



# COUNCIL MEETING AGENDA

Monday 18 September 2023  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
12 September 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 September 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 September 2023

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

## OPENING

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

## ACKNOWLEDGEMENT OF COUNTRY

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

### 09/23.1.0 ATTENDANCE

#### 09/23.1.1 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

#### 09/23.1.2 Apologies

Nil

### 09/23.1.3 Leave of Absence

Nil

### 09/23.1.4 Staff in Attendance

General Manager, John Brown  
Corporate Services Officer, Rebecca Wood

## 09/23.2.0 PUBLIC QUESTION TIME

### 09/23.2.1

## 09/23.3.0 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.*

## 09/23.4.0 CONFIRMATION OF MINUTES

### 09/23.4.1 Confirmation of Minutes – Council Meeting 21 August 2023

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 August 2023 be confirmed.

## 09/23.5.0 COUNCIL WORKSHOPS HELD SINCE 21 AUGUST 2023 COUNCIL MEETING

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

- Review of Council Delegations
- Animal Control Report
- Waster Transfer Station – Tyre Disposal Charges
- Open Spaces Grants Program – Round 1: Proposed Projects
- Potential Projects: Local Roads & Community Infrastructure Program – Phase 4
- Wellbeing Project and Festival of Wellbeing
- Pending Development Application Updates
- Naming of Road (Archie Court) – Annie Street Subdivision – DA 266-2005
- Dog Exercise Area Opportunities for St Marys
- 2022-2023 Annual Plan Review
- Break O’Day Tourism Development Strategy 2012-2017 Review
- The Lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing
- Fingal Housing Petition – Council Response

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.

## 09/23.6.1

### DA 130-23 Residential & Visitor Accommodation – Construction of a Single Dwelling and Carport & Construction of Visitor Accommodation

ACTION	DECISION
PROPONENT	Graeme & Denise Tilley
OFFICER	Alex McKinlay, Planning Officer
FILE REFERENCE	DA 130-23
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> <li>1. Draft Approved Plans and associated documents</li> <li>2. Completed Planning Scheme Assessment</li> <li>3. Copy of the representations received (x2)</li> <li>4. Copy of the written response to the submitted representations</li> </ol>

#### 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 & VISITOR ACCOMMODATION – CONSTRUCTION OF A SINGLE DWELLING AND CARPORT & CONSTRUCTION OF VISITOR ACCOMMODATION on land situated at 5 FYSH PLACE, STIEGLITZ described in Certificate of Title 182325/2 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
Town Planning Response	J22127-DA01	Cumulus Studio PTY LTD	10/07/2023
Site Plan	J22127-DA02	Cumulus Studio PTY LTD	10/07/2023
Ground + Upper Floor – Dwelling A	J22127-DA03	Cumulus Studio PTY LTD	10/07/2023
Ground Floor Plan – Dwelling B	J22127-DA04	Cumulus Studio PTY LTD	10/07/2023
First Floor Plan – Dwelling B	J22127-DA05	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling A	J22127-DA06	Cumulus Studio PTY LTD	10/07/2023
Elevations – Dwelling B	J22127-DA07	Cumulus Studio PTY LTD	10/07/2023
Elevations – Carport	J22127-DA08	Cumulus Studio PTY LTD	10/07/2023
Shade Diagrams	J22127-DA09	Cumulus Studio PTY LTD	10/07/2023

1. 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 to Council's stormwater drainage system.
2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. 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.
4. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
5. 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.
6. Sewage must be disposed via TasWater sewerage system.
7. 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.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

#### ADVICE

1. This permit allows for residential use for proposed Dwelling B and visitor accommodation use for proposed Dwelling A. If either a visitor accommodation use is being sought for Dwelling B or a residential use for Dwelling A, lodgement of an additional development application will be required.
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. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

## INTRODUCTION:

The applicant is seeking approval for the development of a single dwelling (Dwelling B) and associated carport & construction of a visitor accommodation (Dwelling A) for the subject site at Fysh Place, Stieglitz (CT 182325/2). The proposed development will be serviced by an existing crossover for access purposes, a new internal gravel driveway and is intended to connect to existing reticulated services including stormwater, water and sewer.

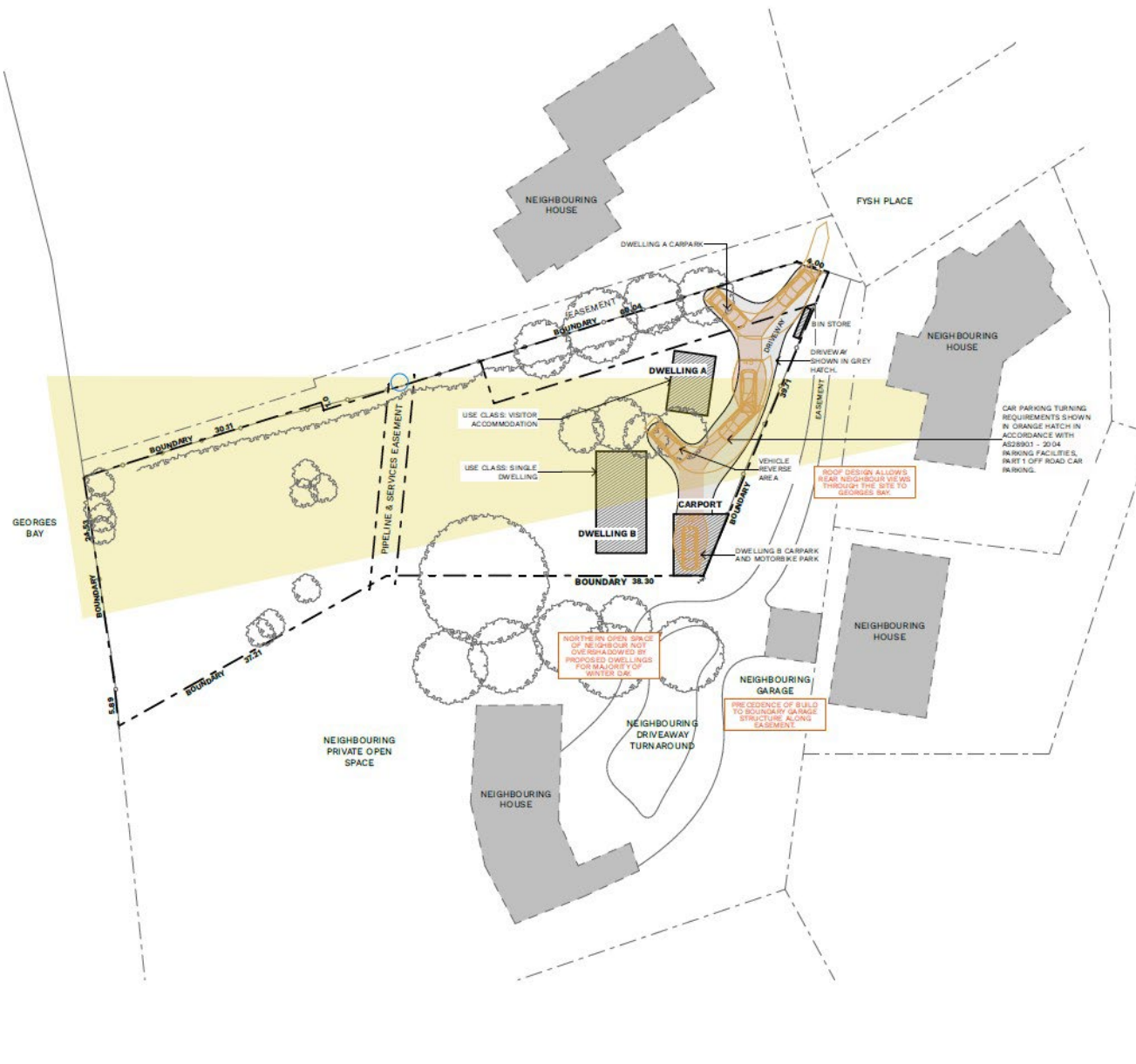
## PREVIOUS COUNCIL CONSIDERATION:

