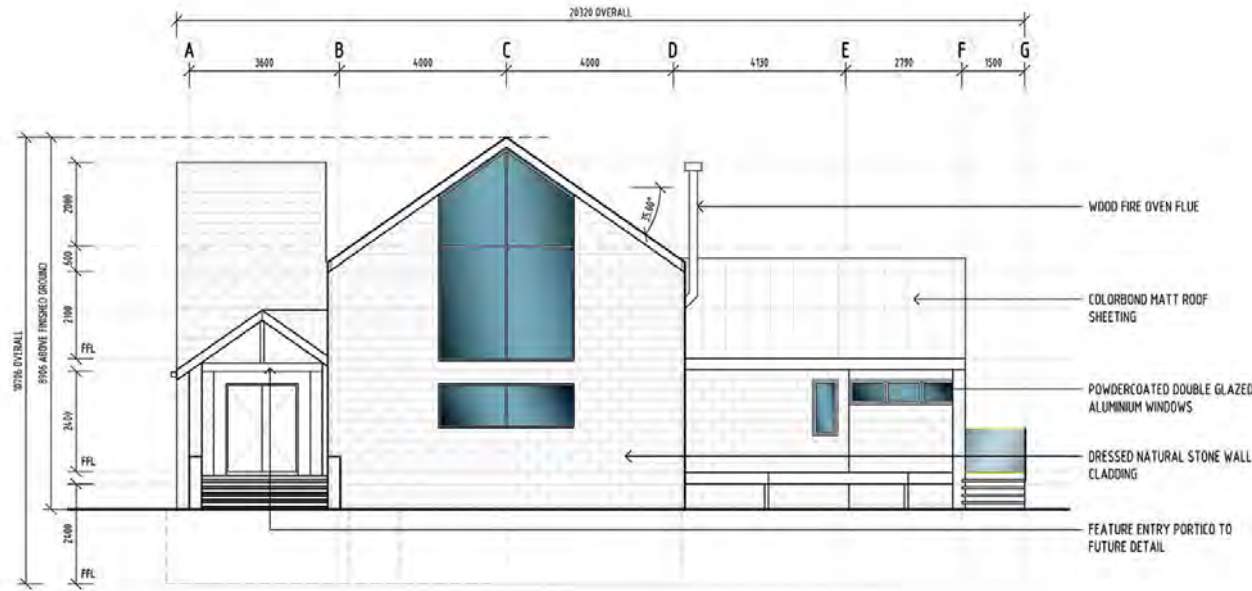
Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSENBROEK

Drawing Title:  
ROOF PLAN

Scale:	AS SHOWN
Drawn by:	JC
Checked by:	JC
File:	21-1201-WD.dwg
Project No.:	21-1201
Drawing No.:	

A-2003

Revision: C



01 WESTERN ELEVATION  
SCALE: 1:100 @ A3



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26/02/2023 FOR PLANNING APPROVAL B  
05/02/2023 FOR PLANNING APPROVAL A  
Revision: Description: Date:

Project:  
PROPOSED DWELLING

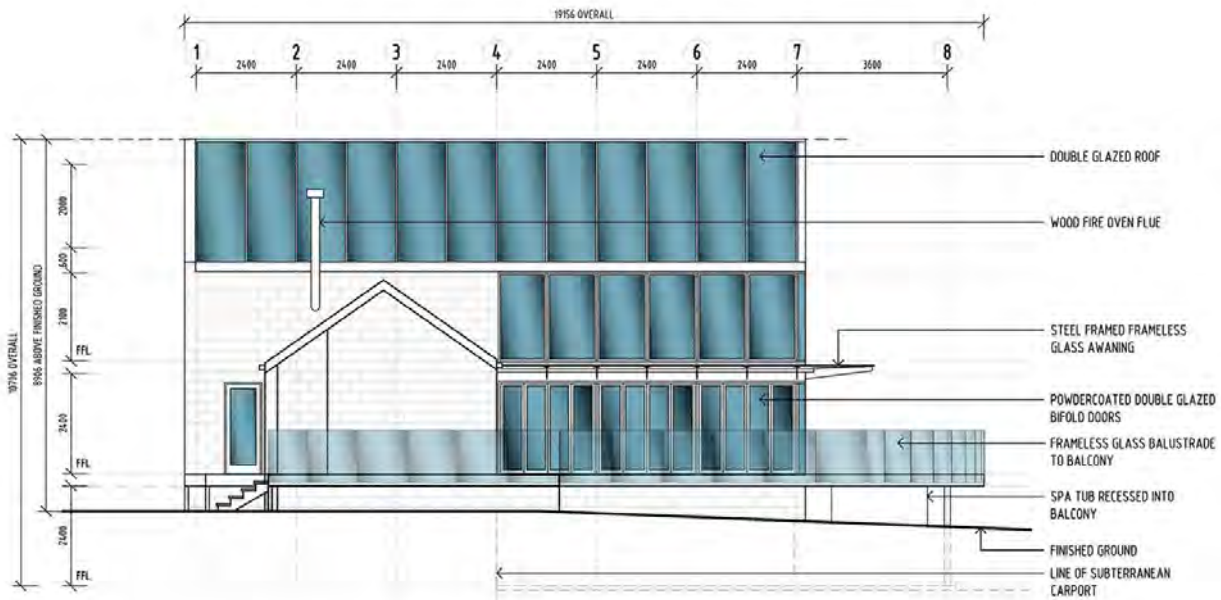
Address:  
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TASMANIA 7215

Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSENBROEK

Drawing Title:  
WESTERN ELEVATION

Scale: AS SHOWN  
Drawn by: JC  
Checked by: JC  
File: 21-1201-WD.dwg  
Project No: 21-1201  
Drawing No: A-3000  
Revision: C





02 SOUTHERN ELEVATION  
SCALE: 1:100 @ A3



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05/02/2023	FOR PLANNING APPROVAL	A
Revision:	Description:	Date:

Project:  
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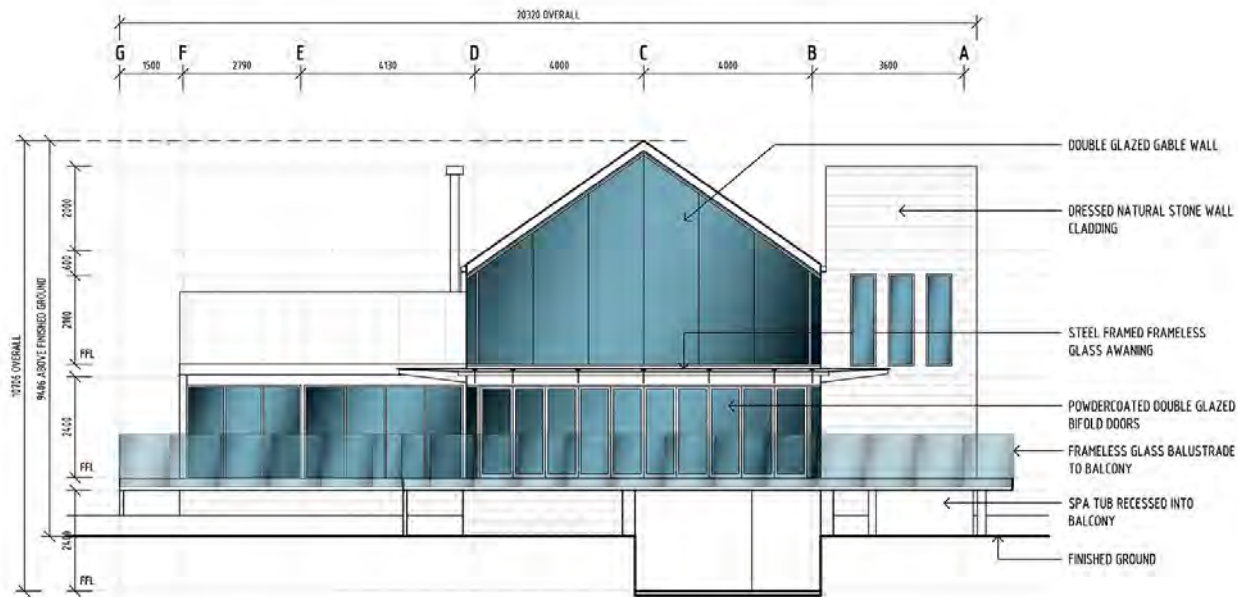
Address:  
333 DAVIS GULLY ROAD  
FOUR MILE CREEK  
TASMANIA 7215

Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSENBROEK

Drawing Title:  
SOUTHERN ELEVATION

Scale:	AS SHOWN
Drawn by:	JC
Checked by:	JC
File:	21-1201-HVO.dwg
Project No:	21-1201
Drawing No:	Revision:

A-3001 C



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09.02.2023	FOR PLANNING APPROVAL	A
Revision:	Description:	Date:

Project:  
PROPOSED DWELLING

Address:  
333 DAVIS GULLY ROAD  
FOUR MILE CREEK  
TASMANIA 7215

Client:  
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Ms P VAN TUSSEN BROEK

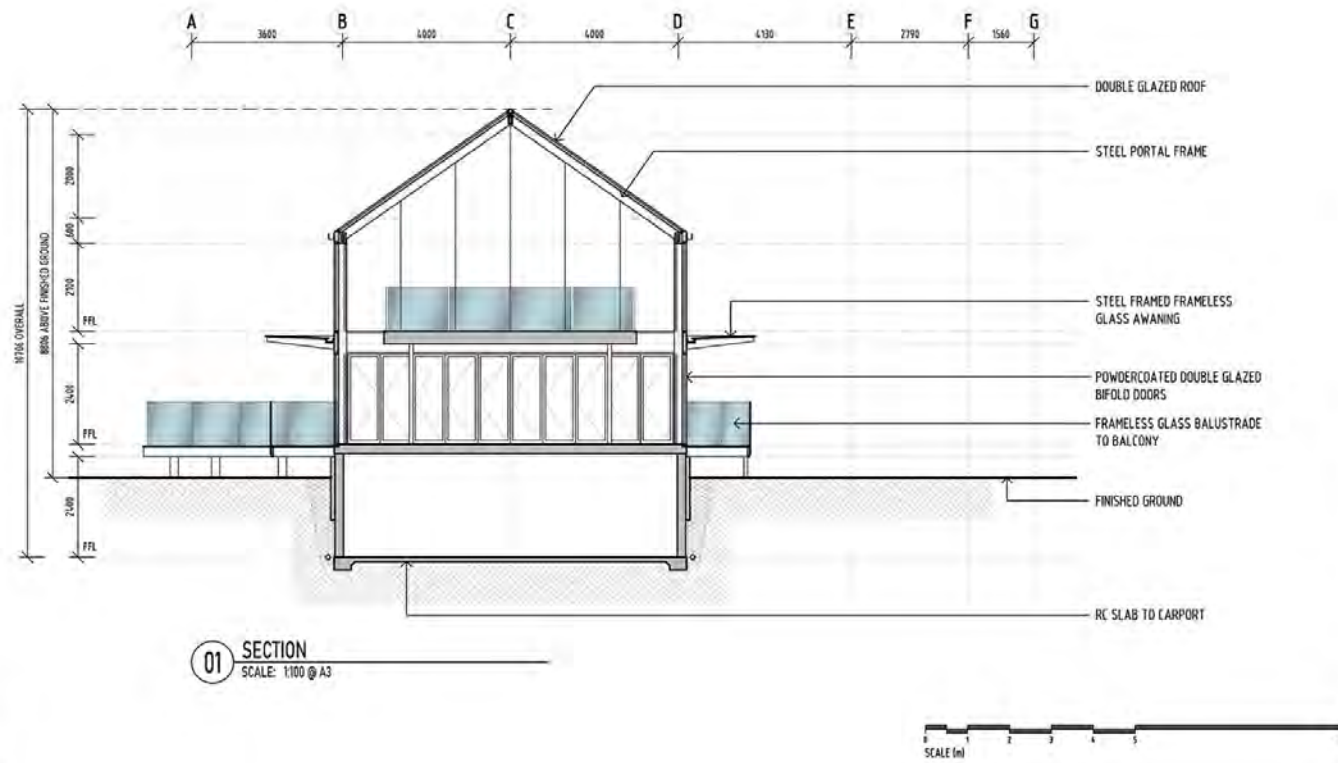
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Checked by:	C
File:	21-1201-WD.dwg
Project No.:	21-1201
Drawing No.:	A-3002
Revision:	C



Scale	AS SHOWN
Drawn by:	JL
Checked by:	JL
File	21-1201-WD.dwg
Project No.:	21-1201
Drawing No.:	Revision





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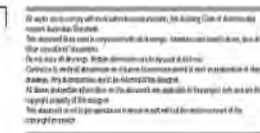
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PROPOSED DWELLING

Address:  
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FOUR MILE CREEK  
TASMANIA 7215

Client:  
Mr P HARGRAVE &  
Ms P VAN TUSSEN BROEK

Drawing Title:  
SECTION

Scale:	AS SHOWN
Drawn by:	JC
Checked by:	JC
File:	21-1201-WD.dwg
Project No:	21-1201
Drawing No:	A-4000
Revision:	C



05.04.2023	FOR PLANNING APPROVAL	C
26.02.2023	FOR PLANNING APPROVAL	B
Revision	Description	Date

Project  
**PROPOSED DWELLING**

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Address:  
**333 DAVIS GULLY ROAD  
FOUR MILE CREEK  
TASMANIA 7215**

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Client:  
**Mr P HARGRAVE &  
Ms P VAN TUSSENBROEK**

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Drawing Title  
**SHED PLAN & ELEVATIONS**

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Scale \_\_\_\_\_ A5 Sheet \_\_\_\_\_

Drawn by: \_\_\_\_\_

Checked by: \_\_\_\_\_

File: \_\_\_\_\_ 21-1001-HQ

Project No: \_\_\_\_\_ 21-0

Drawing No: \_\_\_\_\_ Revision: \_\_\_\_\_

**A-7000**

12/23.7.0

## COUNCIL MEETING ACTIONS

12/23.7.1

## Outstanding Matters



Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
0%	20/11/2023	12/12/2023	<b>11/23.17.2 Council Meeting Dates and Workshop Dates for 2024</b>	That the following dates and times be approved for Council Meetings and Workshops to be held in 2024.	Advertising of meeting dates will be undertaken in January	General Manager
100%	20/11/2023	12/12/2023	<b>11/23.17.4 Tasmania Fire and Emergency Service Bill</b>	That Council provide feedback to the draft <i>Tasmania Fire and Emergency Service Bill</i> based on the points identified below.	Feedback was provided on the draft Bill based on the discussion at the Council meeting	General Manager

## COUNCIL RESOLUTIONS - OCTOBER 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	16/10/2023	31/10/2023	<b>10/23.15.2.239 Youth Strategy 2023</b>	That Council change the Annual Plan <i>Action 5.1.1.2 Youth Strategy - Co-Design a Youth Strategy with community for Break O'Day</i> in our Annual Plan to, <i>Co-design a shared vision for supporting youth in Break O'Day with youth stakeholders that facilitates working together towards a shared vision.</i>	The Youth Network met on Monday 11 December. A draft Community Commitment Statement has been developed and will be shared to the group with the minutes. It is expected that a Community Commitment Statement will be finalised in the first half of 2024 that will be statement from Youth Stakeholders in Break O'Day about how we value and support young people and what they can expect from us. This can be a launch point for the development of youth strategy work by Council and others that will provide place-based consistency across the strategy work of different organisation in Break O'Day.	Manager Community Services
10%	16/10/2023	31/10/2023	<b>10/23.16.2.242 Public Open Space Contributions Policy</b>	Public Open Space Contributions Policy AM02 be amended to recognise that the Break O'Day Council has transitioned from the Break O'Day Interim Planning Scheme 2013 to the Tasmanian Planning Scheme, including the Break O'Day Local Provisions Schedule.  The amendment removes references to the Interim Scheme.	Working with Development Services to update and publish in appropriate locations.	Corporate Services Coordinator
40%	16/10/2023	31/12/2023	<b>10/23.17.3.246 State Election Priorities</b>	That the following priorities form the basis of Council's lobbying activities for the next State Election 1. St Marys Pass 2. Bay of Fires Master Plan 3. Georges Bay Foreshore Track 4. St Helens District High School 5. St Marys Childcare Centre 6. St Marys Community Health Centre	Priority document under preparation drawing on information from State Budget Community consultation response	General Manager



## COUNCIL RESOLUTIONS - SEPTEMBER 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	18/09/2023	31/12/2023	<b>09/23.17.4.228 The Lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing</b>	commence proceedings to offer for lease the identified section of 29 Talbot Street, Fingal.	Public notification period completed and item prepared for December Council meeting.	General Manager

## COUNCIL RESOLUTIONS - AUGUST 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
25%	21/08/2023	31/12/2023	<b>08/23.15.4.200 Bay of Fires Master Plan</b>	That Council does not proceed with the development of the Bay of Fires Master Plan due to additional funding not being received from the State Government.  That Council as part of the State Election process lobby for a commitment from both the Liberal and Labor parties for funding of \$150,000 for the development of a Bay of Fires Master Plan.	Following Council's decision, an opportunity presented itself to raise the matter with Minister Jaensch during a recent meeting and discuss in detail Council's position. As part of lobbying activities for future elections the project is being submitted through the NTDC Priority Projects review process. It will also be included in the State Election Priorities	Manager Community Services
23%	21/08/2023	31/12/2023	<b>08/23.15.6.202 Reconciliation Action Plan</b>	That Council accept the quote of \$11,750.00 + GST as quoted by Reconciliation Tasmania (RT) to develop a Reconciliation Action Plan (RAP) for the Break O'Day Community. This cost excludes the cost of professional graphic art for RAP format, layout, artwork and photography, professional printing of the RAP document and associated promotional pieces – banners, flyers etc. as well as staff costs who will be working on the project.	Council approved the funding to undertake a Reconciliation Plan. Council will work with Reconciliation Tasmania to develop the plan for our community	Manager Community Services
100%	21/08/2023	30/11/2023	<b>08/23.17.2.206 2024 – 2025 State Budget Community Consultation</b>	That Council provide a submission to the 2024-2025 State Budget community consultation process covering the following items: 1. St Helens District High School investigation of replacement & upgrading options 2. St Helens Wharf repairs 3. St Marys Childcare Centre – investigation into options 4. St Marys Pass – investigation & business case	Submission finalised and lodged prior to the closing date for submissions.	General Manager



## COUNCIL RESOLUTIONS - JUNE 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	26/06/2023	31/07/2023	<b>06/23.9.2.131 Online Access Centre Funding – Cllr Carter</b>	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	Follow up letter sent to Minister on 26/10/23 raising concerns. No response received as at 14/11/23.	General Manager
100%	26/06/2023	29/02/2024	<b>06/23.16.3.154 Draft Municipal By-Law &amp; Regulatory Impact Statement</b>	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.	The Environmental By-Law was certified and published in the Tasmania Gazette on Wednesday 13th December 2023. The By-Law becomes effective on that date. The Final Step is for the By-Law to be tabled in Parliament, which will occur in March 2023 in the House of Assembly and Legislative Council, this final step does not prevent on hold up the effective date	Development Services Coordinator

## COUNCIL RESOLUTION MAY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	15/05/2023	30/06/2023	<b>05/23.17.6 Economic Development Strategy Review</b>	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. Draft Consultants Brief has been prepared.	General Manager

## COUNCIL RESOLUTIONS - MARCH 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
36%	20/03/2023	30/06/2023	03/23.15.7 St Helens Sports Complex	<ol style="list-style-type: none"> <li>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.</li> <li>2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.</li> </ol>	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
75%	20/02/2023	30/06/2023	<b>02/23.17.5 Live Streaming of Council Meetings</b>	<ol style="list-style-type: none"> <li>1. That Council resolve to implement Live Streaming of Council Meetings; and</li> <li>2. That the cost for the implementation for associated hardware and software be considered as part of the 2023-2024 budget deliberations.</li> </ol>	Installation date scheduled for the week beginning the 11 December.	Corporate Services Coordinator

## COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
65%	21/02/2022	31/03/2022	<b>02/22.16.5.39 - Management of Freshwater Resources and Water Quality</b>	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.	The NRM committee continues to monitor issues of concern with freshwater water resources and water quality management. Work to bring information on freshwater and river management by the Tasmanian Government agencies and bodies to Break O'Day through Council continues to be delayed.	NRM Facilitator
75%	27/06/2022	31/10/2022	<b>06/22.15.3.123 - Outdoor Exercise Equipment - Scamander</b>	That Council seek external funding to cover the cost of this project.	A grant opportunity has been identified and will be finalised at the September 2023 Council meeting with Council seeking \$50k. The location of the equipment will be finalised through a community engagement process.	Manager Community Services
100%	21/11/2022	30/06/2023	<b>11/22.16.6 Community Communications support for Off Road Vehicle Management</b>	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.	Council has run several facebook posts raising awareness for off-road vehicle education.  An article was included in Council's October newsletter on Off Road Vehicles.  From here council staff will continue to discuss a holistic approach with PWS, the main stakeholder in this space.	NRM Facilitator

## COUNCIL RESOLUTIONS 2021

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
20%	15/02/2021	31/08/2021	<b>02/21.16.4.50 - Draft Policy LG55 – Use of Conferencing Technology to Attend Council Meetings and Workshops Policy</b>	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.	The LG Reform Rview has now been completed. Staff are still reviewing this document.	Executive Officer

## 12/23.8.0

## PETITIONS

### 12/23.8.1

### Upper Esk Road Access Petition

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	011\034\006\
ASSOCIATED REPORTS AND DOCUMENTS	Petition – Upper Esk Road community concerns

#### OFFICER'S RECOMMENDATION:

That Council receive the petition

#### INTRODUCTION:

The petition was received by mail on 30 November 2023.

The petition has 31 signatories.

The petition in full is included following this report.

The main points of the petition are:

- October 2022 floods saw the destruction of a bridge crossing on to Cokers Road which Council consequently closed
- Old Roses Tier Road was badly damaged and washed out and it was consequently closed.
- Community in the area are now concerned that without access provided by these two routes, they only have one road in and out of the area if a bush fire was to occur.
- No roadside slashing has occurred in the Sandhurst Road area along Upper Esk Road to the South Esk River which they believe could exacerbate a fire in the area

#### PREVIOUS COUNCIL CONSIDERATION:

Nil

#### OFFICER'S REPORT:

As per Section 57(2)(e)(i) the petition does not meet the legislative requirements as there are a total of 31 signatures which form this part of the petition.



Following a cross check with the Electoral Roll dated 8 September 2022 there was the following breakdown:

On Electoral Roll	17
Not on Electoral Roll	12
Illegible	2

The total number of signatories required under Section 57 of the Local Government Act 1993 is “5% of the electors of the Municipal area or 1,000 of those electors whichever is the lesser”.

The current number on the Electoral Roll as at the 8 September 2022 is 5,414 which calculates to a minimum of 271 eligible signatories for the 5%.

In terms of the context of the letter the following update has been provided by the Works Department.

### **Cokers Road Bridge**

Cokers Road bridge falls under the authority of Sustainable Timbers Tasmania STT). Signage regarding the closure of the bridge were installed by STT – not Council as suggested by the letter.

Council Officers have spoken with STT who verbally advised Council that STT has no plan to replace this bridge as they will be accessing their forest reserves via Sandhurst Road.

### **Old Roses Tier Road**

The section of this road managed by Council was closed due to a landslip. This road is classed as a Class 5 road meaning that the road is basically an unformed track within a road reservation, has minimal or no drainage and pavement, poor alignment.

At the Upper Esk Road end of the road, the road is maintained to a higher standard for the purpose of providing access to two private properties.

As a Class 5 Road this road is maintained at least once every 3-5 years. The road is narrow, with poor alignment and traverses bushland with high vegetation density. Council Officers are currently investigating all options in regards to the ongoing maintenance of this road.

Gunns Road provides an alternative and better transport route.

### **Road Side Slashing**

Slashing is not required on an annual basis and the roads at and around Upper Esk are slashed on a needs basis. However slashing by our contractor in Upper Esk is scheduled prior to Christmas.

### **Access concerns in relation to bushfire**

While Council officers empathise with community safety concerns regarding bushfire, it must be noted that residents make a personal choice to live in this area.

Property owners in the area should be reminded that they have personal responsibility to ensure that their properties are protected during a bushfire. The Tasmanian Fire Service have a range of guidelines and tips to assist property owners with this on their website.



### **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### **Goal**

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

## Strategy

- (a) Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- (b) Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.

### *Key Focus Area:*

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

## Break O Day Annual Plan 2023 – 2024

### *Key Focus Area:*

Housing – Develop and understanding of housing needs; advocate for and facilitate the construction of a range of housing solutions.

## **LEGISLATION & POLICIES:**

### *Section 57, Local Government Act 1993*

#### **57. Petitions**

- (1) A person may lodge a petition with a council by presenting it to a councillor or the general manager.
- (2) A person lodging a petition is to ensure that the petition contains –
  - a) a clear and concise statement identifying the subject matter and the action requested; and
  - b) in the case of a paper petition, a heading on each page indicating the subject matter; and
  - c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and
  - d) a statement specifying the number of signatories; and
  - e) at the end of the petition –
    - (i) in the case of a paper petition, the full name, address and signature of the person lodging the petition; and
  - f) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.

- (3) In this section –

**Electronic petition** means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;

**Paper petition** means a petition where the petition is created on paper which is then

circulated and to which the signatories have added their details directly onto the paper;

**Petition** means a paper petition or electronic petition;

**signatory** means –

- a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
- b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

November 2023

Petition to Break of Day Council in relation to perceived Fire Danger  
Situation existing for all residents at Upper Esk, Tasmania



Situation.

In floods that occurred late in 2022 a bridge across the South Esk River at the end of Upper Esk Road, crossing the South Esk River to Cokers Road was badly damaged and not usable. Break O Day Council closed the bridge with signage and placement of mounds of dirt on the road surface on Upper Esk Road to prevent access to the bridge.

Old Roses Tier Road was also closed due to wash out situations that have occurred rendering this road also unusable. This road has also had signage placed closing this road.

Both situations have remained in that position for 12 months now with no action.

With the onset of the fire season 2023 – 2024 there is now only one route available in the event of bushfire and that is to use Upper Esk Road to travel towards Mathinna or Gunns Road. A bushfire occurring in the vicinity of Gunns Road and Upper Esk Road would result in no escape route for the residents at Upper Esk.

A further situation has occurred with no roadside slashing occurring in the area from Sandhurst Road, along Upper Esk Road to the South Esk River for a period of 3 years. Slashing occurred along Upper Esk Road from Mathinna to Tyne road in 2023 but did not continue further from this point.

We urgently urge Break O Day council to take immediate action to repair roads and the Bridge or make alternative plans to enable the safety of residents and workers in the event of Bushfire in the Upper Esk Area to be able to safely evacuate from this area if required.






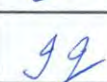
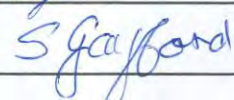
David Cook  
Resident

1314 Inner Esk Road



<b>Petition summary and Background</b>	Action required in the event of bushfire occurrence in the Upper Esk area to enable safe evacuation of residents (refer attached Letter)
--	--

<b>Action Petitioned For</b>	1. To slash vegetation growth along Roadsides of Uper Esk Road from Tyne Road to Cokers Road 2. To Repair Bridge crossing South Esk River at Upper Esk Road and Cokers Road 3. Repair Old Roses Tier Road
------------------------------	---

Print Name	Signature	Address	Comment	Date
David Cook		1314 Upper Esk Rd UPPER ESK		10-11-23
Bernice Cook		1314 UPPER ESK RD UPPER ESK 7214		10-11-23
Yvonne Sell		1494 UPPER ESK RD UPPER ESK		10/11/23
Robert Sell		1494 UPPER ESK RD UPPER ESK		10/11/23
Jennifer Kremmer		1517 UPPER ESK RD UPPER ESK		10/11/23
Arena Johnson		108 Old Roses Tier Rd Upper Esk 7214		10/11/23
Sharon Gayford		1526 UPPER ESK UPPER ESK 7214		11-11-23



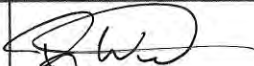
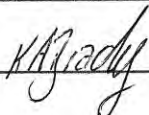
<b>Petition summary and Background</b>	Action required in the event of bushfire occurrence in the Upper Esk area to enable safe evacuation of residents (refer attached Letter)
--	--

<b>Action Petitioned For</b>	1. To slash vegetation growth along Roadsides of Uper Esk Road from Tyne Road to Cokers Road 2. To Repair Bridge crossing South Esk River at Upper Esk Road and Cokers Road 3. Repair Old Roses Tier Road
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Print Name	Signature	Address	Comment	Date
JOHN ZEMANCHEFF	<i>[Signature]</i>	1524 UPPER ESK RD UPPER ESK 7214		11.11.23
WARREN mills	<i>W B mills</i>	1524 UPPER ESK 7214		11.11.23
Angela Burns	<i>[Signature]</i>	1524a UPPER ESK 7214		25.11.23
LANCE GAFFIN	<i>[Signature]</i>	1524 UPPER ESK RD 7214	ITS DANGEROUS Without Bridge	25.11.23
<i>[Signature]</i>	<i>[Signature]</i>	1335 UPPER ESK RD Upper Esk 7214	BY LAW THERE MUST be more than one escape route	25.11.23
A. KAZI	<i>[Signature]</i>	1796 UPPER ESK RD UPPER ESK		25.11.23
Mandy Wilcox	<i>[Signature]</i>	1735 UPPER ESK RD	Please let us survive this fire season	

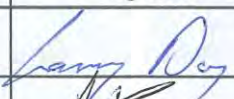


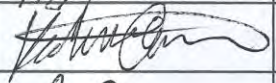

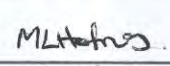



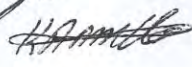
<b>Petition summary and Background</b>	Action required in the event of bushfire occurrence in the Upper Esk area to enable safe evacuation of residents (refer attached Letter)
--	--

<b>Action Petitioned For</b>	1. To slash vegetation growth along Roadsides of Uper Esk Road from Tyne Road to Cokers Road 2. To Repair Bridge crossing South Esk River at Upper Esk Road and Cokers Road 3. Repair Old Roses Tier Road
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Print Name	Signature	Address	Comment	Date
Ross W neox.		1735 UPPER ESK RD	NEED MORE ACCESS IN CASE OF FIRE.	25.11.23
KAREN GRADY		1476 UPPER ESK RD		29 NOV 23

Petition summary and Background	Action required in the event of bushfire occurrence in the Upper Esk area to enable safe evacuation of residents (refer attached Letter)
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Action Petitioned For	1. To slash vegetation growth along Roadsides of Uper Esk Road from Tyne Road to Cokers Road 2. To Repair Bridge crossing South Esk River at Upper Esk Road and Cokers Road 3. Repair Old Roses Tier Road
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Print Name	Signature	Address	Comment	Date
GARRY DAY		1527 UPPER ESK RD UPPER ESK		17-11-23
STEVE LYE		1658 UPPER ESK R UPPER ESK		17-11-23
HEATHER LYE		1658 UPPER ESK R UPPER ESK		17-11-23
Katolyn Arrow		1688 Upper Esk Rd Upper Esk.		17-11-23
Joe Holmes		47 Leathurst Mathinna		17-11-23
MICHELLE HOLMES		47 BENT ST MATHINNA 7214		17-11-23
GARRY Fysh		20 HIGH ST MATHINNA		17/11/23
Tristan Fitch		1026 Upper Esk Road		17/11/23
KORAMETZGER		53 MATHINNA		17/11/23
KEITH Kibler		MATHINNA		17/11/23





**MOTION:**

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

That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.

**SUBMISSION IN SUPPORT OF MOTION:**

I would like to consider that Council support recognising the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.

Obviously, this would need to be done in consultation with local Indigenous elders and to make sure it's done correctly and that the name is correct. This recognition could be, for example, in the form of an interpretive sign at the start of the St Patricks Head walk, explaining the name and some of the Indigenous history related to the landmark and the local area.

The Tasmanian Government's Aboriginal and Dual Naming Policy allows geographical features and places to be given both an English and Aboriginal language name.

The Aboriginal and Dual Naming Reference Group and the Department of Natural Resources and Environment lead the Aboriginal and dual naming process. I have extracted below a section of the map available from the Department of Natural Resources and Environment Tasmania.



## 12/23.9.2 Break O'Day Council to partner with the Sarah Road Safety Group – Mayor M Tucker

### MOTION:

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

That Council consider becoming a partner with the Sarah Road Safety Group.

### SUBMISSION IN SUPPORT OF MOTION:



Peter Frazer from the Safer Australian Roads and Highways Inc (SARAH) delivered a presentation to the Council Meeting held 20 November 2023. Peter's presentation highlighted the need to be a financial partner in the group to help support road safety.

SARAH is committed to promoting the "Vision Zero" Road Safety philosophy as the instrument for improved outcomes. SARAH works cooperatively with road safety stakeholders at local, state, national and international levels to:

- foster improved road safety awareness and responsibility by drivers/riders;
- ensure road policy focuses on harm elimination/ minimisation; and
- demonstrate solidarity and support for those affected by road tragedy

As to cost, an annual financial contribution of \$1950 (excluding GST) is required. What Council will receive is quoted from section 8.0 Provision of Services and Merchandise from the Yellow Ribbon Road Safety Council – Memorandum of Understanding:

*"8.1 As noted above, the Yellow Ribbon Council has committed funding for the period of this MoU to assist SARAH with road safety activities, and specifically National Road Safety Week. As SARAH is grateful for this contribution and for the duration of this MoU, SARAH notes that:*

- SARAH will upload the Yellow Ribbon Council's logo to the National Road Safety Week website (<https://roadsafetyweek.com.au/> under the heading Partners/Supporters, and identifying it as a Yellow Ribbon Road Safety Council.*
- SARAH will upload the Yellow Ribbon Council's logo to the SARAH website identifying it as a Yellow Ribbon Road Safety Council. For the purpose of clarity, the relevant url is <https://sarahgroup.org/>.*
- SARAH will provide up to 20% of the Yellow Ribbon Council's financial support in SARAH merchandise and/or speaking engagements (or both). (NB. The merchandise will be costed as per the website <https://roadsafetyweek.com.au/supporters> at the time of any order).*

*Where an order or speaking request exceeds the 20% limit, the Yellow Ribbon Council will be invoiced at the relevant rate as per the website <https://roadsafetyweek.com.au/supporters> less any additional amount noted in 9.2 (b).*

- SARAH's President, and/or nominated representative, will assist the Yellow Ribbon Council with advice regarding the planning and community promotion of Council's National Road Safety Week initiatives.*
- With Vision Zero as SARAH's foundation, SARAH's President, and/or nominated representative, will assist the Yellow Ribbon Council to protect its own community by*

*identifying major issues that are preventing better outcomes under the Safe System (ie. Safe Roads, Safe Speeds, Safe People and Safe Vehicles).*

- f. Once the Yellow Ribbon Council's hierarchy of major issues is identified and agreed, SARAH will support a strategic approach to assist the Yellow Ribbon Council in raising the profile of the major issue/s with the relevant Commonwealth, State or Territory bureaucracy. If agreed by the parties, such issue/s may also form the basis of media releases, including joint media releases.*
- g. On request, and as per Clause 1.13, SARAH's President will provide an annual Complimentary Speaking Engagement to support the Yellow Ribbon Council's NRSW activities. Alternatively, and at the sole discretion of the Yellow Ribbon Council, the Speaking Engagement may be used for any other road safety initiative of the Yellow Ribbon Council.*

### **12/23.9.3                      Community landscape plan or policy for our townships– Deputy Mayor K Chapple**

#### **MOTION:**

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

That Council develop a community park / garden landscape plan / and or policy for our townships.

#### **SUBMISSION IN SUPPORT OF MOTION:**

It has come to my attention over the last few months that the municipality has an ad-hoc approach to different plantings in its community parks and gardens throughout the whole municipal area. This was again pointed out to councillors at our August workshop by the youth of the region with their welcomed comments about dull and boring gardens in the main street of St Helens.

Whilst drought tolerant and low maintenance gardens are welcomed (and cost efficient) there must be a way to include plantings of colour throughout our municipality as well. When the flowerbeds and wooden boats in St Helens bloom with colour, the comments from the community about how beautiful they are, are most welcome.

Just a few ideas that might be considered include a theme of the boat plantings throughout the main street of St Helens and carry these forward to other townships with something suitable to

use a planters that is recognisable for the town. St Helens is a seaside harbour town; why not use the boats as a recognisable planter theme? Why not create a few more of these to create a theme, there are a few more location that could have a boat planter with native plantings around it? Why not compliment the native grass and plants with the burst of colour around the boats, replace the need to mow (outside United St Helens). Are there native plants that are colourful, easy to prune and low maintenance that we can also use?

Can we look at getting the local gardening clubs, community garden groups, youth groups to participate in planning and planting these, thereby giving our community more ownership to our main streets and gardens?

Our townships need to be recognisable and memorable by their main streets, they are our first impression and if we want to continue to encourage visitors to our area, we need to make them as welcoming as possible as well as future proofing for drought conditions. We want to be recognisable by our beauty and this is another way to take advantage of this.

Asking for the report, we can understand how this may fit into bigger project plans for our townships and streetscapes which will enable council to obtain grant funding when opportunities arise.

## 12/23.10.0

## COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 12/23.11.0

## 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.*

## 12/23.12.0

## MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 12/23.12.1

### Mayor's Communications for Period Ending 18 December 2023

22.11.23	<b>Canberra</b>	- Australia Local Government Association Board Meeting and Annual General Meeting.
24.11.23	<b>St Helens</b>	- Michael Patterson from Telstra
24.11.23	<b>Perth</b>	- Brian Mitchell meeting regarding Fingal Housing.
24.11.23	<b>Launceston</b>	- MRG meeting
28.11.23	<b>Ms Teams</b>	- Royal Flying Doctor's Service meeting with Nicole Henty
29.11.23	<b>Launceston</b>	- Local Government Association of Tasmania Media Training
4.12.23	<b>St Helens</b>	- Council Workshop
7.12.23	<b>St Helens</b>	- Jane Seychell's Gallery opening
8.12.23	<b>MS Teams</b>	- Premier's Local Government Council Meeting
8.12.23	<b>Hobart</b>	- Local Government of Tasmania General Management Committee Meeting
12.12.23	<b>St Helens</b>	- Break O'Day Council's Annual General Meeting
14.12.23	<b>St Helens</b>	- St Helens District School - Presentation Day
15.12.23	<b>St Marys</b>	- St Marys District School – Presentation Day
18.12.23	<b>St Helens</b>	- Council Meeting

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

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

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

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

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

**OFFICER'S REPORT:****Investments**

High term deposit rates and market competition for business continues to see Council's investment portfolio performing very well. The restructured approach to term deposit maturity and reinvestment continues to deliver strong returns while maintaining the cash flow flexibility required to support our operational needs.

Maturing/ Matured	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
18.09.2023	3	1,000,000.00	12,876.71	\$ 1,012,876.71	5.00%	Bendigo	MATURED
10.11.2023	12	1,007,022.43	42,882.05	\$ 1,049,904.48	4.27%	CBA	MATURED
10.11.2023	12	1,008,843.21	42,959.58	\$ 1,051,802.79	4.27%	CBA	MATURED
29.11.2023	12	1,500,000.00	64,921.64	\$ 1,564,921.64	4.34%	CBA	MATURED
18.12.2023	6	1,000,000.00	26,863.01	\$ 1,026,863.01	5.30%	Bendigo	CURRENT
24.01.2024	12	1,100,000.00	49,912.88	\$ 1,149,912.88	4.55%	Bendigo	CURRENT
05.02.2024	5	1,000,000.00	20,375.00	\$ 1,020,375.00	4.89%	CBA	CURRENT



19.03.2024	9	1,000,000.00	40,912.33	\$ 1,040,912.33	5.45%	Bendigo	CURRENT
02.04.2024	9	1,500,000.00	62,325.00	\$ 1,562,325.00	5.54%	CBA	CURRENT
09.05.2024	9	3,000,000.00	123,075.00	\$ 3,123,075.00	5.47%	CBA	CURRENT
08.05.2024	6	1,500,000.00	39,375.00	\$ 1,539,375.00	5.25%	CBA	CURRENT
05.06.2024	9	2,000,000.00	76,200.00	\$ 2,076,200.00	5.08%	CBA	CURRENT
16.06.2024	12	1,000,000.00	54,295.89	\$ 1,054,295.89	5.40%	Bendigo	CURRENT
20.09.2024	12	2,000,000.00	106,200.00	\$ 2,106,200.00	5.31%	CBA	CURRENT
08.11.2024	12	1,000,000.00	54,100.00	\$ 1,054,100.00	5.41%	CBA	CURRENT
		<b>\$20,615,865.64</b>	<b>\$817,274.09</b>	<b>\$21,433,139.73</b>			

**2023/2024 Rates Summary -  
5 December 2023**

	<b>2023/2024</b>		<b>2022/2023</b>	
<b>Rates Brought Forward</b>	%	\$	%	\$
Outstanding Rate Debtors		695,682.00		470,736.59
Less Rates in Credit		-271,007.13		-280,014.02
<b>Net Rates Outstanding at 30 June 2023</b>	<b>3.40</b>	<b>424,674.87</b>	<b>1.72</b>	<b>190,722.57</b>
Rates and Charges Levied	96.29	12,016,302.55	97.48	10,824,324.40
Interest and Penalty Charged	0.30	37,717.58	0.80	89,060.18
<b>Total Rates and Charges Demanded</b>	<b>100.00</b>	<b>12,054,020.13</b>	<b>100.00</b>	<b>10,913,384.58</b>
Less Rates and Charges Collected	65.71	8,199,171.51	64.12	7,119,489.88
Less Credit Journals and Supp Credits	1.00	125,232.28	0.11	12,357.11
Remissions and Discount	4.89	610,446.11	5.04	560,083.63
<b>Unpaid Rates and Charges 5 December</b>	<b>28.40</b>	<b>3,543,845.10</b>	<b>30.73</b>	<b>3,412,176.53</b>

**Remissions and Discounts**

	<b>2023/2024</b>	<b>2022/2023</b>
Early Payment Discount	116,978.15	105,757.87
Pensioner Rebates	493,467.96	454,325.76
	<b>610,446.11</b>	<b>560,083.63</b>

<b>Number Rateable Properties</b>	6866	
<b>Number Unpaid Rateable Properties</b>	3324	3464
<b>% Properties Not fully paid</b>	<b>48.41</b>	

#### Right to Information (RTI) Requests

Nil

#### 132 and 337 Certificates

	<b>132</b>	<b>337</b>
<b>November 2023</b>	45	24
<b>October 2023</b>	51	33
<b>November 2022</b>	26	17

#### Debtors/Creditors @ 7 December 2023

##### DEBTORS INFORMATION

##### Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
64	\$166,585.10	395	95	411

##### CREDITORS INFORMATION

##### Payments Made

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
348	\$1,222,013.21	1600	337	1205

## **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### Goal

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

#### Strategy

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

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority

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

**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending 30 November 2023 be received:

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

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at 30 November 2023.

## Profit and Loss

Break O'Day Council

For the 5 months ended 30 November 2023

Account	Actual YTD	Budget YTD	Budget Variance % YTD	Annual Budget	Notes
<b>Trading Income</b>					
Rates	11,926,894	11,845,314	1%	11,845,314	
User Fees	587,640	622,860	-6%	1,383,879	
Operating Grants	319,565	1,196,553	-73%	3,897,036	1
Interest & Investment Income	212,970	378,940	-44%	816,457	2
Contributions	33,153	6,625	400%	15,900	
Other Revenue	148,060	36,900	301%	88,550	3
<b>Total Trading Income</b>	<b>13,228,283</b>	<b>14,087,192</b>	<b>-6%</b>	<b>18,047,136</b>	
<b>Gross Profit</b>	<b>13,228,283</b>	<b>14,087,192</b>	<b>-6%</b>	<b>18,047,136</b>	
<b>Capital Grants</b>					
Grants - Commonwealth Capital	1,994,645	1,553,244	28%	3,106,489	
Grants - Roads to Recovery	49,270	323,500	-85%	647,000	
Grants - State Capital	107,544	492,500	-78%	985,000	
<b>Total Capital Grants</b>	<b>2,151,459</b>	<b>2,369,244</b>	<b>-9%</b>	<b>4,738,489</b>	
<b>Other Non Operating Income</b>					
Net Gain/Loss on Disposal of Assets	67,669	50,000	35%	120,000	
<b>Total Other Non Operating Income</b>	<b>67,669</b>	<b>50,000</b>	<b>35%</b>	<b>120,000</b>	
<b>Total Non Operating Revenue</b>	<b>2,219,128</b>	<b>2,419,244</b>	<b>-8%</b>	<b>4,858,489</b>	
<b>Operating Expenses</b>					
Employee Costs	2,459,520	2,560,840	-4%	6,114,089	
Materials & Services	2,833,452	3,284,922	-14%	7,026,009	4
Interest Expense (2,348)		103,295	-102%	247,910	5
Depreciation	1,935,967	1,940,745	0%	4,657,790	
Other Expenses	109,698	112,085	-2%	269,008	
<b>Total Operating Expenses</b>	<b>7,336,288</b>	<b>8,001,887</b>	<b>-8%</b>	<b>18,314,806</b>	
<b>Operating Net Profit</b>	<b>5,891,994</b>	<b>6,085,305</b>	<b>-3%</b>	<b>(267,670)</b>	
<b>Net Profit (Including Non Operating Revenue)</b>	<b>8,111,122</b>	<b>8,504,549</b>	<b>-5%</b>	<b>4,590,819</b>	
<b>Work in Progress</b>					
Capital Work in Progress	1,383,839	0	0%	0	
<b>Total Work in Progress</b>	<b>1,383,839</b>	<b>0</b>	<b>0%</b>	<b>0</b>	

### Notes

- Operating grants are down \$877k on budget YTD, which primarily relates to receiving of the 23/24 Financial Assistance Grants in the prior financial year.
- Interest and Investment Income is down \$166k on budget YTD which primarily relates to the timing of maturity of investments.
- Other revenue is up \$111k on budget YTD which primarily relates to insurance recoveries.
- Materials and services are down \$451k (14%) on budget YTD which relates to a combination of timing of some payments such as the Fire Levy, and some areas currently recording a lower level of spending than forecast for the YTD.
- Interest expense is down \$85k on budget which is due to the timing of loan payments.