- 03/21.6.2 DA 301-2020 2 Lot Subdivision – 3 Fysh Place, Stieglitz
- 02/21.6.2.54 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

## OFFICER'S REPORT:

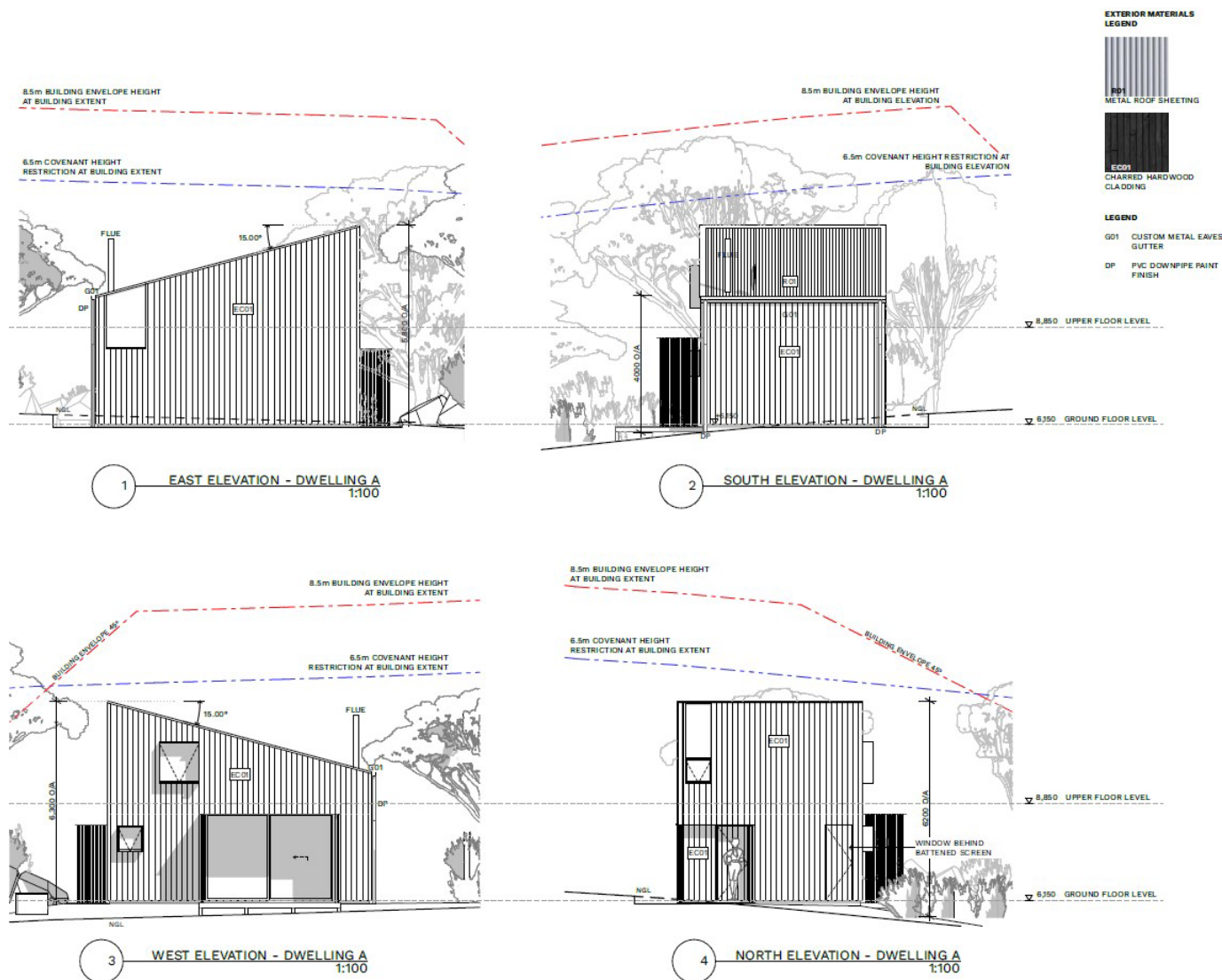
### 1. Proposal

An application was submitted by Lucia Wellington (Cumulus Studio PTY LTD) for the applicants of this application Mr Graeme Tilley and Denise Tilley on the 31/05/2023, as the owners of the subject site located at Fysh Place, Stieglitz (CT 182325/2), for the construction of a single dwelling and carport & construction of a visitor accommodation. From the elevations included within the submitted plans, the single dwelling (**note:** shown as Dwelling B on the site plan) has been shown to have a maximum building height of 6.480m, the associated carport will have a maximum building height of approximately 3.23m and the visitor accommodation (**note:** shown as Dwelling A on the site plan) is intended to have a maximum building height of approximately 6.3m. The site coverage of the proposed development has been calculated to be approximately 6.4% of the 2307m<sup>2</sup> subject site.



Town Planning Response Drawn by Cumulus Studio PTY LTD  
 Drawing No: J22127-DA01  
 Date: 10/07/2023





Elevations – Dwelling A Drawn by Cumulus Studio PTY LTD  
Drawing No: J22127-DA06  
Date: 10/07/2023

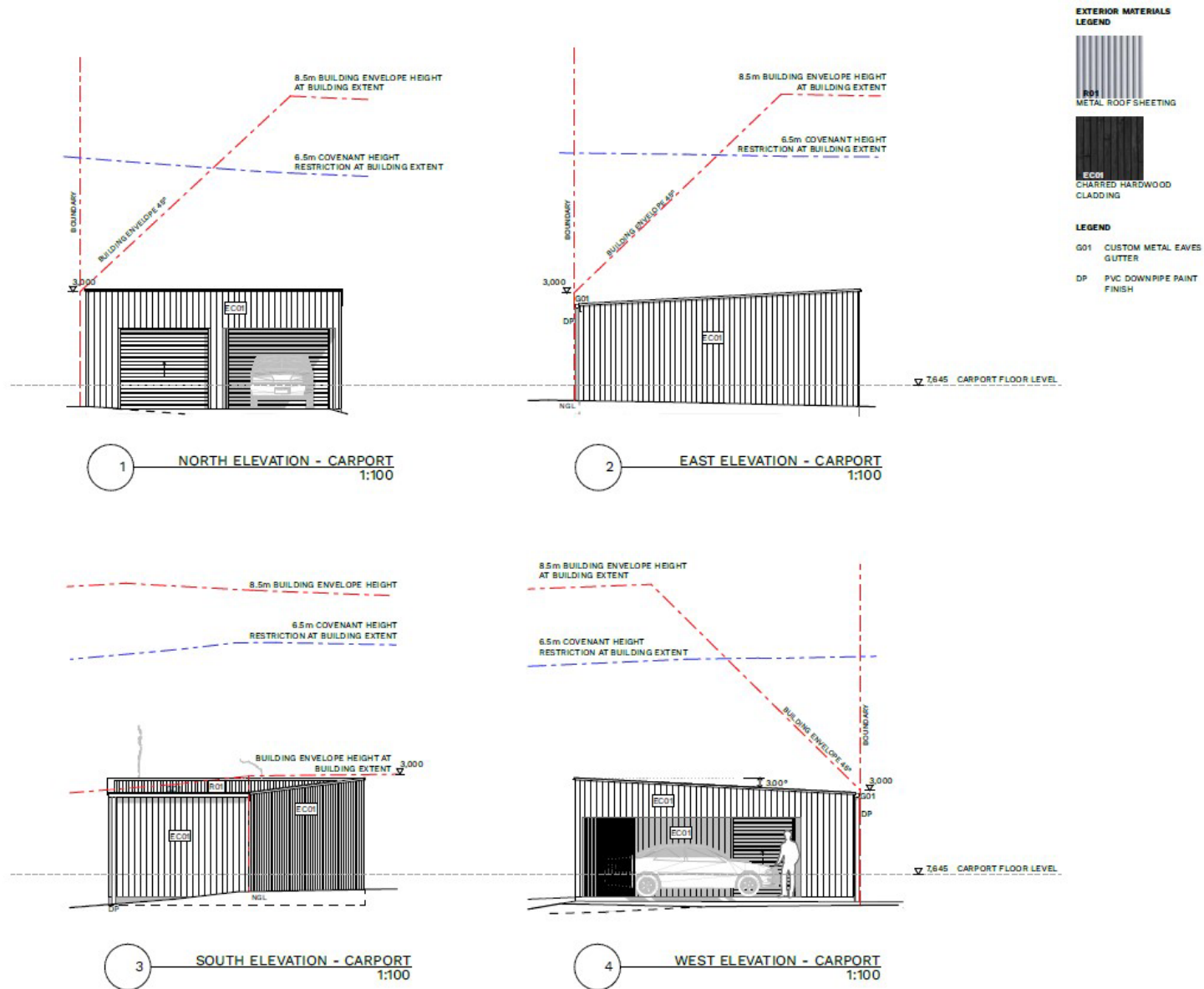




Elevations – Dwelling B Drawn by Cumulus Studio PTY LTD

Drawing No: J22127-DA07

Date: 10/07/2023

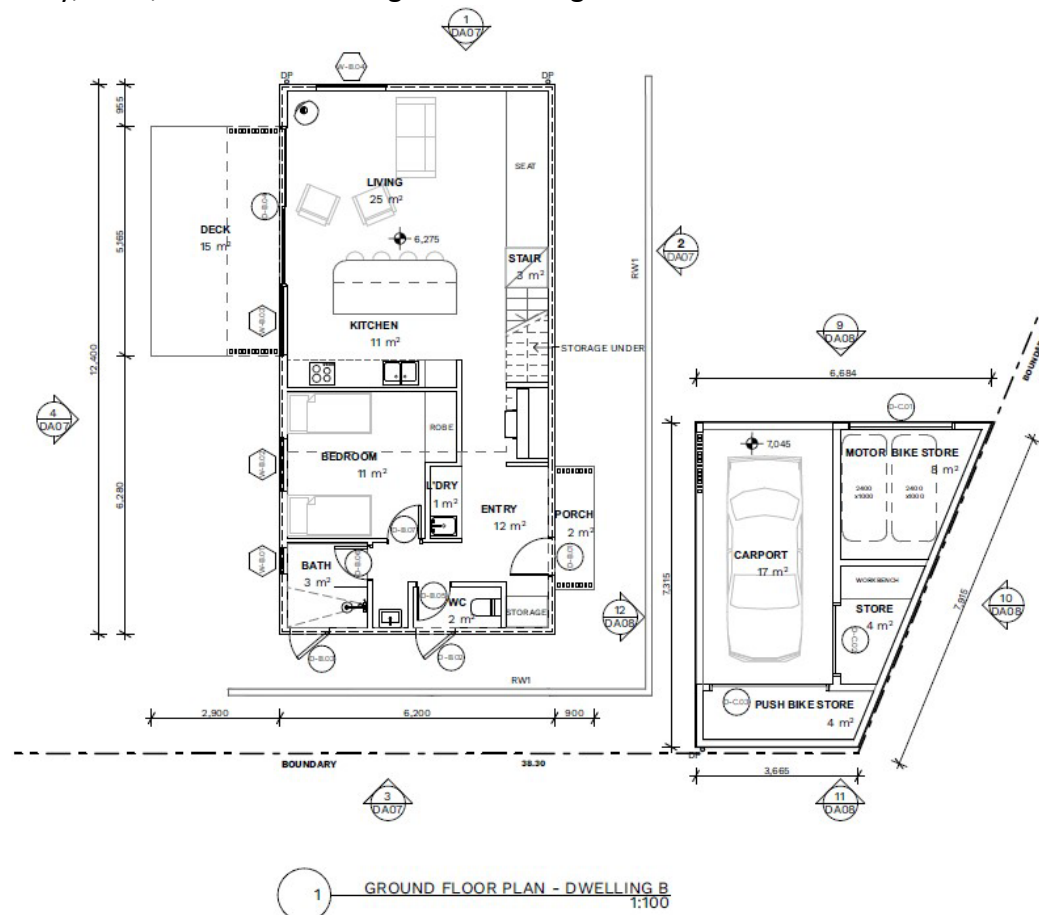


Elevations - Carport Drawn by Cumulus Studio PTY LTD

Drawing No: J22127-DA08

Date: 10/07/2023

The submitted floor plan for the proposed single dwelling demonstrates the following layout is intended for the ground floor: Deck, Living Room, Kitchen, Bedroom, Bathroom, Laundry and Porch. Notably, the floor plan for the proposed carport which will be subservient to the dwelling showed the provision of 1 car parking space, parking space/ storage area for motor bikes, storage area and a push bike storage area. The second storey of the proposed dwelling illustrates the following room layout: Study and Master Bedroom. With regards to the visitor accommodation, the following layout has been shown: Porch, Bathroom, Laundry, Deck, Kitchen and Living Area on the ground floor and a bedroom on the upper floor.