## Balance Sheet

Break O'Day Council

As at 30 November 2023

Account	30 Nov 2023	30 Jun 2023
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	19,571,637	14,434,952
Trade & Other Receivables	3,516,367	1,056,053
Inventory	195,156	242,538
Other Assets	2,838	2,838
<b>Total Current Assets</b>	<b>23,285,998</b>	<b>15,736,380</b>
<b>Non-current Assets</b>		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	191,192,200	193,139,070
Right of Use Asset	792,141	792,141
Intangible Assets	35,635	46,147
Investment in Water Corporation	33,959,804	33,959,804
Other Investments	30,000	30,000
<b>Total Non-current Assets</b>	<b>226,024,172</b>	<b>227,981,554</b>
<b>Total Assets</b>	<b>249,310,170</b>	<b>243,717,934</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	819,357	902,701
Contract Liabilities	0	1,021,755
Lease Liability	60,783	60,783
Interest Bearing Loans & Borrowings	375,587	407,685
Provisions	947,362	947,362
Trust Funds and Deposits	740,098	742,459
Break O'Day Christmas Festivities - Clearing Account	4,510	0
<b>Total Current Liabilities</b>	<b>2,947,697</b>	<b>4,082,745</b>
<b>Non-current Liabilities</b>		
Lease Liabilities	741,882	741,882
Interest Bearing Loans & Borrowings	5,459,137	5,459,137
Provisions	766,323	766,323
<b>Total Non-current Liabilities</b>	<b>6,967,342</b>	<b>6,967,342</b>
<b>Total Liabilities</b>	<b>9,915,039</b>	<b>11,050,087</b>
<b>Net Assets</b>	<b>239,395,131</b>	<b>232,667,847</b>
<b>Equity</b>		
Accumulated Surplus	50,392,317	43,665,033
Reserves	189,002,814	189,002,814
<b>Total Equity</b>	<b>239,395,131</b>	<b>232,667,847</b>



## Statement of Cash Flows

Break O'Day Council

For the 5 months ended 30 November 2023

Account	YTD	2023
<b>Operating Activities</b>		
Receipts from customers	746,352	1,409,618
Receipts from rates	8,999,028	10,670,679
Receipts from Operational Grants	320,597	4,840,072
Contributions	8,035	155,057
Interest received	115,970	546,447
Dividends received	97,000	485,600
Payments to employees	(2,552,047)	(5,738,665)
Payments to suppliers	(2,938,535)	(6,976,112)
Finance Costs	(19,784)	(343,938)
Cash receipts from other operating activities	640,375	232,623
Cash payments from other operating activities	639	421
<b>Net Cash Flows from Operating Activities</b>	<b>5,417,631</b>	<b>5,261,801</b>
<b>Investing Activities</b>		
Payment for property, plant and equipment	(1,393,400)	(5,069,745)
Capital Grants received	1,127,804	1,987,754
<b>Net Cash Flows from Investing Activities</b>	<b>(265,596)</b>	<b>(3,081,991)</b>
<b>Financing Activities</b>		
Proceeds of trust funds and deposits	9,430	57,599
Repayment of loans	(32,097)	(389,024)
Repayment of lease liabilities	0	773,131
Other cash items from financing activities	7,317	0
<b>Net Cash Flows from Financing Activities</b>	<b>(15,350)</b>	<b>441,706</b>
<b>Net Cash Flows</b>	<b>5,136,686</b>	<b>2,621,516</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	14,434,952	11,813,436
Net change in cash for period	5,136,686	2,621,516
Cash and cash equivalents at end of period	19,571,637	14,434,952

## Break O'Day Council

Capital Works 2022-2023  
for the period ending 30 November 2023

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024	Comments
<b>Plant &amp; Equipment</b>					
Replace 1358 H66ZW - Kia Sportage - Building Surveying	-	40,000		40,000	
Small Plant - VARIOUS	27,063		40,000	40,000	
Replace 1050 - Crown LPG Forklift	198		25,000	25,000	
Replace 1061 - John Deere 570B Grader	-		350,000	350,000	
Replace 1223 - Hitachi EX7SUR-3 Excavator	-		150,000	150,000	
Replace 1291 - Toro Mower	-		40,000	40,000	
Replace 1329 - Toro Groundmaster 7200	-		30,000	30,000	
Replace 1340 - Ferris IS3200 61" Mower	-		30,000	30,000	
Replace 1360 - Dmax 4x4 Crew Cab	-		45,000	45,000	
Replace 1361 - Kia Sportage H40ZN - Corporate Services	40,936		40,000	40,000	
Replace 1363 - Toro Groundmaster 360	-		40,000	40,000	
Replace 1364 - Ferris IS3200Z Mower	23,090		30,000	30,000	
Replace 1379 - Toro G3 Z-Master 48"	19,288		17,148	17,148	
Fuso Fighter (replace 1321)	17,060			-	
All terrain Beach Wheelchair	2,843			-	
Pavement Roller (replace 1097)	57,460			-	
<b>Total Plant &amp; Equipment</b>	<b>187,957</b>	<b>-40,000</b>	<b>837,148</b>	<b>877,148</b>	
<b>Furniture &amp; IT</b>					
Desktop replacements 2022/23	11,730		14,400	14,400	
Firewall	-		14,000	14,000	
Livestream Equipment	-		8,000	8,000	
Server Replacement	-		20,000	20,000	
Phone system	-		25,000	25,000	
<b>Total Furniture &amp; IT</b>	<b>11,730</b>	<b>-</b>	<b>81,400</b>	<b>81,400</b>	
<b>Buildings</b>					
Fingal Community Shed (Old Tas Hotel)	-	350,000		350,000	BSBR Grant - need to carry forward all remaining budget
St Marys Indoor Recreation Facility	120,372	1,000,000		1,000,000	BSBR Grant - need to carry forward all remaining budget
Portland Hall Upgrades	-	6,288	3,712	10,000	Audio visual equipment to be purchased and installed
Scamander Sports Complex	15,988	50,000		50,000	CFWD from 21/22: Solar Panel & Kitchen Upgrades - Contribution from Scamander Sports Complex \$20k
St Marys Hall Upgrades	-			-	Subject to grant funding
Stadium repair of floors and replace damaged equipment	40,746	95,074		95,074	Works planned for completion in November 2023 - Insurance Job
St Helens Sports Complex new lighting towers	10,586			-	
Council Chambers additions and improvements	3,235	47,735	10,000	57,735	Continuation of Building Improvements, Painting outside, front counter alterations, Heat pumps
Falmouth Community Centre - New Toilet, Demolish Old, Internal Alterations	-			-	Defer works to 24/25
Pyengana Recreation Ground Improvements	-			-	Defer works to 24/25
Binalong Bay - Village Green BBQ Replacements	-			-	Defer works to 24/25
Memorial Park Toilet Block Replacement	-			-	Defer works to 24/25 - design work only
Service Tasmania	-		20,000	20,000	Replace Carpet & Repaint
Marine Rescue Building Renovations	4,773			-	
St Marys WTS Tip Shop Additions	486	-	-	-	
<b>Total Buildings</b>	<b>196,185</b>	<b>1,549,097</b>	<b>33,712</b>	<b>1,582,809</b>	
<b>Parks, Reserves &amp; Other</b>					
Special Project - Land Use Review Projects	-			-	Refer Council workshop report & Annual Plan Items
Special Project - St Helens Wharf Forashore Master Plan	70	50,000		50,000	Carry forward
Special Project - Feasibility Study Aquatic Centre & Hydrotherapy Pool	-	40,000	50,000	90,000	Carry Forward
Special Project - Tas Police Project	58,319		200,000	200,000	Allocation for utilities
Special Project - Parking Strategy St Helens and St Marys	-		20,000	20,000	
Special Project: Scamander Coastal Hazards Project	2,123	30,000	70,865	100,865	Total quantum of \$100,865 for 2023/2024 comprises the following amounts: Council contribution = \$40,865 and Grant receipts = \$60,000
Fingal Youth Playground/recreation hub	44,110	345,767		345,767	BSBR Grant
Pump Tracks	730	500,000		500,000	State Gov't Grant
Playground equipment replacement program	5,489	64,261		64,261	Other sites - individual equipment pieces



Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024	Comments
Dog exercise area St Helens Improvements	5,890	7,803		7,803	Dog park user consultation to occur prior to install of equipment.
St Marys Dog Park	8	6,554		6,554	Community engagement to be undertaken prior to install - need to establish new site.
Cornwall Soldiers Park - Track upgrade and SW works	1,399	20,000		20,000	
St Marys Cemetery Master Plan - Columbarium Wall & gate	27,253		5,000	5,000	Works commencing May 2023
St Helens Cemetery Master Plan Improvements	-			-	Defer to 24/25 \$50,000
Secret Sculpture Trail	7,000				
<b>Totals Parks, Reserves &amp; Other</b>	<b>152,252</b>	<b>1,064,385</b>	<b>345,865</b>	<b>1,410,250</b>	
<b>Roads - Streetscapes</b>					
LRCIP Phase 4 - Cecilia St/ Georges Bay Esp Junction	24,404		130,000	130,000	LRCIP - Phase 4 Nominated project
Cecilia Street/Georges Bay Esplanade junction	-		30,000	30,000	Land acquisition needed for junction upgrade
Cecilia St - Northern End	-		15,000	15,000	Streetscape design
Quail St Parking Bay	-	50,000	-	50,000	Defer to 24/25? \$50,000
<b>Total Streetscapes</b>	<b>24,404</b>	<b>50,000</b>	<b>175,000</b>	<b>225,000</b>	
<b>Roads - Footpaths</b>					
Main St Mathinna (Wilson St to Community Hall)	-	8,500		8,500	CFWD Works
Parkside Foreshore Footpath	4,892	30,000		30,000	Minor shared pathway works between Lions Park and Talbot St Jetty and pathway signs
Grant Street Pathway, Falmouth	43,873		47,303	47,303	LRCIP-Phase 3 Project fully funded at \$47,303
Young St, St Helens, Footpath	(1,219)			-	
Maori Place, Akaroa	48			-	
Irishtown Road	2,331			-	
<b>Total Footpaths</b>	<b>49,925</b>	<b>38,500</b>	<b>47,303</b>	<b>85,803</b>	
<b>Roads - Kerb &amp; Channel</b>					
Penelope St St Helens	-			-	100 lm new K&C required to address local flooding issue and includes bus pull over area pavement treatment.
<b>Total Kerb &amp; Channel</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Roads - Resheeting</b>					
999 - Victoria St Part C	-	1,400		1,400	
998 - Victoria St Part C	-	360		360	
997 - Victoria St Part C	-	2,100		2,100	
2138 - Franks St Fingal	-	3,795		3,795	
1024 - Franks St Fingal	-	3,400		3,400	
1081 - Sorell St	-	6,700		6,700	
1053 - Louisa St	-	2,800		2,800	
Fingal Streets	-	6,500		6,500	
Canhams Road	30,405		39,250	39,250	
Evercreech Road	-		64,160	64,160	
Mathinna Plains Road	16,242		96,260	96,260	
North Ansons Road	2,309		253,732	253,732	
Macquarie Street	11,357		12,558	12,558	
Champ St, Seymour	12,175		13,650	13,650	
Davis Gully Road	-		38,800	38,800	
Lyne Court	-		19,656	19,656	
St Marys Area Resheeting	3,899			-	
<b>Total Resheeting</b>	<b>76,386</b>	<b>27,055</b>	<b>538,056</b>	<b>565,111</b>	
<b>Roads - Reseals</b>					
St Marys - Story Street Esk Main Road to Groom Street	-	55,084		55,084	Subject to State Growth resealing Story St
794-Boronia St	4,326		6,730	6,730	Reseal
656-Football Entry Rd	-		2,293	2,293	Reseal
1036-Talbot St West C/W	8,319		5,328	5,328	Reseal
1035-Talbot St West C/W	-		4,688	4,688	Reseal
1004-Victoria St Part A	-		4,870	4,870	Reseal
616-Charlotte Crt	50,416		29,250	29,250	Reseal
621-Four Mile Creek Rd	50,995		18,206	18,206	Reseal
644-Mangana Rd	18,946		30,108	30,108	Reseal
307-Mangana Rd	-		39,597	39,597	Reseal
306-Mangana Rd	-		10,051	10,051	Reseal
305-Mangana Rd	-		33,069	33,069	Reseal
636-Chapman St	-		3,574	3,574	Reseal
623-Fonthill St	-		4,071	4,071	Reseal
614-High St Mathinna	-		12,127	12,127	Reseal
613-High St Mathinna	-		9,531	9,531	Reseal
631-High St Mathinna	-		9,611	9,611	Reseal
630-High St Mathinna	-		8,849	8,849	Reseal
629-High St Mathinna	-		13,280	13,280	Reseal
628-High St Mathinna	-		3,366	3,366	Reseal
626-High St Mathinna	-		2,872	2,872	Reseal
638-Wilson St	-		4,011	4,011	Reseal

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024	Comments
194-Mathinna Rd	-		14,942	14,942	Reseal
572-Cherrywood Dve	1,542		5,420	5,420	Reseal
543-Scamander Ave	-		18,121	18,121	Reseal
565-Silver St	3,406		7,978	7,978	Reseal
923-Ansons Bay Rd (Priory Rd)	11,013		53,861	53,861	Reseal
432-Circassian St	-		11,935	11,935	Reseal
439-Depot Rd	-		5,036	5,036	Reseal
485-Netball Rd	-		6,525	6,525	Reseal
484-Netball Rd	-		4,887	4,887	Reseal
689-St Helens Point Rd	36,035		31,993	31,993	Reseal
688-St Helens Point Rd	-		23,223	23,223	Reseal
Quail Street - off traffic lane resealing	7,684	50,000		50,000	Subject to State Growth resealing central carriageway traffic lanes
<b>Totals Reseals</b>	<b>192,683</b>	<b>105,084</b>	<b>439,403</b>	<b>544,487</b>	
<b>Roads - Construction, Digouts &amp; Other</b>					
Aerodrome ring road - Erosion mitigation	-		30,000	30,000	
Digouts and road edge remediation to be allocated	-	25,000	250,000	275,000	Multiple failures on sealed road network
218 - Mathina Plains Road	84,332	185,000		185,000	CFWD - Pavement Renewal and Sealing - Stage 3 works.
Medeas St/Circassian St intersection upgrade	-	195	200,000	200,195	\$200,000 Black Spot funding received (Feb 2023)
LRCI Phase 3 North Ansons Bay Sealing	999	139,000		139,000	LRCIP-Phase 3 Project
Road Network - Sign Replacement	26,762		25,000	25,000	
LRCI Program - Phase 4 Projects	-		890,844	890,844	Phase 4 funding total is \$1,020,844 in two parts. Part A = \$647,406. Part B = \$373,438. \$130,000 of total funds has been allocated to the Cecilia St/ Georges Bay Espl Junction Upgrade leaving \$890,844 Funding to be expended by 30 June 2025.
- Sealing of Tasman Highway, Seymour LRCI 4	34,924			-	
	-			-	
	-			-	
Flood damage remediation works	56,219		300,000	300,000	From October 22 Floods
Gardens Road - STAGE ONE	3,270			-	
St Helens Point Road - Parkside	19,590			-	
Digouts and Edge Remediation	129,226			-	
<b>Totals - Roads Construction, Digouts &amp; Other</b>	<b>355,313</b>	<b>349,195</b>	<b>1,695,844</b>	<b>2,045,039</b>	
<b>Totals Roads &amp; Footpaths</b>	<b>698,711</b>	<b>569,834</b>	<b>2,895,606</b>	<b>3,465,440</b>	
<b>Bridges</b>					
B2293 - Cecilia St	3,990	216,499	5,000	221,499	CFWD TO 23/24
B7027 - Mathina Plains Road	-	30,000	30,000	60,000	CFWD TO 23/24
B1243 - Binns Road	-		28,600	28,600	Renew Timber Deck and Runners
B1245 - Clellands Road	117		29,400	29,400	Renew Timber Deck and Runners
B1675 - Lower Germantown Road	4,874		220,000	220,000	Replace bridge in concrete or culvert
B1605 - St Columba Falls Road	46,562		-	-	
B7010 - Rattrays Road	1,140		-	-	
<b>Total Bridges</b>	<b>56,683</b>	<b>246,499</b>	<b>313,000</b>	<b>559,499</b>	
<b>Stormwater</b>					
Minor stormwater Jobs	2,523		58,000	58,000	
Osprey Drive	-	9,006		9,006	Design only
Falmouth Street	-	10,000		10,000	Design only
Penelope Street	5,681	113,521		113,521	Stormwater Main - frontage of caravan park
Victoria Street, Fingal	19,707		108,000	108,000	New stormwater line - Design & Construct
Aulichs Lane, St Marys	-		10,000	10,000	New stormwater line - Design & Approvals
Freswater St / Lade Court Beaumnaris	6,382		-	-	
Treloggens Track	46,027		-	-	
<b>Total Stormwater</b>	<b>80,320</b>	<b>132,527</b>	<b>176,000</b>	<b>308,527</b>	
<b>Waste Management</b>					
Scamander WTS - Waste Paint Container Station	-	14,283		14,283	
Scamander WTS - Replace sump pit & pump	-		20,000	20,000	
Scamander WTS - Waste Compactor	-		20,000	20,000	Develop specifications for replacement compactor.
<b>Total Waste Management</b>	<b>-</b>	<b>14,283</b>	<b>40,000</b>	<b>54,283</b>	
<b>Total Capital</b>	<b>1,383,839</b>	<b>3,616,625</b>	<b>4,722,731</b>	<b>8,339,356</b>	

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 delivered by the Visitor Information Centre since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

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

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

- Main tourists this month were from VIC, QLD, NSW and a few tourists from France and New Zealand.
- One Staff Member attended the quarterly TVIN meeting held at Westbury.
- Had a few tourists in asking if it was safe to travel down the East Coast due to the bushfire at Dolphin Sands and also asked where to look for information regarding bushfires.
- A nice email below from a couple of happy tourists.

*"I just wanted to relay a thank you message to the lady on the desk (short dark hair, I'm sorry I didn't catch your name) who helped us plan our trip about today.*

*We were a bit lost with all the brochures etc., and were really pleased to be able to take your advice and make a list of stops (being Shop in the Trees, St Columbia Falls, lunch at Pub in the Paddock, Halls Falls, then an afternoon swim at Binalong bay).*

*With your help we had a fabulous day, so thank you!*



*I can also confirm the 'just a few ideas' sheets you gave us for St Helen's and further south are proving very useful.*

*Thank you again from two very satisfied customers!"*

#### **The History Room Curator Report:**

- **KTG Seniors Coach Tour:** This group visited on Sunday 19 November 2023 with approximately 28 persons. Maurice Fletcher assisted with the Meet and Greet along with Chris Westwood as the Curator had a clash of dates. Many thanks to both Maurice and Chris for coming in and being available.
- **'The Chinese Experience':** After an electrical storm on the weekend of 11/12 November the movie has lost audio again and remains out of action. Discussions have ensued between .808 in Launceston and Depot staff to see if this remedy can be rectified. There has been a suggestion that the electrical system at the centre be looked into to ensure there are no anomalies with this infrastructure. This is currently being negotiated. A quote for rectification works has been received from .808 in Launceston who did the previous work on moving the cabling and units.
- **'Ships of St Helens':** This is being dismantled and the next local exhibition is being collated. This will be called **'Families, Friendship, Fishing and Fun'** to be displayed over the summer season for visitors.
- **Aviation History of St Helens:** This content is also being worked on and some basic content and images are being arranged to be considered by Andrew Johnson, President of the Tasmanian Aviation Historical Society.
- **New Volunteer:** We welcome Vicki Becquet as a new volunteer who will be working Wednesday mornings with the Curator.
- **Volunteer Christmas Function:** This is arranged for Thursday 7 December 2023.
- **ASA (Tas Branch) ZOOM meeting:** Held on Tuesday 14<sup>th</sup> November 2023. Planning meeting for schedule of events for 2024.
- **Backroom Meeting:** This is scheduled for Friday 2 February 2024 at 10 am at the Centre. All Councillors have been advised and are welcome to attend.

#### **Statistics:**

##### **Door Counts**

Month/Year	Visitor Numbers	Daily Average	History Room
November 2012	3,012	100.4	130
November 2013	3,234	107.8	129
November 2014	3904	130.10	133
November 2015	4,683	156.10	128



November 2016	3,309	110.3	126
November 2017	2,874	95.8	91
November 2018	3,188	106.3	120
November 2019	3,114	103.80	166
November 2020	854	28.5	35
November 2021	1,264	42.1	53
November 2022	2,678	89.2	171
November 2023	3,305	110.1	145

### 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

### Revenue 2023/2024

Month	VIC Sales	HR Entry	HR Donations
July	3,108.79	174.00	149.50
August	4,459.92	0	131.05
September	5,654.13	311.00	85.20
October	6,891.47	356.00	162.80
November	8,255.03	519.00	127.50

## **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### Goal

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

#### Strategy

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

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority

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

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report provides summary detail relating to Works Operations and Capital Projects for the reporting period November 2023.


**PREVIOUS COUNCIL CONSIDERATION:**

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

**OFFICER'S REPORT:**

Asset Maintenance	
Facilities	<ul style="list-style-type: none"> <li>Preventative Maintenance Inspections (PMI) of Council owned buildings and playgrounds.</li> </ul>
Town & Parks	<ul style="list-style-type: none"> <li>Mowing/ground maintenance.</li> <li>Garden/tree maintenance and weeding.</li> <li>Footpath maintenance and repairs.</li> <li>Boat Ramp – monthly inspections and cleaning undertaken.</li> <li>Routine playground inspections completed and ongoing.</li> <li>Footpath edging program in progress.</li> <li>Crews kept busy with Community events.</li> </ul>
Roads	<ul style="list-style-type: none"> <li>Sealed road patching – all areas.</li> <li>Stormwater system pit cleaning and pipe unblocking.</li> <li>Kerb cleaning/sweeping where required.</li> <li>Grading of roads around St Marys area where required.</li> <li>Grading of Heffords Road.</li> </ul>

MTB	<ul style="list-style-type: none"> <li>Routine track maintenance.</li> </ul>
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Weed Management for November 2023	
St Helens Aerodrome	<ul style="list-style-type: none"> <li>Broadleaf</li> </ul>
Mathinna	<ul style="list-style-type: none"> <li>Spanish heath, gorse, broom</li> </ul>
Fingal	<ul style="list-style-type: none"> <li>Gorse, thistles, broom Spanish heath, blackberry</li> </ul>
Binalong bay	<ul style="list-style-type: none"> <li>Mirror bush, broom, blackberry</li> </ul>
St Marys	<ul style="list-style-type: none"> <li>Broadleaf, thistle, broom</li> </ul>
	<p>Foxglove is a rapid spreader which grows a flower spike up to two metres and has taken over vast areas of native Tasmanian bushland. The best time to remove foxglove is in winter or spring, before the flowers develop and spread millions of viable seed. Disturb the soil as little as possible when pulling out foxglove and use a sharp trowel or knife to sever the fine roots. If the core root breaks off or if you brush cut, it will grow back with lots of flower stalks instead of just the one. Be sure to strip or remove the flower stalk, and, if seeds are mature, bin it. A plant may have up to a million tiny seeds ready to spread – so be careful.</p>

## Waste Management – General Information

General Waste to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2023/24 (T)	187	232	224	214	TBA								857
2022/23 (T)	194	243	226	206	250	262	388	197	267	246	199	234	2,912

Kerbside Recyclables Collection – JJ's Waste service													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2023/24 (T)	49	45	49	38	45								226
2022/23 (T)	53	56	66	64	67	65	81	63	69	61	50	61	756

## CAPITAL WORKS

Activity	Update
<b>Mt Paris Dam Road – William Street urban area sealing</b>	<b>Completed</b>
North Ansons Road	Stage 1 sealing completed 1.8km. Stage 2 works in progress.
St Marys Cemetery Masterplan	New columbarium and remembrance wall. Minor façade works to complete.
Cornwall Soldiers Memorial Park	Most work completed, mulching work to be completed.
2023/2024 Bituminous Surfacing Works	Works in progress.
Old Highway Seymour (LRCI stage 4)	Pavement pre work completed, final trim and seal 1 <sup>st</sup> quarter of 2024.
MTB Trail Repairs – works ex October 22 flood event	In-progress
Upper Scamander Road – embankment erosion works ex October 22 flood event	In-progress
Mathinna Plains Road	Stage 3 sealing completed.
North Ansons Bay Road Resheeting	Works in progress.

### STRATEGIC PLAN & ANNUAL PLAN:

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

#### Goal

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

#### Strategy

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

### LEGISLATION & POLICIES:

N/A

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority



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

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

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

**OFFICER'S REPORT:**

Dog control – activity summary

**STRATEGIC PLAN & ANNUAL PLAN:**

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

Goal

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

Strategy

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

**LEGISLATION & POLICIES:**

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

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

1st November-30th November 2023															Reporting Period Total	2023-2024
Category/Area	Ansons Bay	Binalong Bay, The Gardens	Cornwall	Fingal, Manganna	Falmouth	Four Mile Ck	Upper Esk, Mathinna, Evercreech	Beaumaris	Scamander	Seymour, Denison	Parnella, Stieglitz, Akarora	Goshen, Pyengana, Weldborough	St Helens	St Marys		
Dog - Attack on a person (Serious)					1								1		2	2
Dog - Attack on another animal (Serious)													1		1	3
Dog - Attack/Harassment - on another animal (Minor)															0	1
Dog - Attack/Harassment on a person (Minor)								1							1	2
Dog - Declared Dangerous													1		1	1
Dog - Dangerous Dogs Euthanised															0	1
Dog - Barking													1		1	5
Dog - Chasing a person															0	10
Dog - Impounded															0	10
Dog - in Prohibited Area															0	0
Dog - Lost Dogs Reported															0	2
Dog - Rehomed/kennel for rehoming															0	3
Dog - Wandering/at large							2		1				1		4	17
Verbal Warnings given to dog owners		1						2	1		1				5	25
Notice Issued - Unregistered Dog															0	0
Notice Issued - Bark Abatement Notice															0	0
Notice Issued - Caution Notice									1						1	7
Notice Issued - Infringement Notice				1									1		2	9
Infringement Notice - Disputes															0	0
Infringement Notice - Time Extension Request															0	0
Infringement Notice - Revoked															0	0
Written Letter - Various matters to Dog owners.								1	1						2	22
Patrols - Township/Urban Areas				1	1		1				1		3	2	9	38
Patrols - Beaches/Foreshore		2			1	1		3	1		1		3		12	64
Unregistered Dog - Notice to Register															0	0
Kennel Licence - No licence held															0	0
Kennel Licence - Issued														1	1	5
Other - Cat complaints															0	1
Other - Livestock															0	2
Other - Poultry												2			2	2
Other - Animal Welfare, RSPCA intervention															0	1
TOTAL	0	3	0	2	3	1	3	7	5	0	3	2	12	3	44	233

Registered 2023-2024 YTD	1,367
Pending 2023-2024	103

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

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	David Jolly, Infrastructure and Development Services Manager
<b>FILE REFERENCE</b>	033\046\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	EP04 Waste Management Policy

**OFFICER’S RECOMMENDATION:**

That Council trial Green Waste ‘fee free days’ at the Ansons Bay Waste Transfer Station in the current financial year.

**INTRODUCTION:**

The Ansons Bay Community Group has made a request for the Council in relation to the Ansons Bay WTS being eligible for Green Waste ‘fee-free’ days as applies at St Helens, Scamander and St Marys under EP04 Waste Management Policy.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER’S REPORT:**

Green Waste is accepted at the Ansons Bay WTS and charged in accordance with Councils published green waste charges. Unlike other sites, green waste is stockpiled and incinerated each winter under approval by the Tasmanian EPA and overseen by the local fire brigade. Council is not charged for this annual service.

The community group has also raised concern over illegal dumping of green waste in bushland areas surrounding Ansons Bay, with resulting weed infestations occurring. Although illegal dumping of garden waste occurs more widely across the municipality, providing some incentive to dispose of green waste free of charge at Ansons Bay may be of some benefit in curbing illegal dumping behaviours.

It is not expected that the introduction of fee-free green waste days at Ansons Bay would see significant increases in green waste volume at the site or impact waste revenue to any great degree.

Rather than prematurely amend EP04 Waste Management Policy (next review in 2024) it is recommended that Council trial Green Waste fee-free days each Sunday at the Ansons Bay WTS from December 2023 to end February 2024 as per the policy application at St Helens, Scamander and St Marys. Council officers would monitor the changed operation and report on the trial outcome to Council in March 2024, before giving consideration to altering the policy.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

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

###### Goal

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

###### Strategy

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

###### *Key Focus Area:*

Waste Management - Provide access to affordable services and facilities that foster a circular economy approach to Waste Management.

#### **LEGISLATION & POLICIES:**

As identified in the policy.

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

## 12/23.15.0 COMMUNITY DEVELOPMENT

### 12/23.15.1 Community Services Report

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

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

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

#### PREVIOUS COUNCIL CONSIDERATION:

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

#### OFFICER'S REPORT:

##### 2023 - 2024 Programs and Initiatives

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
Australia Day Event (including Woodchopping)	15,000



Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride -	500
St Helens Game Fishing Comp	2,000
Wellbeing Festival	3,500
Marketing Valley Tourism	2,500
Volunteer Week	2,500
Bay of Fires Art Prize	10,000
Bay of Fires Winter Arts Market	4,000
St Marys Community Car & Bike Show	2,000
East Coast Masters Golf Tournament	2,500
International Disability Day Event	1,000
Mental Health Week	500
Barn Dance	2,000
Suicide Prevention	1,000
Pyengana Easter Carnival	1,000
Mannalargenna Day	2,500

<b>Council Sponsorship</b>	
Funding for BEC Directory	2,000
St Helens Marine Rescue	3,000
Business Enterprise Centre (BEC)	28,000
Welcome to Town Christmas Signs	1,000

Updates on current projects being managed by Community Services:

### **Pump Track Project**

Tenders for the Flagstaff Pumptrack have now closed and were opened on 8 November 2023. The applications have been assessed. An item will be included in the December meeting discussing our preferred tenderer.

### **Community Events/Activities**

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

We have some other events that staff are working with the organisers on that are not listed below – as we are currently waiting on finalisation of paper work.

## **December 2023**

1 – Day of People with Disability – St Marys  
5 – International Volunteers Day (online recognition with a facebook campaign)  
9 – Christmas Carols – Memorial Park (next to Portland Hall)  
17 – St Marys Christmas Carols – Wombat Park  
24 – St Helens Christmas Parade – Main Street, St Helens  
24- St Marys Christmas Parade/party – St Marys Community Space  
24 – St Helens Fire Brigade/St Helens Marine Rescue Lolly Run – St Helens Foreshore  
24 December -2 January 2024 – Collins Entertainment – St Helens Foreshore

## **January 2024**

24 December -2 January 2024 – Collins Entertainment – St Helens Foreshore  
1 – St Marys Races – St Marys Recreation Grounds  
7-12 – Scripture Union – Portland Hall  
20 – St Helens Dragon Boats – O’Connors Beach  
20 – St Helens Athletics Carnival – St Helens Recreation Grounds  
26 – Australia Day Awards Ceremony – Portland Hall  
27 – North East Axemen’s Wood chopping Carnival – St Helens Foreshore

## **Learner Driver Mentor Program**

The Learner Driver Mentor program is traveling well, and reaching above the required on-road monthly hours. Another new mentor will be starting early next year and will be servicing the St Helens Area. At Present, the car is servicing the St Helen Area on Mondays and Tuesdays and the Fingal and Valley are on Wednesdays through to Fridays. We had two Learners pass their provisional license test in early December.

On-Road Hours: 71

Learners in the car: 20

Learners on the waiting list: 11

Mentors: 5

## **Break O’Day Christmas Festivities Committee:**

Christmas Festivities are in full swing with all decorations being put up around the Break O’Day area. Both St Marys and St Helens Christmas Parades have all relevant permits and will go ahead on the 24 December.

The Old Hospital site looks brilliant with the help of the committee in making this area bright and festive. Thank you to all our major sponsors.

Break O’Day Council Christmas Carols are being held in Memorial Park, St Helens on Saturday 9 December 2023 – a big thank you to all who have assisted Council staff and to the One Voice Choir for performing on the night.

### **Community Wellbeing Project**

The variation and extension paperwork was finalised. The Community Wellbeing Project is due for completion in June 2025. More rounds of the Wellbeing Certificate will be offered in 2024. The Wellbeing Action website continues to be updated with content.

The two 2023 Wellbeing Certificate Groups came together for the first time on Thurs 23 November for dinner at the Scamander Sports Complex, to connect, learn more about each other's activities and wellbeing actions, and to celebrate all they learned and achieved in 2023.

The Wellbeing Collaborative is a group of community members who have participated in the project, who will work closely with Council to plan and help make decisions for the remainder of the project. Four past participants have committed to being involved in this way and it is expected up to four more will join as we build momentum.

### **Youth**

Staff are working in partnership with the Fingal Valley Neighbourhood House with the Live4Life program, providing a valuable resource for helping to get the program started in Break O'Day. Staff were involved in the interview process for Mental Health First Aid Instructor positions.

Scooter Jam on the 12 of November was a successful family event in St Marys with 19 competitors and over 65 people enjoying the free activities which included a competition, demonstrations, music, art workshop, promotion of the live4life program and of course food.

### **Health and Wellbeing**

Health and Social Services Network meetings are progressing well. New members joining. A survey is currently underway seeking feedback about the meetings. Next meeting is 11 December.

Staff participated in a regional Health and Wellbeing Local Government Network on 24 October. Council has a Lift Local Grant (\$20,000) for Health and Wellbeing planning and staff are preparing a concept plan to consult with key stakeholders in our community, including current users, the two neighbourhood houses and our health and wellbeing network.

### **Access and Inclusion**

The Disability Access and Inclusion Committee are currently revising the Action Plan for 2024. Two events were held to celebrate International Disability Day – one in St Marys and the other in St Helens. We thank members of the committee who allowed us to use their properties for the two events.

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

## **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### Goal

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

#### Strategy

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

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Chris Hughes, Community Services Manager
<b>FILE REFERENCE</b>	002\024\002\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Nil

**OFFICER'S RECOMMENDATION:**

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

**INTRODUCTION:**

Following the Royal Commission into Institutional Response to Child Sexual Abuse (“the Royal Commission”), the Tasmanian Government has enacted new legislation – *Child and Youth Safe Organisations Act 2023* (“the Act”). This legislation directly impacts on, and places obligations on, Councils (amongst other organisations). This will take effect for Local Government from 1 January 2024.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The Royal Commission’s findings included a recommendation which relates to Local Government. Recommendation 6.12 recognises that local government plays an important role in the community that impact on the safety of children, such as:

- providing services to children including libraries, swimming pools and childcare;
- providing spaces for community activities e.g. community halls, theatres, sports grounds;
- funding or contracting services;
- facilitating community education and outreach programs; and
- regulating planning and development approvals, infrastructure and property services, and water/food inspection.

Recommendation 6.12 states that:

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

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

Under the new law, Break O'Day Council will have to comply with:

- 1. the Child and Youth Safe Standards - a list of ten standards which organisations must put into practice when engaging with children and young people to protect the wellbeing and safety of children they come into contact with – see **below**, including the Universal Principle for Aboriginal Cultural Safety; and
- 2. the Reportable Conduct Scheme – A compulsory scheme that requires leaders to report and investigate concerns about conduct related to child abuse involving a worker to an independent regulator; and
- 3. the Independent Regulator – an independent regulatory body that will oversee the Framework and make sure organisations have support, advice and education required; and
- 4. Information Sharing Provisions – specific rules in the legislation meaning leaders of organisations are permitted to share personal information in certain circumstances.

This new law requires existing policy to be reviewed and/or new policy implemented by Council.

It is important to note that the Framework relates to allegations of Reportable Conduct which have occurred historically, as well as any potential future allegations of Reportable Conduct.



# The Child and Youth Safe Standards

## Universal Principle

Organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal or Torres Strait Islander children is respected.

### Standard 1

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

### Standard 2

Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

### Standard 3

Families and communities are informed and involved in promoting child safety and wellbeing.

### Standard 4

Equity is upheld and diverse needs respected in policy and practice.

### Standard 5

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

### Standard 6

Processes to respond to complaints and concerns are child focused.

### Standard 7

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

### Standard 8

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

### Standard 9

Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.

### Standard 10

Policies and procedures document how the organisation is safe for children and young people.

Some of these definitions have been rephrased for simplicity, for the original versions, see Schedule 1 of the *Child and Youth Safe Organisations Act 2023*

The legislation also mandates Council's to participate in the Reportable Conduct Scheme. The Act requires that the **'head of a relevant entity (i.e. General Manager) must, if they become aware of a reportable allegation or reportable conviction against a worker of the organisation, notify the Independent Regulator.'** There is a legislative period of three business days to notify the Independent Regulator which includes weekends and public holidays.

As at the date of this report, the State Government is yet to appoint the Independent Regulator who will oversee the Reportable Conduct Scheme and who, the State Government anticipates, will assist Council's with implementation of the new legislative requirements.

“Reportable Conduct” includes the following behaviours:

## What is ‘Reportable Conduct’



32

A summary of when to make a report to the Independent Regulator is:

## Summary: When to Report Checklist



Over 18 years of age



Engaged by the Council as a 'worker' (within the meaning of the Act)



The conduct or behaviour complained of is 'reportable conduct'



The conduct or behaviour complained leads you to form a reasonable suspicion that the person has committed 'reportable conduct' OR the person has been convicted for that 'reportable conduct'

The implementation of the Framework will have wide reaching impacts on Council, including:

- a culture change so that the wellbeing and safety of children and young people is a core principle of Council;
- creation of new policies and procedures – Council will also need to review its human resources and Council policies;
- training of staff in relation to the new legislative requirements;
- training of staff in response to complaints received – ie how to respond if someone approaches them in public and makes a complaint;
- potential change to Council procedures so that Officers/Workers are not attending events or tasks involving children and young people alone – effectively implementing a “two up” policy;
- impacts on Council’s Youth Programs;
- financial implications arising from mandatory investigations required to be compliant with the Reportable Conduct Scheme;
- the creation of a new officer role (Child Safe Officer) which, given the anticipated workload, will be a fulltime position and not one recommended to be a shared service with another LGA;

Representatives of the Northern Councils are setting up a working group to develop standard processes etc noting that each Council may have different requirements but a shared effort can bring a reasonably consistent approach.

## **LEGISLATION & POLICIES:**

*Child and Youth Safe Organisations Act 2023*

## **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.

### Strategy

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

### *Key Focus Area:*

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

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

There are significant financial risks should Council **not be** compliant with the legislation, including:

- A failure to report Reportable Conduct to the Independent Regulator by the General Manager within three working days (which includes weekends and public holidays) of receipt of the same - \$23,400 **per offence**; and
- \$70,200 **per breach** of the Standards.

There will be financial implications associated with independent investigations undertaken in response to complaints received (it may not be appropriate that Council Officer's undertake this task due to a lack of training, experience, resources and due to the close-knit community nature of our Council). An initial estimate from a third party provided sources by LGAT is:

- A straightforward investigation (1-2 witnesses, single allegation, cooperative witnesses) – approximately \$2,500 - \$3,500 + GST plus disbursements; and
- A complex investigation (5 or more witnesses, multiple/serious allegations) – approximately \$10,000 - \$15,000 + GST and disbursements.

At the time of writing this report, the State Government had not announced whether it will assist Council's financially with the implementation of, or compliance with, the legislative requirements.

## VOTING REQUIREMENTS:

Simple Majority





## POLICY NO CB09 INTERIM SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

DEPARTMENT:	Community Services
RESPONSIBLE OFFICER:	Manager Community Services
LINK TO STRATEGIC PLAN:	To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued
STATUTORY AUTHORITY:	Child and Youth Safe Organisations Act 2023 (Tas)
OBJECTIVE:	
POLICY INFORMATION:	Adopted 18 December, 2023 – Minute No

### POLICY

#### 1. PURPOSE

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

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

#### 2. SCOPE

This policy applies to all Council employees and representatives including:

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

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

### 3. SCOPE

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

Abuse	Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, sexual abuse, and neglect.
Child/Children/Young Person	Any person under 18 years of age as defined by Children, Young Persons and their Families Act 1997 (TAS).
Child Safe	For this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.
Child Safe Organisation	Defined in the Royal Commission Final Report as an organisation that: <ul style="list-style-type: none"> <li>• creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions.</li> <li>• places emphasis on genuine engagement with and valuing of children and young people.</li> <li>• creates conditions that reduce the likelihood of harm to children and young people.</li> <li>• creates conditions that increase the likelihood of identifying any harm, and</li> <li>• responds to any concerns, disclosures, allegations, or suspicions of harm.</li> </ul> <p>Note: in the context of local governments, this would involve referring concerns to Independent Regulator and in the case of suspected criminal behaviour then to TAS Police to respond as appropriate.</p>

Implementation of the Child and Youth Safe Standards (which mirror the National

Child and Youth Safe Standards	Principles for Child Safe Organisations) give effect to the above. 10 standards that specific organisations in Tasmania (including councils) must put into practice in an ongoing and simultaneous manner. These are defined under the legislation and mirror the National Principles for Child Safe Organisations.
Contractor	In the scope of this policy means a person or company used by Council to provide services directly to children and young people, or where the contract's activities will, or are likely to involve contact with children and young people that is a usual part of and more than incidental to, the services.
Council facilities	Properties, buildings, and facilities including parks and sporting facilities owned and managed by Council including those used by the public or available for hire.
Council Staff	Includes Break O'Day Council employees, contractor managers, volunteers, students on placement, contractors, consultants, elected representatives, and visitors, and anyone else who undertakes work on behalf of the Break O'Day Council. This is regardless of their work related to children or young people.
Harm	Any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance, or a series or combination of acts, omissions, or circumstances.
Independent Regulator	An independent oversight body that exists to help organisations understand how to comply with Tasmania's Child and Youth Safe Framework, provide guidance and advice, and monitor compliance.
Reportable Conduct Scheme	Requires leaders of specific organisations to notify the Independent Regulator when

Safeguarding	<p>concerns are raised about conduct related to child abuse.</p> <p>Taking the actions necessary to ensure children and young people feel safe and are safe. This also means that if children or young people don't feel safe, steps are taken to restore their safety.</p>
Universal Principle for Aboriginal Cultural Safety	<p>This applies across all 10 Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander children and young people to Cultural Safety must be respected.</p>
Wellbeing	<p>Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.</p>

#### 4. POLICY

##### 4.1 BREAK O'DAY COUNCIL CHILD SAFE STATEMENT OF COMMITMENT

- We are committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- We have zero tolerance to child abuse and harm. Our people are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.
- We recognise the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by Council, have the right to feel safe, be safe, and be heard.
- We recognise our legal and moral responsibilities in keeping children and young people safe and have robust policies and procedures in place to meet this commitment that are aligned with the National Principles for Child Safe Organisations.
- We want children to thrive, be safe, happy, and empowered, and are dedicated to ensuring their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- We are committed to being a Child Safe Organisation.





## **4.2 BREAK O'DAY COUNCIL CHILD SAFE STATEMENT OF COMMITMENT**

- Break O'Day Council ("the Council") is committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- The Council has zero tolerance to child abuse and harm. Our Council staff are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.
- The Council recognises the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by the Council, have the right to feel safe, be safe, and be heard.
- The Council recognises our legal and moral responsibilities in keeping children and young people safe.
- The Council wants children to thrive, be safe, happy, and empowered, and are dedicated to ensuring their views are listened to and respected, and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- The Council is committed to being a Child Safe Organisation.

## **4.3 POLICY CONTEXT**

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

### **4.3.1 CHILD SAFE STANDARDS**

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

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

Tasmania's 10 Child and Youth Safe Standards mirror the National Principles for Child Safe Organisations which emerged from the work of the Royal Commission



into Institutional Responses to Child Sexual Abuse.

The Standards are as follows:

Standard	This means
<b>Standard 1:</b> Child safety and wellbeing is embedded in organisational leadership, governance, and culture.	All people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.
<b>Standard 2:</b> Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Children and young people are told about their human rights, have a say in decisions and are taken seriously.
<b>Standard 3:</b> Families and communities are informed and involved in promoting child safety and wellbeing.	Families, carers, and communities know about and are involved in the organisation's child and safety and wellbeing activities.
<b>Standard 4:</b> Equity is upheld and diverse needs respected in policy and practice.	The rights of every child and young person are being met, and children and young people are treated with dignity, respect, and fairness
<b>Standard 5:</b> People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	People working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.
<b>Standard 6:</b> Processes to respond to complaints and concerns are child focused.	Children, young people, families, carers, staff, and volunteers are listened to and can share problems and concerns.
<b>Standard 7:</b> Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	Staff and volunteers keep learning all the time so they know how to keep children and young people safe and well.



<b>Standard 8:</b> Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	Children and young people are safe in online and physical spaces.
<b>Standard 9:</b> Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.	The organisation keeps reviewing and improving its child safety and wellbeing practices.
<b>Standard 10:</b> Policies and procedures document how the organisation is safe for children and young people.	The organisation writes down how it keeps children and young people safe and well, and makes sure that everyone can see these documents

#### 4.3.2 REPORTABLE CONDUCT SCHEME

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

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

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

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

#### 4.4 POLICY FUNCTIONS

Break O'Day Council will ensure the following functions of this policy are resourced and

assigned to the relevant officers for implementation:

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

#### 4.5 ROLES AND RESPONSIBILITIES

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

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

##### 4.5.1 CHILD SAFE ORGANISATION WORKING GROUP

This Working Group will meet as per the working group Terms of Reference to provide overall governance and leadership related to the development and implementation of the Break O'Day Council Child and Youth Safe Standards Action Plan

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



Key functions of the group are to:

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

#### 4.5.2 ROLES AND RESPONSIBILITIES ACROSS COUNCIL

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

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

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



Council Staff	<ul style="list-style-type: none"> <li>• Understand and comply with their roles and responsibilities in keeping children safe.</li> <li>• Report any concerns about the safety and wellbeing of a child or young person.</li> <li>• Obtain and maintain a Working with Vulnerable People Check where required.</li> <li>• Participate in training and education in relation to safeguarding children and young people as required.</li> <li>• Provide environments for children and young people where they feel safe, empowered, and can participate. Behave safely and appropriately with children and young people.</li> </ul>
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#### 4.5.3 OUR OBLIGATIONS WITH EXTERNAL PARTIES

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

#### 4.5.4 OUR APPROACH TO ROYAL COMMISSION RECOMMENDATION - 6.12

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

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

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



appropriate for children from diverse backgrounds."