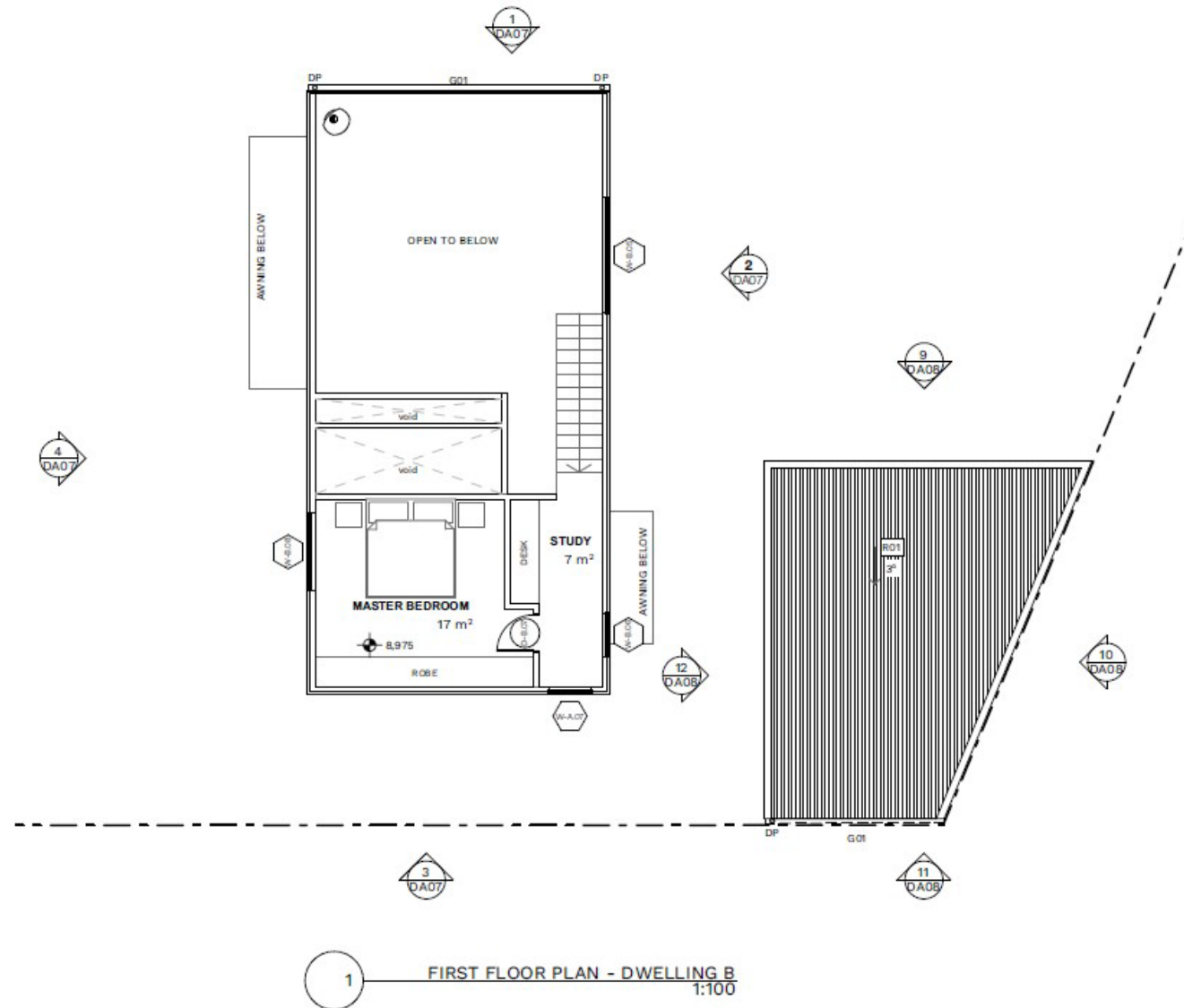


Ground floor Plan – Dwelling B Drawn by Cumulus Studio PTY LTD

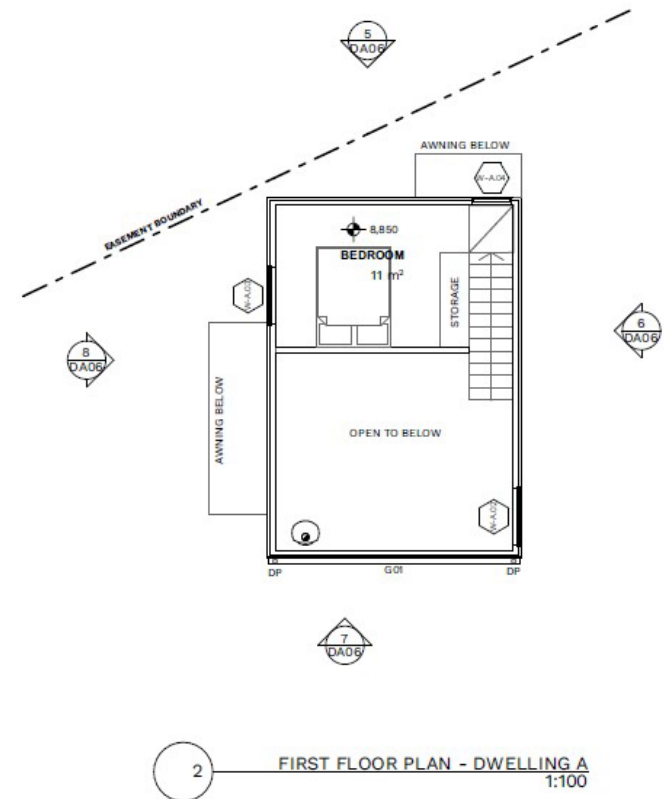
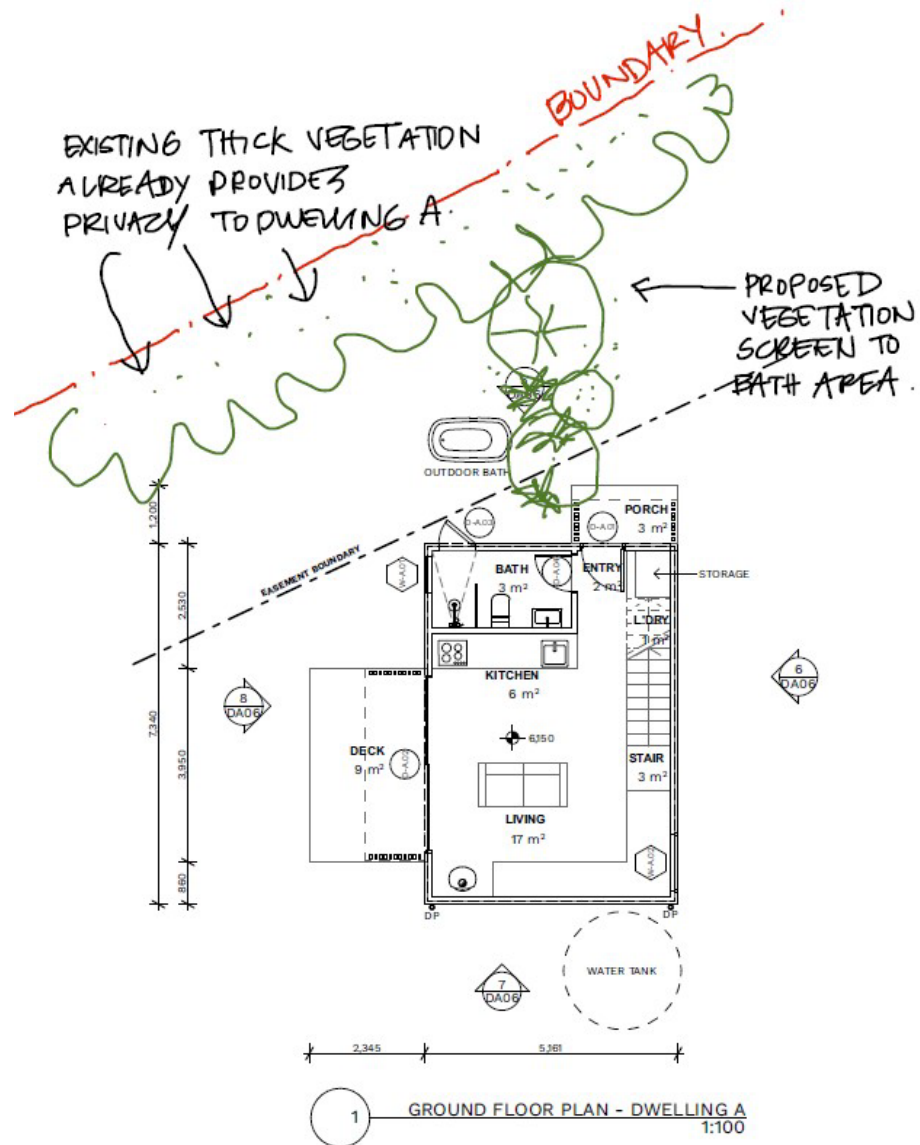
Drawing No: J22127-DA04

Date: 10/07/2023





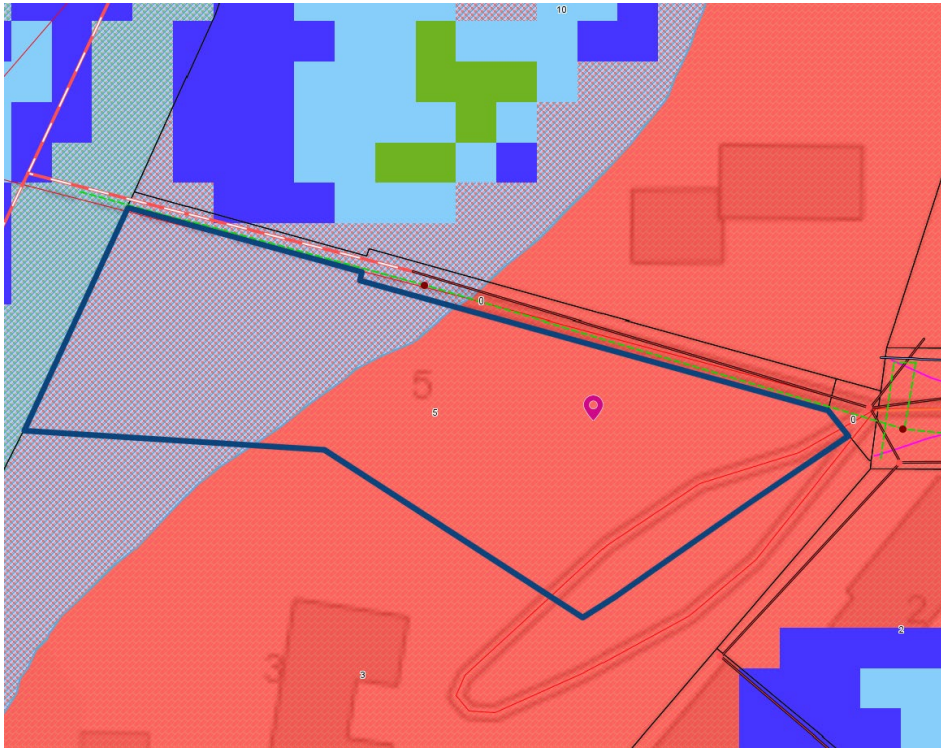
First Floor Plan – Dwelling B Drawn by Cumulus Studio PTY LTD  
 Drawing No: J22127-DA05  
 Date: 10/07/2023



Ground + Upper Floor Plan – Dwelling A Drawn by Cumulus Studio PTY LTD  
 Drawing No: J22127-DA03  
 Date: 10/07/2023

### 1.1. Site Characteristics and Background

The development site at Fysh Place, Stieglitz, has an approximate area of 2307m<sup>2</sup> and is subject to the 10.0 General Residential Zone, contains some vegetation coverage, situated on slightly sloping land, rear section of the property is impacted by the flooding overlay and the priority habitat overlay has not been applied to the subject site.



Locality Plan



Aerial Imagery



**Site Visit Photos – 13/07/2023**











## 2. Applicable Planning Assessment

- 10.0 General Residential Zone: Assessment is required for the Development Standards *10.4.2 Setbacks and building envelope for all dwellings (P3)* and *10.4.6 Privacy for all dwellings (P2)*.
- E6.0 Car Parking and Sustainable Transport Code: Assessment is required for the Use Standard *E6.6.1 Car Parking Numbers (P1)* and Development Standard *E6.7.2 Design and Layout of Car Parking (P2)*.
- E8.0 Biodiversity Code: Assessment is required for the Development Standards *E8.6.1 Habitat and Vegetation Management (P2.1)*.
- Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes: Assessment is required for the Use Standard *Visitor Accommodation (P1)*.

## 3. Referrals

- Referral to Council's Works Department: A referral was issued to the Works Department on the 20/06/2023 with regards to confirming adequacy of existing crossover and proposed connection to reticulated stormwater. The Works Department responded with the following:
  - *Existing crossover is fine. There is already an existing stormwater connection point for this property located on the northern boundary (photo and as-constructed plan below).*

- Both dwellings will need to connect to this one discharge point i.e. no new connections will be made to the public system. All stormwater plumbing work must be completed by a licenced plumber.

#### 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:*

- 10.0 General Residential Zone: *10.4.2 Setbacks and building envelope for all dwellings (P3)* and *10.4.6 Privacy for all dwellings (P2)*.
- E6.0 Car Parking and Sustainable Transport Code: *E6.6.1 Car Parking Numbers (P1)* and Development Standard *E6.7.2 Design and Layout of Car Parking (P2)*.
- E8.0 Biodiversity Code: *E8.6.1 Habitat and Vegetation Management (P2.1)*.
- Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes: *Visitor Accommodation (P1)*.

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

##### 10.0 General Residential Zone

###### *10.4.2 Setbacks and building envelope for all dwellings*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p>

<p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(i) (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(a) (ii) another dwelling on the same site.</p>
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***Assessment against the Performance Criteria is required.***

***Performance Criteria Assessment***

Proposed development for a single dwelling and carport & visitor accommodation for the subject site at Fysh Place, Stieglitz (CT 182325/2), is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.

The submitted plans demonstrate that the proposed single dwelling (Dwelling B) will be located outside of the building envelope illustrated in figure 10.1. Specifically, the south and west elevations show that the proposed dwelling will encroach partly outside of the abovementioned building envelope. However, the performance criteria can be considered appropriately satisfied as demonstrated in the completed assessment below:

- (a) (i) The proposed dwelling (Dwelling B) will not cause a reduction in sunlight to habitable room of the existing dwelling located on the adjoining property at 3 Fysh Place. Review of the previously approved house plans for the aforementioned property revealed that the northern most section of the dwelling consists of a garage on the ground level and a bedroom on the second floor (review DA 052-2002, see TRIM ref. 20/8608). Furthermore, the shadow diagrams included within the submitted plans demonstrate that the single dwelling is likely to only cause minor overshadowing on the eastern edge of the existing dwelling which will not impact upon the availability of sunlight for the abovementioned bedroom.

It is worth noting that due to the existing vegetation coverage that is located between the existing dwelling on 3 Fysh Place and the common boundary shared with the subject site, a visual / green screen is effectively provided and would already contribute to some overshadowing of the existing dwelling (note: review site visit photos included within report for reference).

- (i) The private open space of 3 Fysh Place is located towards the rear of the existing dwelling (note: directly east of the existing dwelling) and as such the proposed dwelling is unlikely to contribute to any overshadowing of the adjoining private open space. This is further evident in the shadow diagrams included within the submitted plans.
- (ii) N/A – subject site does not adjoin a vacant property.
- (iii) As outlined in the assessment completed for criterion (a) above, there is existing vegetation coverage that is located between the existing dwelling on 3 Fysh Place and the common boundary shared with the subject site. As such, there is an existing visual / green screen that will assist in minimising potential visual impacts. However,



given the relatively small size and scale of the proposed dwelling (i.e. 2 bedrooms, Site Cover Area of 77m<sup>2</sup> and 15m<sup>2</sup> for the associated deck), any visual impact that may be associated with the dwelling will likely be minor in nature. This is especially apparent when comparing the size of the proposed dwelling to the existing dwellings within the surrounding area which would more than likely exceed a site cover area of 100m<sup>2</sup>.

(b) Separation distance of the proposed dwelling is consistent with the separation distances established within the surrounding area. Notably, the proposed dwelling has a frontage setback exceeding 4.5m, side and rear boundary setbacks exceeding 1.5m. Therefore, this criterion can be considered satisfied.

(c) (i) Nearest solar energy installation can be seen at 6 Karaka Close, Stieglitz, which are currently orientated towards the north and are more than 20m east of the proposed dwelling.

(ii) N/A – there is no other dwelling on the subject site.

#### 10.4.6 Privacy for all dwellings

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

above floor level, with a uniform transparency of not more than 25%.	
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for a single dwelling and carport &amp; visitor accommodation for the subject site at Fysh Place, Stieglitz (CT 182325/2), is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.</p> <p>The windows to the master bedroom and study for the proposed single dwelling (Dwelling B) as shown on the first floor plan on drawing no. J22127-DA05 are located on a floor level more than 1m above the existing ground level. Notably, the window in the master bedroom exceeds a side boundary setback of 3m and the rear boundary setback of 4m.</p> <p>With regards to the windows included within the study, a side boundary setback of 3m will be exceeded but a rear boundary setback of 4m cannot be achieved. However, review of the previously approved house plans for the adjoining property at 3 Fysh Place, Stieglitz, demonstrates that there is a north facing window included within bedroom 1 on the second floor. This particular window is located closest to the western side of the dwelling. When comparing the location of the proposed dwelling on the subject site as well as the location of the windows included within the study against the location of the window included within bedroom 1 of the existing dwelling at 3 Fysh Place, it is evident that the windows included within the study will exceed a horizontal offset of 1.5m. Furthermore, there is existing vegetation coverage located between the existing dwelling on 3 Fysh Place and the common boundary shared with the subject site which effectively results in the presence of a visual / green screen ensuring that privacy between both properties can be maximised. It is also worth noting that the private open space for the adjoining property at 3 Fysh Place is primarily located towards the rear of the dwelling (note: directly east of the existing dwelling).</p> <p>The approved house plans for 3 Fysh Place, Stieglitz, can be viewed in TRIM ref. 20/8608 or 052-2002.</p> <p>Therefore, this performance criteria can be deemed as satisfied.</p>	

## E6.0 Car Parking and Sustainable Transport Code

### E6.6.1 Car Parking Numbers

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking distance; and</p> <p>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p>

	<ul style="list-style-type: none"> <li>d) the availability and frequency of public transport within reasonable walking distance of the site; and</li> <li>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</li> <li>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</li> <li>g) an empirical assessment of the car parking demand; and</li> <li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li> <li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li> <li>j) any heritage values of the site; and</li> <li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> <li>i) the size of the dwelling and the number of bedrooms; and</li> <li>ii) the pattern of parking in the locality; and</li> <li>iii) any existing structure on the land.</li> </ul> </li> </ul>
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***Assessment against the Performance Criteria is required.***

***Performance Criteria Assessment***

Proposed development for a single dwelling and carport & visitor accommodation for the subject site at Fysh Place, Stieglitz (CT 182325/2), is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.