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

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

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

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

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

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

## **5 MONITORING AND REVIEW**

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

## 12/23.16.0 DEVELOPMENT SERVICES

### 12/23.16.1 Development Services Report

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

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

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

#### PREVIOUS COUNCIL CONSIDERATION:

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

#### OFFICER'S REPORT:

##### KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS

1. Council report presented separately in relation to Public Exhibition phase now completed for Substantial Modifications in relation to Tasmanian Planning Scheme and Local Provisions Schedule as directed by Tasmanian Planning Commission;
2. Proposed Municipal (Environmental) By-Law now finalised and awaiting certification and gazetting;
3. Tender negotiations completed and contract signed for Fingal Community Shed
4. Tender negotiations completed and contract signed for St Marys Indoor & Evacuation Centre;
5. Staff attended sessions in relation to Climate Change Adaption sessions in relation to Healthy and resilient communities.

## 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 2022 / 2023
NPR	1	5	2	2	1								11	
Permitted	0	1	7	6									14	
Discretionary	12	8	22	13	10								65	
Amendment	3	2	3	5	2								15	
Strata		1											1	
Final Plan	3	2	1										6	
Adhesion														
Petition to Amend Sealed Plan					1								1	
Boundary Rectification														
Exemption														
Total applications	19	19	35	26	14								113	284

Ave Days to Approve Nett *	19	19	24.33	24.75	26.92								22.8
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\* Calculated as Monthly Combined Nett Days to Approve/Total Applications

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

**November 2023**

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
209-2023	St Marys	Shed	S57	43	40
214-2023	Mangana	New Dwelling (Presbytery)	S57	42	36
213-2023	Falmouth	Additional use for visitor Accommodation	S57	26	13
020-2019 AMEND	Four Mile Creek	Addition of Sunroom & Butlers Pantry	AMEND	29	29
155-2023	St Helens	Petition to Amend Sealed Plan	PETITION	119	0
219-2023	St Helens	2 Lot Subdivision	S57	44	35
141-2023 AMEND	Beaumaris	Utilisation of existing crossover in lieu of proposed relocation of crossover; Increased setback of dwelling to primary frontage 5.4m in lieu of approved 5m	AMEND	28	28
128-2023	Falmouth	Demolish Garage & New Garage	S57	34	33
198-2023	Binalong Bay	New Dwelling	S57	44	15
210-2023	St Marys	Retrospective Approval of Veranda, Enclosure of Veranda, New Carport, Shipping Containers (x2) with Adjoining Roof	S57	65	41
246-2023	Scamander	Veranda	NPR	6	6
217-2023	St Helens	Additional Use for Visitor Accommodation	S57	43	23
039-2023	St Helens	Multiple Dwellings x (2)	S57	267	36
152-2023	St Helens	2 Lot Subdivision	S57	143	42

**TOTAL 14**

## Strategic Planning Projects in the 2023/2024 financial year

Description	Percentage Complete	Current Update
Low Density Residential Review - Review land area within the Low Density Residential Zone and quantify impact of State Planning Policy in relation to minimum lot size on supply.	30%	Vacant residential land within the Low Density Residential Zone has been investigated for the St Helens area and surrounds. An overlay has been incorporated into Council mapping software showing vacant residential land in St Helens, Binalong Bay, Stieglitz, Akaroa, Beaumaris, Scamander, St Marys, Falmouth and Fingal. This will be further refined and scrutinised.
Scamander/Beaumaris Township Structure Plans - Commence process for a detailed examination of the structure of this area to address growth which is occurring.	25%	A report was prepared and presented to Council at its Workshop on Monday 2 October 2023. Council instructed Development Services to progress the preparation of a Project Brief to further this body of work and to discuss with the State Planning Office opportunities for funding contributions. The State Planning Office and Council staff are working towards a final brief.
Break O'Day Council Land Use Strategy 2015 - Review Strategy including progression of recommendations applicable to the Low Density Residential and Rural Living Zones.	25%	Review of the Land Use Strategy has been completed. Review of Low Density Residential land has commenced. Review of Rural Living Zone has not yet commenced as there are substantial modifications to the LPS within this zone. Any review will need to consider these zone changes.
Vacant Residential Land - Complete a comprehensive review to gain an understanding of life cycle of current lots and development trends.	25%	This project work aims to take the vacant residential land investigation one step further to understand how vacant land is being held in the municipality in order to consider the true availability of residential land in the municipality for development. Some data collection has commenced and is scheduled for further work in early 2024.
State Planning Policy - Participate in review of State Planning Policy by providing comments associated with the review of Regional Land Use Strategy (RLUS), State	25%	Council Staff have volunteered to participate of several working groups which aim to conduct review of higher priority State Planning Policy. Council staff are also actively involved in the review of the Regional Land Use Strategy which has key linkages to Council's strategic priorities.

Planning Provisions and State Planning Policies		
Regional Land Use Strategy - Actively participate in and support the review of the Northern Tasmania Regional Land Use Strategy.	25%	<p>Participation in the review of the Regional Land Use Strategies continues. The strategic work being undertaken, including a proposed Scamander/Beaumaris Structure Plan, will feed into this process. A report on the Scamander Beaumaris Structure Plan has been presented to a Council Workshop (October) and Council has directed Development Services to progress this work.</p> <p>The State Planning Office has progressed the review of the framework with the release of Regional Planning Framework Consultation Report – Summary of submissions. A report is presented to Council separately. At the same time or shortly after the State Government will commence the review of the existing regional land use strategies. The work we are doing will feed into this process.</p> <p>This work continues.</p>
Local Provisions Schedule (LPS) - Progress the Approval of the LPS in accordance with requirements of the Tasmanian Planning Commission, and subsequent implementation actions once approved. The Approval of the LPS in accordance with requirements of the Tasmanian Planning Commission, and subsequent implementation actions once approved.	50%	<p><b>DRAFT AMENDMENTS TO THE LPS:</b></p> <p>The Tasmanian Planning Commission directed Council on the 12 September 2023 to publicly exhibit the draft amendments (substantial modifications) to the LPS under section 35KB(4)(b)(i).</p> <p>The exhibition phase has now been completed and a report is provided separately within the agenda.</p>
Industrial Land Use Strategy	50%	Data capture exercise and Initial draft report has been completed. Council Officers will prepare a report for Council consideration in a future meeting.



## BUILDING PROJECTS REPORT

### Projects Completed in the 2023/2024 financial year

Description	Location	Updates
New Lighting Towers	St Helens Sports Complex – Football Oval	Completed September 2023
Kitchen Upgrades & Renovations	Scamander Sports Complex	Completed September 2023
St Marys Waste Transfer Station Additions	St Marys Waste Transfer Station	Completed September 2023
Sports Floor Replacement & New Backboard	Bendigo Bank Community Stadium	Completed October 2023
Replacement of Signage & Repainting	Service Tasmania	Completed November 2023

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

Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> <li>Repainting identified as priority which has now commenced.</li> </ul>
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none"> <li>Contract now signed and awarded to Moorey Constructions Pty Ltd;</li> <li>Site establishment underway with a planned completed by End June 2023.</li> </ul>
St Marys Indoor & evacuation Centre	St Marys Sports Complex	<ul style="list-style-type: none"> <li>Contract now signed and awarded to Moorey Constructions Pty Ltd;</li> <li>v</li> </ul>

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

Description	Location	Updates
Audio Visual Improvements	Portland Hall	<ul style="list-style-type: none"> <li>Needs further consideration.</li> </ul>
External Repainting	Council Chambers	<ul style="list-style-type: none"> <li>Consideration of colour scheme under way;</li> <li>Works not yet scheduled.</li> </ul>

Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> <li>Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.</li> </ul>
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The below table provides a summary of the building approval issued for the month including comparisons to the previous financial year.

<h2 style="text-align: center;">Building Services Approvals Report</h2> <h3 style="text-align: center;">November 2023</h3>
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No.	BA No.	Town	Development	Value
1.	2022 / 00088 - AMEND	St Marys	Amended for inclusion of 95500L Fire Tank (Shed)	N/A
2.	2023 / 00156	Scamander	Addition (Decks)	\$16,000.00
3.	2023 / 00083	St Helens	New Shed	\$50,000.00
4.	2022 / 00078	St Helens	New Garage, Workshop & retaining wall	\$16,800.00
5.	2023 / 00132	St Helens	New Dwelling, Decks & Shed	\$460,000.00
6.	2023 / 00015	Falmouth	New Dwelling, Ancillary Dwelling, Deck & Shed	\$246,000.00
7.	2023 / 00049	Falmouth	New Dwelling, Retaining wall, Deck & Carport	\$419,000.00
8.	2021 / 00222	St Helens	New Storage Shed with Amenities	\$71,000.00
9.	2023 / 00179	Stieglitz	New Shed	\$34,000.00
10.	2023 / 00097	Ansons Bay	New Dwelling & Deck	\$195,000.00
11.	2022 / 00211 - STAGE 2	Stieglitz	Alterations & Additions - Dwelling, Retaining Wall & Deck	\$105,000.00
12.	2022 / 00243	St Marys	New Community Recreation Centre	\$950,000.00
13.	2023 / 00171	St Helens	Demolition (Shed) & New Dwelling with Alfresco & Retaining Wall	\$427,000.00
14.	2023 / 00164	Cornwall	New Shed	\$29,000.00
15.	2023 / 00038	Stieglitz	New Shed	\$32,000.00
16.	2021 / 00232	Beaumaris	New (Dwelling & Deck) & Extensions (Shed)	\$341,000.00

ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2022/2023	2023/2024
	\$17,122,846	\$11,021,209.00

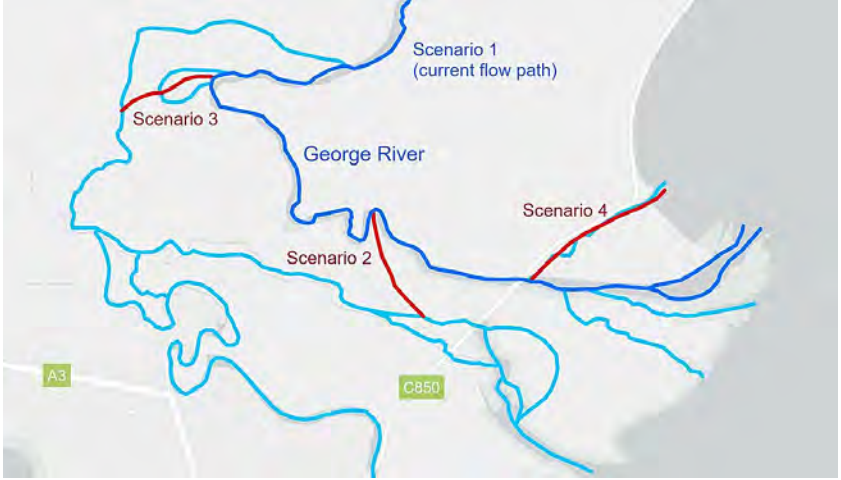
	MONTH	2022	2023
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<b>ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH</b>	November	\$1,963,200.00	\$3,391,800.00
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NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2022/2023	2023/2024
	November	91	72

## ENVIRONMENTAL REPORT

Description	Updates
Climate Change Action	<p>Council hosted two workshops for local government on the east coast. One on coastal hazards, adaptation and development of a strategy for councils of the northern region to provide certainty and consistency for future management of coastal erosion and inundation risks. And another titled <i>Tasmanian Councils supporting climate healthy and resilient communities</i>, focussed on how issues and work done for community health by local government and its community partners may be affected by climate change.</p> <p>Both were Northern Tasmania Alliance for Resilient Councils (NTARC) activities, with the health and climate change work part of a statewide project with the Department of Health and UTas Menzies Centre.</p>
Natural Hazards Risks and Management	<p>An introductory community information session for the <i>Scamander Coastal Hazards and Flood Risks Pathways Planning</i> project was held at Scamander in conjunction with the coastal hazards and adaptation local government workshop. It provided history and background to the flood and coastal inundation, erosion and river mouth dynamics that interact there and how the project will grapple with managing the risks, that are expected to increase in future.</p> <p>Stakeholder and community consultation is underway to gauge the impacts of possible future river channel break-out scenarios across the lower George River floodplain, which could be significant and felt widely. This is the first step in an Impact Assessment project to assess 'avulsion' risks on the floodplain by Council and the Lower George Riverworks Trust and funded through the SES by the Natural Disaster Risk Reduction Grants Program.</p>

	
NRM Committee	The NRM Committee meeting on 5 December includes discussion of deer management and with deer being sighted in and around St Helens recently, will a focus on challenges with peri-urban deer management.

## 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. The 2023/24 monitoring program begins this month.

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	2023/2024		2022/2023	
	Persons	Vaccinations	Persons	Vaccinations
July - December	19	20	60	64
January - June	0	0	54	54
<b>TOTAL</b>	<b>19</b>	<b>20</b>	<b>114</b>	<b>118</b>

#### Sharps Container Exchange Program as at 7 December 2023

Current Year	Previous Year
YTD 2023/2024	YTD 2022/2023
<b>33</b>	<b>25</b>

#### STRATEGIC PLAN & ANNUAL PLAN:

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

##### Goal

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

##### Strategy

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

#### LEGISLATION & POLICIES:

N/A

#### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

#### VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
COUNCIL MEETING DATE	18 December 2023
OFFICER	Deb Szekely, Senior Town Planner
FILE REFERENCE	23/13730
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> <li>1. Section 40K Report – BOD LPS – DRAFT</li> <li>2. Draft Amendments – BOD LPS – AS EXHIBITED</li> <li>3. Copy of Representations</li> </ol>

**OFFICER’S RECOMMENDATION:**

The Break O’Day Council, acting as the planning authority, submits the attached Section 40K Report to the Tasmanian Planning Commission in response to the exhibited substantial modifications to the Break O’Day Local Provisions Schedule.

**INTRODUCTION:**

Council acts as a Planning Authority for the consideration of this matter under the *Land Use Planning and Approvals Act 1993* (the Act).

The draft amendments relate the Tasmanian Planning Commission decision in relation to the LPS to direct council to exhibit the substantial modifications to the LPS. A copy of the Commission’s decision and reasons for their decision can be found on the Commission’s website – [www.planning.tas.gov.au](http://www.planning.tas.gov.au).

- ([https://www.planning.tas.gov.au/data/assets/pdf\\_file/0004/714379/Decision-and-reasons-13-July-2023.PDF](https://www.planning.tas.gov.au/data/assets/pdf_file/0004/714379/Decision-and-reasons-13-July-2023.PDF))

**PREVIOUS COUNCIL CONSIDERATION:****COUNCIL MEETING 16 MARCH 2020**

**03/20.6.4.30**      Moved: Clr M Osborne / Seconded: Clr K Wright

That Council, acting as a Planning Authority resolve it is satisfied the draft Break O’ Day Planning LPS meets the relevant requirements of Section 34 of the Land Use Planning and Approvals Act, 1993 (LUPAA) and resolves to forward this to the Tasmanian Planning Commission.

**CARRIED UNANIMOUSLY**



## COUNCIL MEETING 16 AUGUST 2021

**08/21.6.4.174**      Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council, acting as a Planning Authority:

1. Determines, in accordance with section 35(7) of the Land Use Planning and Approvals Act 1993, that it is satisfied that the Draft Break O'Day Local Provisions Schedule that has been prepared under section 35(1) meets the local provisions schedule criteria in section 34(2) of the Land Use Planning and Approvals Act 1993;
2. Determines to formally give delegation to the General Manager under section 6 of the Land Use Planning and Approvals Act 1993 of these Council powers and functions:
  - a. To modify and re-submit the draft Local Provisions Schedule in accordance with a notice from the Commission if a notice is received from the Commission under Section 35(5)(b) of the Land Use Planning and Approvals Act 1993 or to accept and adopt any modifications to the Local Provisions Schedule being undertaken by the Tasmanian Planning Commission under Section 35(5)(c); and
  - b. Do all things necessary to exhibit the draft Local Provisions Schedule (LPS) in accordance with Section 35C and 35D of the *Land Use Planning and Approvals Act 1993*.

**CARRIED UNANIMOUSLY**

## COUNCIL MEETING 26 APRIL 2022 – SPECIAL COUNCIL MEETING

**SCM04/22.4.1.81**      Moved: Clr J McGiveron / Seconded: Clr B LeFevre

1. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the Land Use Planning and Approvals Act 1993 and forward to the Tasmanian Planning Commission excluding the content of Representation No 7 and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.

**FOR**              Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

**AGAINST**      Clr J Drummond (Abstained)

**CARRIED**

*Clr J Drummond left the meeting at 10.04am*

### DISCUSSION:

No discussion took place on this item.

## **COUNCIL DECISION:**

**SCM04/22.4.1.82**      Moved: Clr B LeFevre / Seconded: Clr G McGuinness

2. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the Land Use Planning and Approvals Act 1993 and forward to the Tasmanian Planning Commission relating to the content of Representation No 7 and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.

## **CARRIED UNANIMOUSLY**

*Clr J Drummond returned to the meeting at 10.05am.*

**SCM04/22.4.1.83**      Moved: Clr B LeFevre / Seconded: Clr J McGiveron

3. That the Planning Authority, pursuant to section 6 of the Land Use Planning and Approvals Act 1993, delegate to the General Manager and Development Services Coordinator (or persons acting in those positions) its powers and functions to:

- a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and
- b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

**FOR**                      Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

**AGAINST**            Clr J Drummond (Abstained)

**CARRIED**

## **COUNCIL MEETING 27 JUNE 2022**

**06/22.6.3.108**      Moved: Clr B LeFevre / Seconded: Clr M Osborne

1. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the Land Use Planning and Approvals Act 1993 and forward to the Tasmanian Planning Commission excluding the content of Representation No 7 and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.

**FOR**                      Clr J McGiveron, Clr K Chapple, Clr M Osborne, Clr B LeFevre, Clr M Tucker

**AGAINST**            Clr L Whittaker, Clr J Drummond (Abstained), Clr K Wright (Abstained)

**CARRIED**

*Clr Drummond abstained for the same reasons as last time as follows:*

- Being provided with two (2) documents, containing approximately over 1,000 pages which contained the representations. These documents were provided without page numbers therefore making it impossible for her to conduct due diligence;*
- And again since last Monday we have again been presented with the same documents with no page numbers and no functional index, that made it possible to conduct due diligence whilst reading the representations;*
- I raised the question as to why we could not have been provided with this over 1,000 pages of representations in the previous months, when submissions had closed in December 2021. This would have allowed Councillors to become familiar with the content in preparation for reading the Officers Report.*
- On Wednesday 13 April we were presented with these documents plus an agenda of 680 pages for the Council Meeting which meant we had approximately 2,000+ pages of documentation to read in a 13 day period which contained both the Easter long weekend and the Anzac Day holiday.*

*Clr Wright abstained for the same reasons as Clr Drummond.*

*Clr Drummond left the meeting at 10.39am.*

**06/22.6.3.109**

Moved: Clr K Chapple / Seconded: Clr B LeFevre

2. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the Land Use Planning and Approvals Act 1993 and forward to the Tasmanian Planning Commission relating to the content of Representation No 7 and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.

**FOR** Clr J McGiveron, Clr K Chapple, Clr M Osborne, Clr B LeFevre, Clr M Tucker

**AGAINST** Clr L Whittaker, Clr K Wright

**CARRIED**

*Clr Drummond returned to the meeting at 10.40am.*

**06/22.6.3.110**

Moved: Clr B LeFevre / Seconded: Clr K Chapple

3. That the Planning Authority, pursuant to section 6 of the Land Use Planning and Approvals Act 1993, delegate to the General Manager and Development Services Coordinator (or persons acting in those positions) its powers and functions to:

- a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and

b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

**FOR** Clr J McGiveron, Clr K Chapple, Clr M Osborne, Clr B LeFevre, Clr M Tucker

**AGAINST** Clr L Whittaker, Clr K Wright, Clr J Drummond

**CARRIED**

1. In accordance with Section 35H of Land Use Planning and Approvals Act 1993, the Hearings for the Break O'Day Draft Local Provisions Schedule occurred on the following dates.

Day 1	Wednesday, 24 August 2022
Day 2	Thursday, 25 August 2022
Day 3	Friday, 26 August 2022
Day 4	Thursday, 1 September 2022
Day 5	Wednesday, 7 September 2022
Day 6	Thursday, 8 September 2022
Day 7	Friday, 9 September 2022
Reserve Day	Thursday, 22 September 2022

**Hearing Delegates:**

Chair : John Ramsay  
Delegate: Nick Heath  
Delegate: Claire Hynes

2. On 7<sup>th</sup> October 2022 Council responded to directions from the TPC Post Hearing.
3. On 23<sup>rd</sup> December 2022, Council submitted a response to further information provided by Representors – Post Hearing. This report was presented to and accepted by Council at its meeting on Monday, 19<sup>th</sup> December 2022.

**COUNCIL MEETING 19 DECEMBER 2022**

**12/22.16.3.263** Moved: Clr B LeFevre/ Seconded: Clr I Carter

The Break O'Day Council, acting as the Planning Authority, forwards the proposed response contained within this report, to the Tasmanian Planning Scheme, to address Representor directions responses. Specifically, the Break O'Day Council does not support the inclusion of the draft Specific Area Plans relating to the Coastal Zone and Stormwater Management within the Draft BOD LPS and expects the Tasmanian Planning Commission to reject the proposals in accordance with section 40N (1) (e) of the Land Use Planning and Approvals Act 1993 (LUPAA).

Furthermore, advice from Simmons Wolfhagen regarding aspects of due process, natural justice and application of Part 3A and 3B of LUPAA, will accompany Council's response to the TPC.

**An amendment was moved:**

**12/22.16.3.264**      Moved: Clr J Drummond / Seconded: Clr L Johnstone

The Break O'Day Council, acting as the Planning Authority, forwards the proposed response contained within this report, to the Tasmanian Planning Scheme, to address Representor directions responses. Specifically, the Break O'Day Council does not support the inclusion of the draft Specific Area Plans relating to the Coastal Zone and Stormwater Management within the Draft BOD LPS and expects the Tasmanian Planning Commission to reject the proposals in accordance with section 40N (1) (e) of the Land Use Planning and Approvals Act 1993 (LUPAA).

**CARRIED UNANIMOUSLY**

**The amendment becomes the motion:**

**FOR**              Mayor M Tucker, Deputy Mayor K Chapple, Councillor G Barnes, Councillor I Carter, Councillor V Oldham, Councillor B LeFevre

**AGAINST**      Councillor J Drummond, Councillor L Johnstone

**CARRIED**

**OFFICER'S REPORT:**

**Introduction**

Under section 35KB(1) of the *Land Use Planning and Approvals Act 1993*, the Tasmanian Planning Commission directed the Break O'Day planning authority to prepare draft amendments under Part 3B of the Act, of the Break O'Day Local Provisions Schedule (LPS).

Attachment 2 provides a detailed list of the proposed draft amendments.

The proposed amendments affect 73 titles across the municipality, including road reservations.

The attached Section 40K Report considers the representations made to the draft amendment as required under section 40K of the Act.

**Statutory Requirements and Timeframes**

In accordance with section 40K of the Act, Council, acting as the Planning Authority, is required to formally consider the representations and to prepare a report to be submitted to the Tasmanian Planning Commission (TPC).

Section 40K(2) of the Act states that the planning authority's report must include:

(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and

- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –
  - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and
  - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and
- (d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and
- (e) any recommendations in relation to the draft amendment that the planning authority thinks fit.

Attachment 1 to this report considers the representations in accordance with the requirements of the Act.

The report under section 40K must be submitted to the TPC within 35 days after the exhibition period or such further period as the TPC allows. The exhibition period finished on 7 November, 2023 and the report was due to be provided to the TPC by the end of close of business on 12 December, 2023. The next Council meeting is schedule for 18 December and so an extension until 3 January 2024 has been requested that takes into account the Christmas closure period.

We are yet to receive advice from the TPC regarding the granting of an extension of time.

### **Representations**

Five (5) representations were received before the closure of the exhibition period. No representations were received after the exhibition period closed.

<b>Number</b>	<b>Name</b>	<b>Summary</b>
1	TasRail	<b>TasRail</b> No concerns with any of the 6 draft amendments to the Break O'Day LPS.
2	TasWater	<b>TasWater</b> No objection and no formal comments for the Tasmanian Planning Commission in relation to this matter. TasWater do not require to be notified of nor attend any subsequent hearing.
3	DNRE Tas	<b>Department Natural Resources and Environment Tasmania</b> NRE Tas supportive of identified draft amendments (01/23, 02/23, 03/23 to the Break O'Day LPS.



		No comment on draft amendments 04/23, 05/23, 06/23
4	Gerard McCormick	In relation to 135 Tasman Highway, Beaumaris (22607/2). Support the proposed rezoning to Rural Living Zone C.
5	Todd Dudley NEBN	<b>North East Bioregional Network</b> Representation made on Draft Amendments 01/23, 04/23, 05/23 and 06/23.

Attachment 1 includes copies of all representations and includes the report required under section 40K of the Act.

### **Conclusion**

The representations have been considered (Attachment 1).

No modifications to the draft amendments has been recommended.

The Break O'Day Council, acting as the planning authority, submits the attached Section 40K Report to the Tasmanian Planning Commission in response to the exhibited substantial modifications to the Break O'Day Local Provisions Schedule.

### **STRATEGIC PLAN & ANNUAL PLAN:**

N/A

### **LEGISLATION & POLICIES:**

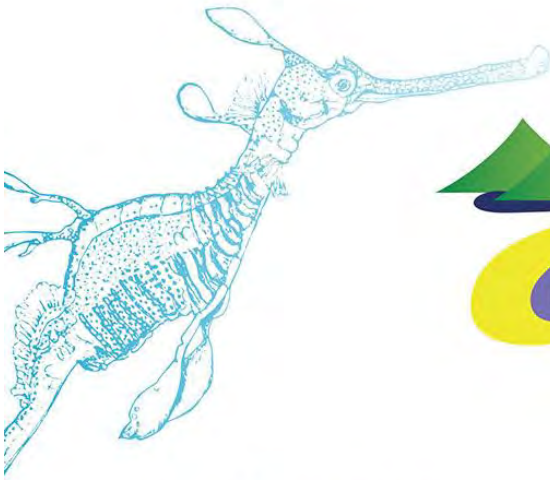
*Land Use Planning and Approvals Act 1993.*  
*Break O'Day Local Provisions Schedule.*

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

### **VOTING REQUIREMENTS:**

Simple Majority



## Section 40K Report on Representations

### Break O'Day Local Provisions Schedule

Draft Amendments 01/23 – 06/23



Council Meeting 18 December 2023

32-34 Georges Bay Esplanade St Helens

e: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au) t: 03 6376 7900

from the mountains to the sea | [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au)

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# 1 Statutory Requirements

## 1.1 Relevant Sections - LUPAA

Under section 40K of the *Land Use Planning and Approvals Act 1993* (the Act), a planning authority must provide to the Tasmanian Planning Commission a report that considers the merit of each representation received and whether any modifications to the amendments should be made.

### 40K. Report to Commission about draft amendments

- (1) A planning authority, within 35 days after the end of the exhibition period in relation to a draft amendment of an LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft amendment of an LPS.
- (2) The report by a planning authority in relation to the draft amendment of an LPS is to contain –
  - (a) A copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and
  - (b) A copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and
  - (c) A statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to-
    - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and
    - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and
  - (d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and
  - (e) any recommendations in relation to the draft amendment that the planning authority thinks fit.
- (3) Without limiting the generality of subsection (2), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether –
  - (a) A provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or
  - (b) The draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or
  - (c) The draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.



- (4) A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.

#### 34. LPS Criteria

- (1) In this section –

*Relevant planning instrument means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.*

- (2) The LPS criteria to be met by a relevant planning instrument are that the instrument –
- (a) Contains all the provisions that the SPPs specify must be contained in an LPS; and
  - (b) Is in accordance with section 32; and
  - (c) Furthers the objectives set out in Schedule 1; and
  - (d) Is consistent with each State Policy; and
  - (da) satisfies the relevant criteria in relation to the TPPs; and
  - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
  - (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and
  - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
  - (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.

- (2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –

- (a) where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and
  - (b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs.
- (3) An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.

## 1.2 Meaning of terms / abbreviations

The following terms and abbreviations are used throughout the report.

Term / Abbreviation	Meaning
Exhibition period	Monday, 9 October 2023 until close of business Tuesday, 7 November, 2023.
Guideline No. 1	<a href="#">Section 8A Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application</a>
IPS	<i>Break O'Day Interim Planning Scheme 2013</i>
Local Strategy / policy	St Helens and Surrounds Structure Plan 2013 Land Use and Development Strategy 2015
LPS	Break O'Day Local Provisions Schedule
Planning Authority	Break O'Day Council
Previous planning scheme	<i>Break O'Day Interim Planning Scheme 2013</i>
RLUS	Northern Tasmania Regional Land Use Strategy
SPP	State Planning Provisions
State Policies	Include: <ul style="list-style-type: none"> <li>• State Policy on the Protection of Agricultural Land 2009;</li> <li>• State Coastal Policy 1996;</li> <li>• State Policy on Water Quality Management 1997.</li> </ul>
The Act	<i>Land Use Planning and Approvals Act 1993</i>
TPC	Tasmanian Planning Commission
TPS	Tasmanian Planning Scheme – Break O'Day consisting of the State Planning Provisions (SPP) and the Break O'Day Local Provisions Schedule (LPS).



## 2 Exhibition Period

In accordance with section 40H of the Act, the draft amendments to the Break O'Day Local Provisions Schedule (LPS) were available for viewing by the public at the planning authority office at 32-34 Georges Bay Esplanade St Helens and available for viewing and downloading from the Break O'Day Council website at [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au).

All affected landholders were advised of the draft amendment to the LPS and a copy of the proposed amendments, by mail and where possible, by electronic mail. Adjoining landholders were notified of the proposed amendments and location for viewing, in writing by mail and electronic mail where possible.

Relevant agencies and State Agencies were also advised of the draft amendments. Copies of the following were provided to the TPC:

- (1) Excel Spreadsheet – Land owner list;
- (2) Excel Spreadsheet – Adjoining Land owner list;
- (3) Examiner Advertisement – First (7 October 2023) and Second Notification (21 October 2023);
- (4) Communications Strategy;
- (5) Break O'Day Service Agencies List;
- (6) TasWater Referral;
- (7) Letters –
  - a. State Agencies Notification;
  - b. Adjoining Owner Letter; and
  - c. Land owner letter.

The exhibition period for the draft amendments to the Break O'Day LPS commenced on Monday, 9 October, 2023 and concluded on Tuesday, 7 November, 2023. During this period, there was two public holidays:

- (1) Royal Launceston Show – 12 October;
- (2) Recreation Day – 6 November.

### 2.1 Communications Strategy

The adopted communication strategy consisted of the following:

IAP2 Level	Methods
CONSULT	<ol style="list-style-type: none"> <li>1. BODC Website - Online material available including instructions on how to make a representation.</li> <li>2. Senior Town Planner available to discuss: Tues – Thursday during exhibition period;</li> <li>3. Letters and copy of proposed amendments to affected land owners;</li> <li>4. Letters to adjoining land owners;</li> <li>5. Letters to relevant agencies, State Agencies or State Authorities that may have an interest in the draft amendment of the LPS;</li> <li>6. Exhibition notice in newspaper on Saturday, 7 October and Saturday 21 October;</li> <li>7. Information available for viewing at Council Offices –</li> </ol>

	<p>Council Office Library Room; 8. Social Media; 9. Council Staff – email information; 10. Councilors – Email information.</p>
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### 3 Representations

The Break O'Day Council received five (5) representations during the exhibition period. The representations received are numbered and summarised below.

Number	Name	Summary
1	TasRail	<p><b>TasRail</b></p> <p>No concerns with any of the 6 draft amendments to the Break O'Day LPS.</p>
2	TasWater	<p><b>TasWater</b></p> <p>No objection and no formal comments for the Tasmanian Planning Commission in relation to this matter. TasWater do not require to be notified of nor attend any subsequent hearing.</p>
3	DNRE Tas	<p><b>Department Natural Resources and Environment Tasmania</b></p> <p>NRE Tas supportive of identified draft amendments (01/23, 02/23, 03/23 to the Break O'Day LPS.</p> <p>No comment on draft amendments 04/23, 05/23, 06/23</p>
4	Gerard McCormick	<p>In relation to 135 Tasman Highway, Beaumaris (22607/2).</p> <p>Support the proposed rezoning to Rural Living Zone C.</p>
5	Todd Dudley NEBN	<p><b>North East Bioregional Network</b></p> <p>Representation made on Draft Amendments 01/23, 04/23, 05/23 and 06/23.</p>

## 4 Consideration of Representations

The following section considers each proposed draft amendment to the LPS, identifies whether or not a representation was received in relation to the particular amendment and a statement of the planning authority's opinion as to the merit of the representation. Additionally, a recommendation as to whether the draft amendment should be modified is provided as well as relevant matters including:

- Effect of the modification on the draft amendment and the LPS;
- Whether the draft amendment meets the LPS criteria.


### 4.1 Draft Amendment 01/23 – Scamander

Draft Amendment 01/23 applies to the following properties.

Address	Title Reference	PID
89 Upper Scamander Road	137864/1	2598982
89 Upper Scamander Road	141750/1	2598982
89 Upper Scamander Road	184514/1	2598982
89 Upper Scamander Road	184514/2	2598982
89 Upper Scamander Road	26754/1	2598982

#### 4.1.1 Apply the Rural Zone – Scamander

Address	Title Reference	PID
89 Upper Scamander Road	137864/1	2598982
89 Upper Scamander Road	141750/1	2598982
89 Upper Scamander Road	184514/1	2598982
89 Upper Scamander Road	184514/2	2598982

Draft Amendment 01/23	Representation No. 5
<p>Apply the Rural Zone to the folios of the Register 184514/1, 184514/2, 141751/1 and 137864/1 (including the intersecting reserved road)</p>	
<p>Notification of owner</p>	<p>Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.</p>
<p>Representations</p>	<p>Representation No. 5 – NEBN</p> <ul style="list-style-type: none"> <li>(a) Apart from title 2598982 all the other titles are primarily covered in native forest/vegetation which should be zoned Landscape Conservation in recognition of the natural values present.</li> <li>(b) The titles are an important wildlife corridor between the coast (Winifred Curtis Reserve/Scamander Conservation Area) and hinterland including forming part of the catchments for Hendersons Lagoon and the Scamander River. This corridor is being squeezed by urban development to the north and intensive agriculture to the south. Landscape connectivity is a critical means of maintaining ecological process as required under Schedule 1 LUPA. Therefore Landscape Conservation zoning will further the objectives of RMPS.</li> <li>(c) The Rural Zone has insufficient provisions to protect the titles from being subdivided.</li> <li>(d) Rural Zoning does not reflect the natural values present on the land. All of the land is subject to</li> </ul>



	<p>the State Coastal Policy and the TPC has acknowledged that the land is not suitable for agriculture: Point 104 "The Commission therefore considers the Rural Zone be applied because the land has limited or no potential for agricultural use...."</p> <p>Landscape Conservation Zoning has stronger protections for native flora and fauna as well as scenic values than the Rural Zone and is more in keeping with the State Coastal Policy than Rural Zoning. Rural Zone allows a range of uses incompatible with a location characterised by low density residential use with considerable native vegetation cover.</p>
Assessment of the Representation	<p>The subject land titles are currently zoned Agriculture having transitioned from the Rural Resource Zone under the <i>Break O'Day Interim Scheme 2013</i>. The land owner had requested the zoning of the titles be revised from the Agriculture Zone to the Rural Living Zone and Landscape Conservation Zone.</p> <p>The planning authority within its Section 35F Report recommended the titles transition to the Rural Zone given the surrounding Rural Zone to the west and south. This was further supported by land capability assessment (5 &amp; 6) and allowed for the Priority Vegetation Area overlay and Natural Assets Code to apply.</p> <p>The Commission, following the Hearings, in its decision (13 July 2023) agreed the Rural Zone should be applied to the titles because the land has limited or no potential for agricultural use consistent with the principles of Guideline No. 1 (RZ3). Furthermore the Priority Vegetation Area overlay should be applied to the land to manage the native vegetation as the overlay is compatible with the Rural Zone. The Commission decision to revise the zoning for the subject lots to Rural and apply the Priority Vegetation Area overlay was considered to be a substantial modification and the consideration of the proposed zone change was best made by way of an amendment to the Break O'Day LPS once in effect.</p> <p>The application of the Priority Vegetation Area (Map 39 of 44) overlay will ensure assessment against the</p>

	<p>Natural Assets Code for any proposed development in future.</p> <p>The subject lots support the following land area:</p> <ul style="list-style-type: none"> <li>• 184514/1 – 17.79ha;</li> <li>• 184514/2 – 22.37ha;</li> <li>• 137864/1 – 4.998 ha (not including reserved road);</li> <li>• 141750/1 – 3.262ha.</li> </ul> <p>Subdivision of lots within the zone require a minimum lot size of 40ha as the acceptable solution. The performance criteria has a strong correlation to permitted uses within the zone that would need to be satisfied in order to consider a permit for subdivision, in association with applicable codes e.g. Natural Assets Code.</p> <p>The opinion of the representor was presented at the hearing and the current representation reflects those matters previously considered at the Hearing by the Commission. No further information, prepared by a suitably qualified person, was provided as part of the representation to further consider the landscape values. It should be noted that all lots exhibit a level of vegetation clearance with lots 137864/1, 184514/1 and 184514/2 still retaining considerable vegetation cover.</p> <p>The substantial landholding to the west (Sustainable Timbers Tasmania) has a land tenure of Permanent Timber Production Zone Land with Future Potential Production Forest (Crown) to the south and zoned Rural.</p> <p>Continued support for the Rural Zone provides for consistent zoning pattern, acknowledgement of low agricultural capability and natural and landscape values to be further considered through the application of the Natural Assets Code in the event a development application is lodged. The recommendation is consistent with the principles of Guideline No. 1 (RZ3).</p>
Merit of the Representation(s)	<p>The representor has identified that the land is within the coastal zone and supports native vegetation and in this respect the representation is correct.</p>




	Whilst the Rural zone is consistent with the principles of Guideline No. 1 (RZ3) the subject lots may also be considered consistent with LCZ3 assuming landscape values is consistent with the Priority Vegetation Overlay.
Should the draft amendment be modified?	<p>The land is identified in the agricultural estate mapping recognising its use for rural purposes. To this end the existing land use is relevant in that the titles support (each in part) an existing agricultural use (Eureka Farm). The application of the Rural Zone supports the existing land use whilst recognising the limited land capability of the land and importantly provides the application of the Priority Vegetation Area overlay and the application of the Natural Assets Code.</p> <p>The draft amendment to the Break O'Day Local Provisions Schedule is supported and no modifications are recommended.</p>
Effect of the modification on the draft amendment and the LPS	Not applicable.
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria.

#### 4.1.2 Apply the Landscape Conservation Zone - Scamander

Draft Amendment 01/23	
Apply the Landscape Conservation Zone to folio of the Register 26754/1	

Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Nil.</p> <p>The planning authority in its section 35F Report recommended modification of the draft LPS to apply the Landscape Conservation Zone and the Priority vegetation mapping to CT26754/1. The reasoning behind this recommendation was:</p> <ul style="list-style-type: none"> <li>• Proximity to Tasman Highway (Scenic Corridor);</li> <li>• Existing vegetation and consistent zones (LCZ) to the north and south.</li> <li>• Limited agricultural capability.</li> </ul> <p>The Commission in its decision recognised that the title fronts the Tasman Highway and is located in a strip of land zoned Landscape Conservation that extends approximately 4km along the Highway. Applying the Landscape Conservation Zone would maintain a consistent zoning pattern along the Highway.</p>
Assessment of the Representation	
Merit of the Representation(s)	Not applicable
Should the draft amendment be modified?	Not applicable.
Effect of the modification on the draft amendment and the LPS	Not applicable
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).

4.1.3 Apply the Priority Vegetation Area overlay – Scamander


Draft Amendment 01/23	Representation No. 3
Apply the Priority Vegetation Area overlay to folios of the Register 137864/1, 184514/1, 184514/2, 141750/1 and 26754/1 (including the intersecting reserved road)	
Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Representation No. 3 – DNR&amp;E Tas</p> <p>NRE Tas supports application of the Priority Vegetation Area overlay at the Upper Scamander Road, Scamander parcels identified in Figure 3 of Draft Amendment 01/23/</p>
Assessment of the Representation	
Merit of the Representation(s)	The representation is supportive of the proposed amendment to the Break O'Day LPS.
Should the draft amendment be modified?	No modification to the draft amendment is proposed.
Effect of the modification on the draft amendment and the LPS	Not applicable.
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).

## 4.2 Draft Amendment 02/23 – Weldborough

Draft Amendment 02/23 applies to the following properties.

Address	Title Reference	PID
Tasman Highway, Weldborough	228407/1	6807294
Tasman Highway, Weldborough	236471/1	6807286
Tasman Highway, Weldborough	236472/1	6807307

### 4.2.1 Apply the Landscape Conservation Zone – Weldborough

Draft Amendment 02/23	Representation No. 3
Apply the Landscape Conservation Zone to folios of the Register 228407/1, 236471/1 and 236472/1 including the intersecting reserved roads and Crown land	
Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Representation No. 3 – DNR&amp;E Tasmania</p> <p>NRE Tas supports application of the Landscape Conservation Zone at the Tasman Highway, Weldborough parcels identified in Figure 4 of Draft Amendment 02/23.</p>

Assessment of the Representation	
Merit of the Representation(s)	The representation is supportive of the draft amendment to the Break O'Day LPS.
Should the draft amendment be modified?	Not Applicable. No modification is requested.
Effect of the modification on the draft amendment and the LPS	NA
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).

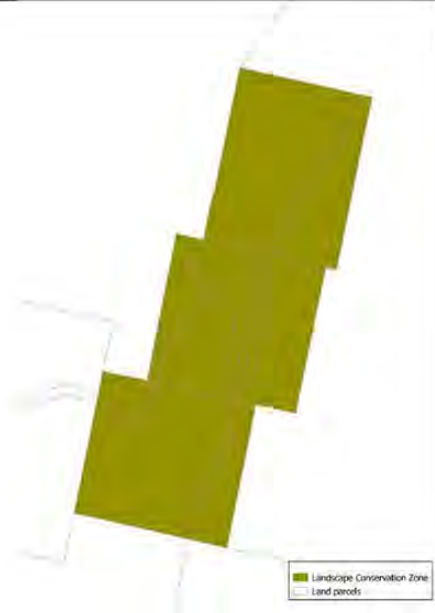
#### 4.3 Draft Amendment 03/23 – Gillies Road, St Marys

Draft Amendment 03/23 applies to the following properties.

Address	Title Reference	PID
180 Gillies Road, St Marys	120054/1	2623893
180 Gillies Road, St Marys	206762/1	2623893
180 Gillies Road, St Marys	120232/1	2623893



4.3.1 Apply the Landscape Conservation Zone – Gillies Road, St Marys

Draft Amendment 03/23	Representation No. 3
Apply the Landscape Conservation Zone to folios of the Register 120232/1, 206762/1 and 120054/1 including the intersecting reserved roads	
Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Representation No. 3 – DNR&amp;E Tasmania</p> <p>NRE Tas supports application of the Landscape Conservation Zone at the Gillies Road, St Marys parcels identified in Figure 5 of Draft Amendment 03/23.</p>
Assessment of the Representation	
Merit of the Representation(s)	The representation is supportive of the draft amendment to the Break O'Day LPS.
Should the draft amendment be modified?	<p>Not Applicable.</p> <p>No modification is requested.</p>

Effect of the modification on the draft amendment and the LPS	NA
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).

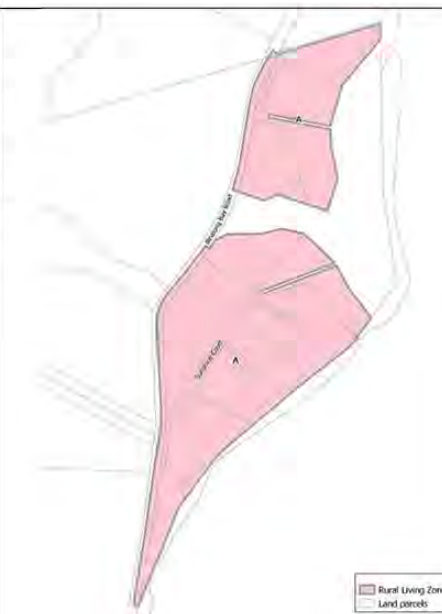
#### 4.4 Draft Amendment 04/23 – Bay Close, Binalong Bay Road and Sunshine Court, St Helens

Draft Amendment 04/23 applies to the following properties.

	Address	Title Reference	PID
a.	1 Bay Close, St Helens	38962/1	7560027
b.	2 Bay Close, St Helens	38962/2	7560035
c.	3 Bay Close, St Helens	38962/3	7560043
d.	4 Bay Close, St Helens	38962/4	7560051
e.	5 Bay Close, St Helens	38962/5	7560078
f.	LGA Subdivision Road, Bay Close, St Helens	38962/7	-
g.	484 Binalong Bay Road, St Helens	152563/0	2809372 2809380
h.	4 Sunshine Court, St Helens	38962/26	7560000
i.	6 Sunshine Court, St Helens	38962/25	7559990
j.	8 Sunshine Court, St Helens	38962/24	7559982
k.	Footway Sunshine Court, St Helens	38962/30	-
l.	11 Sunshine Court, St Helens	38962/8	7559800
m.	13 Sunshine Court, St Helens	38962/9	7559819
n.	16 Sunshine Court, St Helens	38962/23	7559974
o.	18 Sunshine Court, St Helens	38962/22	7559966
p.	20 Sunshine Court, St Helens	38962/21	7559958
q.	22 Sunshine Court, St Helens	38962/20	7559931
r.	23 Sunshine Court, St Helens	38962/10	7559827
s.	24 Sunshine Court, St Helens	38962/19	7559923
t.	25 Sunshine Court, St Helens	38962/11	7559835
u.	26 Sunshine Court, St Helens	38962/18	7559915
v.	27 Sunshine Court, St Helens	38962/12	7559843
w.	28 Sunshine Court, St Helens	38962/17	7559907

x.	29 Sunshine Court, St Helens	38962/13	7559851
y.	30 Sunshine Court, St Helens	38962/16	7559894
z.	32 Sunshine Court, St Helens	38962/15	7742162
aa.	36 Sunshine Court, St Helens	38962/14	1729688
bb.	LGA Subdivision Road Sunshine Court, St Helens	38962/29	-

4.4.1 Apply the Landscape Conservation Zone – Bay Close, Binalong Bay Road and Sunshine Court, St Helens

Draft Amendment 04/23	Representation No. 5
<p>Apply the Rural Living Zone (Subdivision Category A) to folios of the Register 38962/1, 38962/2, 38962/3, 38962/4, 38962/5, 38962/7, 152563/0, 38962/26, 38962/25, 38962/24, 38962/30, 38962/8, 38962/9, 38962/23, 38962/22, 38962/21, 38962/20, 38962/10, 38962/19, 38962/11, 38962/18, 38962/12, 38962/17, 38962/13, 38962/16, 38962/15, 38962/14 and 38962/29.</p>	
Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Representation No. 5 – NEBN</p> <p>(a) The land is adjacent to EPBC listed Saltmarsh and state listed <i>Melaleuca ericifolia</i> forests which needs to be protected from inappropriate development;</p>

	<p>(b) These unserviced titles are adjacent to marine ecosystems and aquaculture activities which requires that zoning be one which emphasises environmental management over agricultural type activities. Again it needs to be noted that the TPC and Council rejected expert stormwater management representations of the Break O'Day LPS which would have helped ensure development in sensitive coastal locations such as this will be best practice in terms of minimising impacts on important natural values;</p> <p>(c) Inadequate scenic protection. The TPC and Break O'Day Council refused to incorporate expert scenic protection overlays through the Break O'Day LPS process. Scenically sensitive locations such as this have insufficient measures in the Rural Living Zone and Codes re scenic protection.</p> <p>(d) Rural Living allows for lots down to 8,000 m<sup>2</sup>. Will this allow for more subdivision in an unserviced area?</p> <p>In relation to both points 1 2. and 3. above the TPC has gone against the recommendations of the Council and made recommendations for rezoning to Rural Living while at the same time suggesting that more detailed analysis of land use in these areas needs to be done. This is a somewhat confusing and contradictory decision which pre-empts and undermines a more sensible planning approach which would be to undertake a land use strategy review and then consider rezoning in light of more detailed information and analysis. By supporting Rural Living Zoning now the TPC is weakening protections and increasing development potential in the absence of a completed land use strategy review.</p> <p>As noted in point 185. Of the TPC decision the planning authority noted these areas were not identified for Rural Living Zoning in the 2015 Break O'Day Land Use and Development Strategy. Landscape Conservation Zoning provides better protection for natural and scenic values than Rural Living Zone.</p>
Assessment of the Representation	



<p>Merit of the Representation(s)</p>	<p>The subject sites transitioned from the Environmental Living Zone (ELZ) in the BOD Interim Planning Scheme 2013 to the Landscape Conservation Zone (LCZ) within the BOD LPS. Despite the planning authority historic application of the LCZ to ELZ, at the time of the Hearings, the Commission corrected the planning authority and advised Guideline No. 1 states the Landscape Conservation Zone is not a replacement for the Environmental Living Zone in an interim planning scheme, and should not simply be applied to large residential lots.</p> <p>Existing residential development associated with Bay Close and Sunshine Court have a distinct rural-residential character. The lots are mostly cleared of vegetation and are not visually prominent from surrounding areas. The land contains a number of overlays that would manage any natural values, scenic values and other hazards present.</p> <p>Representation 5 makes mention of the mapped threatened vegetation community located between Sunshine Court and Bay Close. The two residential areas are separated by the Environmental Management Zone associated with the Public Reserve (Crown Land).</p> <p>The draft amendments to the Break O'Day LPS do not include the BRE-S2.0 Stormwater Management Specific Area Plan or the Scenic Road Corridor Overlay.</p> <p>The draft amendment is proposing Rural Living (subdivision category A) which provides for minimum lot size of 1ha (acceptable solution) with performance criteria requiring 8000m<sup>2</sup>.</p> <p>All lots are proposed to transition to subdivision category A which would not allow further subdivision of any of the existing lots with the largest lot having a land area of approximately 1.2 hectares. Given these subdivision restrictions and the applicability of relevant codes to control development in combination with the existing rural residential character, no modification of the proposed draft amendment associated with these titles is recommended.</p>
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	The application of the Rural Living Zone is consistent with RLZ2 (b) of Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.
Should the draft amendment be modified?	The draft amendment to the Break O'Day Local Provisions Schedule is supported and no modifications are recommended.
Effect of the modification on the draft amendment and the LPS	NA
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).

#### 4.5 Draft Amendment 05/23 – Heritage Road, St Helens

Draft Amendment 05/23 applies to the following properties.

	Address	Title Reference	PID
a.	5 Heritage Road, St Helens	36169/1	7896145
b.	13 Heritage Road, St Helens	36169/2	7896137
c.	18 Heritage Road, St Helens	130597/1 130597/2	7184412 7184412
d.	25 Heritage Road, St Helens	36169/3	7431284
e.	27 Heritage Road, St Helens	39520/1	7610274
f.	30 Heritage Road, St Helens	156294/3	2876663
g.	32 Heritage Road, St Helens	110059/2	1484326
h.	33 Heritage Road, St Helens	39520/2	7610282
i.	34 Heritage Road, St Helens	110059/3	1484334
j.	35 Heritage Road, St Helens	39520/3	7610266
k.	45 Heritage Road, St Helens	39520/4	7610290
l.	53 Heritage Road, St Helens	39520/5	7610303
m.	54 Heritage Road, St Helens	110059/4	1484342
n.	56 Heritage Road, St Helens	154684/5	2876698
o.	57 Heritage Road, St Helens	39520/6	7610311
p.	58 Heritage Road, St Helens	154684/6	2876700
q.	78 Heritage Road, St Helens	154684/7	2876719
r.	Heritage Road, St Helens	156294/2	2876671
s.	Road reservation to road centreline	-	

4.5.1 Apply the Rural Living Zone (subdivision category C) – Heritage Road, St Helens

Draft Amendment 05/23	Representation No. 5
<p>Apply the Rural Living Zone (subdivision category C) to folios of the Register 36169/1, 36169/2, 130597/1, 130597/2, 36169/3, 39520/1, 156294/3, 110059/2, 39520/2, 110059/3, 39520/3, 39520/4, 39520/5, 110059/4, 154684/5, 39520/6, 154684/6, 154684/7, 156294/2 and road reservation to road centreline.</p>	
Notification of owner	Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.
Representations	<p>Representation No. 5 – NEBN</p> <p>(a) See comments below. While Heritage road appears to be relatively suitable for Rural Living Zoning a more comprehensive analysis of the consequences of such a rezoning need to be undertaken to ensure that rezonings are strategic and fully consider the full range of planning implications. Which in the case of Heritage road might include natural values, proximity to Golden Fleece Rivulet etc.</p> <p>In our view Rural Living zoning provides a likely future pathway for either changing from lower to higher density subdivision within the Zone over time (i.e. Rural Living C to Rural Living A) and also given its proximity to urban areas (Rural Living A to Low Density Residential Zoning or even General Residential Zones).</p> <p>In relation to both points 1 2. and 3. above the TPC has gone against the recommendations of the</p>

	<p>Council and made recommendations for rezoning to Rural Living while at the same time suggesting that more detailed analysis of land use in these areas needs to be done. This is a somewhat confusing and contradictory decision which pre-empts and undermines a more sensible planning approach which would be to undertake a land use strategy review and then consider rezoning in light of more detailed information and analysis. By supporting Rural Living Zoning now the TPC is weakening protections and increasing development potential in the absence of a completed land use strategy review.</p> <p>As noted in point 185. Of the TPC decision the planning authority noted these areas were not identified for Rural Living Zoning in the 2015 Break O'Day Land Use and Development Strategy. Landscape Conservation Zoning provides better protection for natural and scenic values than Rural Living Zone.</p>
<b>Assessment of the Representation</b>	
<b>Merit of the Representation(s)</b>	<p>The draft amendment to the Break O'Day LPS proposes to amend the zoning from Landscape Conservation Zone to Rural Living Zone (subdivision category C) which provides for a minimum lot size of 5 ha or 4 ha in accordance with the performance criteria. The subject lots would not attract subdivision potential within the suggested zone category.</p> <p>Those properties adjoining Golden Fleece Rivulet are affected by the relevant overlays to ensure the Natural Assets Code is applicable for any future development proposals and natural values considered appropriately.</p> <p>The subject lots have an established rural residential character with existing vegetation clearing on the majority of lots. Lots with vegetation retained are primarily adjoining Golden Fleece Rivulet. The Rural Living Zone in combination with applicable codes are placed to address any hazards or values associated with proposed development.</p> <p>The draft amendment to the BOD LPS to zone the subject titles Rural Living Zone, is consistent with the</p>

	Guidelines RLZ.2 (b) in that the land was within the Environmental Living Zone in the Interim planning scheme and the area has a rural setting with an established rural residential character.
Should the draft amendment be modified?	The draft amendment to the Break O'Day Local Provisions Schedule is supported and no modifications are recommended.
Effect of the modification on the draft amendment and the LPS	NA
Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).



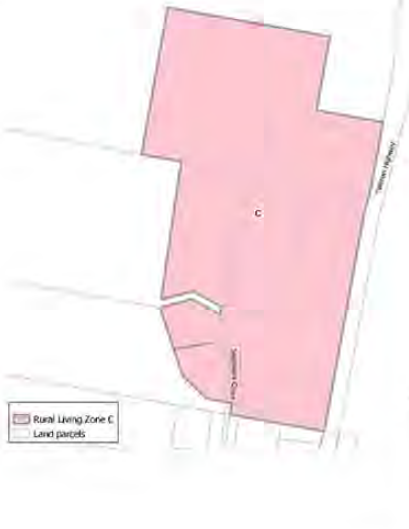
#### 4.6 Draft Amendment 06/23 – Seabreeze Court, Beaumaris

Draft Amendment 06/23 applies to the following properties.

	Address	Title Reference	PID
a.	4 Seabreeze Court, Beaumaris	148628/1	2738009
b.	6 Seabreeze Court, Beaumaris	148628/2	2738017
c.	9 Seabreeze Court, Beaumaris	148628/6	2738068
d.	11 Seabreeze Court, Beaumaris	148628/5	9268953
e.	12 Seabreeze Court, Beaumaris	148628/3	2738025
f.	Seabreeze Court, Beaumaris	148628/4	9280373
g.	107 Tasman Highway, Beaumaris	138498/1	2188967
h.	115 Tasman Highway, Beaumaris	141808/2	2556125
i.	133 Tasman Highway, Beaumaris	233427/1	6791202
j.	135 Tasman Highway, Beaumaris	22607/2	7154985
k.	137 Tasman Highway, Beaumaris	138198/1	2189468
l.	141 Tasman Highway, Beaumaris	62113/29	6791229
m.	143 Tasman Highway, Beaumaris	62113/28	6791237
n.	Part of LGA Subdivision Road Seabreeze Court, Beaumaris	148628/100	-



4.6.1 Apply the Rural Living Zone (subdivision category C) – Seabreeze Court, Beaumaris

Draft Amendment 06/23	Representation No. 5
<p>Apply the Rural Living Zone (subdivision category C) to folios of the Register 148628/1, 148628/2, 148628/6, 148628/5, 148628/3, 148628/4, 138498/1, 141808/2, 233427/1, 22607/2, 138198/1, 62113/29, 62113/28 and 148628/100.</p>	
<p>Notification of owner</p>	<p>Letter and copy of proposed amendment to LPS sent by mail and electronic mail where contact details were available.</p>
<p>Representations</p>	<p>Representation No. 4 – G. McCormick</p> <p>With reference to the above property we support the proposed rezoning to Rural Living Zone C.</p> <p>Representation No. 5 – NEBN</p> <ul style="list-style-type: none"> <li>(a) The titles recommended for rezoning are not all lacking in natural values. Some have substantial areas of native vegetation / habitat on them such as for example 143 Tasman Highway;</li> <li>(b) The Rural Living Zone has insufficient / minimal provisions in relation to protecting natural values.</li> <li>(c) Overlays for scenic protection are inadequate... an issue which could have been addressed at the LPS hearings but unfortunately the Council and TPC chose to reject an expert report by Geoscene International which would have better protected scenic values on the coast as required by the State Coastal Policy and</li> </ul>

	<p>Schedule 1. The Rural Living Zone does not protect a range of natural or scenic values to the same extent as Landscape Conservation Zoning.</p> <p>(d) A number of these unserviced titles are located in close proximity to Freshwater Creek. Current stormwater and waste water management in the coastal zone is inadequate. The TPC and Council rejected expert advice on best practice Stormwater Management through the Break O'Day LPS process which would have assisted in addressing water quality issues on the coast impacting coastal waterways and wetlands.</p> <p>(e) Freshwater Creek is subject to periodic flooding</p> <p>(f) Rezoning will inevitably lead to further requests for changing from Rural C to Rural A over time causing further intensification of development along the coast.</p> <p>(g) Given the coastal location and the zoning options available, Landscape Conservation is the most suitable zoning consistent with the State Coastal Policy as Low Density is too weak and allow too small a lot sizes and Rural Living is not appropriate in a sensitive coastal location where there are natural values present both on titles and in close proximity to Scamander Conservation area and Freshwater Creek. Our view is that the subject lots form part of a coastal rather than rural character.</p> <p>In relation to both points 1 2. and 3. above the TPC has gone against the recommendations of the Council and made recommendations for rezoning to Rural Living while at the same time suggesting that more detailed analysis of land use in these areas needs to be done. This is a somewhat confusing and contradictory decision which pre-empts and undermines a more sensible planning approach which would be to undertake a land use strategy review and then consider rezoning in light of more detailed information and analysis. By supporting Rural Living Zoning now the TPC is weakening protections and increasing development potential in the absence of a completed land use strategy review.</p> <p>As noted in point 185. Of the TPC decision the planning authority noted these areas were not identified for Rural Living Zoning in the 2015 Break</p>
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	O'Day Land Use and Development Strategy. Landscape Conservation Zoning provides better protection for natural and scenic values than Rural Living Zone.
<b>Assessment of the Representation</b>	
<b>Merit of the Representation(s)</b>	<p><u>Representation No. 4</u></p> <p>The representor supports the draft amendment to the Break O'Day LPS.</p> <p><u>Representation No. 5</u></p> <p>The subject titles were zoned Environmental Living under the Interim Scheme and transitioned to the Landscape Conservation Zone within the Break O'Day LPS.</p> <p>The Commission at its Hearings reminded the planning authority that Guideline No. 1 states the Landscape Conservation Zone is not a replacement for the Environmental Living Zone in an interim planning scheme, and should not simply be applied to large residential lots previously zoned ELZ.</p> <p>The Commission further noted that the lots at Seabreeze Court have a distinct rural-residential character. All the land in the identified areas is mostly cleared of vegetation and is not visually prominent from surrounding areas. Furthermore, the land contains a number of overlays that would manage any natural values, scenic values and other hazards present. The subdivision category C precludes further subdivision of the lots and any change to the category in future must be supported by strategic planning analysis that would need to consider the coastal zone.</p> <p>The application of the Rural Living Zone is consistent with RLZ2 (b) of Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.</p>
<b>Should the draft amendment be modified?</b>	The draft amendment to the Break O'Day Local Provisions Schedule is supported and no modifications are recommended.
<b>Effect of the modification on the draft amendment and the LPS</b>	NA

Does the draft amendment meet the LPS criteria?	The draft amendment meets the LPS criteria (s34(3)).
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## TASMANIAN PLANNING SCHEME BREAK O'DAY LOCAL PROVISIONS SCHEDULE

### DRAFT AMENDMENT

Under section 35KB (1) of the *Land Use Planning and Approvals Act 1993*, the Tasmanian Planning Commission directed the Break O'Day planning authority to prepare draft amendments under Part 3B of the Act, of the Break O'Day Local Provisions Schedule (LPS).

#### DRAFT AMENDMENT 01/23

- 1.0 **89 Upper Scamander Road, Scamander folios of the Register 184514/1, 184514/2, 141750/1, 137864/1 and 26754/1**
- 1.1 Apply the Rural Zone to the following property at Scamander as shown in Figure 1 below:
  - a. 89 Upper Scamander Road, Scamander folios of the Register 184514/1, 184514/2, 141750/1 and 137864/1 (including the intersecting reserved road) as shown in Figure 1 below;



Figure 1 – Draft Amendment 01.1-23- Application of the Rural Zone at Scamander



- 1.2 Apply the Landscape Conservation Zone to the following property at Scamander as shown in Figure 2 below:
- a. 89 Upper Scamander Road, Scamander folio of the Register 26754/1



*Figure 2 – Draft Amendment 01.2-23 – Application of the Landscape Conservation Zone at Upper Scamander Road, Scamander*

- 1.3 Apply the Priority Vegetation Area overlay to the following properties at Scamander as shown in Figure 3 below:
- a. 89 Upper Scamander Road, Scamander folios of the Register 137864/1, 184514/1, 184514/2, 141750/1 and 26754/1 (including the intersecting reserved road)





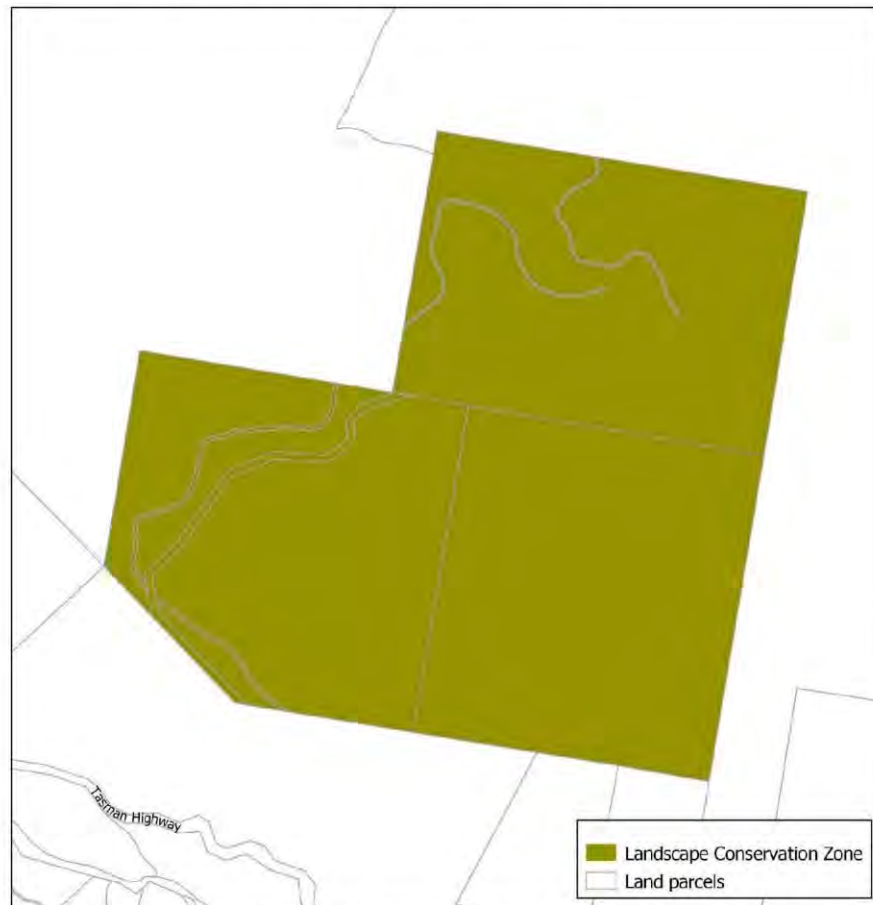
Figure 3 – Draft Amendment 01.3-23 - Application of the Priority Vegetation Area overlay at Upper Scamander Road, Scamander

**DRAFT AMENDMENT 02/23**

**2.0 Tasman Highway, Weldborough folios of the Register 228407/1, 236471/1 and 236472/1**

2.1 Apply the Landscape Conservation Zone to the following property at Weldborough as shown in Figure 4 below:

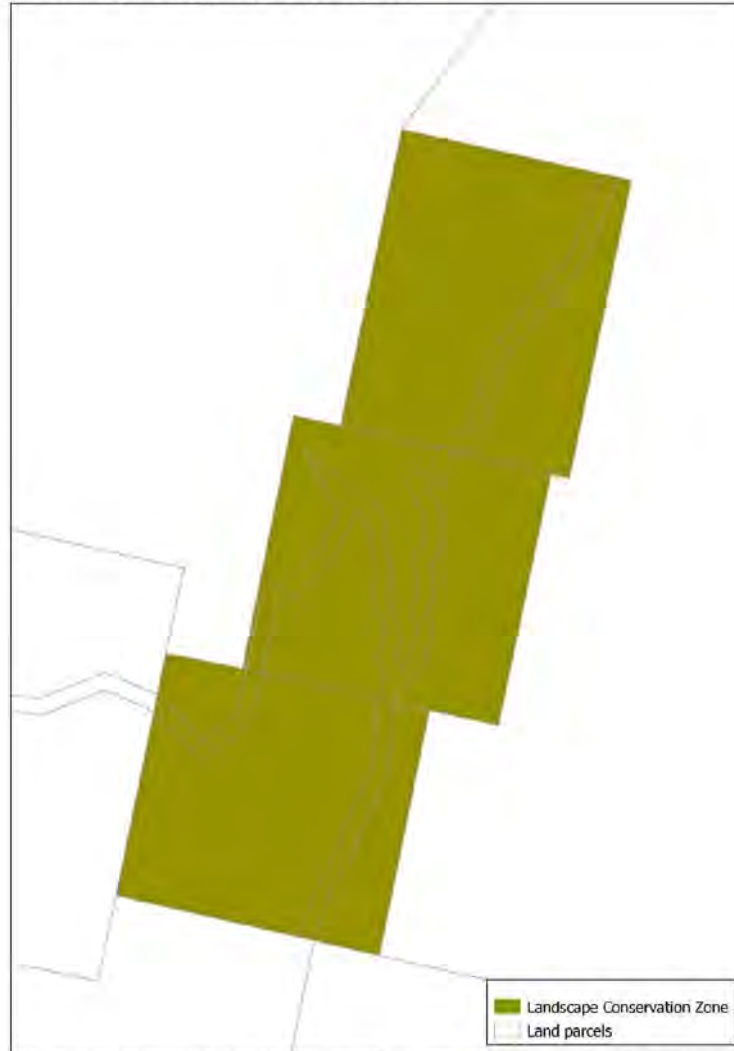
- a. Tasman Highway, Weldborough folios of the Register 228407/1, 236471/1 and 236472/1 including the intersecting reserved roads and Crown land



*Figure 4 – Draft Amendment 02-23 - Application of the Landscape Conservation Zone at Tasman Highway, Weldborough*

**DRAFT AMENDMENT 03/23**

- 3.0 180 Gillies Road, St Marys folios of the Register 120232/1, 206762/1 and 120054/1**
- 3.1** Apply the Landscape Conservation Zone to the following property at St Marys as shown in Figure 5 below:
- a. 180 Gillies Road, St Marys folios of the Register 120232/1, 206762/1 and 120054/1 including the intersecting reserved roads



*Figure 5 – Draft Amendment 03-23 - Application of the Landscape Conservation Zone at Gillies Road, St Marys*

#### **DRAFT AMENDMENT 04/23**

#### **4.0 Bay Close, Binalong Bay Road and Sunshine Court, St Helens**

4.1 Apply the Rural Living Zone (subdivision category A) to the following properties at Bay Close, Binalong Bay Road and Sunshine Court, St Helens as shown in Figure 6 below:

- a. 1 Bay Close, St Helens folio of the Register 38962/1;
- b. 2 Bay Close, St Helens folio of the Register 38962/2;
- c. 3 Bay Close, St Helens folio of the Register 38962/3;
- d. 4 Bay Close, St Helens folio of the Register 38962/4;
- e. 5 Bay Close, St Helens folio of the Register 38962/5;
- f. LGA Subdivision Road Bay Close, St Helens folio of the Register 38962/7;
- g. 484 Binalong Bay Road, St Helens folio of the Register 152563/0;
- h. 4 Sunshine Court, St Helens folio of the Register 38962/26;
- i. 6 Sunshine Court, St Helens folio of the Register 38962/25;
- j. 8 Sunshine Court, St Helens folio of the Register 38962/24;
- k. Footway Sunshine Court, St Helens folio of the Register 38962/30;
- l. 4 Sunshine Court, St Helens folio of the Register 38962/26;
- m. 11 Sunshine Court, St Helens folio of the Register 38962/8;
- n. 13 Sunshine Court, St Helens folio of the Register 38962/9;
- o. 16 Sunshine Court, St Helens folio of the Register 38962/23;
- p. 18 Sunshine Court, St Helens folio of the Register 38962/22;
- q. 20 Sunshine Court, St Helens folio of the Register 38962/21;
- r. 22 Sunshine Court, St Helens folio of the Register 38962/20;
- s. 23 Sunshine Court, St Helens folio of the Register 38962/10;
- t. 24 Sunshine Court, St Helens folio of the Register 38962/19;
- u. 25 Sunshine Court, St Helens folio of the Register 38962/11;
- v. 26 Sunshine Court, St Helens folio of the Register 38962/18;
- w. 27 Sunshine Court, St Helens folio of the Register 38962/12;
- x. 28 Sunshine Court, St Helens folio of the Register 38962/17;
- y. 29 Sunshine Court, St Helens folio of the Register 38962/13;
- z. 30 Sunshine Court, St Helens folio of the Register 38962/16;
- aa. 32 Sunshine Court, St Helens folio of the Register 38962/15;
- bb. 36 Sunshine Court, St Helens folio of the Register 38962/14; and
- cc. LGA Subdivision Road Sunshine Court, St Helens folio of the Register 38962/29.

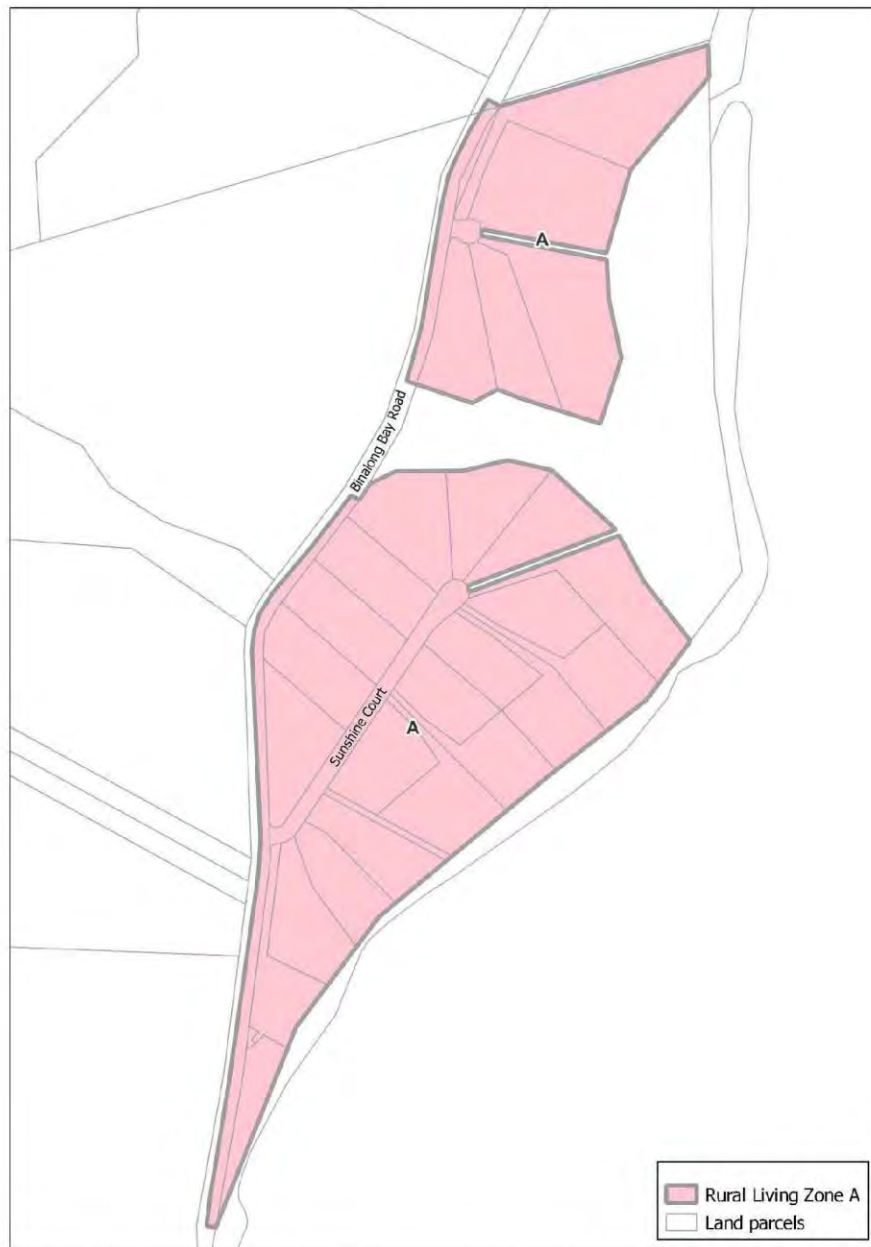


Figure 6 – Draft Amendment 04-23 - Application of the Rural Living Zone at Bay Close, Binalong Bay Road and Sunshine Court, St Helens



## DRAFT AMENDMENT 05/23

### 5.0 Heritage Road, St Helens

5.1 Apply the Rural Living Zone (subdivision category C) to the following properties at Heritage Road, St Helens as shown in Figure 7 below:

- a. 5 Heritage Road, St Helens folio of the Register 36169/1;
- b. 13 Heritage Road, St Helens folio of the Register 36169/2;
- c. 18 Heritage Road, St Helens folios of the Register 130597/1 and 130597/2;
- d. 25 Heritage Road, St Helens folio of the Register 36169/3;
- e. 27 Heritage Road, St Helens folio of the Register 39520/1;
- f. 30 Heritage Road, St Helens folio of the Register 156294/3;
- g. 32 Heritage Road, St Helens folio of the Register 110059/2;
- h. 33 Heritage Road, St Helens folio of the Register 39520/2;
- i. 34 Heritage Road, St Helens folio of the Register 110059/3;
- j. 35 Heritage Road, St Helens folio of the Register 39520/3;
- k. 45 Heritage Road, St Helens folio of the Register 39520/4;
- l. 53 Heritage Road, St Helens folio of the Register 39520/5;
- m. 54 Heritage Road, St Helens folio of the Register 110059/4;
- n. 56 Heritage Road, St Helens folio of the Register 154684/5;
- o. 57 Heritage Road, St Helens folio of the Register 39520/6;
- p. 58 Heritage Road, St Helens folio of the Register 154684/6;
- q. 78 Heritage Road, St Helens folio of the Register 154684/7;
- r. Heritage Road, St Helens folio of the Register 156294/2; and
- s. road reservation to road centreline.



Figure 7 – Draft Amendment 05-23 - Application of the Rural Living Zone at Heritage Road, St Helens

Page 8 | 10



**DRAFT AMENDMENT 06/23**

**6.0 Seabreeze Court, Beaumaris**

6.1 Apply the Rural Living Zone (subdivision category C) to the following properties at Seabreeze Court, Beaumaris as shown in Figure 8 below:

- a. 4 Seabreeze Court, Beaumaris folio of the Register 148628/1;
- b. 6 Seabreeze Court, Beaumaris folio of the Register 148628/2;
- c. 9 Seabreeze Court, Beaumaris folio of the Register 148628/6;
- d. 11 Seabreeze Court, Beaumaris folio of the Register 148628/5;
- e. 12 Seabreeze Court, Beaumaris folio of the Register 148628/3;
- f. Seabreeze Court, Beaumaris folio of the Register 148628/4;
- g. 107 Tasman Highway, Beaumaris folio of the Register 138498/1;
- h. 115 Tasman Highway, Beaumaris folio of the Register 141808/2;
- i. 133 Tasman Highway, Beaumaris folio of the Register 233427/1;
- j. 135 Tasman Highway, Beaumaris folio of the Register 22607/2;
- k. 137 Tasman Highway, Beaumaris folio of the Register 138198/1;
- l. 141 Tasman Highway, Beaumaris folio of the Register 62113/29;
- m. 143 Tasman Highway, Beaumaris folio of the Register 62113/28; and
- n. Part of LGA Subdivision Road Seabreeze Court, Beaumaris folio of the Register 148628/100.



Figure 8 – Draft Amendment 06-23 - Application of the Rural Living Zone at Seabreeze Ct, Beaumaris

## Representation No. 1 TasRail

**From:** [Jennifer Jarvis](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** BoD - LPS - Draft Amendments  
**Date:** Sunday, 15 October 2023 10:32:05 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)

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Thank you for notifying TasRail of the Exhibition Period for the Local Provisions Schedule – Draft Amendments.

I note the correspondence received from Council was addressed to the TasRail Chief Executive Officer. For future reference, please direct all planning matters to the TasRail Property Manager via [property@tasrail.com.au](mailto:property@tasrail.com.au)

TasRail has taken the opportunity to review the exhibition documents and confirms it has no concerns with any of the six draft amendments.

Kind regards

**Jennifer Jarvis**

Group Manager Property and Compliance | Property  
Phone: 03 6335 2603 | Mobile: 0428 139 238  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249  
[Jennifer.Jarvis@tasrail.com.au](mailto:Jennifer.Jarvis@tasrail.com.au)

*'Tasmania's trusted provider of safe and dependable rail logistics solutions'*



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neither given nor endorsed by Tasmanian Railway Pty Ltd

## Representation No. 2 - TasWater

**From:** [TasWater Development Mailbox](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** TasWater Submission to Planning Authority Notice - Conditions DA 2023 01405-BODC Draft Amendment  
01/23 02/23 03/23 04/23 05/23 06/23  
**Date:** Wednesday, 25 October 2023 12:54:47 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[PD23 121296 32-34 GEORGES BAY ESP ST HELENS TasWater Submission to Planning Authority Notice - Conditions DA 2023 01405-BODC.pdf](#)

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Please find attached TasWater Submission to Planning Authority Notice as mentioned above. A copy of the attached document(s) should be referenced in and appended to the council permit.

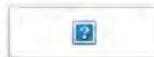
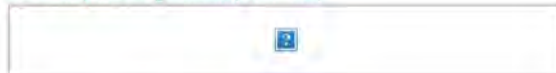
If you have any queries, please contact me.

Regards

David Boyle

Senior Assessment Officer

Currently working Tuesday to Friday



M 0436 629 652  
F 1300 862 066  
A GPO Box 1393, Hobart TAS 7001  
36-42 Charles Street, Launceston, TAS 7250  
E [david.boyle@taswater.com.au](mailto:david.boyle@taswater.com.au)  
W <http://www.taswater.com.au/>

Have I been helpful? Please provide feedback by clicking [here](#).



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### Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	Draft Amendment 01/23 02/23 03/23 04/23 05/23 06/23		<b>Council notice date</b>	3/10/2023
<b>TasWater details</b>				
<b>TasWater Reference No.</b>	TWDA 2023/01405-BODC		<b>Date of response</b>	25/10/2023
<b>TasWater Contact</b>	David Boyle	<b>Phone No.</b>	0436 629 652	
<b>Response issued to</b>				
<b>Council name</b>	BREAK O' DAY COUNCIL			
<b>Contact details</b>	admin@bodc.tas.gov.au			
<b>Development details</b>				
<b>Address</b>	32-34 GEORGES BAY ESP, ST HELENS		<b>Property ID (PID)</b>	7768354
<b>Description of development</b>	Draft Amendments to Break O'Day LPS x6			
<b>Schedule of drawings/documents</b>				
<b>Prepared by</b>	<b>Drawing/document No.</b>		<b>Revision No.</b>	<b>Date of Issue</b>
Break O'Day Council	Local Provisions Schedule Draft Amendment			Sept 2023
<b>Conditions</b>				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56S(2) TasWater makes the following submission(s):				
1. TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.				
<b>Advice</b>				
<b>General</b>				
For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a>				
For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a>				
<b>Declaration</b>				
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.				
<b>TasWater Contact Details</b>				
<b>Phone</b>	13 6992	<b>Email</b>	development@taswater.com.au	
<b>Mail</b>	GPO Box 1393 Hobart TAS 7001	<b>Web</b>	www.taswater.com.au	



## Representation No. 3 - DNR & E Tasmania

**From:** [Office of the Secretary](#)  
**To:** [Break O'Day Office Admin](#)  
**Cc:** [Cuskelly, Richard](#)  
**Subject:** Notice of exhibition in relation to Draft Amendment to the Break O'Day Local Provisions Schedule (LPS)  
**Date:** Wednesday, 25 October 2023 1:25:27 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[Correspondence from the Secretary of the Department of Natural Resources and Environment Tasmania.pdf](#)

**CAUTION:** Do not click links or attachments unless you recognize the sender and know the content is safe.

Good afternoon

On behalf of the Department of Natural Resources and Environment Tasmania please see the attached correspondence for your attention.

Regards  
Sally



Sally Shepherd | Executive Officer  
Office of the Secretary  
Strategy and Business Services  
**Department of Natural Resources and Environment Tasmania**  
134 Macquarie Street HOBART TAS 7000  
T: (03) 6165 3293  
E: [sally.shepherd@nre.tas.gov.au](mailto:sally.shepherd@nre.tas.gov.au)  
W: [www.nre.tas.gov.au](http://www.nre.tas.gov.au)

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### Representation No. 3 - DNR & E Tasmania

Department of Natural Resources and Environment Tasmania  
OFFICE OF THE SECRETARY

Hobart GPO Box 44, Hobart, Tasmania, 7001  
Launceston PO Box 46, Kings Meadows, Tasmania, 7249  
Devonport PO Box 303, Devonport, Tasmania, 7310  
Ph 1300 368 550  
Web [nre.tas.gov.au](http://nre.tas.gov.au)

Our ref: D23-293801/001; 21/3611.026



Mr John Brown  
General Manager  
Break O'Day Council  
Via email: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

Dear Mr Brown

#### Notice of exhibition in relation to Draft Amendment to the Break O'Day Local Provisions Schedule (LPS)

Thank you for your letter of 4 October 2023 seeking a representation from the Department of Natural Resources and Environment Tasmania (NRE Tas) in response to proposed draft amendments to the Break O'Day Local Provisions Schedule.

NRE Tas supports application of the:

- Priority Vegetation Area overlay at the Upper Scamander Road, Scamander parcels identified in Figure 3 of Draft Amendment 01/23.
- Landscape Conservation Zone at the Tasman Highway, Weldborough parcels identified in Figure 4 of Draft Amendment 02/23.
- Landscape Conservation Zone at the Gillies Road, St Marys parcels identified in Figure 5 of Draft Amendment 03/23.

NRE Tas has no comment to make on Draft Amendments 04/23 to 06/23.

If you have any further questions on this matter please contact Richard Cuskelly, Policy Officer, Strategic Projects and Policy via 6165 4537 or [richard.cuskelly@nre.tas.gov.au](mailto:richard.cuskelly@nre.tas.gov.au)

Yours sincerely

for  
Jason Jacobi  
**SECRETARY**

25 October 2023

## Representation No. 4

**From:** [gerard.mccormick@8la.com.au](mailto:gerard.mccormick@8la.com.au)  
**To:** [Break O'Day Office Admin](#)  
**Cc:** [jillianparkes@bigpond.com](mailto:jillianparkes@bigpond.com)  
**Subject:** 231107\_Tasmanian Planning Scheme Amendments Representation  
**Date:** Monday, 6 November 2023 10:49:12 AM  
**Attachments:** [image001.png](#)

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Reference: 135 Tasman Highway Beaumaris Register 22607

Good Morning

With reference to the above property we support the proposed rezoning to Rural Living Zone C.

regards

Gerard McCormick  
FAILA  
DIRECTOR



Mobile +61 407851096  
8LA Landscape Architecture  
Address 19 Phillipine Pde Palm Beach, Queensland 4221 Australia  
Email [gerard.mccormick@8la.com.au](mailto:gerard.mccormick@8la.com.au)  
Adaptive Cycle Pty Ltd  
[www.8la.com.au](http://www.8la.com.au)

We acknowledge the traditional custodians of the Yugambeh language region in which we are privileged to practice as landscape architects. We pay our respects to elders past and present and all Aboriginal and Torres Strait Islander people who continue to manage our lands, waters and seas.

## Representation No. 5 - NEBN

**From:** [NE Bioregional Network](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** Break O Day Planning Scheme Substantial Modifications  
**Date:** Monday, 6 November 2023 12:56:24 PM

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We wish to make a representation on the above whereby the Tasmanian Planning Commission has recommended rezonings that are considered to be substantial modifications.

One of the main justifications for this decision is found in point 187, page 31 of the TPC decision on the Break O Day LPS as follows

187. Otherwise, the Commission is persuaded the Rural Living Zone should be applied to the land at Sunshine Court, Bay Court, Heritage Road and Seabreeze Court. The lots at Sunshine Court and Bay Court are contained on the same sealed plan and have a distinct rural-residential character. Likewise, the lots at Heritage Road and Seabreeze Court have a distinct rural-residential character. All the land in the identified areas is mostly cleared of vegetation and is not visually prominent from surrounding areas. The land contains a number of overlays that would manage any natural values, scenic values and other hazards present.

We disagree with the TPC for a number of reasons

1. Seabreeze Court/Tasman Highway lots Beaumaris **06/23**
- (a) The titles recommended for rezoning are not all lacking in natural values. Some have substantial areas of native vegetation /habitat on them such as for example 143 Tasman Highway
  - (b) The Rural Living Zone has insufficient/minimal provisions in relation to protecting natural values
  - (c) Overlays for scenic protection are inadequate.....an issue which could have been addressed at the LPS hearings but unfortunately the Council and TPC chose to reject an expert report by Geoscene International which would have better protected scenic values on the coast as required by the State Coastal Policy and Schedule 1. The Rural Living Zone does not protect a range of natural or scenic values to the same extent as Landscape Conservation Zoning.
  - (d) A number of these unserviced titles are located in close proximity to Freshwater Creek. Current stormwater and waste water management in the coastal zone is inadequate. The TPC and Council rejected expert advice on best practice Stormwater Management through the Break O Day LPS process which would have assisted in addressing water quality issues on the coast impacting coastal waterways and wetlands
  - (e) Freshwater Creek is subject to periodic flooding
  - (f) Rezoning will inevitably lead to further requests for changing from Rural C to Rural A over time causing further intensification of development along the coast.
  - (g) Given the coastal location and the zoning options available Landscape Conservation is the most suitable zoning consistent with the State Coastal Policy as Low Density is too weak and allows too small a lot sizes and Rural Living is not appropriate in a sensitive coastal location where there are natural values present both on titles and in close proximity to Scamander Conservation Area and Freshwater Creek. Our View is that the subject lots form part of a coastal rather than rural character.

2. Bay Court/ Sunshine Close **04/23**
- (a) The land is adjacent to EPBC listed Saltmarsh and state listed Melaleuca ericifolia forests which needs to be protected from inappropriate development
  - (b) These unserviced titles are adjacent to marine ecosystems and aquaculture activities which requires that zoning be one which emphasises environmental management over agricultural type activities. Again it needs to be noted that the TPC and Council rejected expert stormwater management representations at the Break O Day LPS which would have helped ensure development in sensitive coastal locations such as this will be best practice in terms of minimising impacts on important natural values
  - (c) Inadequate Scenic Protection. The TPC and Break O Day Council refused to incorporate expert scenic protection overlays through the Break O Day LPS process. Scenically sensitive locations such as this have insufficient measures in the Rural Living Zone and Codes re scenic protection.



## Representation No. 5 - NEBN

(d) Rural Living allows for lots down to 8,000m<sup>2</sup>. Will this allow for more subdivision in an unserviced area ?

### 3. Heritage road. **05/23**

(a) See comments below. While Heritage road appears to be relatively suitable for Rural Living Zoning a more comprehensive analysis of the consequences of such a rezoning need to be undertaken to ensure that rezonings are strategic and fully consider the full range of planning implications, which in the case of Heritage road might include natural values , proximity to Golden Fleece Rivulet etc.

In our view Rural Living Zoning provides a likely future pathway for either changing from lower to higher density subdivision within the Zone over time (ie Rural Living C to Rural Living A) and also given its proximity to urban areas (Rural Living A to Low Density Residential Zoning or even General Residential Zones)

In relation to both Points 1 2. and 3. above the TPC has gone against the recommendations of the Council and made recommendations for rezoning to Rural Living while at the same time suggesting that more detailed analysis of land use in these areas needs to be done. This is a somewhat confusing and contradictory decision which preempts and undermines a more sensible planning approach which would be to undertake a land use strategy review and then consider rezoning in light of more detailed information and analysis. By supporting Rural Living Zoning now the TPC is weakening protections and increasing development potential in the absence of a completed land use strategy review.

As noted in point 185. of the TPC decision the planning authority noted these areas were not identified for Rural Living Zoning in the 2015 Break O Day Land Use and Development Strategy. Landscape Conservation Zoning provides better protection for natural and scenic values than Rural Living Zone.

### 3. 89 Upper Scamander Road. **01/23**

(a) Apart from title 2598982 all the other titles are primarily covered in native forest/vegetation which should be zoned Landscape Conservation in recognition of the natural values present

(b) The titles are an important wildlife corridor between the coast (Winifred Curtis Reserve/Scamander Conservation Area) and hinterland including forming part of the catchments for Hendersons Lagoon and the Scamander River.. This corridor is being squeezed by urban development to the north and intensive agriculture to the south. Landscape connectivity is a critical means of maintaining ecological process as required under Schedule 1 LUPA. Therefore Landscape Conservation zoning will further the objectives of RMPS

(c) The Rural Zone has insufficient provisions to protect the titles from being subdivided

(d) Rural Zoning does not reflect the natural values present on the land. All of the land is subject to the State Coastal Policy and the TPC has acknowledged that the land is not suitable for agriculture: Point 104. "The Commission therefore considers the Rural Zone be applied because the land has limited or no potential for agricultural use....."