Proposed visitor accommodation is intended to be provided with 1 car parking space (note: only 1 bedroom) which satisfies the requirements outlined within Table E6.1. However, only 1 car parking space has been provided for the 2 bedroom single dwelling which is unable to satisfy the 2 car parking space requirement outlined within Table E6.1.

Although, the proposed dwelling is intended to be serviced by the provision of a single car parking space within the carport, given the relatively small size of the proposed dwelling (site cover area of Dwelling B = 77m<sup>2</sup> & site cover area for Dwelling Deck B = 15m<sup>2</sup>) covering an area less than 100m<sup>2</sup> and since there are only 2 bedrooms, the provision of 1 parking space can be deemed appropriate for the size and number of bedrooms intended for the dwelling. It is worth noting that there is capacity to park an additional vehicle in front of the carport if needed.

Therefore, the performance criteria can be deemed appropriately satisfied.

### E6.7.2 Design and Layout of Car Parking

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</li> <li>c) have a width of vehicular access no less than prescribed in Table E6.2; and</li> <li>d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> <li>i) there are three or more car parking spaces; and</li> <li>ii) where parking is more than 30m driving distance from the road; or</li> <li>iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and</li> </ul> </li> </ul> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</p>	<p>P2 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</li> <li>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</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 single dwelling and carport &amp; visitor accommodation for the subject site at Fysh Place, Stieglitz (CT 182325/2), is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required. Specifically, the vehicular access (i.e. existing crossover) to the subject site as a width of approximately 2.4m which is less than the 3.0 width requirement outlined within Table E6.2.</p> <p>However, the performance criteria can be considered satisfied as evident in the assessment completed below:</p> <ul style="list-style-type: none"> <li>(a) Car parking and manoeuvring space proposed as part of this development will be safe convenient and appropriate given the residential and visitor accommodation uses proposed for the subject site.</li> </ul> <p>Utilising the Guide to Traffic Generating Developments document (Roads and Traffic Authority NSW, Version 2.2, October 2002), a single dwelling is expected to generate 9 daily vehicle trips while casual accommodation has been estimated to generate 3 daily vehicle trips. Since the proposed development will likely amount to a daily traffic generation of 12 trips in total at most (note: this will be dependent upon whether guests are staying in the visitor accommodation or not as this number could potentially be less), it is reasonable to conclude that the car parking and manoeuvring spaces intended for the proposed development will be sufficient. Additionally, the proposed development does not intend to provide for more than 4 cars, is able to satisfy the requirements outlined within table E6.3 and is designed in accordance with the relevant Australian Standard.</p>	

Notably, the subject site has a slope gradient less than 10% and the proposed development has been located in such a way to ensure that it remains above the 3.0m contour in accordance with the restrictive covenant shown on page 02 of the schedule easements associated with this property. Presence of the flooding overlay towards the rear section of the property has also influenced the siting of the proposed development closer towards the front section of the subject site.

(b) With consideration of the completed assessment above and review of the submitted site plan, sufficient space to turn within the subject site can be provided.

## 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 single dwelling and carport &amp; visitor accommodation for the subject site at Fysh Place, Stieglitz (CT 182325/2), is able to unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required. As part of the proposed development, the submitted site plan outlines the intended removal of one existing tree on the subject site in order to construct the visitor accommodation (Dwelling A) within its proposed location. However, review of the property on the LIST with the 'TASVEG</p>	

4.0' and 'TASVEG Live' overlays applied, demonstrate that the subject site has been attributed the following vegetation group and description:

1. **TASVEG 4.0** = Dry eucalypt forest and woodland (Vegetation Community Group), (DAC) Eucalyptus amygdalina coastal forest and woodland (Vegetation Community Group Description).
2. **TASVEG Live** = Modified land (Vegetation Group), (FUR) Urban areas (Tasveg Description).

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

## Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes

### Visitor Accommodation

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Visitor Accommodation must:</p> <p>(a) accommodate guests in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<p>P1 Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p> <p>(f) any impact on the owners and users rights of way.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development which includes the establishment of a new visitor accommodation use and structure for the subject site at Fysh Place, Stieglitz (CT 182325/2) is unable to satisfy the</p>	

acceptable solution. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:

- (a) Proposed visitor accommodation will not impact upon the privacy of adjoining properties and in particular 10 Fysh Place, 3 Fysh Place and 2 Karaka Close as outlined below:
- 10 Fysh Place - it's evident from the current available aerial imagery that the public walkway that separates the subject site from this neighbouring property is effectively screened from view due to the existing vegetation.
  - 3 Fysh Place – the visitor accommodation is unlikely to be viewable from either the existing dwelling or the private open space that services it. Specifically, the proposed dwelling and carport as well as the existing vegetation coverage located between the existing dwelling at 3 Fysh Place and the common boundary shared with the subject site, will ensure that the proposed 1 bedroom visitor accommodation will not detrimentally impact the privacy of this adjoining property.
  - 2 Karaka Close – Given the 17m+ separation distance between the proposed visitor accommodation and the existing dwelling located at this property in addition to the existing vegetation elements located along the common boundary shared with 3 Fysh Place, it is reasonable to conclude that the privacy of this property is unlikely to be impacted upon.
- (b) Proposed visitor accommodation is likely to produce noise of a comparable nature to the surrounding residential uses. Since occupants will only be residing for a short term period, any noise generated by the visitor accommodation is likely to occur on an irregular basis. Therefore, the criterion can be considered satisfied.
- (c) The proposed 1 bedroom visitor accommodation will have a site cover area of 38m<sup>2</sup> in addition to a site cover area of 12m<sup>2</sup> for the associated deck. It is evident from the current available aerial imagery that the majority of existing dwellings within the surrounding area are of an exceedingly larger size than the proposed visitor accommodation with site cover areas exceeding 100m<sup>2</sup>. Regarding compatibility with the surrounding area, it is worth that there are existing dwellings within the surrounding area that have had an additional use for Visitor Accommodation Use application approved with some examples including 6 Fysh Place, 9 Hodge Court and 229 St Helens Point Road, Stieglitz. As such, the proposed development and use can be considered consistent with the scale and compatible with the surrounding character and uses established within the area. Therefore, this criterion can be considered satisfied.
- (d) Proposed development does not subvert the primary residential function and character of the surrounding area given the size and number of bedrooms intended for the proposed visitor accommodation which has been outlined within the completed assessment above for criterion c. Therefore, this criterion can be considered satisfied.
- (e) The proposed 1 bedroom visitor accommodation will be provided with 1 dedicated car parking space to service the intended use as shown on the submitted site plan. Notably, in accordance with the Guide to Traffic Generating Developments (Roads and Traffic Authority NSW, Version 2.2, October 2002), causal accommodation is expected to



generate approximately 3 daily vehicle trips per unit. Therefore, since the proposed visitor accommodation will only result in a minor number of daily vehicle trips it is appropriate to conclude that this criterion can be considered satisfied.

- (f) Proposed visitor accommodation does not impact upon owners and users rights of way (if any). Therefore, this criterion can be considered satisfied.

## 5. Representations

The application was advertised 22<sup>nd</sup> July 2023 to 4<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. Two (2) 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>• Outlines two key observations / misrepresentations shown within the plans including: <ol style="list-style-type: none"> <li>1. Site plan shows that the neighbour's shed (3 Fysh Place) abutting the boundary. Neighbour's shed has an approximate setback of 1m and believe that by showing this shed on the boundary that this has been used to justify the location of the proposed carport on the boundary.</li> <li>2. Visual window shown in yellow shading seems to indicate that the adjacent property (2 Karaka Close) will have an unhindered view to the bay. Representor confirms that section of the dwelling is the rear of the garage and an adjacent water tank. Further confirmed that windows do not face the bay from the area of the dwelling but views from the first floor north of the shaded area will be impacted.</li> </ol> </li> <li>• Have concerns about the two fire places proposed as the flues are upwind of their property and noted the prevailing wind direction being north-west. Outlined that they have resided on their property for 11 years and have enjoyed the clean air of Tasmania which influenced their move to St Helens. 11 dwellings within the surrounding area, only four have fire places</li> </ul>	<ul style="list-style-type: none"> <li>• Submitted plans demonstrate the indicative location of structures on surrounding properties and may not be exact as the submitted plans were created to primarily demonstrate the proposed development on the subject site. With the second point, the architect was not aware of the room layout within the existing dwelling at 2 Karaka Close and the visual cone has been included to demonstrate the proposed development's intent to maintain views. In response to this point, Lucia Wellington (Cumulus Studio PTY LTD) outlined the following within her written response: <p><i>'Misrepresentations:</i></p> <ul style="list-style-type: none"> <li>• <i>The information shown on surrounding sites is approximate and wasn't surveyed as part of this application. We believe this inaccuracy doesn't impact our proposal to build a carport on the boundary.</i></li> <li><i>b) We designed the two houses in this proposal to be modest, recessive and sensitive to the views of the bay from neighbouring properties. The roof pitch doesn't</i></li> </ul> </li> </ul>



<p>but none of those flues are within proximity to their outside areas. Observe that surrounding neighbours appear to be content with relying on clean energy of hydro-electricity. The representor precedes to outlined that themselves and their partner suffer from lung conditions and that the smoke from generated by these buildings will restrict their ability to enjoy their outside area. It is then outlined that due to recent efforts by the government to convey the need for reduction in carbon emissions, the owners should consider an alternative method of heating (i.e. Hydro-electricity). The representor concludes on this point by stating that these fires will create both a safety and special issue on each room and concluded that rooms are more liveable without.</p> <ul style="list-style-type: none"> <li>• Express concerns over the shared bin storage area and believe that as it is likely for these bins to contain seafood and other food scrapes that the odours will be directed towards the representor's property. Notes that one of the structures is for visitor accommodation and reiterates that the bins will contain food scrapes until collection week and that this would affect their ability to enjoy the outdoors. Representor has asked whether if these bins can be relocated away from the front gate further suggesting the windward side of Dwelling B.</li> <li>• Representor has concerns with the outdoor bath intended to accompany the proposed visitor accommodation due to it being adjacent to public walkway and seemingly without the inclusion of a screen. They note that privacy for users, individuals walking and neighbours is not evident and assert that outdoor bath will attract noise given its novelty. The representor questions the need for this outdoor bath and its intended location but they suggest moving it further down the property and in particular behind the visitor accommodation away from visual and aural perception.</li> </ul>	<p><i>open up to the view and block views from behind, rather pitches low through the centre of the site to allow views through'.</i></p> <ul style="list-style-type: none"> <li>• Understand that the representor has concerns regarding potential impacts from the smoke generated from the fireplaces intended to be installed in both structures. However, the acceptable solution for clause 10.3.1 Amenity can be considered satisfied as <i>'Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes'</i> confirms that visitor accommodation is classed as a Permitted use to occur on land subject to the 10.0 General Residential Zone.</li> <li>• Similar to the above the acceptable solution for clause 10.3.1 Amenity can be considered satisfied as <i>'Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes'</i> confirms that visitor accommodation is classed as a Permitted use to occur on land subject to the 10.0 General Residential Zone. Given the relatively small scale of the proposed development in comparison to the size of existing dwellings on surrounding properties, any odours (if any) generated would be minimal and or comparable to existing surrounding uses. In response to this point, Lucia Wellington (Cumulus Studio PTY LTD) outlined the following within her written response:</li> </ul> <p><i>'Bins:</i></p>
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<ul style="list-style-type: none"> <li>• Representor questions why the proposed structures are being placed at the front of the property given the available space. It is suggested that the proposed structures should be moved away from the front and instead site them further down the property closer to the bay which would also enable easier driveway / turning facilities and provide a greater vista of the bay. They further assert that this might not require the proposed carport to be located on the boundary.</li> <li>• To conclude their representation, the representor questions whether solar panels are being contemplated for the proposed development and have some concerns of the potential reflection issues that may arise. Consequently, they suggest reorientating the proposed structures in anticipation of the possible installation of solar panels.</li> </ul>	<p><i>The owners are responsible, caring people and they will manage their waste accordingly. This site has a unique street frontage of 4m which doesn't allow a huge scope for bin locations near to the street'.</i></p> <ul style="list-style-type: none"> <li>• While the outdoor bath does not form part of the planning assessment of this application (i.e. it's not a fixed structure), it is acknowledged that there are likely to be issues with privacy given the intended location of the outdoor bath which will service the proposed visitor accommodation. Accordingly, the architect has provided amended plans demonstrating the inclusion of vegetation to screen the outdoor bath from view with regards to the street. In response to this point, Lucia Wellington (Cumulus Studio PTY LTD) outlined the following within her written response:</li> </ul> <p><i>'Bath: The outdoor bath area is intended to be completely private. This will be achieved by planting appropriate screening vegetation. We see this space as a quiet place of retreat, rather than that of 'novelty.' Shack A is a small, micro house for 2 people max. The facilities and the way they are used will reflect this'.</i></p> <ul style="list-style-type: none"> <li>• The design of the proposed development has been influenced by a number of factors such as the location of existing easements on the property, a restrictive covenant from the schedule of easements which stipulates the following <i>'Not to construct or allowed to be constructed on the Covenantor's Lot any residence below the 3.00metre contour'</i> and that most of the rear section of the property that is located within proximity to Georges Bay is subject to the Flood</li> </ul>
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	<p>Prone Areas Overlay on Council's mapping system. In response to this point, Lucia Wellington (Cumulus Studio PTY LTD) outlined the following within her written response:</p> <p><i>'Position of the proposed buildings: The location of the buildings on the site are governed by numerous site constraints (services easement, road widening easement, flood risk overlay and bushfire overlay). The siting of the buildings aims to capture the views of the bay, admit Northern sun into the buildings and respond sensitively to the neighbouring buildings'.</i></p> <ul style="list-style-type: none"> <li>• Installation of solar panels have not been demonstrated to form part of the proposed development. Additionally, installation of solar will require the submission of a building application as roof mounted solar panels are exempt from requiring a planning permit unless there's a code that applies with regards to historic heritage values or significant trees which for this property there is none. Refer to Table 5.5 Renewable energy exemptions from the interim planning scheme (pp. B-22).</li> </ul>
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### Representation 02

Issue	Response
<ul style="list-style-type: none"> <li>• Representor objects to the current application as they believe the proposed visitor accommodation is not compatible with residential character making reference to 10.1.3 from the 10.0 General Residential Zone.</li> <li>• Adjacent properties and properties within the surrounding area are single dwellings not used for visitor accommodation uses. Notes that the proposal is for a multiple dwelling and appears as commercial homes.</li> </ul>	<ul style="list-style-type: none"> <li>• Please refer to the Responsible Officer's Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause Visitor Accommodation (P1) can be satisfied with regards to <i>Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes</i>.</li> </ul>