Landscape Conservation Zoning has stronger protections for native flora and fauna as well as scenic values than the Rural Zone and is more in keeping with the State Coastal Policy than Rural Zoning. Rural Zone allows a range of uses incompatible with a location characterised by low density residential use with considerable native vegetation cover.

Todd Dudley  
President

**North East Bioregional Network**

Phone (03) 6376 1049  
Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

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

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

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

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

22.11.2023	<b>Launceston</b>	- TasWater Annual General Meeting
23.11.2023	<b>Launceston</b>	- Jobs Tasmania –Department of State Growth. – Community of Policy and Practice workshop which focussed on the Youth Jobs Strategy which is currently being developed by the State Government. Jobs Hubs are in a unique position to provide guidance and feedback on the draft Strategy and its capacity to meet the needs of youth.
24.11.2023	<b>Perth</b>	- Brian Mitchell MP – meeting involving the Mayor and Executive Officer with him to discuss the Fingal Housing project and the letter he had written in support of residents. Provided him with a substantial amount of information which had been provided to the community as he had not sought any information from Council prior to writing his letter.
24.11.2023	<b>Launceston</b>	- Northern Tasmania Development Corporation – attended the Members Representative Group meeting on behalf of the Mayor and the AGM which followed.



27.11.2023	<b>St Helens</b>	- East Coast Tasmania Tourism – attended part of the Board meeting to discuss outcomes of Awards Coaching Program and impact on industry development.
27.11.2023	<b>MS Teams</b>	- Royal Flying Doctors Service (RFDS) - meeting with Nicole Henty (Tasmanian CEO) from RFDS to discuss the St Helens Airport and the Tender response they are preparing for the ongoing delivery of aeromedical retrieval services.
28.11.2023	<b>St Helens</b>	- Lower George Floodplain Project. Workshop presentation with Council officers and available Councillors provided by Kristen Joyse from Alluvium Consulting to discuss the potential evulsion scenarios and engagement with stakeholders.
1.12.2023	<b>Launceston</b>	- Northern Tasmania Waste Management Project (NTWMP) Steering committee, - meeting which addressed Regional Waste Strategy Development and a range of operational issues for the project.
1.12.2023	<b>Launceston</b>	- Northern Region GMs meeting – focus on a range of regional projects and matters including NTARC Climate Change, cat management, NTRLUS and workforce challenges.
4.12.2023	<b>St Helens</b>	- Council Workshop
4.12.2023	<b>MS Teams</b>	- Royal Flying Doctors Service (RFDS) – follow up meeting with Nicole Henty (Tasmanian CEO) and Justin Marr (GM of Aviation) from RFDS to discuss the St Helens Airport and the Tender response they are preparing for the ongoing delivery of aeronautical retrieval services.
5.12.2023	<b>MS Teams</b>	- RecFit Climate Capability Program – workshop facilitated by RecFIT and LGAT to receive a briefing on the Statewide Climate Change project and how it will connect with the regional projects which are underway.
6.12.2023	<b>MS Office</b>	- Councillor Learning and Development Framework – meeting of Council representatives to discuss the potential establishment of a community of practice approach as part of the overall approach to Learning and Development
7.12.2023		- Strategic Regional Partnership – meeting with Mat Healey (Acting Deputy Secretary, Department of Premier and Cabinet) to discuss the Partnership which had been announced for the East Coast.
7.12.2023	<b>Hobart</b>	- Councillor Learning and Development Governance Group – meeting to further progress the development of the framework, substantial discussion centered around how to encourage Councillors to be engaged in ongoing learning and development.

#### Meetings & Events Not Yet Attended:

12.12.2023	<b>St Helens</b>	- Council Annual General Meeting
13.12.2023	<b>MS Teams</b>	- RPG Meeting for General Managers and CEOs.

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 Mel Denkinger and Jason Unwin.

#### **Brief Updates:**

##### **St Helens Aerodrome and Royal Flying Doctor Service (RFDS)**

The recent meetings with representatives of the RFDS to discuss the Tender submission which they are preparing in relation to the ongoing provision of aeromedical retrieval services have raised some important matters which council is going to need to consider in relation to the future use of the St Helens Aerodrome for this purpose. The aircraft model currently being used by the RFDS is no longer being made and at some stage in the future it will be necessary to replace this aircraft and the model alternatives have different operating characteristics in relation to landing strip requirements. This is highlighting the need for Council to review the current St Helens Aerodrome Strategy and what the future development of this infrastructure might involve. Council officers will be preparing an initial scoping report for Council to consider in coming months.

##### **Strategic Regional Partnership**

A number of months ago the Premier announced that a Strategic Regional Partnership (SRP) would be developed for the East Coast involving the Break O’Day and Glamorgan/Spring Bay Council areas. The SRP would focus on a small number of key items which would make a difference on the East Coast which are not being adequately addressed through existing activities. The process to develop the SRP will involve a group of key stakeholders from the area working with the State Government to develop the actions to address the key priorities which are identified.

DPAC have recently appointed a Project Officer to work on developing the SRP and they have some resources to bring in assistance to facilitate the development of the SRP. The initial steps are yet to be fine-tuned but the General Manager has suggested that a workshop involving a wider audience of stakeholders may be a good starting point to scope out the broader issues for consideration which can then be narrowed down to a handful of key priorities. It is likely that the process will start moving towards the end of February 2024.

## Communications Report

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Sent out 1 week ago. Included stories on: <ul style="list-style-type: none"> <li>• Students Christmas signs around the town</li> <li>• History Room award win</li> <li>• FAQ on reporting dog incidents</li> <li>• Scooter Jam recap</li> <li>• Annual Report and AGM</li> </ul>
	The Examiner Advertisement	Information on Annual Report submissions and AGM date for 2023.
	Five minutes with the Mayor	Mayor's piece about: <ul style="list-style-type: none"> <li>the upcoming Christmas Parade and Carols</li> <li>Student's Christmas signs designs</li> <li>BODC's award for excellence.</li> <li>BODC's Australian Day nominations and Community funding program.</li> </ul>
SOCIAL MEDIA	Break O'Day Council	<ul style="list-style-type: none"> <li>• PlandBuild Tasmania – New planning scheme and online portal for public use.</li> <li>• Waste and Recycling Dates on Site.</li> <li>• Day of Disability event.</li> <li>• Bushfire Ready Information Session</li> <li>• Australian Day nominations open</li> <li>• Students Christmas signs designs</li> <li>• Lower George River avulsion impact session.</li> <li>• NBN wireless upgrades.</li> </ul>
	Shared Social Media Posts	<ul style="list-style-type: none"> <li>• Careflight – Trauma Care Workshop</li> <li>• Fisheries Tasmania – Fishing Tas App</li> <li>• PWS – Shorebird breeding season and tips to protect species.</li> <li>• LGAT – Future of Local Government Review</li> <li>• Tas Police – Community survey.</li> <li>• Relationships Australia – Neighbours every day grants.</li> <li>• Break O'Day Christmas Festivities – What's on in December.</li> </ul>
GRANTS	Relationships Australia –	Neighbours every day grants.

	Break O'Day Council	Community grants 2023-24 now open.
<b>EMAIL DATABASES</b>	<b>Continuing to develop</b>	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

#### **Actions Approved under Delegation:**

<b>NAME/DETAILS</b>	<b>DESCRIPTION OF USE OF DELEGATION</b>	<b>DESCRIPTION</b>	<b>DELEGATION NO / ACT</b>
17A and 29-33 Medea Street, St Helens	Affixing Common Seal	Amended Seal Plan	Number 21 – Miscellaneous Powers and Functions to the General Manager
DA 255-2023 90 and 92 Main Road, Binalong Bay	Affixing Common Seal	Adhesion Order	Number 21 – Miscellaneous Powers and Functions to the General Manager
Environmental Health By-Law No.1/2023	Affixing Common Seal	By-Law	Number 21 – Miscellaneous Powers and Functions to the General Manager

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

<b>DATE</b>	<b>DOCUMENT</b>	<b>ADDRESS</b>	<b>PID OR DA</b>
02.11.2023	337 Certificate	Section C - Lot 15 Elizabeth Street (CT172547/1), Mangana	3578211
03.11.2023	337 Certificate	7-9 Annie Street (CT10855/3), St Helens	6793048
07.11.2023	337 Certificate	11 Annabel Drive, St Helens	9806674
07.11.2023	337 Certificate	Wedge Court (CT156912/9) Binalong Bay	9467681
09.11.2023	337 Certificate	100 Curtis Road, St Marys	7378794
09.11.2023	337 Certificate	17 Gray Street (CT16650/20), Fingal	2668776
10.11.2023	337 Certificate	58 Robert Street, Fingal	6411644
10.11.2023	337 Certificate	81 Quail Street, St Helens	6795238
14.11.2023	337 Certificate	C853, 26 John Street, Cornwall	6400152
15.11.2023	337 Certificate	182 Main Road, Binalong Bay	6797110
15.11.2023	337 Certificate	33 Penelope Street, St Helens	1691798
16.11.2023	337 Certificate	4 Gray Street, Fingal	6411054
16.11.2023	337 Certificate	3 Highcrest Avenue, Binalong Bay	6796628
22.11.2023	337 Certificate	35 Gardiners Creek Road, St Marys	6402668

22.11.2023	337 Certificate	33 High Street, Mathinna	6415637
27.11.2023	337 Certificate	41 Scamander Avenue, Scamander	6783966
27.11.2023	337 Certificate	11 Lindsay Parade, St Helens	7731666
27.11.2023	337 Certificate	Sorell Street (CT250456-2), Fingal	3088626
28.11.2023	337 Certificate	22 Main Road, Binalong Bay	6797700
28.11.2023	337 Certificate	Unit 1, 4 Homer Street, St Helens	1592810
29.11.2023	337 Certificate	21358 Tasman Highway, Four Mile Creek	7627332
29.11.2023	337 Certificate	Unit 25, 41-43 Beaulieu Street, St Helens	9201661
30.11.2023	337 Certificate	4 Helen Grove, St Helens	6780706

### **Tenders and Contracts Awarded:**

Nil

### **STRATEGIC PLAN & ANNUAL PLAN:**

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

#### Goal

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

#### Strategy

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

### **LEGISLATION & POLICIES:**

N/A

### **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

### **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\011\003\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Quarterly Report of the Northern Tasmania Development Corporation Ltd (NTDC) NTDC Finance Report September 2023

**OFFICER'S RECOMMENDATION:**

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period Jul-Sept 2023.

**INTRODUCTION:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act. Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Reports from NTDC are provided to, and considered by Council, quarterly.

**OFFICER'S REPORT:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act.

Section 21 (5) of the Local Government Act requires Council's General Manager to report to Council at least every three (3) months on the performance of any activities of such an enterprise.

Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council in a format to comply with this requirement.



## STRATEGIC PLAN & ANNUAL PLAN:

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

#### Goal

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

#### Strategy

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

### Break O Day Annual Plan 2023 – 2024

Corporate Goal – Stakeholder Management

Northern Tasmania Development Corporation (NTDC) - Participate in NTDC activities focused on developing the regional economy.

## LEGISLATION & POLICIES:

*Section 21 Enterprise Powers - Local Government Act 1993.*

### 21. Enterprise powers

(5) The general manager is to report to the council –

- (a) at least once every three (3) months in respect of the performance of any activities carried out pursuant to subsection (1) and any strategic issues related to those activities; and
- (b) any adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities.

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

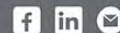
Northern Tasmania Development Corporation LTD

# Quarterly Report

QUARTER ONE | JUL - SEP 2023

## FINDING TRUE NORTH

*Navigating a sustainable future in Tasmania's North*



**ACKNOWLEDGEMENT OF COUNTRY**

NTDC acknowledges the palawa community of Northern lutriwita/Tasmania, the custodians of our country. We pay our respects to their elders, past, present and emerging.

This report has been prepared by NTDC.  
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# FINDING TRUE NORTH

*Navigating a sustainable future in Northern Tasmania*



## OUR VISION

**Northern Tasmania is where people, ideas, businesses and industry thrive and grow**

## OUR PURPOSE

We grow Northern Tasmania by:

- Leading regional collaboration
- Achieving regional outcomes and strategic goals
- Advocating for Northern Tasmania
- Implementing our Regional Economic Development Strategy (REDS)
- Championing regional leadership and local governance
- Creating an enabling environment for communities and industry development
- Understanding that our community benefits from sustainable regional development

## OUR VALUES



**Connected**



**Clear**



**Creative**



**Curious**

## OUR STRATEGIC GOALS

### Regional Development

Guide regional development in Northern Tasmania by implementing and actioning the Regional Economic Development Strategy (REDS).

### Regional Collaboration

Work together to agree on and achieve regional outcomes and advocate for and advance regional priorities, strategies and policies.

### Organisational Strength

Develop a robust organisation with a sustainable financial position, a nurtured team, and value for members, industry and community.

## KEY PERFORMANCE INDICATORS

Strategic Leadership  
100% Support

Project Management  
≥ 95% OTAB

Engaged Membership  
≥ 100% Retention

Project Delivery  
≥ 12 Projects

Organisational Culture  
≥ 95% Support

Continually Improve  
≥ 80% Satisfaction

Enhanced Reputation  
≥ 85% Positive

Diversified Revenue  
> 50% Non-council



## Introduction

Welcome to the first edition of NTDC's Quarterly Report for the 2024 financial year, where we update Members and partners on our progress in delivering our Strategic Plan and Annual Workplan, as well as topical information relevant to the region's prosperity.

With our Strategic Plan now finalised with support from the Member Representative Group, NTDC has advanced an Annual Workplan for 2023/24, with projects already enacted and progress illustrated within this quarterly.

In summary, Quarter 1 has seen a large amount of work delivered through NTDC, focusing on:

- Appointing Chris Griffin as CEO on a fixed term contract to June 2026,
- Delivering and finalising the Sports Facility Plan project,
- Identifying opportunities to re-engage with Dorset and Flinders Councils,
- Building out our regional priority project list through the delivery of the very successful Regional Collaboration Forum in September, with specific engagement through an assessment panel with Regional Development Australia and NRM North,
- Strengthening collaboration networks with regional bodies such as Visit Northern Tasmania, Regional Development Australia (Tasmania), NRM North, Launceston Chamber of Commerce, Launceston Central, East Coast Tourism and others at the officer and chair level,
- Continuing to work on major regional projects such as the Greater Launceston Plan Review and working with the Regional Planning Group.

This work sets NTDC up to deliver for the region for the first half of the 2024 financial year as we:

- Deliver a new refreshed website,
- Continue to advocate for strategic projects and policies that benefit Northern Tasmanians through delivering a renewed Regional Priority Project initiative,
- Deliver upon the Strategic Plan through our Annual Workplan,
- Deliver the REDS Implementation Project, and
- Review the Population program.

As we move into this phase of stability in NTDC with a formally appointed Chair and CEO, we are looking forward to building out our delivery of regional development for the region – to continue to make Northern Tasmania a place where people, ideas, businesses and industries thrive and grow.



Dr Allison Anderson  
Chair



Chris Griffin  
CEO





## Northern Tasmania in the news



12/10/23

### Sports heaven: First look at long-promised \$43m recreation hub →

The Mercury provides excellent coverage of the Northern Suburbs development spear-headed by City of Launceston Council

[Read More](#)

27/9/23

### Tourism Boss Backs Safer Route to East Coast →

With major natural disasters repeatedly damaging the St Mary's Pass, an alternate route proposed by Break O'Day council is supported

[Read More](#)



20/9/23

### Northern Regional Collaboration Forum pitches projects for the future →

Thirty worthy projects presented to northern leaders for consideration

[Read More](#)



## Annual Workplan Update

	ECONOMIC DEVELOPMENT	REGIONAL COLLABORATION	ORGANISATIONAL STRENGTH
<b>Tasks Completed JUL-SEP</b>	<ul style="list-style-type: none"> <li>Regional Planning coordinator commenced work</li> <li>RDSS draft report workshopped and revised by RPG</li> <li>REDS draft Implementation plan finalised</li> <li>5PL Freight Aggregation pilot program agreed.</li> </ul>	<ul style="list-style-type: none"> <li>Regional Collaboration Forum held (20 September)</li> <li>Sports Facilities Study report completed</li> <li>GLP Review final report received and presented in participating council workshops</li> </ul>	<ul style="list-style-type: none"> <li>TAO Audit Completed</li> <li>Funding strategy adopted</li> <li>Advocacy &amp; communications plan adopted</li> <li>New ntdc.org.au website designed</li> <li>Policies updated</li> <li>New Board Chairperson appointed</li> <li>New CEO appointed</li> </ul>
<b>Tasks Planned OCT-DEC</b>	<ul style="list-style-type: none"> <li>Residential Demand and Supply Study report endorsed by members</li> <li>5PL Freight Aggregation pilot funding advocacy commences</li> <li>Population Strategy Review request for quote initiated</li> </ul>	<ul style="list-style-type: none"> <li>Revised Greater Launceston Plan drafting</li> <li>Regional Priority Projects advocacy commences</li> <li>Sports Facilities Study final report endorsed</li> <li>Partnership with Gastronomy Northern Tasmania defined</li> </ul>	<ul style="list-style-type: none"> <li>Tasmanian Sustainability Strategy submission</li> <li>State Budget Submission</li> <li>Annual General Meeting &amp; Member Representative Group meetings Friday 24 November</li> <li>New Treasurer recruitment</li> </ul>
<b>Tasks Missed</b>			

### Notes

NTDC is committed to providing succinct and transparent updates on the work we plan to do and what has been delivered. A three-year strategic plan, annual work plan and budget have been endorsed by the Member Representative Group to guide and direct our work.

Through this work, our quarterly reports reflect the work, milestones, and targets agreed to through these documents.

For feedback on this planning and reporting, please get in touch with Interim CEO Chris Griffin at [ceo@ntdc.org.au](mailto:ceo@ntdc.org.au) or 0402 628 768

## ECONOMIC DEVELOPMENT

*Guide regional  
economic development  
in Northern Tasmania  
by implements and  
actioning REDS.*

### Greater Launceston Plan Review

The Greater Launceston Plan 2014 is a 20 year vision for the sub-region that comprises of City of Launceston George Town, Meander Valley, Northern Midlands and West Tamar municipalities.

10 years into the plan's implementation, NTDC on behalf of the five participating local councils, worked with University of Newcastle consultants to review the Greater Launceston Plan in light of a number of contextual changes in Tasmania.



The Greater Launceston Plan Review has come to a conclusion. The final report was received and all participating councils have now received it and provided feedback within workshop. NTDC's role is now to project lead the production of a revised GLP, in partnership with participating councils.

### New look ntdc.org.au website



We have launched our refreshed website. Designed to be a concise one stop shop for all things regional development in northern Tasmania. Aligned with our values of being connected, clear, creative and curious the website's goal is to act as a portal to direct you to the person who can help you the best with any query.

To visit our new website go to [www.ntdc.org.au](http://www.ntdc.org.au)



## Regional Collaboration Forum – 20 Sep

The NTDC Team hosted a Regional Collaboration Forum on Wednesday 20 September.

Over 50 northern leaders met to consider and respond to 30 priority projects for the region. with 80% of leaders saying the forum exceeded their expectations, whilst providing suggestions of themes for future forums, the event was a success.

These Regional Priority Projects are the foundation for regional advocacy list, as we prepare for State and Federal Government budget submissions, grant programs and future elections.

To learn more about the Regional Priority Projects process, [click here](#).



## Regional Planning Group Activity

The Regional Planners Group continues to effectively collaborate. This quarter the focus was upon finalising the Residential Demand and Supply Study for Northern Tasmania, a critical project to inform the Regional Land Use Strategic review.

Lisa Brassington as NTDC's Regional Planning Coordinator, also attended the 2023 PIA Tasmanian State Planning Conference, Devonport. An essential part of this conference was a full-day women in planning forum.

The RPG also welcomed Michelle Riley as its new chair. Michelle has extensive experience in land use planning as Municipal Planner for West Tamar Council, and has been part of the planning group since its inception.

## REGIONAL COLLABORATION

*Work together to  
achieve regional  
outcomes and advance  
regional priorities,  
strategies and policies.*

## ORGANISATIONAL STRENGTH

*Develop a robust organisation that achieves a sustainable financial position, values and develops our team, and creates value for our members, industry and community.*

## GOVERNANCE

In June, NTDC advertised for a Chairperson, as recommended in the 2022 Board Review. The Selection Committee recommended the reappointment of Dr Allison Anderson to the role, which was supported by the NTDC Board on 5 July.

In August NTDC advertised for a CEO. The selection committee recommended Interim CEO Chris Griffin to the role, which was supported by the NTDC Board.



Dr Alli Anderson,  
Chair



Chris Griffin,  
CEO



Lisa Brassington,  
Regional Planning Coordinator



Kamal Pokhrel,  
Administration & Communications  
Officer

Chris Griffin was appointed to the role commencing 20 October. Chris has been with the agency since late June 2023, prior to holding the CEO role for Visit Northern Tasmania since late 2012.

Finally in September the agency farewelled Craig Perkins as Regional Economic and Development Manager. The Board and team would like to acknowledge the very valuable work that Craig delivered during his contract with NTDC, especially project management of the Sports Facility Study, REDS Implementation Plan, Residential Demand & Supply Study and Regional Collaboration Forums. We wish Craig all the best in his next endeavours.



## CONTACT US

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[WWW.NTDC.ORG.AU](http://WWW.NTDC.ORG.AU)



**Northern Tasmania Development Corporation Ltd**  
**YTD Financial Summary as at 30/9/23**

	Corporate YTD \$	Projects & Discretionary YTD \$	Actual Consolidated YTD \$	Budget Consolidated YTD \$	Variance
Income	163,205	372,956	536,161	162,288	373,873
Expenditure	189,257	37,741	226,999	321,717	94,718
Surplus/(deficit)	(26,053)	335,215	309,162	(159,429)	468,591
Operating surplus/(deficit)	(26,053)	335,215	309,162	(159,429)	468,591

Liquidity Analysis	September	August
Quick Asset Ratio	12.9	17.6
Current Asset Ratio	1.1	1.1

**Executive Summary:**

The consolidated surplus for September 2023 was \$309,162 compared to a budgeted deficit of (\$159,429). Corporate expenditure is over budget by \$4k for the year to date due to the timing of expenses. Project expenses are within budget.

Project income consists of funds carried forward from FY2023 for the Northern Sports Facility (\$26k), the Greater Launceston Plan (\$7k), the Population project (\$12k), Regional Planning (\$268k), and the Residential Demand and Supply Study (\$60k).

**Balance Sheet**

The cash at bank at 30/9/23 was \$764,309 and the forecast cash at bank for 30/6/24 is \$490k, \$202k for NTDC and \$287k tied funds for projects.

Prepaid expenses are insurance expenses that are amortised monthly over the year.

Accounts receivable are additional funds for the West Tamar Council contribution for FY2023 due to incorrect amount invoiced in July 2022. This amount has been paid.

Council contributions in advance are for FY2024 and will be amortised monthly over the year.

Employee entitlements (annual leave, superannuation & PAYG) are calculated and paid monthly.

As at 30/9/23 NTDC Ltd was able to meet short term obligations 12.9 times, and meet obligations due in 12 months time 1.1 times. The liquidity position of NTDC Ltd as at 30/9/23 was strong.

The funds tied to projects \$335,214 as at the end of September are included as a liability on the Balance Sheet.

Northern Tasmania Development Corporation Ltd												
Cashflow Forecast by month												
	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals			
	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
<b>CASH RECEIPTS</b>												
Council Contributions	\$ -	\$ 105,452	\$ -	\$ -	\$ -	\$ -	\$ 412,946	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Received	\$ 437	\$ 402	\$ 709	\$ 418	\$ 460	\$ 444	\$ 437	\$ 588	\$ 517	\$ 208	\$ 208	\$ 208
Other revenue						\$ 2,300						
GST Refund	\$ 8,998	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,219					
<b>TOTAL RECEIPTS</b>	<b>\$ 9,435</b>	<b>\$ 105,854</b>	<b>\$ 709</b>	<b>\$ 418</b>	<b>\$ 460</b>	<b>\$ 2,744</b>	<b>\$ 425,602</b>	<b>\$ 588</b>	<b>\$ 517</b>	<b>\$ 208</b>	<b>\$ 208</b>	<b>\$ 208</b>
<b>CASH PAYMENTS -</b>												
Accounting support	-\$ 1,719	-\$ 1,610	-\$ 1,720	-\$ 1,610	-\$ 1,502	-\$ 1,719	-\$ 1,610	-\$ 1,704	-\$ 1,720	-\$ 1,575	-\$ 1,575	-\$ 1,575
Administration Expenses	-\$ 1,328	-\$ 13,389	-\$ 4,147	-\$ 6,003	-\$ 4,813	-\$ 4,952	-\$ 4,458	-\$ 7,314	-\$ 4,094	-\$ 10,403	-\$ 2,403	-\$ 2,403
Board expenses	-\$ 8,089	-\$ 21	-\$ 712	\$ -	-\$ 325	-\$ 1,701	\$ -	\$ -	\$ 911	-\$ 250	-\$ 250	-\$ 250
Board Travel	\$ -	\$ 2,775	\$ 1,833	\$ 457	\$ 1,007	\$ -	\$ 117	\$ 245	\$ 474	\$ 833	\$ 833	\$ 833
Board wages (incl Chair)	-\$ 4,224	-\$ 4,154	-\$ 4,436	-\$ 4,424	-\$ 3,875	-\$ 6,104	-\$ 4,063	-\$ 5,364	-\$ 4,691	-\$ 5,528	-\$ 7,651	-\$ 5,528
Motor Vehicle Expenses	\$ -	\$ -	-\$ 550	-\$ 1,052	-\$ 211	-\$ 392	-\$ 316	\$ -	\$ -	-\$ 292	-\$ 292	-\$ 292
Occupancy Expenses	-\$ 1,336	-\$ 1,336	-\$ 1,336	-\$ 1,336	-\$ 1,336	-\$ 1,336	-\$ 1,336	\$ -	-\$ 1,336	-\$ 1,297	-\$ 1,297	-\$ 1,297
Project Officer - NTDC	-\$ 6,356	-\$ 4,173	-\$ 4,394	-\$ 4,362	-\$ 4,362	-\$ 6,543	-\$ 5,127	-\$ 5,127	-\$ 12,742	\$ -	\$ -	\$ -
IT Replacements							\$ -	\$ -	-\$ 3,188	\$ -	\$ -	\$ -
Salaries & Wages	-\$ 23,557	-\$ 20,171	-\$ 28,956	-\$ 14,255	-\$ 14,483	-\$ 63,327	-\$ 30,556	-\$ 31,148	-\$ 25,824	-\$ 17,470	-\$ 25,990	-\$ 17,470
Staff amenities, training & travel	\$ -	-\$ 1,105	\$ -	\$ -	-\$ 1,060	-\$ 2,193	\$ -	\$ -	-\$ 66	-\$ 833	-\$ 833	-\$ 833
Stakeholder Engagement	-\$ 98	\$ -	\$ -	-\$ 4,263	\$ -	\$ -	\$ -	\$ -	-\$ 4,055	-\$ 2,222	-\$ 2,222	-\$ 2,222
BAS Payment				-\$ 234						-\$ 32,826		
<b>TOTAL PAYMENTS (OPERATING)</b>	<b>-\$ 46,707</b>	<b>-\$ 48,734</b>	<b>-\$ 48,084</b>	<b>-\$ 37,996</b>	<b>-\$ 32,971</b>	<b>-\$ 88,266</b>	<b>-\$ 47,582</b>	<b>-\$ 50,902</b>	<b>-\$ 57,281</b>	<b>-\$ 73,530</b>	<b>-\$ 43,347</b>	<b>-\$ 32,704</b>
<b>NET CASH FLOW FROM OPERATIONS</b>	<b>-\$ 37,271</b>	<b>\$ 57,120</b>	<b>-\$ 47,375</b>	<b>-\$ 37,578</b>	<b>-\$ 32,512</b>	<b>-\$ 85,521</b>	<b>\$ 378,021</b>	<b>-\$ 50,314</b>	<b>-\$ 56,764</b>	<b>-\$ 73,322</b>	<b>-\$ 43,138</b>	<b>-\$ 32,496</b>
<b>NET CASH FLOW</b>	<b>-\$ 37,271</b>	<b>\$ 57,120</b>	<b>-\$ 47,375</b>	<b>-\$ 37,578</b>	<b>-\$ 32,512</b>	<b>-\$ 85,521</b>	<b>\$ 378,021</b>	<b>-\$ 50,314</b>	<b>-\$ 56,764</b>	<b>-\$ 73,322</b>	<b>-\$ 43,138</b>	<b>-\$ 32,496</b>
<b>CLOSING OPERATING CASH AT BANK</b>	<b>\$ 341,630</b>	<b>\$ 398,750</b>	<b>\$ 351,376</b>	<b>\$ 313,798</b>	<b>\$ 281,287</b>	<b>\$ 195,765</b>	<b>\$ 573,786</b>	<b>\$ 523,472</b>	<b>\$ 466,708</b>	<b>\$ 393,386</b>	<b>\$ 350,248</b>	<b>\$ 317,752</b>
<b>CASH RECEIPTS FROM PROJECTS</b>												
Contribution to Greater L'ton Proj	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,092					
Contribution to id subscription	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 46,200	\$ -	\$ -	\$ -	\$ -	\$ -
Regional Planning Coordinator	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL RECEIPTS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 165,000</b>	<b>\$ 50,292</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>CASH PAYMENTS FOR PROJECTS</b>												
Circular Economy payments	\$ -	\$ -	-\$ 4,666	-\$ 14,300	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Circular Economy Modelling	\$ -	\$ -	\$ -	\$ -	\$ -	-\$ 113,300	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
id Subscription	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-\$ 46,200	\$ -	\$ -	\$ -	\$ -
Population Project - Consultant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Greater L'ton	\$ -	\$ -	\$ -	\$ -	-\$ 39,974	-\$ 32,411	-\$ 25,795	\$ -	\$ -	-\$ 2,046	\$ -	\$ -
Project expenses - Nth Sports Facility	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-\$ 9,548	\$ -	\$ -	-\$ 8,680	-\$ 8,680	\$ -
Project Expenses - Residential D & S	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-\$ 44,732	\$ -	\$ -	-\$ 33,347	-\$ 33,347	\$ -
Regional Planning Coordinator	\$ -	\$ -	\$ -	-\$ 14,118	-\$ 6,417	-\$ 12,241	-\$ 5,196	-\$ 6,777	-\$ 6,149	-\$ 11,077	-\$ 7,385	-\$ 7,385
Project Officer - Population Project												
<b>TOTAL PAYMENTS (PROJECTS)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-\$ 4,666</b>	<b>-\$ 28,418</b>	<b>-\$ 46,391</b>	<b>-\$ 157,952</b>	<b>-\$ 85,271</b>	<b>-\$ 52,977</b>	<b>-\$ 6,149</b>	<b>-\$ 55,149</b>	<b>-\$ 49,411</b>	<b>-\$ 7,385</b>
<b>NET CASH FLOW FOR PROJECTS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-\$ 4,666</b>	<b>-\$ 28,418</b>	<b>-\$ 46,391</b>	<b>\$ 7,048</b>	<b>-\$ 34,979</b>	<b>-\$ 52,977</b>	<b>-\$ 6,149</b>	<b>-\$ 55,149</b>	<b>-\$ 49,411</b>	<b>-\$ 7,385</b>
<b>CLOSING CASH AT BANK PROJECTS</b>	<b>\$ 464,134</b>	<b>\$ 464,134</b>	<b>\$ 459,467</b>	<b>\$ 431,049</b>	<b>\$ 384,658</b>	<b>\$ 391,706</b>	<b>\$ 356,727</b>	<b>\$ 303,750</b>	<b>\$ 297,601</b>	<b>\$ 242,451</b>	<b>\$ 193,040</b>	<b>\$ 185,656</b>
<b>TOTAL CLOSING CASH AT BANK</b>	<b>\$ 805,764</b>	<b>\$ 862,884</b>	<b>\$ 810,843</b>	<b>\$ 744,848</b>	<b>\$ 665,944</b>	<b>\$ 587,471</b>	<b>\$ 930,513</b>	<b>\$ 827,222</b>	<b>\$ 764,309</b>	<b>\$ 635,838</b>	<b>\$ 543,288</b>	<b>\$ 503,408</b>

Profit and Loss																								
Northern Tasmania Development Corporation Ltd																								
For the 3 months ended 30 September 2023																								
Account	Corporate Actual	Corporate Budget	Var %	Regional Planning Actual	Regional Planning Budget	Var %	Regional Collab Forum Actual	Regional Collab Forum Budget	Var %	Sports Actual	Sports Budget	Var %	Res Demand & Supply Actual	Res Demand & Supply Budget	Var %	GLP Review Actual	GLP Review Budget	Var %	Pop Actual	Pop Budget	Var %	YTD Actual	YTD Budget	Var %
Income																								
Council Contributions																								
Break O'Day Council	7,057.32	7,057.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	7,057.32	7,057.00	0.00%
George Town Council	7,435.14	7,435.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	7,435.14	7,435.00	0.00%
Launceston City Council	51,623.22	51,623.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	51,623.22	51,623.00	0.00%
Meander Valley Council	18,787.95	18,788.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	18,787.95	18,788.00	0.00%
Northern Midlands Council	14,163.81	14,163.00	0.01%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	14,163.81	14,163.00	0.01%
West Tamar Council	20,595.54	20,595.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	20,595.54	20,595.00	0.00%
Total Council Contributions	119,662.98	119,661.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	119,662.98	119,661.00	0.00%
Other Income																								
Interest Earned	1,541.52	625.00	146.64%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,541.52	625.00	146.64%
Other Contributions	42,000.01	42,000.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	42,000.01	42,000.00	0.00%
Total Other Income	43,541.53	42,625.00	2.15%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	43,541.53	42,625.00	2.15%
Total Income	163,204.51	162,286.00	0.57%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	163,204.51	162,286.00	0.57%
Income brought forward from last year																								
Unexpended funding from previous year	0.00	0.00	0.00%	266,811.94	266,812.00	0.00%	0.00	0.00	0.00%	26,040.00	26,040.00	0.00%	60,629.71	60,630.00	0.00%	7,205.45	7,205.00	0.45%	12,469.18	12,469.00	0.00%	372,956.26	372,956.00	0.00%
Funds carried forward for future spend	0.00	0.00	0.00%	(237,990.91)	0.00	0.00%	0.00	0.00	0.00%	(17,366.00)	0.00	0.00%	(60,629.71)	0.00	0.00%	(6,785.00)	0.00	0.00%	(12,469.18)	0.00	0.00%	(335,214.78)	0.00	0.00%
Total Income brought forward from last	0.00	0.00	0.00%	28,821.03	266,812.00	-89.26%	0.00	0.00	0.00%	8,680.00	26,040.00	-66.67%	0.00	60,630.00	#####	440.45	7,205.00	(6,764.55)	0.00	12,469.00	-100.00%	37,741.48	372,956.00	-89.89%
Operating Expenses																								
Accounting Support	4,576.82	4,725.00	-3.14%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	4,576.82	4,725.00	-3.14%
Advertising	0.00	187.00	-100.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	187.00	-100.00%
Advertising - Projects	0.00	0.00	0.00%	175.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	175.00	0.00	0.00%
Allowances	178.75	540.00	-66.90%	180.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	358.75	540.00	-33.56%
Accounting - EOY	875.01	874.00	0.12%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	875.01	874.00	0.12%
Audit Fees - EOY	2,000.01	1,999.00	0.05%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	2,000.01	1,999.00	0.05%
Bank Fees	0.00	125.00	-100.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	125.00	-100.00%
Board Expenses	(770.27)	750.00	-202.70%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	(770.27)	750.00	-202.70%
Board Salaries & Wages	14,136.20	15,997.00	-11.08%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	14,136.20	15,997.00	-11.08%
Board Super	1,695.10	1,746.00	-2.92%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,695.10	1,746.00	-2.92%
Board Travel	1,505.34	2,500.00	-39.79%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,505.34	2,500.00	-39.79%
Catering & Meeting - Admin	747.76	750.00	-0.30%	450.25	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,198.01	750.00	59.73%
Computer Network Support	2,409.73	1,395.00	72.74%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	2,409.73	1,395.00	72.74%
Conferences & Events	269.84	375.00	-28.36%	236.36	0.00	0.00%	3,185.31	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	3,680.31	375.00	884.08%
Insurance Premiums	1,905.24	2,750.00	-30.72%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,905.24	2,750.00	-30.72%
IT Upgrade	2,898.00	750.00	286.40%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	2,898.00	750.00	286.40%
Legal & Professional expenses	1,500.00	625.00	140.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,500.00	625.00	140.00%
Memberships & Subscriptions	3,168.87	1,875.00	69.01%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	3,168.87	1,875.00	69.01%
Motor Vehicle - Travel Allowance	249.90	875.00	-71.44%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	249.90	875.00	-71.44%
Printing, Postage & Stationery	1,872.45	500.00	274.49%	21.14	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	1,893.59	500.00	278.72%
Professional Development	0.00	1,500.00	-100.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	1,500.00	-100.00%
Project Expenses	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	8,680.00	13,020.00	-33.33%	0.00	30,315.00	#####	440.45	7,205.00	(6,764.55)	0.00	0.00	0.00%	9,120.45	50,540.00	-81.95%
Publications	0.00	187.00	-100.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	187.00	-100.00%
Recruitment fees	1,064.09	5,693.00	-81.12%	2,000.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	3,064.09	7,593.00	-59.72%
Rent - Premises	3,643.02	3,890.00	-6.35%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	3,643.02	3,890.00	-6.35%
Salaries and Wages	88,573.95	75,091.00	17.96%	22,989.34	22,155.00	3.77%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	111,563.29	97,246.00	14.72%
Staff Amenities	108.31	125.00	-13.35%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	108.31	125.00	-13.35%
Stakeholder Engagement	0.00	3,248.00	-100.00%	0.00	0.00	0.00%	555.00	0.00	0.00%	1,748.00	#####	0.00	0.00	0.00	0.00%	0.00	0.00	0.00%	0.00	0.00	0.00%	555.00	4,998.00	-89.89%
Std Subscription	42,000.00	42,000.00	0.00%	0.00	0.00	0.00%	0.00	0.0																

# Balance Sheet

Northern Tasmania Development Corporation Ltd

As at 30 September 2023

	30 SEP 2023	30 JUN 2023
<b>Assets</b>		
<b>Bank</b>		
Westpac Cheque	4,997	7,900
Westpac Cash Reserve	757,827	578,286
Westpac Debit Card	1,485	1,285
<b>Total Bank</b>	<b>764,309</b>	<b>587,471</b>
<b>Current Assets</b>		
Accounts Receivable	19,764	23,527
Less Prov for Doubtful Debts	(16,141)	(16,141)
Petty Cash - NTD	500	500
Prepaid expenses	2,088	6,544
<b>Total Current Assets</b>	<b>6,211</b>	<b>14,430</b>
<b>Total Assets</b>	<b>770,520</b>	<b>601,901</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts Payable	11,361	80,920
Accrued Accounting & Audit Fees - EOY	3,035	11,000
Accrued Wages	6,873	924
GST Payable/(Receivable)	29,947	(368)
PAYG Tax Withheld - Wages	11,743	-
Provision for Annual Leave	7,301	3,435
Provision for LSL	75	75
Superannuation Payable	6,429	4,105
Contributions in advance	255,742	-
Surplus for future expenditure	335,215	372,956
<b>Total Current Liabilities</b>	<b>667,721</b>	<b>473,049</b>
<b>Non-current Liabilities</b>		
NTWMG Circular Economy Grant	12,043	12,043
<b>Total Non-current Liabilities</b>	<b>12,043</b>	<b>12,043</b>
<b>Total Liabilities</b>	<b>679,764</b>	<b>485,091</b>
<b>Net Assets</b>	<b>90,757</b>	<b>116,809</b>
<b>Equity</b>		
Accumulated Surpluses/(Losses)	116,809	442,399
Current Year Earnings	(26,053)	(325,590)
<b>Total Equity</b>	<b>90,757</b>	<b>116,809</b>

## Aged Receivables Summary

Northern Tasmania Development Corporation Ltd

As at 30 September 2023

Ageing by due date

CONTACT	CURRENT	<1 MONTH	1 MONTH	2 MONTHS	3 MONTHS	OLDER	TOTAL
Flinders Island Council	-	-	-	-	-	16,141.06	16,141.06
West Tamar Council	3,623.40	-	-	-	-	-	3,623.40
Total	3,623.40	-	-	-	-	16,141.06	19,764.46
Percentage of total	18.33%	-	-	-	-	81.67%	100.00%



# Aged Payables Summary

Northern Tasmania Development Corporation Ltd

As at 30 September 2023

Ageing by due date

CONTACT	CURRENT	< 1 MONTH	1 MONTH	2 MONTHS	3 MONTHS	OLDER	TOTAL
<b>Aged Payables</b>							
Allison Anderson	-	743.50	-	-	-	-	743.50
Central Launceston Marketing Inc.	-	210.28	-	-	-	-	210.28
Leasexpress	1,473.89	-	-	-	-	-	1,473.89
Tasmanian Audit Office	8,800.00	-	-	-	-	-	8,800.00
Telstra	50.00	-	-	-	-	-	50.00
ZircoDATA Pty Ltd	83.40	-	-	-	-	-	83.40
<b>Total Aged Payables</b>	<b>10,407.29</b>	<b>953.78</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11,361.07</b>
<b>Total</b>	<b>10,407.29</b>	<b>953.78</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11,361.07</b>
<b>Percentage of total</b>	<b>91.60%</b>	<b>8.40%</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100.00%</b>



ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\004\018\
ASSOCIATED REPORTS AND DOCUMENTS	Letter from Minister for Local Government & Planning, Roger Jaensch Discussion Paper – Managing conflicts of interests of Councillors Framework Review

**OFFICER'S RECOMMENDATION:**

That Council provide a submission based on the comments in this report and additional comments provided by Councillors

**INTRODUCTION:**

The Minister for Local Government & Planning, Nic Street, has written to all Councils regarding proposed changes to the way that conflicts of interest are managed for Councillors, a Discussion Paper has been provided along with key points for consideration.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Deciding the nature of the interest a Councillor may or may not have has been something that Councillors have grappled with for as long as the General Manager can recall, traditionally Councillors have erred on the side of caution which has been the appropriate action to take. A key focus of the induction program run by Council and delivered by Simmons Wolfhagen has endeavoured to clarify this for Councillors. Dealing with this matter is overdue as Councillors continue to grapple with this and turn to Council officers to provide the necessary advice and guidance.

By way of background, the Discussion Paper has been developed through the work of a local government sector working group convened by the Office of Local Government to develop a proposal for an effective and contemporary framework for managing conflicts of interests. The Premier's Local Government Council (PLGC) met on 27 July 2023 and endorsed the outline of the draft framework for consultation.

The Minister in his letter notes:

*A range of reforms are proposed for discussion, including:*

### *Changes to the way conflicts of interest are classified*

*It is proposed that the classification of conflicts of interests would change from the current pecuniary interests regulated through the Local Government Act 1993, and non-pecuniary interests which are regulated through the Code of Conduct for Councillors, to actual, perceived, and potential conflicts of interest, all of which would be regulated through the Act. All types of conflict of interest would include both pecuniary and non-pecuniary conflicts of interest.*

### *Disclosure of interests by councillors*

*It is proposed that personal interest returns are submitted by all councillors soon after they are elected and thereafter on an annual basis throughout their term. It is proposed that personal interest returns will be made publicly available to promote transparency and accountability.*

*As well as lodging personal interest returns, it is proposed that councillors must disclose the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.*

### *Management of conflicts of interest*

*It is proposed that when a councillor has an actual conflict of interest (pecuniary or otherwise) they must exclude themselves from attendance of any official council forum while the matter is being discussed. Additionally, councillors with an actual conflict of interest should not have access to deliberative material and information on the matter.*

*Where a councillor has a perceived or potential conflict of interest, it is proposed that they should exercise their own reasonable judgment as to whether to participate in a meeting or other forum where the matter is discussed. However, in certain circumstances it may be appropriate for the council to overturn a councillor's decision to participate.*

The Discussion Paper poses the following for submissions to address:

- Do the provisions of the proposed framework reflect the guiding principles?
- Does the proposed framework support public confidence and trust in local government?
- Are the proposed exemptions to conflicts of interest comprehensive, practical, and suitable for adoption in Tasmania?
- When determining what information contained in a Personal Interest Return should be exempt from publication, are the examples provided appropriate for adoption in Tasmania?

The General Manager believes that on the whole the framework seems a logical approach and should provide much needed clarity and improved processes though there are some elements that need further consideration. Particular points of note are:

An example refers to 'close personal friendship', this is will give rise to a matter of judgement around how this is defined leading to confusion potentially	Pg 12
Exemptions provided based on the Victorian framework assist in providing clarity as to when a Councillor doesn't have an interest	Pg 13

It is proposed that Councillors with an interest will be restricted from having access to information which is being considered. This poses a significant challenge and places a significant obligation on Council officers to manage. If a councillor has not previously given notice of a potential area of interest, how does the General Manager act to restrict access to the information. Another issues relates to items that are in the Public Agenda, the Councillor has a redacted version provided to them but can access the information on council's website..... Further work is required to develop a logical and workable approach.	Pg 14
The introduction of Personal Interest Returns is a very significant change in disclosure of information	Pg 15
A Proactive Management Plan relating to interests which have been notified in the PIR is required to be developed. Guidance around the nature of these Plans and how interests are managed need to be developed by the Office of Local government in consultation with the sector to ensure a reasonably uniform approach is taken.	

Whilst the letter from the Minister requires feedback by 22 December 2022, the Office of Local Government has advised of an extension 12 January 2024.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

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

Not applicable

##### Break O'Day Annual Plan 2023-2024

##### *Actions*

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

#### **LEGISLATION & POLICIES:**

N/A

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATION**

N/A

#### **VOTING REQUIREMENTS:**

Nil

Minister for Housing and Construction  
Minister for Local Government  
Minister for Sport and Recreation  
Minister for Stadia and Events

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8 NOV 2023

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

Dear Mayor

I write to you to draw your attention to the release of a discussion paper titled *Managing conflicts of interest of councillors – framework proposal* and invite you to provide feedback on a proposed draft framework to better manage local government elected officials' conflicts of interests. The Tasmanian Government is pursuing these reforms to enhance and strengthen the governance and professionalism of our local government sector.

The proposed framework has been developed by a Working Group comprising representatives from the Local Government Association of Tasmania, Tasmanian council representatives and the Office of Local Government.

The discussion paper proposes reforms to the current regulatory framework under which councillors must manage conflicts of interest in the course of their official duties.

A range of reforms are proposed for discussion, including:

- **Changes to the way conflicts of interest are classified**

It is proposed that the classification of conflicts of interests would change from the current pecuniary interests regulated through the *Local Government Act 1993*, and non-pecuniary interests which are regulated through the *Code of Conduct for Councillors*, to actual, perceived, and potential conflicts of interest, all of which would be regulated through the Act. All types of conflict of interest would include both pecuniary and non-pecuniary conflicts of interest.

- **Disclosure of interests by councillors**

It is proposed that personal interest returns are submitted by all councillors soon after they are elected and thereafter on an annual basis throughout their term. It is proposed that personal interest returns will be made publicly available to promote transparency and accountability.

As well as lodging personal interest returns, it is proposed that councillors must disclose the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.

- **Management of conflicts of interest**

It is proposed that when a councillor has an actual conflict of interest (pecuniary or otherwise) they must exclude themselves from attendance of any official council forum while the matter is being discussed. Additionally, councillors with an actual conflict of interest should not have access to deliberative material and information on the matter.

Where a councillor has a perceived or potential conflict of interest, it is proposed that they should exercise their own reasonable judgment as to whether to participate in a meeting or other forum where the matter is discussed. However, in certain circumstances it may be appropriate for the council to overturn a councillor's decision to participate.

A range of other reforms are also proposed, including: the development of proactive conflict management plans, the strengthening of penalties for breaches of the Act to bring Tasmania in line with other States, and the development of appropriate guidance material for councillors and council staff.

I strongly encourage councils, council staff, and councillors individually to engage with this important proposal.

Feedback is welcome until midnight on 22 December 2023, preferably by email, and can be submitted to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au). You may access copies of the discussion papers and further information on the Office of Local Government website: [www.dpac.tas.gov.au/council-consult](http://www.dpac.tas.gov.au/council-consult)

Yours sincerely



Hon. Nic Street MP  
Minister Local Government

cc. John Brown – [john.brown@bodc.tas.gov.au](mailto:john.brown@bodc.tas.gov.au)



# Managing conflicts of interest of councillors

Framework proposal/discussion paper



Office of Local Government  
Department of Premier and Cabinet





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## Introduction

### Background

The Tasmanian Government is committed to supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities. In 2020 following extensive public consultation, 51 legislative reforms were approved by the Tasmanian Government as part of the Local Government Legislation Review. Two of the proposed reforms directly address conflict of interest issues.

On 29 September 2022, the Integrity Commission released a summary report of its own-motion Investigation Fisher. The report presented its findings into alleged misconduct of a councillor surrounding undeclared conflicts of interest.

An additional research paper produced by the Integrity Commission, based on the findings from Investigation Fisher, highlighted gaps in the current regulatory framework for managing the interests of councillors in local government and recommended potential reforms.

Early in 2023 the Office of Local Government convened a local government sector working group to develop a proposal for an effective and contemporary framework for managing conflicts of interests. The working group has informed the development of this framework proposal and endorsed its release for consultation. The Premier's Local Government Council (PLGC) met on 27 July 2023 and endorsed the outline of the draft framework that is now presented for consultation.

Changes to legislation will be required to give effect to the proposed reforms. Accordingly, this document is presented as a "framework proposal". Consequently, throughout this document, references to future legislation are subject to consideration by Government, which will be informed by this engagement.

### Making a submission

Submissions on this framework proposal are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following:

- Do the provisions of the proposed framework reflect the guiding principles?
- Does the proposed framework support public confidence and trust in local government?
- Are the proposed exemptions to conflicts of interest comprehensive, practical, and suitable for adoption in Tasmania?
- When determining what information contained in a Personal Interest Return should be exempt from publication, are the examples provided appropriate for adoption in Tasmania?

Submissions by email to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au) are preferred.

Alternatively, submissions may be provided by mail, addressed to:

Attention: Managing interests framework  
Office of Local Government  
Department of Premier and Cabinet  
GPO Box 123

HOBART TAS 7001

Submissions must be received by 5:00pm on 22 December 2023.

Submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this. Please consult the [Tasmanian Government's Public Submission Policy](#) for further information. Submissions will be published after consideration by Government.



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Managing conflicts of interest of councillors – framework discussion paper



## Proposed changes to managing conflicts of interests of councillors

Proposed change	Page
1. This framework introduces six guiding principles: 1) integrity 2) impartiality 3) transparency 4) accountability 5) proactivity and responsiveness 6) consistency.	9
2. Currently in Tasmania, pecuniary (financial) conflicts of interest are regulated through the <i>Local Government Act 1993</i> (the Act). Non-pecuniary interests are regulated through the Code of Conduct. Under this proposed framework, all conflicts of interest will be regulated through the Act and will be classified either as actual, perceived or potential conflicts of interest. For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary or non-pecuniary.	11
3. Councillors will be required to disclose both the fact that they have a conflict of interest and the nature of the conflict of interest before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.	14
4. After disclosing an actual conflict of interest, councillors must exclude themselves from meetings, workshops, agenda briefings or other forums during discussion on the matter. Councillors with an actual conflict of interest will have restricted or no access to deliberative material and information on those matters.	14
5. After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate.	14
6. The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included. Changes to the Act will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available, especially if a perceived or potential conflict of interest is disclosed.	14





7. This proposed framework introduces new arrangements for submitting and managing personal interest returns. Councillors will be required to submit an initial personal interest return shortly after being elected to council. Councillors will also be required to submit an annual personal interest return on a fixed date, through their term.	15
8. Where a personal interest return discloses an interest that will foreseeably give rise to a conflict in the council, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage the foreseeable conflict.	15
9. In the interests of accountability and transparency, this framework proposes that Personal Interest Returns and Proactive Management Plans (or summaries providing agreed details) should be publicly available.	16
10. Updated penalties under this framework may include fines, dismissal from office, and prison terms.	17



## Objectives

Any perception that local governments may be unable to make fair and unbiased decisions has the capacity to erode their legitimacy and have negative impacts on their functioning.

This framework sets out a contemporary approach for identifying, managing, and mitigating councillors' personal interests and conflicts of interest, while ensuring that councillors' decisions and actions are guided by ethical principles. It is aligned with the *Good Governance Guide for Local Government in Tasmania* published by the Department of Premier and Cabinet.

Two key objectives of good governance in local government (and all decision making of public officials) are to:

1. Ensure that decisions are made in the best interests of the community and free from bias arising from the personal interests of decision-makers.
2. Promote trust in decision-making in local government by managing perceptions of bias arising from perceived personal interests of decision-makers.

These are the primary objectives of this framework for managing conflicts of interest of councillors.

## Guiding Principles

Implementing a principles-based framework encourages a culture of ethical behaviour, professional conduct, and good governance, while also fostering trust and confidence among constituents and other stakeholders.

Councillors should uphold the following six principles when managing their personal interests in the course of their duties. All councils and councillors should bear these principles in mind when managing interests and deciding how legislation and regulations should be interpreted and applied.

### Integrity

Integrity is a value that underpins all councils' trustworthiness. Having integrity as a foundational principle demonstrates a commitment to ethical conduct and responsible governance. Integrity underscores the importance of self-awareness and self-regulation while encouraging councillors to recognise and disclose conflicts of interest that arise in the course of their duties. Integrity serves as a guiding principle for councillors to navigate conflicts responsibly and make decisions in the best interests of the council and its constituents.

### Impartiality

Impartiality is a fundamental principle of ethical conduct. Councillors committed to acting impartially will prioritise their duties as a councillor, and the welfare of their constituents, over their personal interests. Impartiality promotes fair and unbiased decision-making and fosters trust among stakeholders and constituents.



## Accountability

Accountability is a fundamental requirement of good governance. Accountability ensures that councillors are responsible and answerable for their actions and decisions. It promotes transparency by requiring councillors to disclose their interests. When councillors demonstrate that they are accountable for identifying and managing conflicts of interest, it enhances confidence in council's decision-making processes and governance.

## Transparency

The community should be able to follow and understand council's decision-making process. Transparency promotes accountability, trust and fairness within local government and ensures that councillors are aware of their obligation to disclose conflicts of interest. A culture of transparency and openness will minimise the occurrence of undisclosed conflicts of interest and ensure decision-making processes are fair and unbiased, safeguarding the integrity of decisions. Transparency serves as a vital foundation for the success of this framework and the maintenance of trust among constituents.

## Proactivity and Responsiveness

Councillors should proactively disclose and manage conflicts of interest at the earliest possible stage. Simultaneously, the requirement to be responsive promotes a dynamic approach to managing conflicts of interest and ensures that they are promptly and appropriately addressed.

## Consistency

This framework increases clarity surrounding the management of interests, which in turn will promote a consistent approach across the State in line with community expectations of good governance. Consistency is reinforced by adopting the Integrity Commission's classification system of conflicts of interest, introducing best practice principles used across Australia, and updating penalties so that they are commensurate with those in other jurisdictions. When councillors collectively disclose and manage their interests in line with this framework, they help maintain high standards, setting a strong example as leaders in their community.





## Classifying Interests

### Introduction

In Tasmania, interests for councillors in Local Government are currently categorised as either pecuniary (financial) or non-pecuniary (non-financial). Pecuniary conflicts of interest are regulated through the *Local Government Act 1993* (the Act). Non-pecuniary interests are regulated through the Code of Conduct (the Code).

The Local Government Act Legislation Review identified the current arrangements as confusing for councillors and difficult to manage, especially as pecuniary and non-pecuniary interests operate with different regulations and sanctions.

The Act, while managing actual pecuniary conflicts of interest, is silent on how perceived pecuniary interests should be managed. Under the Code, non-pecuniary interests are not clearly defined making the Code difficult to interpret and enforce. The most severe sanction for a councillor participating in council meetings with a serious undeclared non-pecuniary conflict of interest is a three-month suspension from duties without allowances, after which they resume their position on the council.

Under this proposed framework, a conflict of interest arises when a councillor has an interest in any matter with which the Council is concerned that may impact on their ability to make an impartial decision. All conflicts of interest will be regulated through the Act and will be classified as either actual, perceived, or potential conflicts, following the Integrity Commission classifications.

For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary (financial) or non-pecuniary.

### Actual conflict of interest

A councillor has an actual conflict of interest in respect of a matter if an impartial, fair-minded person would consider that the councillor would gain a benefit or suffer a loss from a decision made by the council. The benefit gained or loss incurred may arise directly (ie directly to them) or indirectly (ie through a close associate) or be of a pecuniary or non-pecuniary nature.

A pecuniary benefit or loss is one that can be measured in money. However, a benefit or loss does not have to be pecuniary.<sup>1</sup> Non-pecuniary benefits or losses might include:

- an impact on a person's social or community standing;
- an impact on a person's residential amenity; or
- a permit allowing a person to conduct an activity.

---

<sup>1</sup> *Managing Personal Interests in Local Government – A manual for council managers and governance officers*, p 13, Local Government Victoria, October 2020.

## Perceived conflict of interest

A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it is not occurring.

Perceived conflicts of interest may be either pecuniary (financial) or non-pecuniary.

## Potential conflict of interest

A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties. Importantly, under a potential conflict of interest, there is no intimation of a current conflict of interest but rather, a recognition of one that may occur in the future.

Potential conflicts of interest may be either pecuniary (financial) or non-pecuniary.

## Examples

- Councillor A is a member of the committee of a local not for profit sports club that is applying to the council for a grant. The Councillor's status as a committee member gives rise to an actual (non-pecuniary) conflict of interest.
- Councillor B owns a business that is submitting a tender for a contract with the council. Councillor B has an actual (pecuniary) conflict of interest in the matter as they will gain an immediate and tangible financial benefit if their company is successful in being awarded the contract.
- Councillor C used to work for the business that is applying for the tender for the contract with council and maintains close personal friendships within the company. Councillor C has a perceived conflict of interest in the matter because an impartial, fair-minded person may consider that Councillor C's previous employment and friendships could influence their decision-making and result in them acting in a manner that is contrary to their public duty.
- Councillor D has an intimate relationship with the owner of a local construction company. The Councillor's private interests are currently not relevant to their official duties, but they could be in the future if their spouse submits a tender for works. This is a potential conflict.
- Councillor E has a property that will be served by the tendered contract. Because this benefit is held in common with a substantial proportion of residents and does not exceed the interest held by the other residents, Councillor E does not have a conflict of interest.

## Exemptions

As illustrated by the Councillor E scenario, some situations should not give rise to a conflict of interest. These will be established in legislation to give effect to this framework proposal.

Based on exemptions currently in force in Victoria, below are examples of the types of exemptions that could apply for this framework:

- the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the councillor in relation to the matter;
- the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- the councillor does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- the interest only arises because the councillor is the representative of the council on a not-for-profit organisation that has an interest in the matter and the councillor receives no personal advantage from the not-for-profit organisation;
- the interest only arises because a family member of the councillor is a member but not a committee/board member of a not-for-profit organisation;
- the interest only arises because the councillor is a member, but not a committee/board member, of a not-for-profit organisation – even where that organisation has expressed an opinion or advocated for an outcome in regard to the matter;
- the interest arises in relation to a decision by a councillor on a matter or in a circumstance that is prescribed to be exempt.

Exemptions do not discharge an obligation to disclose an interest required under a Personal Interest Return, and appropriate actions and strategies should be proactively developed, as discussed later in this document.





## Disclosure and management of conflicts of interest

### Disclosure

Actual, perceived and potential conflicts of interest must be disclosed whenever a councillor is called on to perform a public duty that could affect their personal interests.

Under this framework proposal, councillors will be required to disclose both the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed. Depending on the nature of a councillor's interest, they may be prohibited from attending or participating in forums while the matter is discussed, as well as receiving information on the matter in which they have disclosed an interest.

Councils will appoint a Principal Officer (General Manager or their delegate), to ensure that councillors have a clear point of contact to discuss and disclose conflicts with. This will assist in clearer direction to councillors on how to manage a conflict and also allow for council to record and manage conflicts.

A councillor must not take actions that are contrary to a previous declaration, effectively giving rise to a conflict of interest after the fact. For example: if a councillor has a business that could compete for a tender that the council has to approve, the councillor cannot say that they do not have a conflict of interest on the basis that their business will not apply for the tender, and then later, after they have received information and participated in the decision to release the tender, disclose a conflict of interest and compete for the tender.

### Management

#### Actual conflicts of interest

After disclosing an actual conflict of interest, councillors must exclude themselves from attending meetings, workshops, agenda briefings or other forums while the matter is being discussed. Councillors with an actual conflict of interest shall have restricted or no access to deliberative material and information on those matters. Changes to legislation will be considered to automatically classify such material and information confidential in respect of an actual conflict of interest.

#### Perceived and potential conflicts of interest

After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate. In a workshop setting, agenda briefing or other forum, the Mayor would be empowered to exercise an interim decision to overturn a councillor's decision to participate. The matter will then be brought to the next council meeting for a decision.

The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included in this category. Changes to legislation will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available if a perceived or potential conflict of interest is disclosed.



## Personal Interest Returns

Tasmania is the only Australian jurisdiction that does not require councillors to lodge a Personal Interests Return (PIR) that discloses and records interests held by councillors in property, corporations and business partnerships, membership of organisations, as well as sources of income. In Victoria, a PIR is described as "a record of the private interests of a person in public office that assists in improving probity. It helps to ensure transparency and reduce conflicts of interest."

This proposed framework addresses this by introducing arrangements for submitting and managing PIRs.

Councillors will be required to submit an initial PIR to the General Manager or a delegated officer shortly after being elected to council.

Councillors will also be required to submit an annual PIR by a fixed date to the General Manager or a delegated officer throughout their term.

Throughout the year, councillors will be required to disclose new or emerging personal interests by updating their annual PIR.

The information that a councillor must disclose relating to the nature of different types of interests will be prescribed in legislation developed to give effect to this framework.

A councillor may be reported to the Director of Local Government if the councillor:

- knowingly fails to provide a PIR within the allotted time frame;
- knowingly fails to notify of any alteration of those interests within 28 days of the change occurring, or
- knowingly provides false or misleading information.

Examples of the types of interest that must be disclosed in the PIR, based on the Registration of Members' Interests applied to Members of the Federal House of Representatives, are included in Appendix A.

## Proactive Management Plan

After completing, or updating their PIR, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage foreseeable conflicts.

These actions and strategies should be developed collaboratively with input and advice from the council's mayor and the Principal Officer (General Manager or their delegate). If the mayor has an interest that must be proactively managed, the General Manager should assume the mayor's role for this purpose.

If a councillor does not voluntarily propose pre-arranged actions and strategies, or the mayor considers that the proposed actions and strategies are unlikely to effectively prevent foreseeable conflicts in the council, the mayor will be able to request the councillor develop appropriate pre-arranged actions and strategies that, in the mayor's reasonable opinion, will effectively manage a conflict of interest in foreseeable scenarios.

Proactive Management Plans must be developed within 28 days from the submission of a PIR.



## Publication of Personal Interest Return and Proactive Management Plan

In the interests of accountability and transparency, this framework proposes that PIRs and Proactive Management Plans (or summaries providing agreed details) should be publicly available. This would be consistent with current arrangements in most other Australian jurisdictions.

In developing legislation to give effect to this framework, provisions will be included to exempt appropriate details from publication. For example, in Victoria, information exempt from publication includes:

- the monetary value or amount of any income, shares, other beneficial interests and debt;
- the street address and number of any land owned by the specified person, or in which the specified person has a beneficial interest, if the land is the principal place of residence of any person;
- information which, if released, would be reasonably likely to place the personal safety of any person at risk;
- private commercial information.





## Complaints, penalties and deterrents

Initially, a complaint should be lodged with the General Manager of the council. After assessing the complaint to ensure it addresses a breach of the Act or Regulations, and that it is in the correct format, the General Manager should refer the complaint to the Director of Local Government.

Penalties or sanctions will be imposed for:

- failing to declare an interest;
- failing to declare an interest with an intent to dishonestly obtain a benefit;
- intentionally or recklessly lodging a personal interests return that contains false or incomplete information;
- failing to update a personal interests return in the required time;
- failing to develop and agree to pre-arranged actions and strategies to proactively manage foreseeable conflicts of interest;
- acting inconsistently with a previous declaration or giving rise to a conflict of interest after the fact.
- attending a meeting, workshop, agenda briefing or other forum where a matter relating to a known conflict of interest would be discussed without disclosing a conflict of interest.

Penalties under this framework may include fines, dismissal from office, and prison terms. These will be set through the development of legislation.

Penalties should be proportionate to legislation and penalties in other States. Tasmania currently has penalties that are significantly lower than elsewhere.



## Impact of undeclared conflict of interest on a council decision

Under this framework, a councillor's participation in a council decision while having an undeclared conflict of interest would not automatically invalidate the council's decision. However, if the conflicted councillor's vote or conduct appears to be material to the outcome of the council's decision, it is proposed that this information may be used as grounds to appeal the decision where such an avenue exists.

This process would be an administrative appeal.

## Further support and guidance

To support the implementation of this framework, the Office of Local Government will develop support materials including:

- a Guide to the management of actual, perceived and potential conflicts of interests, including case studies;
- a Personal Interest Returns template;
- a Proactive Management Plan template;
- information on implications for the Code of Conduct framework; and
- a module to be included in the Local Government Learning and Development Framework.





## Definitions

The following definitions are derived from contemporary managing interests frameworks across Australia. They will be refined as a result of this submissions received in response to this consultation draft, and through the development of legislation to give effect to the draft framework.

**actual conflict of interest:** A councillor has an actual conflict of interest in a matter if, in respect of a matter a councillor would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise, or the loss may be incurred, directly or indirectly or in a pecuniary or non-pecuniary form.

**annual personal interests return** means a return lodged annually by a councillor; after the initial personal interests return, while they continue to be a councillor.

**close associate** means:

- a family member of the councillor;
- a body corporate of which the councillor or their spouse or domestic partner is a director or a member of the governing body;
- an employer of the councillor; unless the employer is a public body;
- a business partner of the councillor;
- a person for whom the councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the councillor is a trustee;
- a person from whom the councillor has received a disclosable gift.

**family member** means:

- a spouse or domestic partner of the councillor; or
- a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the councillor or of their spouse or domestic partner; or
- any other relative that regularly resides with the councillor.

**initial personal interests return** means the first return lodged by a councillor.

**matter** means a matter with which a council will require a power to be exercised, a duty or function to be performed, or a decision to be made, by the Council.

**perceived conflict of interest:** A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it may not be occurring. A perceived conflict of interest may be either pecuniary or non-pecuniary.

**personal interest** means any direct or indirect interest of a councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

**potential conflict of interest:** A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties.

**public duty** means the responsibilities and obligations that a councillor has to members of the public in their role as a councillor.



## Appendix A – Information included in personal interest returns

The detail that must be provided by a councillor in a personal interest return varies between jurisdictions that require returns to be submitted.

Below is an example of the type of interests, and level of detail about those interests, that Federal Members of the House of Representatives are required to disclose and declare. This information is published online as soon as possible after the commencement of each Parliament and is updated as required to include any alteration of their interests by a Member.

### Federal Registration of Members' interests – Requirements of the House of Representatives

Within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide a statement of:

- (a) the Member's registrable interests; and
- (b) the registrable interests of which the Member is aware (i) of the Member's spouse/partner and (ii) of any children who are wholly or mainly dependent on the Member for support.

The statement of a Member's registrable interests shall include the Member's registrable interests as well as those of their spouse/partner and any children who are dependent on the Member.

Declarations/disclosures shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
  - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
  - (ii) in which the Member, the Member's spouse/partner, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse/partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;

- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse/partner or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.





## Appendix B – Interjurisdictional comparison

State	Act	Regulations	Code	Types of interest	Declaring interests	Managing interests
Tasmania	<a href="#"><u>Local Government Act 1993</u></a>	Local Government (General) Regulations 2015	Prescribed Model Code of Conduct	Pecuniary (legislation) Non-pecuniary (regulation - code of conduct)	Pecuniary and non-pecuniary interests must be declared only before matter discussed at meeting.  <b>No requirement for councillors to complete return of interests.</b>	Pecuniary – non-participation in meeting and decisions.  Non-pecuniary – councillor decides if they have a conflict of interest and whether it requires non-participation in meeting.
Victoria	<a href="#"><u>Local Government Act 2020</u></a>	Local Government (Governance and Integrity) Regulations 2020	Yes, (but not prescribed)	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty.  Material – if would gain benefit of loss (either pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then biannually.  Disclose conflict of interest before matter discussed at council meeting.  <b>Summary of interests made publicly available.</b>	General and material – non-participation in meeting and decisions.
NSW	<a href="#"><u>Local Government Act 1993</u></a>	Local Government (General) Regulation 2005	<a href="#"><u>Model Code of Conduct for Local Councils in NSW</u></a>	Pecuniary Non-pecuniary	Yes, lodge a written personal interests return after election, then annually.  Register of interests not public.	Pecuniary – non-participation in meeting and decisions.  Non-pecuniary – assess, non-participation if deemed significant.
Queensland	<a href="#"><u>Local Government Act 2009</u></a>	Local Government Regulation 2012	<a href="#"><u>Code of Conduct for Councillors in Queensland</u></a>	Prescribed – mostly relates to supply of goods and services and lease or sale of assets.  Declarable – conflict between councillor's personal and public	Yes, lodge a written financial and non-financial interests return after election, then annually.	Prescribed – non-participation in meeting and decisions.  Declarable – participation or non-participation as voted on by council.

				interests where decision might not be in public interest. Personal interest	Register of interests made publicly available.	Personal – council to decide if personal interest is declarable.
Northern Territory	<u>Local Government Act 2019</u>	Local Government (General) Regulations 2021	Code of Conduct (Schedule 1 of the Act)	A direct interest, an indirect financial interest, an indirect interest by close association and an indirect interest due to conflicting duties.	Written return on election, then annually, disclosing a range of financial interests, membership of political party, and organisation for which a conflict of interest with the person's duties could foreseeably arise.  Register of interests made publicly available.	All interests – non-participation unless permission granted by Minister.
South Australia	<u>Local Government Act 1999</u>	Local Government (General) Regulations 2013	Code of Conduct for Council Members	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty.  Material – if would gain benefit of loss (pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then annually.  Must include pecuniary interests, and non-pecuniary interests that might raise a material conflict of interest.  <b>Register of interests made publicly available.</b>	Material – non-participation (except with Minister's approval).  General – participation or non-participation as decided by the councillor with the declared interest.
Western Australia	<u>Local Government Act 1995</u>	Local Government (Rules of Conduct) Regulations 2007	Local Government (Model Code of Conduct) Regulations 2021	Financial (primary legislation)  Non-financial (interest that might affect impartiality including kinship, friendship or membership of an association (regulations)).	Financial – written return after election, then annually.  Non-financial interests – must be declared before matter discussed at meeting.  Register of interests not public.	Financial – non-participation, unless permitted by other members present or permission granted by Minister.  Non-financial – allowed to participate.





Tasmanian  
Government

**Department of Premier and Cabinet**  
Office of Local Government

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**www.**

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Future of Local Government Review – Final Report ( <i>provided separately</i> )

**OFFICER’S RECOMMENDATION:**

That the Report be received and Council consider the nature of its submission.

**INTRODUCTION:**

The Future of Local Government Review process has now entered the final stage with the Board having completed its work and submitted the Final report to the Minister for Local Government.

The formal consultation period on the Report is open until 29 February 2024 and the nature of Councils submission will need to be finalised over the next three months.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil, consideration has occurred for the previous stages.

**OFFICER’S REPORT:**

The General Manager notes that Council will need to finalise its submission to the *Future of Local Government Review – Final Report* over the next three months with opportunities available at Workshops and Council meetings during this period to discuss and develop our approach.

The General Manager noted at the November Council Meeting the following points:

- East Coast Council supported – timeframe focus effectively late 2024 to mid 2025, Community working Group established
- Shared Services mandated, professional staff and IT focus
- New LGA late 2024, pick up previous work
- Strategic Planning Framework change to align with Council terms, not sure that this is a good thing as it can lead to chopping and changing. Expensive exercise depending on engagement approach. What they talk about in the report is actually really a Corporate Plan, it is effectively inward focussed
- Performance reporting system
- Financial elements, bit light weight around depreciable lives and asset management

The critical thing within the Report is the Board’s recommendation in relation to the future arrangement of Council boundaries as they affect Break O’Day. The recommendation of the Board is very much in line with Council’s position; the Board have proposed that the Bicheno and Coles Bay areas join with Break O’Day. They have left open the exact location of the southern boundary

raising the question of where does the Swansea area go. Council's position has been that a detailed investigation needs to occur and as part of that the location of the southern boundary would be determined.

## **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.

### Break O Day Annual Plan 2023 – 2024

#### *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

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	002\024\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	LG01 – Elected Members Allowances and Support Policy (Reviewed Nov 2023)

**OFFICER’S RECOMMENDATION:**

That Draft Policy LG01 – Councillors Allowances and Support Policy as amended, be adopted.

**INTRODUCTION:**

Council has a schedule for regular review of policies and this policy is due for review every four (4) years following a Council Election in line with 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.

**PREVIOUS COUNCIL CONSIDERATION:**

Adopted 19 March 2012 - **Minute No 03/12.15.4.069**  
 Amended April 2012 - **Minute No 04/12.15.8.112**  
 Amended December 2012 - **Minute No 12/12.15.5.354**  
 Council Workshop - August 2015  
 Amended August 2015 – **Minute No 08/15.11.5.216**  
 Council Workshop May 2019  
 Council Workshop June 2019

**OFFICER’S REPORT:**

An assessment of the appropriateness of Policy No LG01 has been completed and it was determined that the Policy was necessary and it was in order for the Policy to be reviewed and the existing Policy updated where required.

The yet changes in the attached draft Policy are:

1. Consistency in the use of Councillor or Elected Member, legislation refers to Councillor and the policy has been amended accordingly
2. Increased reference to the *Regulations*, including reference to *Regulation 43*
3. Deletion of 4.2.2, there is no requirement to maintain a separate Register of Allowances and Benefits Paid. Inclusion of new section 14. Reporting which is in line with the practice of reporting on this in the Annual Report.
4. Amendment to the manner in which Council meets the cost of meals and incidentals for overnight stays shifting from rates set by the Australian Taxation Office to reasonable expenses.
5. Update electronic tablet to Laptop computer in line with current practice

The reviewed Policy is attached with Track Changes to enable Councillors to see the changes proposed.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

N/A

#### **LEGISLATION & POLICIES:**

*Local Government Act 1993*

*Local Government (General) Regulations 2015*

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority



## POLICY NO LG01 **ELECTED MEMBER COUNCILLORS ALLOWANCES AND SUPPORT POLICY**

**DEPARTMENT:** Governance

**RESPONSIBLE OFFICER:** General Manager

**LINK TO STRATEGIC PLAN:** ... build and maintain strong relationships and partnerships through consultation, engagement and collaboration work within a culture of financial sustainability focusing on securing outside funding, spending wisely and being fair to all.

**STATUTORY AUTHORITY:** Local Government Act 1993  
[Local Government \(General\) Regulations 2015](#)

**OBJECTIVE:** The *Local Government Act 1993* prescribes that all **Elected Member Councillors** are entitled to receive a general allowance and reimbursement for expenses incurred in travelling, telephone rental and calls and care of a dependent while carrying out Councillor duties.

The Act also makes provision for Council to resolve to adopt a Policy to reimburse **Elected Member Councillors** for a range of additional expenses, eg travel outside the Council area, attendance at conferences, or to be provided with support, eg computers, printers, administrative consumables.

**POLICY INFORMATION:** Adopted 19 March 2012 – Minute No 03/12.15.4.069  
Reviewed 16 April 2012 – Minute No 04/12.15.8.112  
Amended 17 December 2012 – Minute No 12/12.15.5.354  
Amended 21 August 2014 – Minute No 08/14.15.3.253  
Amended 17 August 2015 – Minute No 11/15.11.5.216  
[Amended 24 June 2019 – Minute No 06/19.16.6.154](#)

### POLICY

#### 1. **ELECTED MEMBER COUNCILLORS ALLOWANCES AND SUPPORT PRINCIPLES**

- 1.1 Break O'Day Council will ensure that the payment of **Elected Member Councillor** allowances and the reimbursement of expenses is accountable and transparent, and in accordance with the *Local Government Act 1993* and *Local Government (General) Regulations 2015*.
- 1.2 This policy summarises the provisions of the Act and Regulations in respect to **Elected Member Councillors** allowances, expenses and support, sets out the types of expenses and the circumstances in which those expenses will be reimbursed.
- 1.3 In setting this policy, Council considered the overall support provided to **Elected Member Councillors**, that is, annual allowances paid, pursuant to Regulation 42 "Allowances for Elected Members" of the Regulations. It is to be noted this is an

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allowance and not a wage, as such it is expected that it does cover some costs associated with the performance of the duties of an Elected Member Councillor.

- 1.4 The Elected Member Councillors allowances contained within this policy will be reviewed annually.

## 2. THE LOCAL GOVERNMENT ACT 1993 ("THE ACT")

- 2.1 Schedule 5 – "Office of Elected Member Councillors" of the Act provides that Council may approve the reimbursement of certain prescribed expenses incurred by Elected Member Councillors, under a policy adopted by Council.
- 2.2 This policy specifies the types of expenses that will be reimbursed without the specific approval of Council, and the process for Elected Member Councillors to obtain reimbursement of those expenses. Some other specified reimbursements require approval prior to commitments.

## 3. THE PRINCIPLES

- 3.1 This policy is underpinned by the following principles:
  - 3.1.1 Elected Member Councillors should not be out-of-pocket as a result of performing and discharging official Council functions and duties.
  - 3.1.2 Any reimbursements claimed by Elected Member Councillors must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.
- 3.2 Elected Member Councillors are entitled to receive:
  - 3.2.1 An annual allowance as provided for in Regulation 42.
  - 3.2.2 Reimbursement of reasonable prescribed travelling and dependent care expenses associated with attendance at Council/Committee meetings, pursuant to Regulation 43.
- 3.3 Council has also agreed to:
  - 3.3.1 Reimburse certain prescribed expenses pursuant to Schedule 5 of the Act and Regulation 43.
  - 3.3.2 Provide Elected Member Councillors with facilities and support to assist them in performing and discharging their functions as provided for in Part (2) of Schedule 5 of the Act.

Commented [JB1]: This is in line with legislation

## 4. ROLES AND RESPONSIBILITIES

- 4.1 This policy will apply to all Elected Member Councillors.
- 4.2 The General Manager is responsible for:



- 4.2.1 Implementing expense reimbursement procedures in accordance with this policy;
- 4.2.2 ~~Maintaining a Register of Allowances and Benefits provided;~~
- 4.2.3 Implementing a review of allowances paid to ~~Elected Member~~Councillors annually;
- 4.2.4 Ensuring a copy of this policy is available for inspection and purchase by the public.

Commented [JB2]: There is no requirement to maintain a separate Register of Allowances and Benefits

## 5. ENTITLED ALLOWANCES AND REIMBURSEMENTS

All ~~Elected Member~~Councillors are entitled to the prescribed allowance as determined by legislation, notwithstanding this, the Mayor, Deputy Mayor or ~~Elected Member~~Councillor may decide not to receive part of or all of an allowance. Any ~~Elected Member~~Councillor making this decision is to advise the General Manager in writing.

## 6. LEAVE OF ABSENCE

- 6.1 Any ~~Elected Member~~Councillor granted leave of absence from Council, shall receive their appropriate member's allowance.
- 6.2 Any ~~Elected Member~~Councillor granted leave of absence from Council for a period greater than one (1) month, shall continue to receive their Councillor allowance for the period, however in the case of Mayor or Deputy Mayor, they will only receive the Councillor proportion of the allowance not the additional allowance for Mayor or Deputy Mayor roles.

## 7 ATTENDING SEMINARS AND CONFERENCES

~~Council will pay for the cost of Elected Members to attend Council approved seminars, conferences and training programmes, including accommodation and travel expenses providing these are arranged through the General Manager once approved in writing by the Mayor.~~

~~Unless specific circumstances exist and there is a resolution of Council, attendance at seminars and conferences will be restricted to a total payment of \$2,000.00 per year. This restriction does not apply to the Mayor or Deputy Mayor or any Elected Member acting on the Mayor's behalf.~~

~~An allowance for meals and incidentals will be paid for overnight stays, where these are not part of the conference registration package. The rates will be paid as per the current rate set by the Australian Taxation Office.~~

Commented [JB3]: This will link to the Learning and Development Policy and be covered there

Council will pay for the reasonable expenses for accommodation, travel, meals and incidentals for overnight stays where these are not part of the conference registration package.

## 8 ATTENDEE AT FUNCTIONS

The Mayor, Deputy Mayor and ~~Elected Member~~Councillors may receive invitations to attend functions in their capacity as an ~~Elected Member~~Councillor.

Invitations with budgetary implications, will be referred to the General Manager for approval prior to agreeing to attend (retrospective payments will not be provided). Requests for approval will only be

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considered where the invitation is addressed specifically to the Elected Member Councillor and attendance will be beneficial to the Elected Member Councillor in the performance of their duties.

## 9 ACCOMPANYING PARTNERS/GUESTS

A Partner or guest may accompany an Elected Member Councillor to conferences or a function where other attendees are generally accompanied by partners.

Council will not pay or reimburse for guests' or partners' travel or social packages, unless specifically approved by a vote of Council.

## 10 TRAVEL

10.1 Elected Member Councillors are entitled to receive reimbursement for travelling within the area of Council and dependent care expenses associated with attendance at Council and Committee meetings and other activities directly related to Council as detailed below:

10.1.1 Reimbursement is restricted to "eligible journeys by the shortest or most practicable route".

10.1.2 Elected Member Councillors who reside full time or part time outside the Council boundary are only eligible for travel from the boundary to the place of the meeting.

10.2 Where an Elected Member Councillor travels by private motor vehicle, the rate of reimbursement will be paid as per the current rate set by the Australian Taxation Office. Where travel is outside the municipal area, travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, but is still limited to eligible journeys by the shortest or most practicable route. Travel by public vehicle within the municipality is not eligible unless prior arrangements is made and approved by the General Manager.

## 11 ADDITIONAL REIMBURSEMENT AND SUPPORT

Council also approves the reimbursement of expenses and support to Elected Member Councillors as described below:

### 11.1 Use of Council Vehicle

11.1.1 For authorised activities outside the Municipality, Elected Member Councillors are encouraged to use one (1) of Council's vehicles, if available, when attending meetings or functions on behalf of Council. Council's Executive Officer is the contact person to arrange a vehicle. Conditions of use of these vehicles are:

11.1.1.1 As the main use of the vehicle is to be Council business the Council shall meet costs related to the use of the vehicle.

11.1.1.2 The vehicle may be driven by other members of the public but only whilst the Council representative is in the vehicle or whilst that person is assisting the Council representative to carry out Council business.

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- 11.1.1.3 Should the Council incur any penalty other than the normal insurance excess on any insurance claim as a result of any illegal action whilst the vehicle is being used, the cost of such penalty shall be borne by that Council representative.
- 11.1.1.4 Smoking is prohibited in the vehicle.
- 11.1.1.5 The driver shall pay for speeding fines and any other traffic violations, which incur a penalty.
- 11.1.1.6 The vehicle shall be used in a manner which complies with the manufacturer's specification (eg maximum load, weight of towed vehicles, etc).

#### 11.2 Meal Provision – Council Meetings

For attendance at monthly Council meetings, morning tea and lunch will be provided and if meetings extend beyond 6.00pm an evening meal will be provided.

#### 11.3 Communication Expenses

~~Elected Member~~Councillors may claim a maximum reimbursement of \$50.00 per month for mobile phone or fixed line call expenses that are directly related to Council business. The Mayor may have a Council mobile phone issued, their phone included in Council's telephone package, or equivalent arrangements negotiated with the General Manager, on request.

#### 11.4 Business Cards

~~Elected Member~~Councillors will be provided (a maximum of 250 business cards per calendar year per ~~Elected Member~~Councillor). These are to be requested through Council's Executive Officer.

#### 11.5 Other Expenses

11.5.1 Expenses incurred for the care of any person who is dependent on the Councillor and requires the care while the Councillor is carrying out their duties or functions as a Councillor. Dependent care expenses are not reimbursed if the care is provided by a relative of the ~~Elected Member~~Councillor who ordinarily resides with the Member.

- 11.5.1.1 Claims must be accompanied by a receipt from a licensed care provider showing the date and time care was provided and detail the reason care was needed on each occasion. Claims must be submitted on a fortnightly basis. ~~Elected Member~~Councillors claiming reimbursement for care expenses are required to provide the General Manager with documentary evidence regarding their entitlement or non-entitlement to any Government support scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Care provider.

11.5.2 Meals and accommodation costs associated with approved attendances at meetings and conferences.



- 11.5.31.3 Council will make available to ~~Elected Member~~Councillors equipment and facilities to assist them in performing or discharging their official functions and duties. Any equipment supplied by Council is on the condition that the equipment remains the property of Council.
- 11.5.41.44 ~~Elected Member~~Councillors will be provided with an internet/e-mail service for Council business. In the event that an Elected MemberCouncillor- wishes to continue with their current service or wish to have an improved service, Council will reimburse a monthly payment equivalent to the service provided by Council. This may vary with service provided and at the time of adoption of the policy is \$49.95 per month. An Elected MemberCouncillor can opt for a Council provided service at any time.
- 11.5.1.5 Electronic communication is the principleal source between Council Officers and ~~Elected Member~~Councillors. Council has issued ~~electronic tablets~~laptop computers to all ~~elected member~~Councillors. Council will fund an appropriate data plan for all such devices issued.
- 11.5.1.6 Council will provide and maintain a printer and consumables for the printing of Council documentation, if requested.
- 11.5.1.7 All equipment is to be returned immediately to Council upon the ~~Elected Member~~Councillor not continuing in the position or no longer requiring the equipment for Council purposes.
- 11.5.1.8 Council will provide a Council email address for ~~Elected Member~~Councillors (eg ~~Elected Member~~Councillor's christianname.surname@bodc.tas.gov.au ).

## 12 EXPENSES AND SUPPORT REQUIRING COUNCIL APPROVAL

All other expenses, reimbursements and support not detailed above will require approval by Council on a case-by-case basis. It is expected approval should be sought prior to the expense being incurred, however it is acknowledged occasions may arise where this is not possible

## 13 CLAIMS FOR REIMBURSEMENT

- 13.1 Claims for reimbursement should be submitted on a monthly basis, however it must not be any longer than three (3) months after the expense has been incurred and must be completed on the prescribed form.
- 13.2 When making claims for reimbursement of expense, ~~Elected Member~~Councillors must provide receipts, tax invoices and documentation to support a claim. Each claim must clearly identify the purpose, in order to make clear the basis of the claim and its relation to the policy guidelines.
- 13.3 Claims for reimbursement are to be submitted to the General Manager.
- 13.4 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the ~~Elected Member~~Councillor making the claim. Should

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the question still remain, the matter is to be referred to a Closed Session of Council for a decision.

#### **14 REPORTING**

In accordance with section 72(1)(cb) of the Local Government Act 1993, a table outlining all allowances and expenses paid to/or on behalf of the Mayor, Deputy Mayor and Councillors is to be reported in Council's Annual Report

#### **14 15 MONITORING AND REVIEW**

This Policy will be reviewed every four (4) years following a Council Election in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

ACTION	DECISION
PROPONENT	Council
OFFICER	Anna Williams, Economic Development Officer John Brown, General Manager
FILE REFERENCE	004\003\001
ASSOCIATED REPORTS AND DOCUMENTS	2 x Objections (Attachments 1 and 2) 1 x Submission conveying support (Attachment 3) Fingal Community Housing Project – Consideration of Objections (Attachment 4)

**OFFICER'S RECOMMENDATION:**

That Council, by absolute majority:

1. Having:

- a. Given notice of its intention to lease a portion of 29 Talbot Street, Fingal ("the property") in accordance with section 178(4) of the Local Government Act 1993 (Tas);
- b. Read and considered every objection lodged, as contained in attachment 1 (Fingal Campaign Group), attachment 2 (Peter O'Malley) and a submission conveying support attachment 3 (Coral Brady) and summarised in the table as attachment 4; and
- c. Received and considered qualified advice in the Council Officer's report and recommendations, which includes analysis of the objections lodged,

Council:

- a. Determines that the lease of the property is not contrary to the public interest in that:
    - i. The community will not suffer undue hardship due to the loss of access to, and the use of, the property; and
    - ii. There is similar facility available to the users of the property; and
  - b. Resolves to receive the General Manager's recommendation to progress the lease of a portion of 29 Talbot Street, Fingal to the Centacare Evolve Housing.
2. Resolve pursuant to Section 178 (6) of the Act that Council provide notice in writing within 7 days after making a decision, advise all persons who lodged an objection of the decision and the right to appeal against that decision under section 178A.
3. If the General Manager does not receive an appeal under Section 178A, the General Manager may:
- a. Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania ("Collateral Agreements") to ensure Council's interests are appropriately protected;
  - b. If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council's solicitors) ensuring that any lease term does

not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

## **INTRODUCTION:**

The Council officers progressed with the first item (1) from the September 2023 meeting recommendations (REF: 09/23.17.4). The Council received objections to the lease of land, which is detailed in the Officer's report and attachments. The General Manager has, as outlined within Item 2 of the recommendations carried by Council within the September 2023 workshop (REF: 09/23.17.4), considered, acknowledged, and responded to the objections received as detailed in the Officer's report and required by S178(6) of the Act.

The General Manager recommends that the Council proceed with the leasing of a portion of 29 Talbot Street, Fingal, to Centacare Evolve Housing.

## **PREVIOUS COUNCIL CONSIDERATION:**

### **Council Meeting 18 September 2023**

#### **09/23.17.4 The Lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing**

Moved: Clr K Chapple/ Seconded: Clr J Drummond

That Council:

1. Resolve pursuant to Section 178 of the Local Government Act 1993 ("the Act") that Council by absolute majority authorises the General Manager to commence proceedings to offer for lease the identified section of 29 Talbot Street, Fingal within the Officer's report and:
  - a. Publish that intention on at least two separate occasions in The Examiner; and
  - b. Display a copy of the notice on any boundary of the public land that abuts a highway; and
  - c. Notify the public that objection to the proposed lease may be made to the General Manager within 21 days of the date of the first publication.
2. Authorise the General Manager to consider and acknowledge any objection received pursuant to Section 178 (6) of the Act and report to a future Council meeting
3. If the General Manager does not receive any objection under Section 178 subsection (4) and an appeal is not made under Section 178A, the General Manager may:
  - a. Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania ("Collateral Agreements") to ensure Council's interests are appropriately protected;
  - b. If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council's solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

## **CARRIED UNANIMOUSLY**



## **Council Meeting 20 February 2023**

### PUBLISHED IN OPEN COUNCIL

#### **02/23.18.4.CC – Housing Supply – Closed Council Item Pursuant to Section 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015**

That Break O'Day Council provides 'in principle' agreement to a partnership with Centacare Evolve Housing for the provision of community housing at Fingal on the following basis:

1. Council address the requirements of the Local Government Act 1993 Section 178. Sale, exchange and disposal of public land.
2. Council officers seek and obtain the necessary legal advice to safeguard Council's position on the project.

#### **CARRIED UNANIMOUSLY**

## **Council Meeting 19 September 2022**

#### **09/22.17.2. - Housing Supply**

Moved: Clr J McGiveron/ Seconded: Clr K Chapple

That Break O'Day Council partner with Centacare Evolve Housing in the provision of community housing within the municipality.

#### **CARRIED UNANIMOUSLY**

#### **OFFICER'S REPORT:**

The Council Officer's completed the legislated requirements of Section 178(4) of the Local Government Act 1993 ("the Act") of which objections were received and a letter of support. Pursuant to Section 178(4) of the Act, Council published the Notice of intention to lease land on two separate occasions in the Examiner, displayed a copy of the notice on the boundary of 29 Talbot Street and notified the public that objections to the proposed lease may be made to the General Manager within 24 days of the date of the first publication. Council also published the notice on the Council website and extended the date on which objections would be received from 21 days to 24 days.

#### **Consideration of Objections and s.178A of the Act**

The General Manager has carefully reviewed the objections and addressed them in Table 1, with particular regard to whether the objections identify any basis for the Council to conclude that the lease would be contrary to the public interest for the reasons outlined in the two limbs of Section 178A (3) of the Act, which are the following:

1. The community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
2. There is no similar facility available to the users of that facility.



Currently, there is no discernible public utilisation of the subject land, other than it being a vacant portion of 29 Talbot Street, Fingal. The proposed development shall not impede on any operation that is related to the existing building on 29 Talbot Street, Fingal. Council is not aware of the portion proposed to be leased as being used as a recreational or open space, nonetheless, the Council has considered the existing recreational facilities within the community. Fingal has several developed recreational and open spaces, such as the Fingal Recreation Ground and Fingal Park. Our assessment concludes that the portion of the property earmarked for leasing is indeed vacant land within the Village Zone, of which Residential Use is a stated purpose of the zone.

This observation is reinforced when considering the land rezoning process that occurred as part of the Local Provisions Schedule. The property's zoning remained within the Village Zone, and there was no request or submission made to alter either its current or anticipated zoning. Furthermore, the objections have not demonstrated nor highlighted that there is an existing use of the portion of land of which Councils proposal to lease shall be contrary to public interest for the reasons outlined in s.178A(3). Considering the presence of numerous mature trees, the Council has explicitly communicated to Centacare Evolve Housing the imperative of preserving a significant portion of these established trees in the event of any development.

For transparency, the initial objection received from the Fingal Campaign Group lacked any signatures. Council sought legal advice and to remedy this, the Council took proactive measures by sending letters to each listed individual who supported the objection, seeking their signature.

## FINGAL COMMUNITY HOUSING PROJECT – CONSIDERATION OF OBJECTIONS

OBJECTOR/SUPPORTER NAME	THEME / SUMMATION	CONCERN / SUPPORT	COUNCIL'S RESPONSE	ASSESSMENT against 178A(3) of the <i>Local Governments Act 1993 (Tas)</i>
<b>Supporter: Coral Brady</b>	Support of project	<p>Please know all residents do not feel the way of the petitioners.</p> <p>We must all look after others less fortunate. I'm ashamed so many signed this &amp; 95 percent did not bother to come to the meeting explaining the housing .I know I was there &amp; spoke with the lady that visited asked the questions &amp; was satisfied. I know that council will have asked the questions too."</p>	Thank you, we appreciate your support.	The correspondence does not assert that the lease of land would inflict undue hardship on the community by depriving them of access to and use of the public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
<b>Objector: Peter O'Malley</b>	Location	Coincidentally the last reasonable sized town before the municipality's limits and as far away from St Helens and Scamander the two nice spots of the area.	<p>Excluding Fingal as a 'nice spot' within Break O'Day is opinion and not Council's.</p> <p>The site selection is due to a myriad of factors, including the level of support offered by Centacare Evolve Housing (CEH) and the Fingal Valley Neighbourhood House, and that Council own vacant land in Fingal that is along the main street that is within the town centre and suitable for the project.</p>	The concern raised does not assert that the lease of land would inflict undue hardship on the community by depriving them of access to and use of the public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.

	Difference between social and community housing	I've tried to find out the difference between "social" and "community" housing and the difference isn't clear.	<p>The Council has reiterated this difference in several forms in our significant communication on this project.</p> <p>One example is on our website it states...  <i>"The majority of concerns which arise about these housing projects stems from a lack of knowledge around how Social Housing works – it is a totally different model to the old style community housing. CEH Evolve provide wrap around services for tenants who have a Tenancy Officer assigned to them. CEH also carefully select tenants for each unit and work with them to ensure they have all they need to integrate into our wonderful communities."</i></p> <p>It also makes the distinction clear in the Council's response letter sent to Fingal residents of which the objector, Peter O'Malley, is responding to. The letter states...  <i>"Social housing is managed by Homes Tasmania whereas the Fingal Community Housing is privately managed by CEH."</i></p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
		The NIMBY (not in my backyard) response from such as Scamander pleading a need for open space.	<p>The Scamander Project did not go ahead as the Council land intended for the project was zoned Public Open Space and the community lobbied Council to keep it as this. Council made a formal decision at a Council meeting in regard to this and therefore it has been publicly recorded.</p> <p>The zoning of the 29 Talbot Street, Fingal is Village Zone of which Residential Use is a Permitted Use and a stated purpose of the zone.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities

				<p>available for the users of the land.</p> <p>The portion of land proposed to be leased is not utilised in a public manner. There are considerable areas that provide open space within Fingal including the Fingal Park and the Fingal recreation area which are zoned accordingly.</p>
	Discrimination	What we will be getting is the reject residents.	<p>Council will not be drawn into conversations of a discriminatory and offensive nature.</p> <p>It is important that community be mindful that there are people eligible living in our community. Please respect how they must feel hearing this kind of prejudice.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>
	Ownership	I'm told that some of the housing is government run and some by the Council. I don't believe a word of it. Break of Day will try to weasel out of any commitment it's made to make and put it all on a government that can't even organise anything else	Council and CEH have been clear in stating that the housing shall be run and managed by Centacare, a private operator, with input from Council. CEH shall provide a report each year to Council.	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not</p>

				contend that there are no alternative facilities available for the users of the land.
<b>Objector: Fingal Campaign Group</b>	Communication	We note that without warning the Council has advertised a closing date for objections to the scheme via a photocopied Section 178 notice on a side street to the block of land.	<p>Public notification of the Council's intent to lease land to a third party is a legislated requirement under Section 178 of the <i>Local Governments Act</i> 1993. Of which the following is required:</p> <ul style="list-style-type: none"> <li>• Displaying of a notice on site</li> <li>• Advertise this notice in the Examiner on two occasions (Saturday, 30<sup>th</sup> September and Wednesday 4<sup>th</sup> October, 2023).</li> <li>• Council advertised the notice on Council's website.</li> </ul> <p>Council also increased the time for objections to be received. Legislation requires 21 days and this was extended to 24 days.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
	Communication	This, despite our continued call for a proper timetable and consultation with local residents, many of whom remain unaware of the proposal, and the detail of the scheme.	<p>The Council disputes this assertion. Firstly, the public information session and the distribution of letters to all Fingal residents underscore the Council's commitment to engaging with the local community. Moreover, it is challenging to imagine residents remaining unaware of the project, considering the direct correspondence sent to their residences and the active efforts of the Fingal Campaign Group, such as their placement of a petition for signatures at the Fingal IGA.</p> <p>The Council has reiterated that the project must adhere to a formal process, providing mechanisms for the community to express their</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.



			<p>opinions, and members of the group have actively participated in these mechanisms.</p> <p>Comprehensive project details, including concept plans and information sheets, have been publicly accessible since March this year.</p> <p>Information as to how the project shall proceed has also been made available via the Council's Meeting Agenda of which its minutes are a public document.</p>	
	Transparency	Many of our questions to the Council and to CEH Evolve remain unanswered.	<p>The Council has promptly addressed all enquiries related to this project and has offered comprehensive responses to the concerns raised by the group.</p> <p>It is crucial to clarify that our stance is not one of evading the questions from the group; rather, it stems from a fundamental disagreement regarding the provided answers. This divergence becomes more evident in the group's communication, wherein they express dissatisfaction with the responses we have provided. This is shown below.</p> <p><i>"The Council's rebuttal, to our surprise, bolsters our argument because it fails to confront the reality that placing social housing in remote locations carries obvious contingent risks."</i></p> <p>Although we are in disagreement with the aforementioned statement, it is important to note that it unmistakably signifies that the group has been provided with responses from the Council.</p>	<p>The concern raised have not demonstrated that that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

	Communication	<p>We note in the Council's September meeting papers that it intends to write to all local residents. Given the tight timing ahead of the closing date for objections, this is a 'slam the door' approach to consultation.</p>	<p>As stated in the meeting minutes of Council's September public agenda:  <i>That Council write to residents and property owners in Fingal providing a response to the content of the Petition which has been received.</i></p> <p>The Council deemed it necessary to communicate with the Fingal residents considering misinformation disseminated by members of the Fingal Campaign Group. Several inaccuracies from their statements are addressed in this document.</p> <p>The submission period remained open from September 30<sup>th</sup> to October 23<sup>rd</sup>, surpassing the legislated 21-day duration.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>
	Services	<p>Our objections, in summary, are that Fingal is a remote small town with no essential services,</p>	<p>There is no evident indication of additional stress in the current circumstances. Contrarily, individuals establishing residences at 29 Talbot Street stand to benefit from continual support provided by CEH and Fingal Valley Neighbourhood House. Moreover, their presence in the community is anticipated to result in various meaningful contributions.</p> <p>The strategic placement of housing in close proximity to a facility providing allied health services by FVNH and the continuous support offered by CEH is anticipated to mitigate these concerns. This approach aims to enhance the overall well-being of residents within the community, not just those that live within the community houses.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The concerns raised are considered by Council, of which Council has made a thorough analysis.</p>

			CEH has also stated: <i>“Regarding services, CEH delivers a range of specialised, professional support to families and individuals throughout Tasmania, including counselling, housing and homelessness support, advocacy, education and training, mental health support, migrant support, family reunification, family violence support and education. These referral services will be available to tenants as well as anyone within the community requiring this support.”</i>	
	False statement	... a small monopoly grocery shop run by a Councillor.	<p>The Fingal IGA is operated by the Fingal Valley Neighbourhood House (FVNH) which is a not-for-profit run by a Management Committee. A Break O’Day Councillor, Gary Barnes is the Manager of the FVNH operating under the direction of the Committee Council has nothing to do with this.</p> <p>The only reason the FVNH runs the shop is because the owner of the site and previous supermarket operator abruptly closed the store a week before Christmas in 2021. The community was left in need by this, so the FVNH jumped in to ensure residents still had access to groceries.</p> <p>Two more supermarkets can be found in St Marys – 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.</p> <p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Recreation	...no doctor, no hospital, no regular public transport, no	The Council has considered this objection. Fingal is conveniently located just 15 minutes away	The concern raised does not assert that the lease

		<p>chemist, no cafe, no pub, no restaurant, no form of evening entertainment.</p>	<p>from St Marys, a township equipped with essential amenities such as supermarkets, a post office, a chemist, cafes, as well as health and education services. This geographical arrangement ensures that residents of Fingal have convenient access to a range of services and facilities without undertaking an undue travel burden, akin to other communities in the broader area.</p> <p>Council and CEH have consistently communicated to the community that a thorough selection process for tenants is in place. This process ensures that selected individuals are well-suited for the community and have access to all necessary amenities. Consequently, potential tenants are made aware and informed about the resources and opportunities available within the township.</p>	<p>of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Health	<p>The town's residents have higher prevalence of health conditions and comorbidities, lower income and higher levels of unemployment against state averages.</p>	<p>The objection has been thoroughly considered by the Council. It's important to note that all towns within the Break O'Day region share common characteristics, including low-income levels, isolation, and an ageing population. Additionally, most towns in Break O'Day contend with health figures below the state average. However, the presence of these challenges does not serve as a deterrent to providing individuals with a home in Fingal, St Marys, St Helens, or any other town in Break O'Day.</p> <p>The argument suggesting that a town is deemed unliveable solely based on lower health or</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

			<p>related figures compared to the state average is regarded as unconstructive in providing homes for individuals within the Break O'Day, or any, community. What is important is the level of support made available to these individuals of which Council is ensuring there to be a high standard. The commitment to ensuring housing options are available across different communities with significant ongoing support, despite varying statistical indicators, reflects the Council's dedication to inclusivity and accessibility for all residents within the Break O'Day region.</p> <p>The Council made a deliberate choice to collaborate with Centacare Evolve Housing (CEH), recognised as a Tier 1 Provider. This decision was driven by CEH's extensive range of support services and their capacity to offer comprehensive community support. By partnering with CEH, the Council aimed to ensure that the entire community could benefit from a holistic support system, leveraging the organisation's expertise and commitment to enhancing the well-being of residents. The selection of CEH as a partner aligns with the Council's objective to provide robust and inclusive support to the community at large.</p> <p>As repeatedly emphasised by CEH and the Council to the members within the Fingal Campaign Group, residents undergo a selection process to guarantee they are a suitable fit for the community. If potential residents require</p>	<p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
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			access to services that are unavailable in Fingal, they will not be housed there.	
	State Government Support	The Tasmanian State Government's definition of appropriate locations for social housing explicitly states that they should be in well-located suburbs with good access to services. Fingal does not meet this test.	<p>The Fingal Affordable Housing project aligns with the recent Tasmanian Housing Strategy 2023-2043 and is supported at a State Government level.</p> <p>This is one quote from the strategy:  <i>"New and innovative approaches will need to be taken; we will need to encourage more infill medium-density housing, explore different home ownership models, and construct social housing in our neighbourhoods"</i>.</p> <p>A copy of this document is publicly available on the State Government's website.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Petition	A key argument in the Council's rebuttal [pp. 137-143] appears to be that poor health and low income are endemic throughout Break O' Day and that therefore Fingal residents are not any more disadvantaged than residents of, say, St Helens.	<p>We believe our response to the group's concerns around health and services has been adequately addressed previously in that the community shall have a high level of support to alleviate concerns.</p> <p>In replying to these concerns, the Council previously said:</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no</p>

			<p><i>...it is apparent that St Helens and Fingal have some similarities and differences. Fingal residents tend to be younger, have fewer health problems, have higher household income, and are more likely to work full-time and longer hours compared to St Helens residents. The health data for future residents at 29 Talbot Street, Fingal is currently unavailable. However, by partnering with CEH Evolve Housing, we can ensure that the health needs of the residents are taken into account and supported. It is vital to recognise that an ageing population is not unique to Fingal but a concern for all local, state, and federal governments. The demand for services will always remain, regardless of where one lives in Tasmania. Our decision to partner with CEH was based on our commitment to support the physical and mental well-being of future residents. CEH relies on tenant satisfaction to receive funding from state and federal sources and maintain a social license. Council officers have requested an annual report from CEH Evolve Housing to update us on tenant satisfaction and community involvement.</i></p>	<p>alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	Consider the impact on low/no income residents of access to the one small grocery shop in the town run by a Break O' Day councillor.	<p>As mentioned above, this is not correct. Council has no interest pecuniary or other in the Fingal Shop. It is run by the Fingal Valley Neighbourhood house.</p> <p>There are two supermarkets in St Marys only 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.</p> <p>Additionally, it does not</p>

			<p>Many residents in Break O'Day travel more than 15 minutes to access services whether these are in St Helens or St Marys.</p>	<p>contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Referring to Anglicare's Poverty Premium Report	There simply isn't any comparison between Fingal and St Helens (with its plentiful services) and any claim that this comparison is valid is fatuous.	<p>The Council has not directly compared the service levels offered by between St Helens and Fingal. In response to concerns raised by the Fingal Campaign Group, particularly related to 'age, health, and income data,' the Council previously undertook a comparative analysis of these statistics between St Helens and Fingal. This comparison aimed to illustrate that similarities exist among the towns.</p> <p>The decision to implement community housing in Fingal is grounded in the focus on providing significant support mechanisms and affording everyone the freedom to choose where they live, with the understanding that such choices are deeply personal and diverse. The Council's commitment lies in providing housing options that cater to the diverse needs and preferences of potential residents.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has</p>

				been considered and addressed in the Table.
	Emergency Service Response Times	Furthermore, the Auditor General's report into ambulance arrival times highlights the significant risk factors that apply to remote locations in Tasmania. The state median time is around 15 minutes.	<p>This argument is ill-informed – the report to which the Group refers to is an audit of Ambulance Emergency Services by the TAO.</p> <p>In regard to response times the audit that: <b><i>Was Ambulance Tasmania effective in terms of response times? AT had been reasonably effective in terms of response times with consistent response times over the past five years, despite a rise of 16 per cent in emergency responses over that period. Response times were slower than other jurisdictions, but this can be attributed to Tasmania's greater number of emergency responses per person and lower level of urbanisation.</i></b></p> <p>It did say there was some disparity across sites however the report itself said this could be attributed to resourcing and volunteers.</p> <p>All of Break O'Day is covered by paid Paramedics alongside volunteers. Some prospective volunteers may be those who have a home at 29 Talbot Street, Fingal.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Land Suitability	Is the Council seriously suggesting that this block of land, adjacent to a dangerous voluntary crossing and on the edge of the town flood plain is the best location it can find?	The property in question does not have a flood overlay, and the Council does not perceive this as a hindrance to any development on the site. The same perspective is applied regarding the voluntary crossing of a 50km/h road. The Council does not see any impediment to development in this regard. No reports of difficulty crossing the road have ever been reported to Council.	Whilst the objector's concern is related to the property, the concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use

			<p>The site is located:</p> <ul style="list-style-type: none"> <li>• In the centre of town.</li> <li>• Is a flat block with no flood overlay.</li> <li>• It is a 1 minute, flat walk to the Fingal Valley Neighbourhood House, bus stop and IGA.</li> </ul>	<p>of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	<p>It is difficult to reconcile this urgency with the unused accommodation in the respite centre and the Neighbourhood House. We understand that accommodation in the respite centre has been wholly or largely unused for at least two years.</p>	<p>We are unsure where the notion of urgency has come from. There is a well-recognised and documented need for accommodation in Break O'Day.</p> <p>Integrated Living have operated the respite centre since 2001. On 3 November 2023 they have advised that this Centre will be closed due to operational changes. The Neighbourhood House does not offer respite accommodation.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its</p>



				current use but on other objections which has been considered and addressed in the Table.
	False Statement	We also contrast our approach with the reported clandestine and ill-founded instructions to workers in the shop and Neighbourhood House by a Councillor that signing the petition would represent a 'conflict of interest'.	<p>This is untrue and is obviously so as employees of the House did sign the petition.</p> <p>Employees when they asked their Manager (who is a Councillor but in this instant is operating as the manager of FVNH) were told they could sign the petition as themselves but that the FVNH did not have a stance at that stage.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	We note that the council has put up a single A4 sign, a section 178 notice, away from likely public view, indicating that any objections to the proposed scheme need to be lodged by 23 October at the latest.	<p>The reason for placing the sign in its position was not to evade public view but positioned along the boundary on which access to the proposed development occurs.</p> <p>Additionally, Council have gone beyond the legislated requirements in regards to extending the date on which objections made be heard.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.

				<p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	<p>This is consistent with the Council's strenuous efforts to stifle objections.</p> <p>1. Positioning the scheme as a fait accomplis at the outset, with no serious attempt at correction or proper consultation, despite our protests.</p> <p>2. Closing down comments on the Break O' Day Council Facebook page, falsely claiming that this was standard procedure, and thereby interfering with the democratic rights of local residents to</p>	<ol style="list-style-type: none"> <li>1. We have only ever tried to explain the DA process to the community and how they can have their say.</li> <li>2. As explained to the group, we regularly close comments on posts when we are no-longer able to monitor them.</li> <li>3. We have not 'misread' the group's analysis of risks, we just do not believe this to be legitimate 'risks' based on our own professional research.</li> </ol>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.</p> <p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other</p>

		express our reasonable concerns and objections. 3. Misreading our analysis of the risks that flow from pressure on services as being our concern about the services rather than (obviously) the risks for local residents when services are under intense pressure.		objections which has been considered and addressed in the Table.
	Communication	We know from our conversations with local residents that some are still completely unaware of the proposed development.	<p>In terms of informing the community of this project Council has:</p> <ul style="list-style-type: none"> <li>• Heavily promoted a community information session.</li> <li>• Written several articles in our own newsletter.</li> <li>• Provided articles and information to the Valley Voice (local Fingal Valley newspaper published in Fingal) regarding the project.</li> <li>• Responded to all requests for comments and information from the main newspaper circulating in the area, The Examiner, which published articles on 3<sup>rd</sup> May, 9<sup>th</sup> September, 26<sup>th</sup> September and 22<sup>nd</sup> October, 2023.</li> <li>• Shared links to our website which contains fact sheets on the project.</li> <li>• Written to every resident of Fingal.</li> <li>• Replied to all correspondence regarding any community concerns.</li> <li>• Ensured fact sheets are available at the FVNH</li> </ul>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>

	False Statement	<p>The shop, run by a Break O' Day Councillor, has the monopoly in the town. A local resident on low income or benefits has no choice but to pay the prices charged in the shop.</p> <p>There is no opportunity to shop around and there is no competition.</p>	<p>The shop is operated by the FVNH. This statement is untrue, and signatories of the letter are aware this is not true.</p> <p>The objection appears to imply that the operator of the supermarket is taking advantage of the monopoly situation and charging accordingly. As a community not-for-profit organisation, the FVNH is well aware of the capacity of the community to pay and for several years has operated a food bank supporting the local community.</p> <p>It must be noted here that the supermarket site is owned by one of the Fingal Campaign Group who leases the shop to the Neighbourhood House.</p> <p>The only reason the Fingal Valley Neighbourhood House (FVNHH) runs the shop is because the owner of the site and previous supermarket operator abruptly closed the store a week before Christmas in 2021. The community was left in need by this so the FVNH jumped in to ensure residents still had access to groceries.</p> <p>St Marys has two supermarkets 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		<p>The Council seems to have misunderstood our point about the impact of poor services. It is not the impact on services. It is the consequent strain on accessible services for local residents.</p>	<p>Council has considered this objection. It is not expected than an additional eight (8) independent living units shall place an immediate burden or strain on the services within the region.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use</p>

			<p>Considerable services are offered through the CEH. As stated in our information to the Group and quoted from a brochure publicly available, CEH bring services with them:</p> <p><i>“CEH delivers a range of specialised, professional support to families and individuals throughout Tasmania, including counselling, housing and homelessness support, advocacy, education and training, mental health support, migrant support, family reunification, family violence support and education. These referral services will be available to tenants as well as anyone within the community requiring this support. For more information, please follow the attached link: <a href="https://catholiccaretas.org.au/services">https://catholiccaretas.org.au/services</a>”</i></p> <p>The provision of services in townships is intricately connected to their utilisation and the presence of a viable population to sustain them. Townships may experience a reduction in services when they are underutilised or lack the necessary population to support the infrastructure. Conversely, when there is a critical need within the community, often resulting from population growth, there is a higher likelihood of attracting and establishing essential services. The increased demand that accompanies population growth can act as a catalyst for the provision of services, ensuring that the community's evolving needs are met.</p>	<p>of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		We also note that the Council has declared the petition invalid. Whilst they are technically correct (for now),	Petition validity is governed by State Legislation that the Council must comply with. This was not a ‘position’ taken by Council as it is determined on our behalf. It was a statement of fact.	The concern raised does not assert that the lease of land would inflict severe and undue



		<p>this feels like a rather dismissive response to a group of 85 locals</p>	<p>Despite the petition being invalid – we still treated as valid by taking it to Council and providing responses. Technically, there is no obligation to follow this course of action.</p> <p>While the group asserts otherwise, it's important to clarify that the Council takes into account the perspectives of the entire municipal community when deciding on projects. Every member of the Fingal community is entitled to express their views, and we have received support from within Fingal. Additionally, communities across the municipality have urged the Council to address the need for more affordable housing within our community.</p>	<p>hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	<p>We also note that employees and volunteers at the shop and Neighbourhood House had indicated privately that a councillor had told them that signing our petition would represent a conflict of interest. This is prima facie interference in a democratic process.</p>	<p>This is untrue and is obviously so as employees of the FVNH did sign the petition.</p> <p>Employees when they asked their Manager (who is a Councillor but in this instant is operating as the manager of FVNH) were told they could sign the petition as themselves but that the FVNH did not have a stance at that stage.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within</p>

				the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.
	Transport	The bus service to St Marys from Fingal, according to the published schedule, lists only two times each day for the bus to Fingal from St Marys and would require a theoretical overnight stay prior to a return journey.	<p>This comment assumes that tenants will require transport services.</p> <p>CEH selects tenants based on suitability. It is unlikely a tenant requiring consistent transport services would be selected. The bus service referred to is the service operated by Calows coaches that runs from St Helens to Launceston return twice daily passing through St Marys and Fingal.</p> <p>The Neighbourhood House also has a community bus service.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Ben Wilson Interview	The development is targeted at 45+ residents (this is in contrast to the 55+ previously advised).	The homes shall be for 55+ years old individuals.	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the

				<p>community by depriving them of access to and use of public land.</p> <p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		<p>The housing is aimed at people in the “municipality”. He adds: “...In Fingal and the surrounding communities.” In doing so, he creates the false impression that the houses are for people who are already locals. He uses the Break O’ Day list as a whole to misleadingly create the impression that the need is focused on Fingal.</p>	<p>There are 101 people looking for housing in Break O’Day. It is likely that tenants shall be from our area.</p> <p>Those on the waiting that are not in our area have identified Break O’Day as a preference for housing. This indicates that potential tenants have already researched or are familiar with our area. Regardless of their current place of residence, the question arises as to why the Council should not extend assistance to those individuals who aspire to establish a life and find a home in our region.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.</p> <p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The</p>

				objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.
		<p>CEH Evolve has completed successful developments in Zeehan and Smithton. Zeehan has two doctors and Smithton has one. Fingal has no doctors and four cemeteries. The last incumbent St Mary's doctor resigned due to the overwhelming pressure on resources. A replacement does nothing to improve the threadbare provision in the Fingal valley.</p>	<p>Ochre Health have recently taken on the provision of in-patient services at the St Marys Community Health Centre and have taken over the local General Practice at St Marys. This is a substantial increase in capacity on that provided by a sole GP.</p> <p>The previous doctor ran the St Marys practice privately and was unable to reach a resolution with the Tasmanian Health service regarding the provision of in-patient services at the Centre. He chose to sell his practice to Ochre Health and move for personal reasons.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	We are familiar with the services provided and we are well-connected in the community. Many of us are long-term, multi-generational residents.	<p>While the group may have not had responses from Councillor Barnes, all the group's inquiries have been answered by the Council.</p> <p>Due to the personal and defamatory nature and consistent spread of misinformation by members</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving

		Others have worked in housing, therapeutic and community safety roles at senior level. We have written to Councillor Barnes who runs the Neighbourhood House. He has not replied to our letter. Nor has he engaged directly with us.	of the Fingal Campaign Group and the group itself regarding Councillor Barnes, he has received professional and legal advice not to respond personally to the Group but rather let Council Officers reply.	<p>them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Statistics	(potential residents) are already operating in the community and maybe working in the community". He then contrasts the number of petitioners with the 101 people on the social housing waiting list. Again, he uses Break O' Day municipality-wide numbers to fudge statistics and belittle our concerns.	<p>These statistics are correct.</p> <p>It is probable that potential residents are already residing within the Break O'Day region. Regardless of their current place of residence, the question arises as to why the Council should not extend assistance to those individuals who aspire to establish a life and find a home in our region.</p> <p>The Council has ensured that extensive support mechanisms shall be in place for the entire community. The Council has considered the suitability of the location alongside the proposed age of the residents which suit the existing population. This perspective underscores the Council's commitment to inclusivity and a recognition that individuals, regardless of their</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise</p>



			current location, should have the opportunity and support to make a life within the community. It aligns with the principle of providing equal opportunities for those who wish to contribute to and become a part of the Break O'Day region.	concerns related to its current use but on other objections which has been considered and addressed in the Table.
<b>Consideration of Section 178A(3) of the <i>Local Government Act 1993</i> (Tas)</b>			<ul style="list-style-type: none"> <li>Currently, there is no discernible public utilisation of the subject land, other than it being a vacant portion of 29 Talbot Street, Fingal.</li> <li>The proposed development shall not impede on any operation that is related to the existing building on 29 Talbot Street, Fingal.</li> <li>Council is not aware of the portion proposed to be leased as being used as a recreational or open space, nonetheless, the Council has considered the existing recreational facilities to the community. Fingal has several developed recreational and open spaces, such as the Fingal Recreation Ground and Fingal Park. Our assessment concludes that the portion of the property earmarked for leasing is indeed vacant land within the Village Zone, of which Residential Use is a stated purpose of the zone.</li> <li>This observation is reinforced when considering the land rezoning process that occurred as part of the Local Provisions Schedule. The property's zoning remained within the Village Zone, and there was no request or submission made to alter either its current or anticipated zoning.</li> <li>Furthermore, the objections have not demonstrated nor highlighted that there is an existing use of the land of which Councils proposal to lease shall be contrary to public interest for the reasons outlined in s.178A(3). Considering the presence of numerous mature trees, the Council has explicitly communicated to Centacare Evolve Housing the imperative of preserving a significant portion of these established trees in the event of any development.</li> </ul>	

\*For transparency and accountability – We have removed emotive language and any defamatory comments and only included and responded to statements from correspondence directly related to the project.

**Table 1. The General Manager's consideration of objections received.**

**Recommendation:**

The General Manager recommends that the Council proceed with the leasing of a portion of 29 Talbot Street, Fingal, to Centacare Evolve Housing. Considering the objections received, it is now a legislated requirement that Council adhere to the Section 178(6) and (7) of the Act. This includes considering any objection lodged, which has been done so through the Officer's report.

S178 (6) of the Act: That Council must -

- a) consider any objection lodged; and
- b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
  - i. that decision; and
  - ii. the right to appeal against that decision under section 178A .

S178 (7) of the Act: The council must not decide to take any action under this section if –

- a) any objection lodged under this section is being considered; or
- b) an appeal made under section 178A has not yet been determined; or
- c) the Appeal Tribunal has made a determination under section 178B(b) or (c)

**Process of Appeal:**

***Appeal under Section 178A of the Act:***

An appeal may be made to the Appeal Tribunal by any person who lodged an objection under section 178 within 14 days after receipt of notice of that decision under section 178(6)(b). An appeal, as stated in 178A (3) of the Act, may only be made on the grounds that the decision of the council is not in the public interest in that –

- a) The community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
- b) There is no similar facility available to the users of that facility.

The Council have considered s. 178A (3) of the Act, both concerning the objections raised and in a broader context. It has been determined that the proposed lease is within public interest and does not result in undue hardship to the community or loss of facility in which no other of similar nature is offered within the community.

Council is mandated to fulfill the legislative requirements outlined in Section 178 (6)(b) and Council Officer's shall do so within the required timeframe.

If an appeal is not received, it is recommended that the General Manager progress with the following recommendations:

1. Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania ("Collateral Agreements") to ensure Council's interests are appropriately protected;
2. If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council's solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

## 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.

### Break O Day Annual Plan 2023 – 2024

#### *Key Focus Area:*

2.4.2 Housing - Develop an understanding of housing needs; advocate for and facilitate the construction of a range of housing solutions.

#### *Actions:*

2.4.2.3 Aged Housing - Pursue investment in the construction of Independent Living Units in the area.

2.4.2.4 Council Investment - Examine and pursue opportunities for greater Council involvement in the provision of housing.

2.4.2.5 Public and Emergency Housing - Lobby and work with the State Government and housing providers to build new affordable housing and emergency housing.

## LEGISLATION & POLICIES:

Local Government Act 1993

### **177A. Public land**

(1) The following land owned by a council is public land:

- (a) a public pier or public jetty;
- (b) any land that provides health, recreation, amusement or sporting facilities for public use;
- (c) any public park or garden;
- (d) any land acquired under [section 176](#) for the purpose of establishing or extending public land;
- (e) any land shown on a subdivision plan as public open space that is acquired by a council under the [Local Government \(Building and Miscellaneous Provisions\) Act 1993](#) ;
- (f) any other land that the council determines is public land;
- (g) any other prescribed land or class of land.

(2) The general manager is to –

- (a) keep lists or maps of all public land within the municipal area; and
- (b) make the lists and maps available for public inspection at any time during normal business hours.

### **178. Sale, exchange and disposal of public land**

(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.

(2) Public land that is leased for any period by a council remains public land during that period.

- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
- (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
  - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
  - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).
- (6) The council must —
- (a) consider any objection lodged; and
  - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of —
    - (i) that decision; and
    - (ii) the right to appeal against that decision under [section 178A](#).
- (7) The council must not decide to take any action under this section if —
- (a) any objection lodged under this section is being considered; or
  - (b) an appeal made under [section 178A](#) has not yet been determined; or
  - (c) the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#).
- (8) . . . . .

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

#### **VOTING REQUIREMENTS:**

Absolute Majority

# ATTACHMENT 1



Open letter from Fingal residents to:

**Mayor:**

Mick Tucker

Email: [mick.tucker@bodc.tas.gov.au](mailto:mick.tucker@bodc.tas.gov.au)

Ian Carter

Email: [ian.carter@bodc.tas.gov.au](mailto:ian.carter@bodc.tas.gov.au)

Gary Barnes

Email: [gary.barnes@bodc.tas.gov.au](mailto:gary.barnes@bodc.tas.gov.au)

Vaughan Oldham

Email: [vaughan.oldham@bodc.tas.gov.au](mailto:vaughan.oldham@bodc.tas.gov.au)

Liz Johnstone

Email: [liz.johnstone@bodc.tas.gov.au](mailto:liz.johnstone@bodc.tas.gov.au)

**Deputy Mayor:**

Kristi Chapple

Email: [kristi.chapple@bodc.tas.gov.au](mailto:kristi.chapple@bodc.tas.gov.au)

Janet Drummond

Email: [janet.drummond@bodc.tas.gov.au](mailto:janet.drummond@bodc.tas.gov.au)

Barry LeFevre

Email: [barry.lefevre@bodc.tas.gov.au](mailto:barry.lefevre@bodc.tas.gov.au)

Kylie Wright

Email: [kylie.wright@bodc.tas.gov.au](mailto:kylie.wright@bodc.tas.gov.au)

17 October 2023

Reply to: [REDACTED]

Dear Council,

**OBJECTION TO PROPOSED SOCIAL HOUSING DEVELOPMENT, 29 TALBOT STREET FINGAL 7214**



As a group of concerned Fingal residents, we are both alarmed and confused by recent interventions by the Council and Centacare Evolve in relation to the proposed social housing development in Fingal.

We are writing this as an open letter, with copies to The Premier, the Leader of the State Opposition, local MPs, *ABC Hobart*, *The Examiner*, *Seven News*, *Nine News* and other stakeholders. We are also writing again to the State Housing Minister in the absence of a response to our earlier correspondence.

We note that without warning the Council has advertised a closing date for objections to the scheme via a photocopied Section 178 notice on a side street to the block of land. This, despite our continued call for a proper timetable and consultation with local residents, many of whom remain unaware of the proposal, and the detail of the scheme.

Many of our questions to the Council and to Centacare Evolve remain unanswered. We note in the Council's September meeting papers that it intends to write to all local residents. Given the tight timing ahead of the closing date for objections, this is a 'slam the door' approach to consultation.

As a group of concerned local residents, we have looked at the Council's proposal objectively and rationally. Our objections, in summary, are that Fingal is a remote small town with no essential services, a small monopoly grocery shop run by a Councillor, no doctor, no hospital, no regular public transport, no chemist, no cafe, no pub, no restaurant, no form of evening entertainment (See Appendix 1). The town's residents have higher prevalence of health conditions and comorbidities, lower income and higher levels of unemployment against state averages. Fingal is not a well-resourced town, evidenced by Centacare Evolve's refusal to confirm in writing that the town is adequately resourced with essential services.

### **Tasmanian State Government's definition of appropriate locations for social housing**

The [Tasmanian State Government's definition](#) of appropriate locations for social housing explicitly states that they should be in well-located suburbs with good access to services. Fingal does not meet this test. Tellingly, on a rare visit from a stakeholder to discuss the proposed development, he kept referring to his watch in a meeting because he needed to allow at least an hour to travel to his medical appointment.

- **More well located and designed homes**
  - achieved through building to the liveability and universal design policy requirements of Housing Tasmania's *Minimum Standards for Social Housing*. New affordable supply needs to be located in well serviced areas close to transport corridors and employment and education opportunities to support inclusive residential developments, affordable living and ageing in place.



- **More appropriate public housing** – this can be achieved through major reinvestment to align the portfolio to its tenant profile. Priority should be given to households who are most vulnerable and require smaller homes in well serviced areas. There are not enough smaller, well located homes and many three bedroom homes are poorly located and under occupied<sup>20</sup>.
- **Target public housing to those in most need** – the Tasmanian Government recognises the continued need to provide subsidised rents to Tasmania's most vulnerable households who cannot afford or are unable to access appropriate housing in the private market. The future public housing tenant profile is most likely to be elderly tenants with deteriorating health or mobility, people living with disability, formerly homeless youth, and women with children escaping from family violence. Where appropriate, Housing Tasmania also needs to promote pathways out of social housing for tenants into affordable private rentals and home ownership.

### Our response to the Council's response

The following is our response to the Council's response to our on-going petition, published in the agenda papers for the September Council meeting. Please see the addendum to this letter for our response to the Council's letter to Fingal homeowners purporting to provide 'facts'.

A key argument in the [Council's rebuttal](#) [pp. 137-143] appears to be that poor health and low income are endemic throughout Break O' Day and that therefore Fingal residents are not any more disadvantaged than residents of, say, St Helens. This is an absurd argument. Placing social housing units beyond reasonable reach of essential services is, ipso facto, an accentuation of disadvantage. Consider the additional travelling time for the low or no income cohort of residents. Consider the impact on low/no income residents of access to the one small grocery shop in the town run by a Break O' Day councillor.

### Anglicare Report on the Poverty Premium

The Council may or may not have studied the recent [Anglicare Report](#), widely covered in Australian media, which codified the 'Poverty Premium' that pertains to low/no income households. Devoid of choice and purchasing power, these households engage in unitary purchases rather than better value 'bulk buy' purchases. The situation is exacerbated in remote locations due a combination of monopoly local provision or the exorbitant relative costs and challenges of travelling to a well-served location. There simply isn't any comparison between Fingal and St Helens (with its plentiful services) and any claim that this comparison is valid is fatuous. Spelling out the consistently poor state of Tasmanian health is hardly a sales pitch for putting additional social housing units in a small, isolated, under resourced town in a state at the bottom of ambulance response times. If health conditions are broadly on a par in St Helens, then St Helens residents enjoy huge advantages by living close to proper facilities. Compounding the disadvantage of a vulnerable group by putting them in a remote location is an arbitrary and ill-thought-through act.

Furthermore, the [Auditor General's report into ambulance arrival times](#) highlights the significant risk factors that apply to remote locations in Tasmania. The state median time is around 15 minutes. St Marys has an

ambulance, but the service is volunteer-only and the site's priority, according to the website, is on the St Mary's end of the valley.

Tasmania is 75% the size of England and has one hundredth of the population. Is the Council seriously suggesting that this block of land, adjacent to a dangerous voluntary crossing and on the edge of the town flood plain is the best location it can find?

### **What does the Council mean by the words "town", "community" and "municipality"?**

In documents and interviews, representatives of the Council and Centacare Evolve have used, interchangeably, "town", "community" and "municipality", to suit their argument. In a recent interview with [ABC Hobart](#) [12 September 2023, Mornings with Mel Bush, from 46:50], the Centacare Evolve Chief Executive dismissed the arguments of the more than 80 signatories of our petition at the time, belittling our concerns relative to the need in the "community". It is difficult to reconcile this urgency with the unused accommodation in the respite centre and the Neighbourhood House. We understand that accommodation in the respite centre has been wholly or largely unused for at least two years.



*Section 178 notice – nowhere near a footpath or pavement.*



### **The Council's response to our petition**

The Council accuses us of threatening to use pressure to gather more signatures. We reject this offensive assertion. We also contrast our approach with the reported clandestine and ill-founded instructions to workers in the shop and Neighbourhood House by a Councillor that signing the petition would represent a 'conflict of interest'. This is a clear case of exerting political pressure and threats to suppress the number of signatures. We also note that a number of us who attended the initial meeting at Fingal Neighbourhood House were told by a Councillor that a proposed development at Scamander had been abandoned on the basis of "death threats". Clearly this is extremely concerning, but it also speaks to the arbitrariness of the decision-making process. We are looking at this proposed scheme rationally and fairly.

There is an abundance of academic literature (see Appendix 3) that underpins the risks to health, mental and physical, that flow from remote social housing developments. We see no evidence that any of this has been taken into account.

### **Single A4 Section 178 notice, located away from pedestrian footfall on Brown Street, not 29 Talbot Street**

We note that the council has put up a single A4 sign, a section 178 notice, away from likely public view, indicating that any objections to the proposed scheme need to be lodged by 23 October at the latest. This is consistent with the Council's strenuous efforts to stifle objections. So far, these have included:



1. Positioning the scheme as a *fait accompli* at the outset, with no serious attempt at correction or proper consultation, despite our protests.
2. Closing down comments on the Break O' Day Council Facebook page, falsely claiming that this was standard procedure, and thereby interfering with the democratic rights of local residents to express our reasonable concerns and objections.
3. Misreading our analysis of the risks that flow from pressure on services as being our concern about the services rather than (obviously) the risks for local residents when services are under intense pressure.

We know from our conversations with local residents that some are still completely unaware of the proposed development.

### **The Poverty Premium – further notes**

There is also the matter of the 'Poverty Premium', set out in the recent report by [Anglicare](#). The report devotes some attention to the disadvantages of remote living due to the lack of choice and the punitive cost of travel. A resident of Fingal, for instance, has one small shop within easy access. The shop, run by a Break O' Day Councillor, has the monopoly in the town. A local resident on low income or benefits has no choice but to pay the prices charged in the shop. There is no opportunity to shop around and there is no competition. The Council seems to have misunderstood our point about the impact of poor services. It is *not* the impact *on* services. It is the consequent strain on accessible services for local residents. The 'supermarket', erroneously referred to as an IGA, and in fact run by a Break O' Day councillor, will be a net beneficiary of the development, as will the Council through lease revenue and rates.

### **Our petition has already been signed by 25% of the town's adult population**

We also note that the Council has declared the petition invalid. Whilst they are technically correct (for now), this feels like a rather dismissive response to a group of 85 locals (approaching a quarter of the adult population of our town), who have carefully considered the available arguments and have signed a petition against. The Council has also expressed concerns about us pressurising locals by potentially going door-to-door to collect signatures. We do not intend, nor need, to do this. We also note that employees and volunteers at the shop and Neighbourhood House had indicated privately that a councillor had told them that signing our petition would represent a conflict of interest. This is *prima facie* interference in a democratic process.

### **The local Bus Service: no journey from Fingal to St Marys before 2:55pm, no return to Fingal before 6:55am the following morning**

The bus service to St Marys from Fingal, according to the [published schedule](#), lists only two times each day for the bus to Fingal from St Marys and would require a theoretical overnight stay prior to a return journey. (Note: The schedule accommodates a there-and-back-in-a-day service for St Helen's residents. The timetable bizarrely advantages St Helen's residents.)



Bus Route 740 – Fingal to St Marys		
	Departs Fingal	Arrives St Marys
Monday to Friday	2:55pm	3:20pm
	5:35pm	5:55pm
Saturday	5:35pm	5:55pm
Sunday	8:32pm	8:50pm

Bus Route 740 – St Marys to Fingal		
	Departs St Marys	Arrives Fingal
Monday to Friday	6:55am	7:10am
	8:55am	9:15am
Saturday	8:55am	9:15am
Sunday	4:40pm	4:55pm

*Note to table: blue indicates morning, orange indicates afternoon. If someone catches a bus from Fingal to St Marys, there is no bus back until the following morning.*

## Key points from Centrecare Evolve CEO Ben Wilson’s interview on ABC Radio Hobart

In an interview with [ABC Radio Hobart](#), Ben Wilson, CEO of Centacare Evolve, said:

1. The development is targeted at 45+ residents (this is in contrast to the 55+ previously advised).
2. The housing is aimed at people in the “municipality”. He adds: “...In Fingal and the surrounding communities.” In doing so, he creates the false impression that the houses are for people who are already locals. He uses the Break O’ Day list as a whole to misleadingly create the impression that the need is focused on Fingal.
3. Centacare Evolve has completed successful developments in Zeehan and Smithton. Zeehan has two doctors and Smithton has one. Fingal has no doctors and four cemeteries. The last incumbent St Mary’s doctor resigned due to the overwhelming pressure on resources. A replacement does nothing to improve the threadbare provision in the Fingal valley.
4. “I’d reach out to the Neighbourhood House.” Members of our group are local volunteers. We have all visited Neighbourhood House. We are familiar with the services provided and we are well-connected in the community. Many of us are long-term, multi-generational residents. Others have worked in housing, therapeutic and community safety roles at senior level. We have written to Councillor Barnes who runs the Neighbourhood House. He has not replied to our letter. Nor has he engaged directly with us.
5. (Vaguely) that (potential residents) “are already operating in the community and maybe working in the community”. He then contrasts the number of petitioners with the 101 people on the social housing waiting list. Again, he uses Break O’ Day municipality-wide numbers to fudge statistics and belittle our concerns.

*[A full transcript of Ben Wilson’s interview is Appendix 2 attached to this letter.]*

## Finally...

Finally, we wish to reiterate that our objections to the scheme and the way in which it has been communicated are rational and well-founded. Our arguments are clear and supported by evidence and analysis. The Council’s rebuttal, to our surprise, bolsters our argument because it fails to confront the reality that placing social housing in remote locations carries obvious contingent risks. We have no power of veto over this misguided proposal, but we will continue to make our case at local, state and national level. Social and community housing residents deserve better than this ill-thought-through scheme. Housing

policy and its application should be subject to a reasonable level of scrutiny. Bizarrely this scrutiny has fallen to concerned locals. Sadly the Council and Centacare Evolve's proposal is a Poster Child for a mismanaged and misguided process.

Signed:

John Vincent  
Simon Lloyd  
Tina French  
Darren Reed  
Peter Simmonds  
Craig Woods  
John McClelland  
Dorothea Ewart  
Julie Anne Wolf  
Peter Woods  
Stephen Lynch

Hamish Thompson  
Carole Bates  
Barbara Geldowan  
Dimity Stone  
Ashley Stone  
Dianne McClelland  
Deb Speers  
Walter Ewart  
Liz Bennett  
Christine Woods  
Judine Lynch

CC'd to:

[Jeremy Rockliff](#), Premier of Tasmania  
[Rebecca White](#), Leader of the Opposition  
[Nic Street](#), Housing Minister  
ABC Hobart Radio  
[The Examiner](#)  
[The Advocate](#)  
[Ben Wilson](#), CEO Centacare Evolve  
Seven News  
Nine News

Addendum:

We note the General Manager of the Council's letter to local property owners dated 19 September 2023.

We wholeheartedly refute the offensive claim that there is misinformation circulating in the local community. Our arguments are well-founded and rational and the Council's counter-arguments are full of errors, fallacies and false-dichotomies. Labelling the letter to Fingal property owners as providing 'the facts' is an abuse of the Council's position of authority.

It is a matter of great regret to us that the Council continues to belittle and ignore our concerns. Repetitive references to the invalidity of our petition (and the Council's 'magnanimity' in hearing it) are an insult to the number of local signatories and their legitimate concerns based on their lived experience in our town. We have restarted the collection of signatures, and we already have an additional 30 names to add to 85 collected. We will continue with this effort in earnest.

You refute our claim about extra strain on the community. Let us give you just one example. Fingal is the town furthest from St Helens in the municipality. There is an ambulance station in St Helens and there is a voluntary station in St Marys. If a major health incident occurs in Fingal at a time when ambulance services are being deployed elsewhere, there is a compound risk for Fingal residents due to delays. This is accentuated if the population of potentially vulnerable people (or people in general) rises in the town. This

- 7 -

is just one example of the enhanced risks. To claim otherwise is ludicrous.

The council's analysis of health conditions, income, etc, presents a litany of false dichotomies that are an insult to the intelligence of the Fingal community. In the context of our argument, it does not matter that health conditions and incomes are broadly similar across the region. Other towns in the municipality are far better served, especially St Helens, due to proximity to services and infrastructure investment. The idea that your analysis invalidates our argument is preposterous and misleading.

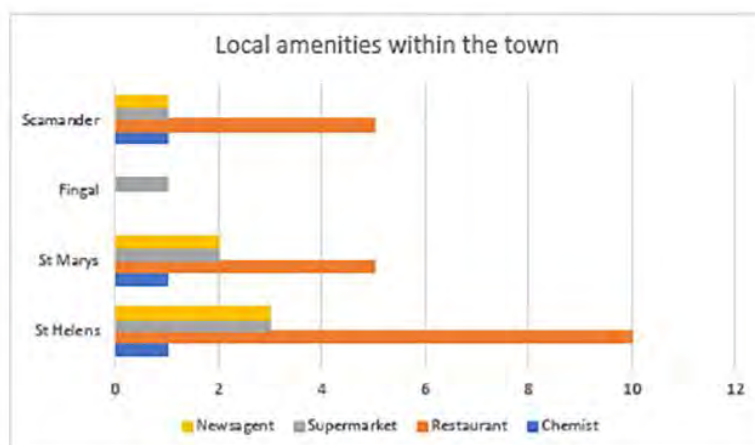
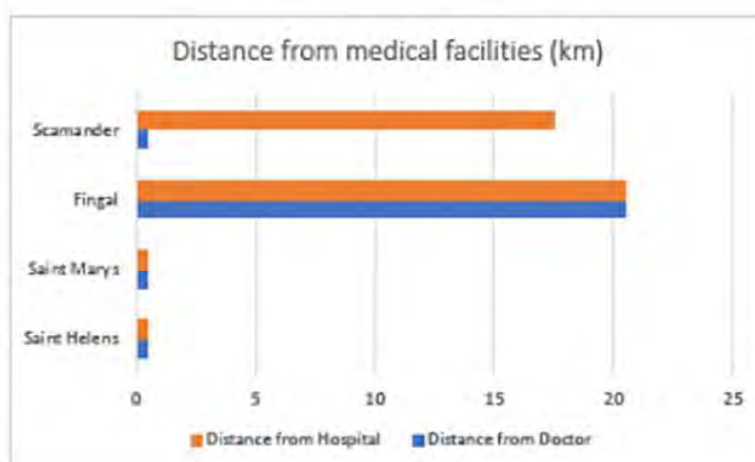
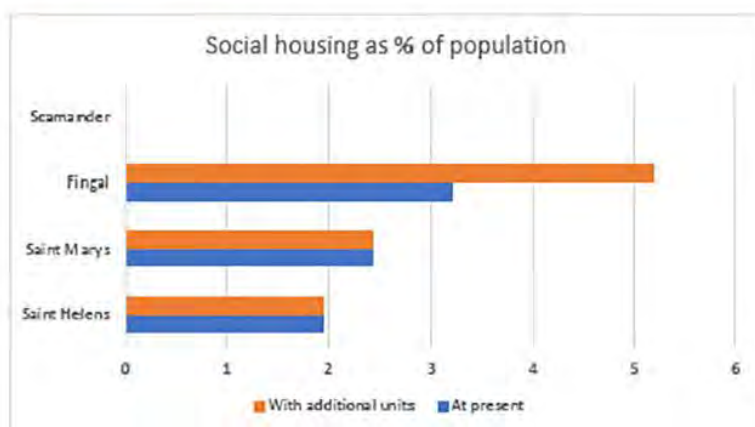
Belittling the distance from services ('Fingal is only 15 minutes from St Marys') is a distortion of the daily hour-by-hour inconvenience, setting aside the emotional strain, of not having services on the doorstep.

We note that the Council, having described the development as social housing since the outset, has at the 11th hour decided to call it community housing. This is not material to the debate and is another misguided attempt to muddy the water.

The Council persists in using phrases like 'our community' to create the impression that the development is laser focused on a location with the greatest need. This is deceptive in extremis. Our town, for instance, already has several accommodation rooms spread across the Respite Center and Neighbourhood House which to our knowledge have not been used at all for at least two years. Whilst these dormant assets have another purpose, the fact that these assets are being squandered, it is further evidence that the Council's housing strategy is not joined up.

Overleaf: Appendices

## Appendix 1: Graphs





## Appendix 2: Transcript of Ben Wilson interview, 12 September 2023, Mornings with Mel Bush

[Mel Bush] Chief executive Ben Wilson, good morning.

[Ben Wilson] Good morning

[Mel Bush] You were on the line. You heard what Hamish had to say. Can you answer that question? Is Fingal really the best place, the most appropriate place for social housing. Is what Hamish being a resident saying that there is already significant social housing within Fingal, no dentist, no doctor, those essential services you have to travel for, er no doctor again at St Marys. Is it the appropriate place?

[Ben Wilson] Look, we consider that it is an appropriate location. We've been working with Break O'Day Council on a number of potential developments over many years and this is one that has been identified. We know that there are some 101 applicants on the priority just and the priority and the waiting list in the BO'D municipality. Er, many of those in an age bracket of 45 plus, erm, and most of those looking for accommodation would be the one or two bedroom developments and that's what we're proposing on this particular parcel of land. I think, er, the point being is that he must recognise that most people genuinely just need a house. Most people, er, have the ability to travel. [8:27] Most people have the ability to seek those services like everyone else in the current Fingal community has to do, erm, based on the lack of those services in that particular area.

[Mel Bush] But would you agree that that if you are looking at, er, social housing, affordable housing, these are, you know, often people who have much more complex issues, you know, it's a broader picture. There could be complex health issues associated with people who are seeking, who are on that waiting list seeking social housing. You know, does this put you, erm, Ben Wilson, in a position where you need to curate who needs to come in and out of that social housing if you're in an area as isolated as Fingal?

[Ben Wilson] [9:06] Yeah, I think that what you need to recognise is those 101 applicants on that priority waiting list are part of the community already, so you have a number of people in that community that are in Fingal or in other municipalities in BO'D that are currently in housing stress that are actually in the community utilising the community services that are currently there at the moment. The purpose of what we do when we deliver houses in regional areas, and we've delivered a number of houses in regional areas and we're very proud of that to deliver houses in [placename-Zane?] through Smithton, Dover, is that we're housing people in that community that are already active community members and that's a really important thing to recognise that they already are part of the community. [9:41] They want to maintain themselves within that community, erm, and and we recognise the importance of providing housing opportunities and BO'D council and the BO'D municipality has had very limited new social supply over many years and we're very proud to put this application forward.

[Mel Bush] Ben, I think what you just said is key, if I, if I heard you correctly. So the housing that is proposed in terms of the tenants in that housing are current Fingal residents. Is that what you're saying?

[Ben Wilson] [10:06] Absolutely. We're saying that we're trying to build accommodation for people currently in that municipality and in, in that Fingal community and in surrounding communities that are actually already active community members and history has shown us [10:20] in delivering in rural areas that we are providing opportunities for those that, erm, have not had the housing or new supply opportunities in regional areas for many, many years and hence the development that, the process we have gone through, [10:30] we have done community consultation back in April with the Fingal community and we have had, erm, some very, very active conversations with the Fingal community Neighbourhood House who have already identified a number of people within the community that are in really housing stress and housing need and [10:45] it's really important to recognise that we are looking to support that community and that regional development and, and by providing this housing we, we, we know that we will have a positive impact on current community members.

[Mel Bush] [10:56] So, what you're saying is there will be no additional impost in terms of the need for services in the region by building these units?

[Ben Wilson] [11:05] When you have a hundred-and-one applicants in the BO'D municipality alone that are sitting on the priority end of a wait list it tells you that community is screaming for new housing supply in those regional areas.



[Mel Bush] I guess when we're talking about these eight units, can you explain what they look like? What's the footprint? Where will they be, Ben?

[Ben Wilson] Yes, so there's eight units, erm, in the Fingal, erm, in Talbot Street in Fingal. Er, there's a combination of two-bedroom designs and one-bedroom units and the information that we have through working with Homes Tasmania is that, as I said, there's some 67 of the 101 applicants that are looking for 1-bedroom developments and some nearly 35 to 40 applicants looking for a 2-bedroom, so [unclear] a lovely mixed development that's [unclear] the Fingal municipality support community.

[Mel Bush] So do you have plans then as well for further developments in rural and regional parts of Tasmania, Ben?

[Ben Wilson] Absolutely. Part of our strategy in working with Homes Tasmania is that every Tasmanian, erm, deserves an opportunity to have a safe and secure home and people in those regional areas that, er, as I say, are currently doing a joint venture with St Vincent Paul's[?] in Smithton, delivering some 30 units in that municipality where there hasn't been investment in social housing for many years, and I'm sure the residents thank us for taking that opportunity to invest in their regional communities and they want to maintain their [unclear] community activity and they want to maintain their ability to live in that community.

[Mel Bush] So, Ben Wilson, as you heard from Hamish Thompson who's representing a group of Fingal residents who do have concerns and would like to see things looked at more holistically when it comes to housing and additional builds in Fingal, what would you say to Hamish Thompson as regards his concerns? You heard what they were.

[Ben Wilson] Yeah, I'd say that I'd probably reach out further in the community. Reach out to the Neighbourhood House. Reach out to those community organisations that are impacted and see the impacts of homelessness and the stress of homelessness and housing crisis, erm, in that community, and, and see if you can gain a second opinion around the actual demands to, er, represent the current community that's there and provide outcomes for the current community members.

[Mel Bush] Ben Wilson, we've had one text which is talking about another part, another issue when it comes to, you know, services, and being a part of the community, er, one texter says: Where are they going to work in Fingal? Is there enough employment? Are there enough opportunities in that regard in Fingal?

[Ben Wilson] [13:23] Erm, potentially, erm, as I say, they are already operating in the community, and maybe working in the community, they may actually be not employed, erm, and there's a lot of people on the social housing wait list that actually aren't employed, and there's, and there's potential reasons for that. It doesn't mean they're not still active and, erm, productive community members.

[Mel Bush] Ben Wilson, do you have concerns that this petition from local residents in Fingal, erm, could be a speed hump to the development?

[Ben Wilson] I'd like to hope not, erm, whilst there is 80 people on the petition there, I'm sure that there's 101 people on the social housing wait list that, er, would, erm, certainly appreciate us having a voice for them on providing opportunity for housing in that community.

[Mel Bush] Ben Wilson, thanks for your time on the programme.

[Ben Wilson] Thank you very much.

[Mel Bush] Ben Wilson there, who is the CEO of Centrecare Evolve and the organisation behind the building of eight new units, social housing units, in Fingal. However, residents concerned, as you heard, not long ago, earlier this half hour, Hamish Thompson, one of those residents who has concerns around not enough services in the area. As you heard from him, no dentist, no doctor, etc. One texter sighting issues around employment. What are your thoughts?...

## Appendix 3: Academic Literature

### • Academic review: social housing best practice (1)

“Affordable housing near jobs and services complements environmental goals by reducing urban sprawl and traffic congestion. When affordable housing opportunities are separated from major places of employment, traffic congestion and pollution (due to large commuting times), reduced urban amenity and sprawl result (Calavita 1998, Liberty 2003, Weitz 2003). In turn these negative impacts of poorly planned development reduce the liveability and attractiveness of a city or region, further discouraging investment.”

*International practice in planning for affordable housing lessons for Australia'. Authors Nicole Gurrán, Vivienne Milligan, Douglas Baker and Laura Beth Bugg for the Australian Housing and Urban Research Institute Sydney Research Centre September 2007*

### • Academic review: social housing best practice (2)

“Homeless persons are often reported to be more depressed than the general community, but little previous research has examined their depressive state after being housed. In addition, the kinds of traits, attributes, and cognitive factors that have been found to be inversely correlated with the depressive effects of life stressors in the general population have not been compared within the previously-homeless. To investigate these issues, a sample of 79 previously-homeless persons from Regional Australia completed a series of questionnaires about their recent life stressors, depression, and three sets of attributes. Results indicated that the prevalence of severe depression was several times that reported for the general population and that only one of the three attributes measured was significantly inversely correlated with the depression severity of participants.”

*An exploration of recent life stress, psychological resilience, purpose in life, and optimism as correlates of depression in social housing residents in rural Australia.' Authors Christopher F. Sharpley, Nickie Murrell, Mark Anderson, Vicki Bitsika, Phillip J. Fourie & Linda L. Agnew*

### • Academic review: social housing best practice (3)

“The planning process also provides a way of ensuring that all members of a community (however loosely defined) have a say in decisions about growth and change. In an ideal sense then, planning processes should seek to achieve socially fair outcomes in urban development, striving to ensure that no group or individual is unduly disadvantaged by development processes, and promoting equal access to urban amenities and opportunities – such as employment, education, leisure and services. Promoting opportunities for different socio-economic groups to access housing opportunities within new and changing areas of a city or region is an important way of achieving social equity or fairness in urban development.”

*Authors Gurrán, Nicole, Milligan, Vivienne, Baker, Douglas, Bugg, Laura, & Christensen, Sharon (2008) New directions in planning for affordable housing Australian and international evidence and implications. AHURI Final Report, 120, pp. 1-143.*

### • International Journal of Mental Health Academic review: social housing best practice (4)

“For a local planning assessment process to be trusted by members of the community, it must be transparent and comprehensible, providing people with a genuine and timely opportunity to influence decision-making. That decision-making process, in turn, must be open to scrutiny and democratically accountable. In our view, the aim should be an inclusive decision-making process, whereby stakeholders have opportunities to shape the process of change and gain a sense of ownership over

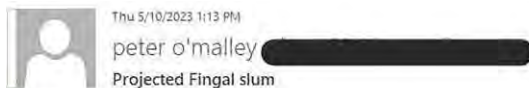


any changes that occur in their neighbourhood (Innes & Booher 2010). In addition to this sense of ownership, the legitimacy of the decision increases when it is made in a transparent way and incorporates negotiation techniques, as it enables relevant parties to better understand why that decision was made (Dryzek 2010). Furthermore, an inclusive planning process may dispel some of the fears of objectors by serving as a channel of better education about a proposal (Tighe 2010).”

“Dealing with concerned neighbours: affordable housing developers must decide early on whether the standard public notification required by the planning assessment process is adequate, or whether they will engage in additional outreach in the form of public meetings, door knocking, individual meetings with local leaders, or open house sessions. Developers should attempt to anticipate neighbour concerns and plan ways of responding to them, carefully choosing which concessions will and will not be made (e.g. changes to built form, parking provision). For Hogan (1996), a strategy of stealth for affordable housing developers is not good enough: community members (either affected neighbours or other key representatives of the community as a whole) must be involved in site selection, planning and the design of buildings from the outset.”

*Understanding and addressing community opposition to affordable housing development'. Authors: Gethin Davison, Crystal Legacy, Edgar Liu, Hoon Han, Peter Phibbs, Ryan van den Nouwelant, Michael Darcy and Awais Piracha for the Australian Housing and Urban Research Institute at University of New South Wales at University of Western Sydney September 2013*

# ATTACHMENT 2




Thu 5/10/2023 1:13 PM

peter o'malley

Projected Fingal slum

To: Break O Day Office Admin

 You forwarded this message on 5/10/2023 1:32 PM.

If there are problems with how this message is displayed, click here to view it in a web browser.

**CAUTION:** Do not click links or attachments unless you recognize the sender and know the content is safe

This morning I received a self-serving bit of bumph from what is laughingly called Break of Day Council justifying why this potential slum needs to be built at Fingal. Coincidentally the last reasonable sized town before the municipality's limits and as far away from St Helens and Scamander the 2 nice spots of the area. We at Fingal should be used to being treated like crap, witness the refusal to do most of our nature strips. Be interested to see how Tucker would cop this if it happened to his area-we know it won't. I've tried to find out the difference between "social" and "community" housing and the difference isn't clear. Once again we are being lied to. Not surprising but no less galling for that. I've had it with foul, lying body of so-called councillors. The NIMBY (not in my backyard) response from such as Scamander pleading a need for open space. Rubbish as the "council" well knows. Lies, corruption and arrogance have been the hallmarks of this disgrace of a council. What we will be getting is the reject residents. I'm told that some of the housing is government run and some by the Council. I don't believe a word of it. Break of Day will try to weasel out of any commitment it's made to make and put it all on a government that can't even organise anything else. I'd love to see "anti-social housing" next to Tucker's place or some of our other civic leaders particularly St Marys and see how that goes. Totally fed up with an arrogant bunch of maladroitness supposedly the Council.

Peter O'Malley  
Fingal



# ATTACHMENT 3



Mon 9/10/2023 4:15 PM

Coral Brady

Proposed units at Fingal please send to John Brown

To Break O Day Office Admin

If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: Do not click links or attachments unless you recognize the sender and know the content is safe

Hi John I received your letter about the units, I'm a neighbour & was not approached to sign anything, probably because I would not have signed it anyway.

Please know all residents do not feel the way of the petitioners.

We must all look after others less fortunate .

I'm ashamed so many signed this & 95 percent did not bother to come to the meeting explaining the housing . I know I was there & spoke with the lady that visited asked the questions & was satisfied.

I know that council will have asked the questions too .

Thankyou for the update.

Sincerely

Coral Brady

# ATTACHMENT 4

## FINGAL COMMUNITY HOUSING PROJECT – CONSIDERATION OF OBJECTIONS

OBJECTOR/SUPPORTER NAME	THEME / SUMMATION	CONCERN / SUPPORT	COUNCIL'S RESPONSE	ASSESSMENT against 178A(3) of the <i>Local Governments Act 1993 (Tas)</i>
<b>Supporter: Coral Brady</b>	Support of project	<p>Please know all residents do not feel the way of the petitioners.</p> <p>We must all look after others less fortunate. I'm ashamed so many signed this &amp; 95 percent did not bother to come to the meeting explaining the housing .I know I was there &amp; spoke with the lady that visited asked the questions &amp; was satisfied. I know that council will have asked the questions too.”</p>	Thank you, we appreciate your support.	The correspondence does not assert that the lease of land would inflict undue hardship on the community by depriving them of access to and use of the public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
<b>Objector: Peter O'Malley</b>	Location	Coincidentally the last reasonable sized town before the municipality's limits and as far away from St Helens and Scamander the two nice spots of the area.	<p>Excluding Fingal as a 'nice spot' within Break O'Day is opinion and not Council's.</p> <p>The site selection is due to a myriad of factors, including the level of support offered by Centacare Evolve Housing (CEH) and the Fingal Valley Neighbourhood House, and that Council own vacant land in Fingal that is along the main street that is within the town centre and suitable for the project.</p>	The concern raised does not assert that the lease of land would inflict undue hardship on the community by depriving them of access to and use of the public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.

	Difference between social and community housing	I've tried to find out the difference between "social" and "community" housing and the difference isn't clear.	<p>The Council has reiterated this difference in several forms in our significant communication on this project.</p> <p>One example is on our website it states...  <i>"The majority of concerns which arise about these housing projects stems from a lack of knowledge around how Social Housing works – it is a totally different model to the old style community housing. CEH Evolve provide wrap around services for tenants who have a Tenancy Officer assigned to them. CEH also carefully select tenants for each unit and work with them to ensure they have all they need to integrate into our wonderful communities."</i></p> <p>It also makes the distinction clear in the Council's response letter sent to Fingal residents of which the objector, Peter O'Malley, is responding to. The letter states...  <i>"Social housing is managed by Homes Tasmania whereas the Fingal Community Housing is privately managed by CEH."</i></p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
		The NIMBY (not in my backyard) response from such as Scamander pleading a need for open space.	<p>The Scamander Project did not go ahead as the Council land intended for the project was zoned Public Open Space and the community lobbied Council to keep it as this. Council made a formal decision at a Council meeting in regard to this and therefore it has been publicly recorded.</p> <p>The zoning of the 29 Talbot Street, Fingal is Village Zone of which Residential Use is a Permitted Use and a stated purpose of the zone.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities



				<p>available for the users of the land.</p> <p>The portion of land proposed to be leased is not utilised in a public manner. There are considerable areas that provide open space within Fingal including the Fingal Park and the Fingal recreation area which are zoned accordingly.</p>
	Discrimination	What we will be getting is the reject residents.	<p>Council will not be drawn into conversations of a discriminatory and offensive nature.</p> <p>It is important that community be mindful that there are people eligible living in our community. Please respect how they must feel hearing this kind of prejudice.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>
	Ownership	I'm told that some of the housing is government run and some by the Council. I don't believe a word of it. Break of Day will try to weasel out of any commitment it's made to make and put it all	Council and CEH have been clear in stating that the housing shall be run and managed by Centacare, a private operator, with input from Council. CEH shall provide a report each year to Council.	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.</p>

		on a government that can't even organise anything else		Additionally, it does not contend that there are no alternative facilities available for the users of the land.
<b>Objector: Fingal Campaign Group</b>	Communication	We note that without warning the Council has advertised a closing date for objections to the scheme via a photocopied Section 178 notice on a side street to the block of land.	<p>Public notification of the Council's intent to lease land to a third party is a legislated requirement under Section 178 of the <i>Local Governments Act</i> 1993. Of which the following is required:</p> <ul style="list-style-type: none"> <li>• Displaying of a notice on site</li> <li>• Advertise this notice in the Examiner on two occasions (Saturday, 30<sup>th</sup> September and Wednesday 4<sup>th</sup> October, 2023).</li> <li>• Council advertised the notice on Council's website.</li> </ul> <p>Council also increased the time for objections to be received. Legislation requires 21 days and this was extended to 24 days.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.
	Communication	This, despite our continued call for a proper timetable and consultation with local residents, many of whom remain unaware of the proposal, and the detail of the scheme.	<p>The Council disputes this assertion. Firstly, the public information session and the distribution of letters to all Fingal residents underscore the Council's commitment to engaging with the local community. Moreover, it is challenging to imagine residents remaining unaware of the project, considering the direct correspondence sent to their residences and the active efforts of the Fingal Campaign Group, such as their placement of a petition for signatures at the Fingal IGA.</p> <p>The Council has reiterated that the project must adhere to a formal process, providing mechanisms for the community to express their</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.

			<p>opinions, and members of the group have actively participated in these mechanisms.</p> <p>Comprehensive project details, including concept plans and information sheets, have been publicly accessible since March this year.</p> <p>Information as to how the project shall proceed has also been made available via the Council's Meeting Agenda of which its minutes are a public document.</p>	
	Transparency	Many of our questions to the Council and to CEH Evolve remain unanswered.	<p>The Council has promptly addressed all enquiries related to this project and has offered comprehensive responses to the concerns raised by the group.</p> <p>It is crucial to clarify that our stance is not one of evading the questions from the group; rather, it stems from a fundamental disagreement regarding the provided answers. This divergence becomes more evident in the group's communication, wherein they express dissatisfaction with the responses we have provided. This is shown below.</p> <p><i>"The Council's rebuttal, to our surprise, bolsters our argument because it fails to confront the reality that placing social housing in remote locations carries obvious contingent risks."</i></p> <p>Although we are in disagreement with the aforementioned statement, it is important to note that it unmistakably signifies that the group has been provided with responses from the Council.</p>	<p>The concern raised have not demonstrated that that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

	Communication	<p>We note in the Council's September meeting papers that it intends to write to all local residents. Given the tight timing ahead of the closing date for objections, this is a 'slam the door' approach to consultation.</p>	<p>As stated in the meeting minutes of Council's September public agenda:  <i>That Council write to residents and property owners in Fingal providing a response to the content of the Petition which has been received.</i></p> <p>The Council deemed it necessary to communicate with the Fingal residents considering misinformation disseminated by members of the Fingal Campaign Group. Several inaccuracies from their statements are addressed in this document.</p> <p>The submission period remained open from September 30<sup>th</sup> to October 23<sup>rd</sup>, surpassing the legislated 21-day duration.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>
	Services	<p>Our objections, in summary, are that Fingal is a remote small town with no essential services,</p>	<p>There is no evident indication of additional stress in the current circumstances. Contrarily, individuals establishing residences at 29 Talbot Street stand to benefit from continual support provided by CEH and Fingal Valley Neighbourhood House. Moreover, their presence in the community is anticipated to result in various meaningful contributions.</p> <p>The strategic placement of housing in close proximity to a facility providing allied health services by FVNH and the continuous support offered by CEH is anticipated to mitigate these concerns. This approach aims to enhance the overall well-being of residents within the community, not just those that live within the community houses.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The concerns raised are considered by Council, of which Council has made a thorough analysis.</p>

			CEH has also stated: <i>“Regarding services, CEH delivers a range of specialised, professional support to families and individuals throughout Tasmania, including counselling, housing and homelessness support, advocacy, education and training, mental health support, migrant support, family reunification, family violence support and education. These referral services will be available to tenants as well as anyone within the community requiring this support.”</i>	
	False statement	... a small monopoly grocery shop run by a Councillor.	<p>The Fingal IGA is operated by the Fingal Valley Neighbourhood House (FVNH) which is a not-for-profit run by a Management Committee. A Break O’Day Councillor, Gary Barnes is the Manager of the FVNH operating under the direction of the Committee Council has nothing to do with this.</p> <p>The only reason the FVNH runs the shop is because the owner of the site and previous supermarket operator abruptly closed the store a week before Christmas in 2021. The community was left in need by this, so the FVNH jumped in to ensure residents still had access to groceries.</p> <p>Two more supermarkets can be found in St Marys – 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Recreation	...no doctor, no hospital, no regular public transport, no	The Council has considered this objection. Fingal is conveniently located just 15 minutes away	The concern raised does not assert that the lease



		<p>chemist, no cafe, no pub, no restaurant, no form of evening entertainment.</p>	<p>from St Marys, a township equipped with essential amenities such as supermarkets, a post office, a chemist, cafes, as well as health and education services. This geographical arrangement ensures that residents of Fingal have convenient access to a range of services and facilities without undertaking an undue travel burden, akin to other communities in the broader area.</p> <p>Council and CEH have consistently communicated to the community that a thorough selection process for tenants is in place. This process ensures that selected individuals are well-suited for the community and have access to all necessary amenities. Consequently, potential tenants are made aware and informed about the resources and opportunities available within the township.</p>	<p>of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Health	<p>The town's residents have higher prevalence of health conditions and comorbidities, lower income and higher levels of unemployment against state averages.</p>	<p>The objection has been thoroughly considered by the Council. It's important to note that all towns within the Break O'Day region share common characteristics, including low-income levels, isolation, and an ageing population. Additionally, most towns in Break O'Day contend with health figures below the state average. However, the presence of these challenges does not serve as a deterrent to providing individuals with a home in Fingal, St Marys, St Helens, or any other town in Break O'Day.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

		<p>The argument suggesting that a town is deemed unliveable solely based on lower health or related figures compared to the state average is regarded as unconstructive in providing homes for individuals within the Break O'Day, or any, community. What is important is the level of support made available to these individuals of which Council is ensuring there to be a high standard. The commitment to ensuring housing options are available across different communities with significant ongoing support, despite varying statistical indicators, reflects the Council's dedication to inclusivity and accessibility for all residents within the Break O'Day region.</p> <p>The Council made a deliberate choice to collaborate with Centacare Evolve Housing (CEH), recognised as a Tier 1 Provider. This decision was driven by CEH's extensive range of support services and their capacity to offer comprehensive community support. By partnering with CEH, the Council aimed to ensure that the entire community could benefit from a holistic support system, leveraging the organisation's expertise and commitment to enhancing the well-being of residents. The selection of CEH as a partner aligns with the Council's objective to provide robust and inclusive support to the community at large.</p> <p>As repeatedly emphasised by CEH and the Council to the members within the Fingal Campaign Group, residents undergo a selection process to guarantee they are a suitable fit for</p>	<p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
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			the community. If potential residents require access to services that are unavailable in Fingal, they will not be housed there.	
	State Government Support	The Tasmanian State Government's definition of appropriate locations for social housing explicitly states that they should be in well-located suburbs with good access to services. Fingal does not meet this test.	<p>The Fingal Affordable Housing project aligns with the recent Tasmanian Housing Strategy 2023-2043 and is supported at a State Government level.</p> <p>This is one quote from the strategy:  <i>"New and innovative approaches will need to be taken; we will need to encourage more infill medium-density housing, explore different home ownership models, and construct social housing in our neighbourhoods"</i>.</p> <p>A copy of this document is publicly available on the State Government's website.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Petition	A key argument in the Council's rebuttal [pp. 137-143] appears to be that poor health and low income are endemic throughout Break O' Day and that therefore Fingal residents are not any more disadvantaged than residents of, say, St Helens.	<p>We believe our response to the group's concerns around health and services has been adequately addressed previously in that the community shall have a high level of support to alleviate concerns.</p> <p>In replying to these concerns, the Council previously said:</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not</p>

			<p><i>...it is apparent that St Helens and Fingal have some similarities and differences. Fingal residents tend to be younger, have fewer health problems, have higher household income, and are more likely to work full-time and longer hours compared to St Helens residents. The health data for future residents at 29 Talbot Street, Fingal is currently unavailable. However, by partnering with CEH Evolve Housing, we can ensure that the health needs of the residents are taken into account and supported. It is vital to recognise that an ageing population is not unique to Fingal but a concern for all local, state, and federal governments. The demand for services will always remain, regardless of where one lives in Tasmania. Our decision to partner with CEH was based on our commitment to support the physical and mental well-being of future residents. CEH relies on tenant satisfaction to receive funding from state and federal sources and maintain a social license. Council officers have requested an annual report from CEH Evolve Housing to update us on tenant satisfaction and community involvement.</i></p>	<p>contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	Consider the impact on low/no income residents of access to the one small grocery shop in the town run by a Break O' Day councillor.	<p>As mentioned above, this is not correct. Council has no interest pecuniary or other in the Fingal Shop. It is run by the Fingal Valley Neighbourhood house.</p> <p>There are two supermarkets in St Marys only 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not</p>

			<p>Many residents in Break O'Day travel more than 15 minutes to access services whether these are in St Helens or St Marys.</p>	<p>contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Referring to Anglicare's Poverty Premium Report	There simply isn't any comparison between Fingal and St Helens (with its plentiful services) and any claim that this comparison is valid is fatuous.	<p>The Council has not directly compared the service levels offered by between St Helens and Fingal. In response to concerns raised by the Fingal Campaign Group, particularly related to 'age, health, and income data,' the Council previously undertook a comparative analysis of these statistics between St Helens and Fingal. This comparison aimed to illustrate that similarities exist among the towns.</p> <p>The decision to implement community housing in Fingal is grounded in the focus on providing significant support mechanisms and affording everyone the freedom to choose where they live, with the understanding that such choices are deeply personal and diverse. The Council's commitment lies in providing housing options that cater to the diverse needs and preferences of potential residents.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has</p>



				been considered and addressed in the Table.
	Emergency Service Response Times	Furthermore, the Auditor General's report into ambulance arrival times highlights the significant risk factors that apply to remote locations in Tasmania. The state median time is around 15 minutes.	<p>This argument is ill-informed – the report to which the Group refers to is an audit of Ambulance Emergency Services by the TAO.</p> <p>In regard to response times the audit that: <b><i>Was Ambulance Tasmania effective in terms of response times? AT had been reasonably effective in terms of response times with consistent response times over the past five years, despite a rise of 16 per cent in emergency responses over that period. Response times were slower than other jurisdictions, but this can be attributed to Tasmania's greater number of emergency responses per person and lower level of urbanisation.</i></b></p> <p>It did say there was some disparity across sites however the report itself said this this could be attributed to resourcing and volunteers.</p> <p>All of Break O'Day is covered by paid Paramedics alongside volunteers. Some prospective volunteers may be those who have a home at 29 Talbot Street, Fingal.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Land Suitability	Is the Council seriously suggesting that this block of land, adjacent to a dangerous voluntary crossing and on the edge of the town flood plain is the best location it can find?	The property in question does not have a flood overlay, and the Council does not perceive this as a hindrance to any development on the site. The same perspective is applied regarding the voluntary crossing of a 50km/h road. The Council does not see any impediment to development in this regard. No reports of difficulty crossing the road have ever been reported to Council.	Whilst the objector's concern is related to the property, the concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and

			<p>The site is located:</p> <ul style="list-style-type: none"> <li>• In the centre of town.</li> <li>• Is a flat block with no flood overlay.</li> <li>• It is a 1 minute, flat walk to the Fingal Valley Neighbourhood House, bus stop and IGA.</li> </ul>	<p>use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	<p>It is difficult to reconcile this urgency with the unused accommodation in the respite centre and the Neighbourhood House. We understand that accommodation in the respite centre has been wholly or largely unused for at least two years.</p>	<p>We are unsure where the notion of urgency has come from. There is a well-recognised and documented need for accommodation in Break O'Day.</p> <p>Integrated Living have operated the respite centre since 2001. On 3 November 2023 they have advised that this Centre will be closed due to operational changes. The Neighbourhood House does not offer respite accommodation.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its</p>

				current use but on other objections which has been considered and addressed in the Table.
	False Statement	We also contrast our approach with the reported clandestine and ill-founded instructions to workers in the shop and Neighbourhood House by a Councillor that signing the petition would represent a 'conflict of interest'.	<p>This is untrue and is obviously so as employees of the House did sign the petition.</p> <p>Employees when they asked their Manager (who is a Councillor but in this instant is operating as the manager of FVNH) were told they could sign the petition as themselves but that the FVNH did not have a stance at that stage.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	We note that the council has put up a single A4 sign, a section 178 notice, away from likely public view, indicating that any objections to the proposed scheme need to be lodged by 23 October at the latest.	<p>The reason for placing the sign in its position was not to evade public view but positioned along the boundary on which access to the proposed development occurs.</p> <p>Additionally, Council have gone beyond the legislated requirements in regards to extending the date on which objections made be heard.</p>	The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land.

				<p>Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	<p>This is consistent with the Council's strenuous efforts to stifle objections.</p> <p>1. Positioning the scheme as a fait accomplis at the outset, with no serious attempt at correction or proper consultation, despite our protests.</p> <p>2. Closing down comments on the Break O' Day Council Facebook page, falsely claiming that this was standard procedure, and thereby interfering with the democratic rights of local residents to</p>	<p>4. We have only ever tried to explain the DA process to the community and how they can have their say.</p> <p>5. As explained to the group, we regularly close comments on posts when we are no longer able to monitor them.</p> <p>6. We have not 'misread' the group's analysis of risks, we just do not believe this to be legitimate 'risks' based on our own professional research.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other</p>

		express our reasonable concerns and objections. 3. Misreading our analysis of the risks that flow from pressure on services as being our concern about the services rather than (obviously) the risks for local residents when services are under intense pressure.		objections which has been considered and addressed in the Table.
	Communication	We know from our conversations with local residents that some are still completely unaware of the proposed development.	<p>In terms of informing the community of this project Council has:</p> <ul style="list-style-type: none"> <li>• Heavily promoted a community information session.</li> <li>• Written several articles in our own newsletter.</li> <li>• Provided articles and information to the Valley Voice (local Fingal Valley newspaper published in Fingal) regarding the project.</li> <li>• Responded to all requests for comments and information from the main newspaper circulating in the area, The Examiner, which published articles on 3<sup>rd</sup> May, 9<sup>th</sup> September, 26<sup>th</sup> September and 22<sup>nd</sup> October, 2023.</li> <li>• Shared links to our website which contains fact sheets on the project.</li> <li>• Written to every resident of Fingal.</li> <li>• Replied to all correspondence regarding any community concerns.</li> <li>• Ensured fact sheets are available at the FVNH</li> </ul>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>



	False Statement	<p>The shop, run by a Break O' Day Councillor, has the monopoly in the town. A local resident on low income or benefits has no choice but to pay the prices charged in the shop.</p> <p>There is no opportunity to shop around and there is no competition.</p>	<p>The shop is operated by the FVNH. This statement is untrue, and signatories of the letter are aware this is not true.</p> <p>The objection appears to imply that the operator of the supermarket is taking advantage of the monopoly situation and charging accordingly. As a community not-for-profit organisation, the FVNH is well aware of the capacity of the community to pay and for several years has operated a food bank supporting the local community.</p> <p>It must be noted here that the supermarket site is owned by one of the Fingal Campaign Group who leases the shop to the Neighbourhood House.</p> <p>The only reason the Fingal Valley Neighbourhood House (FVNHH) runs the shop is because the owner of the site and previous supermarket operator abruptly closed the store a week before Christmas in 2021. The community was left in need by this so the FVNH jumped in to ensure residents still had access to groceries.</p> <p>St Marys has two supermarkets 15 minutes away.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		<p>The Council seems to have misunderstood our point about the impact of poor services. It is not the impact on services. It is the consequent strain on</p>	<p>Council has considered this objection. It is not expected that an additional eight (8) independent living units shall place an immediate burden or strain on the services within the region.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving</p>

		accessible services for local residents.	<p>Considerable services are offered through the CEH. As stated in our information to the Group and quoted from a brochure publicly available, CEH bring services with them:</p> <p><i>“CEH delivers a range of specialised, professional support to families and individuals throughout Tasmania, including counselling, housing and homelessness support, advocacy, education and training, mental health support, migrant support, family reunification, family violence support and education. These referral services will be available to tenants as well as anyone within the community requiring this support. For more information, please follow the attached link:</i></p> <p><a href="https://catholicaretas.org.au/services">https://catholicaretas.org.au/services</a>”</p> <p>The provision of services in townships is intricately connected to their utilisation and the presence of a viable population to sustain them. Townships may experience a reduction in services when they are underutilised or lack the necessary population to support the infrastructure. Conversely, when there is a critical need within the community, often resulting from population growth, there is a higher likelihood of attracting and establishing essential services.</p> <p>The increased demand that accompanies population growth can act as a catalyst for the provision of services, ensuring that the community's evolving needs are met.</p>	<p>them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		We also note that the Council has declared the petition	Petition validity is governed by State Legislation that the Council must comply with. This was not	The concern raised does not assert that the lease

		<p>invalid. Whilst they are technically correct (for now), this feels like a rather dismissive response to a group of 85 locals</p>	<p>a 'position' taken by Council as it is determined on our behalf. It was a statement of fact.</p> <p>Despite the petition being invalid – we still treated as valid by taking it to Council and providing responses. Technically, there is no obligation to follow this course of action.</p> <p>While the group asserts otherwise, it's important to clarify that the Council takes into account the perspectives of the entire municipal community when deciding on projects. Every member of the Fingal community is entitled to express their views, and we have received support from within Fingal. Additionally, communities across the municipality have urged the Council to address the need for more affordable housing within our community.</p>	<p>of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	False Statement	<p>We also note that employees and volunteers at the shop and Neighbourhood House had indicated privately that a councillor had told them that signing our petition would represent a conflict of interest. This is prima facie interference in a democratic process.</p>	<p>This is untrue and is obviously so as employees of the FVNH did sign the petition.</p> <p>Employees when they asked their Manager (who is a Councillor but in this instant is operating as the manager of FVNH) were told they could sign the petition as themselves but that the FVNH did not have a stance at that stage.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

				The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.
	Transport	The bus service to St Marys from Fingal, according to the published schedule, lists only two times each day for the bus to Fingal from St Marys and would require a theoretical overnight stay prior to a return journey.	<p>This comment assumes that tenants will require transport services.</p> <p>CEH selects tenants based on suitability. It is unlikely a tenant requiring consistent transport services would be selected. The bus service referred to is the service operated by Calows coaches that runs from St Helens to Launceston return twice daily passing through St Marys and Fingal.</p> <p>The Neighbourhood House also has a community bus service.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Ben Wilson Interview	The development is targeted at 45+ residents (this is in	The homes shall be for 55+ years old individuals.	The concern raised does not assert that the lease of land would inflict

		contrast to the 55+ previously advised).		<p>severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
		<p>The housing is aimed at people in the “municipality”. He adds: “...In Fingal and the surrounding communities.” In doing so, he creates the false impression that the houses are for people who are already locals. He uses the Break O’ Day list as a whole to misleadingly create the impression that the need is focused on Fingal.</p>	<p>There are 101 people looking for housing in Break O’Day. It is likely that tenants shall be from our area.</p> <p>Those on the waiting that are not in our area have identified Break O’Day as a preference for housing. This indicates that potential tenants have already researched or are familiar with our area. Regardless of their current place of residence, the question arises as to why the Council should not extend assistance to those individuals who aspire to establish a life and find a home in our region.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>



				The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.
		CEH Evolve has completed successful developments in Zeehan and Smithton. Zeehan has two doctors and Smithton has one. Fingal has no doctors and four cemeteries. The last incumbent St Mary's doctor resigned due to the overwhelming pressure on resources. A replacement does nothing to improve the threadbare provision in the Fingal valley.	<p>Ochre Health have recently taken on the provision of in-patient services at the St Marys Community Health Centre and have taken over the local General Practice at St Marys. This is a substantial increase in capacity on that provided by a sole GP.</p> <p>The previous doctor ran the St Marys practice privately and was unable to reach a resolution with the Tasmanian Health service regarding the provision of in-patient services at the Centre. He chose to sell his practice to Ochre Health and move for personal reasons.</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Communication	We are familiar with the services provided and we are	While the group may have not had responses from Councillor Barnes, all the group's inquiries have been answered by the Council.	The concern raised does not assert that the lease of land would inflict

		<p>well-connected in the community. Many of us are long-term, multi-generational residents.</p> <p>Others have worked in housing, therapeutic and community safety roles at senior level. We have written to Councillor Barnes who runs the Neighbourhood House. He has not replied to our letter. Nor has he engaged directly with us.</p>	<p>Due to the personal and defamatory nature and consistent spread of misinformation by members of the Fingal Campaign Group and the group itself regarding Councillor Barnes, he has received professional and legal advice not to respond personally to the Group but rather let Council Officers reply.</p>	<p>severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p> <p>The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.</p>
	Statistics	<p>(potential residents) are already operating in the community and maybe working in the community". He then contrasts the number of petitioners with the 101 people on the social housing waiting list. Again, he uses Break O' Day municipality-wide numbers to fudge statistics and belittle our concerns.</p>	<p>These statistics are correct.</p> <p>It is probable that potential residents are already residing within the Break O'Day region. Regardless of their current place of residence, the question arises as to why the Council should not extend assistance to those individuals who aspire to establish a life and find a home in our region.</p> <p>The Council has ensured that extensive support mechanisms shall be in place for the entire community. The Council has considered the suitability of the location alongside the proposed age of the residents which suit the</p>	<p>The concern raised does not assert that the lease of land would inflict severe and undue hardship on the community by depriving them of access to and use of public land. Additionally, it does not contend that there are no alternative facilities available for the users of the land.</p>

			existing population. This perspective underscores the Council's commitment to inclusivity and a recognition that individuals, regardless of their current location, should have the opportunity and support to make a life within the community. It aligns with the principle of providing equal opportunities for those who wish to contribute to and become a part of the Break O'Day region.	The land is currently vacant and zoned within the Village Zone. The objection does not raise concerns related to its current use but on other objections which has been considered and addressed in the Table.
<b>Consideration of Section 178A(3) of the <i>Local Government Act 1993</i> (Tas)</b>			<ul style="list-style-type: none"> <li>Currently, there is no discernible public utilisation of the subject land, other than it being a vacant portion of 29 Talbot Street, Fingal.</li> <li>The proposed development shall not impede on any operation that is related to the existing building on 29 Talbot Street, Fingal.</li> <li>Council is not aware of the portion proposed to be leased as being used as a recreational or open space, nonetheless, the Council has considered the existing recreational facilities to the community. Fingal has several developed recreational and open spaces, such as the Fingal Recreation Ground and Fingal Park. Our assessment concludes that the portion of the property earmarked for leasing is indeed vacant land within the Village Zone, of which Residential Use is a stated purpose of the zone.</li> <li>This observation is reinforced when considering the land rezoning process that occurred as part of the Local Provisions Schedule. The property's zoning remained within the Village Zone, and there was no request or submission made to alter either its current or anticipated zoning.</li> <li>Furthermore, the objections have not demonstrated nor highlighted that there is an existing use of the land of which Councils proposal to lease shall be contrary to public interest for the reasons outlined in s.178A(3). Considering the presence of numerous mature trees, the Council has explicitly communicated to Centacare Evolve Housing the imperative of preserving a significant portion of these established trees in the event of any development.</li> </ul>	

\*For transparency and accountability – We have removed emotive language and any defamatory comments and only included and responded to statements from correspondence directly related to the project.

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council*

# IN CONFIDENCE

## **12/23.18.0      CLOSED COUNCIL**

**12/23.18.1      Confirmation of Closed Council Minutes – Council Meeting 20 November 2023**

**12/23.18.2      Outstanding Actions List for Closed Council**

**12/23.18.3      Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 - Cecilia Street (Streetscape Project) – Upgrade of Georges Bay Esplanade/Cecilia Street junction**

**12/23.18.4      Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 - Direct Deed – City Of Launceston Recyclable MRF Operation Contract No CD 06122018**

**12/23.18.5      Closed Council Item Pursuant to Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – Pump Track - Flagstaff Trailhead, St Helens**

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

## **12/23.19.0      MEETING CLOSED**

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.