<ul style="list-style-type: none"> <li>• Comments that the proposed development will be similar in appearance to multiple units seen within a commercial holiday or caravan park. Oppresses the residential character of the street and adjacent properties and particularly when in view from public footpaths and walking tracks.</li> <li>• Representor further comments that the proposed development will result in a loss of amenity for the street and neighbourhood as it will have an appearance of a holiday park or caravan park. Not suitable for the residential area of this size as it is not possible to screen these multiple dwelling units and since the proposal states that no new fencing is proposed, the existing fence does not screen the property at all.</li> <li>• Concerned about the outdoor bath for the visitor accommodation as it will be visible for the footpath and neighbouring properties. Noted that no information was provided regarding any screening of private areas for both structures. Due to the proximity to the public footpath the private areas for the accommodation facilities would be visible and is accordingly not suitable for residential area characterised by private single dwellings serviced by a private open space.</li> <li>• Representor noted that no information had been provided about C13.0 Bushfire Prone Areas, C12.0 Flood prone Areas, C7.0 natural Assets. They expected that this should have been addressed for the multiple dwelling intended for commercial uses.</li> </ul>	<ul style="list-style-type: none"> <li>• It is worth that there are existing dwellings within the surrounding area that have had an additional use for Visitor Accommodation Use application approved with some examples including 6 Fysh Place, 9 Hodge Court and 229 St Helens Point Road, Stieglitz.</li> <li>• In response to the comparisons of the proposed development to multiple units seen within a commercial holiday or caravan parks and expected impacts on amenity and character of the surrounding area , Lucia Wellington (Cumulus Studio PTY LTD) has provided the following response:  <i>‘We are sensitive to these concerns, however we believe the aesthetic of this proposal is simple, coastal, recessive in its use of natural, non-reflective materials and sensitive to the surrounding landscape. In no way do we see this proposal to look or feel like a caravan park’.</i>  <i>‘Given the street frontage of this site is 4m wide, an argument for loss of street amenity is not accurate’.</i></li> <li>• Giving consideration to the representor’s concerns and Lucia’s response above, I’m more inclined to agree that the design of the proposed development will not look like a caravan park given the small scale of the proposed development and that it has been architecturally designed. Additionally, please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause Visitor Accommodation (P1) can be satisfied with regards to <i>Planning Directive No. 6 - Exemption and Standards for Visitor</i></li> </ul>
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*Accommodation in Planning Schemes.*

- Similar to representation 01, the outdoor bath does not form part of the planning assessment but it is acknowledged that there could be issues with privacy given the intended location. The architect has provided amended plans demonstrating the inclusion of vegetation to screen the outdoor bath from view with regards to the street.
- This application is being assessed against the interim planning scheme as it was received and made valid before the 21/07/2023 when council transitioned to the Tasmanian Planning Scheme.



1 Front view



2 Rear view

*Perspectives Drawn by Cumulus Studio PTY LTD*  
*Drawing No: J22127-DA10*  
*Date: 10/07/2023*

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 General Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and six (6) 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

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;*  
*Land Use Planning and Approvals Act 1993;*  
*Local Government (Building and Miscellaneous Provisions) Act 1993.*

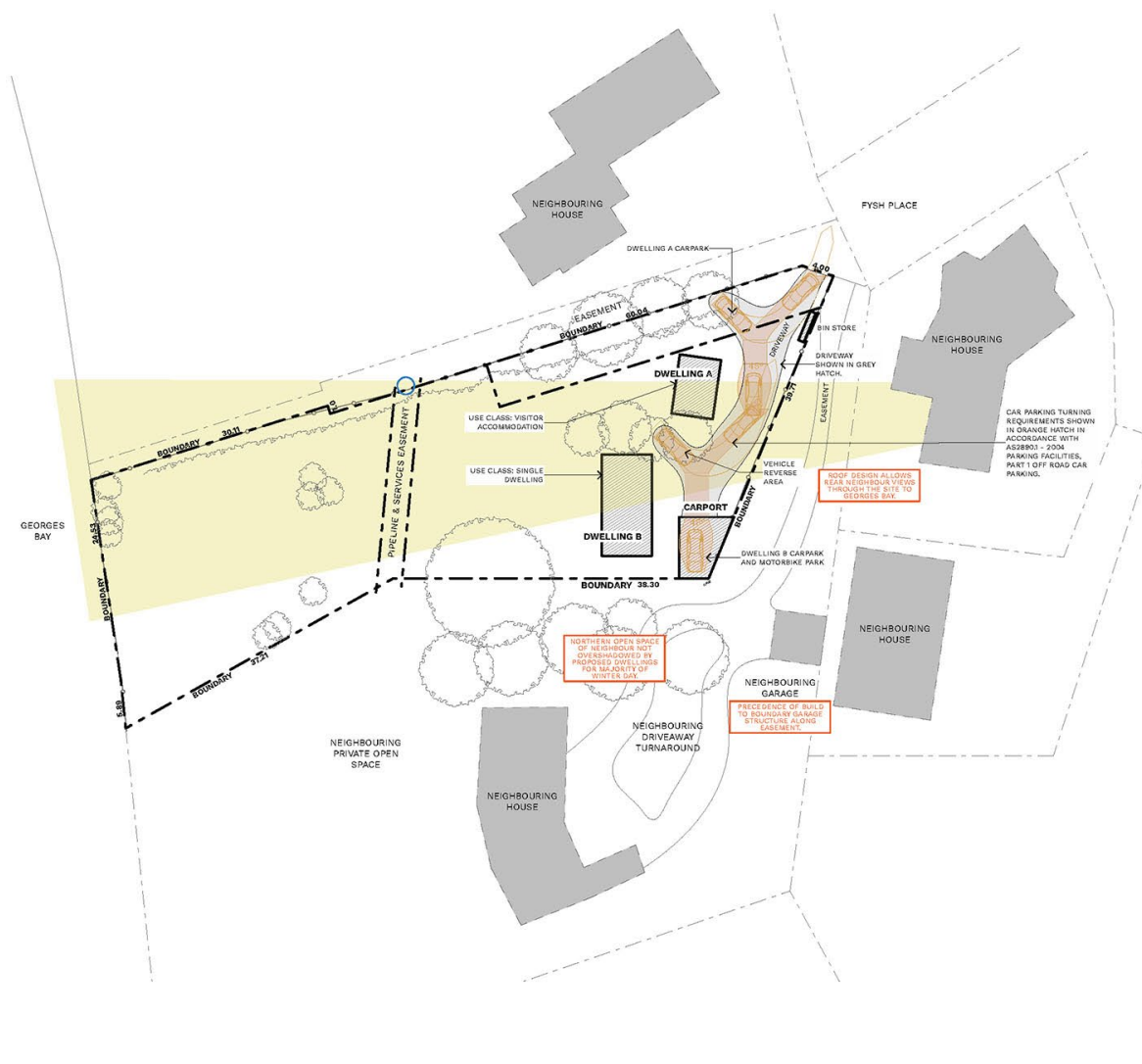
### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

### VOTING REQUIREMENTS:

Simple Majority





REV	DATE	PURPOSE
01	10/7/23	DA

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PROJECT NAME  
**FYSH PLACE SHACKS  
NEW DWELLINGS**

PROJECT STAGE  
DA

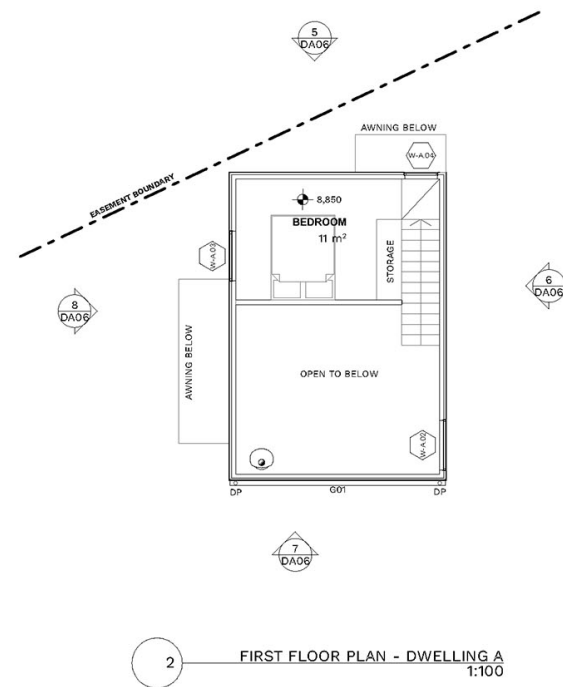
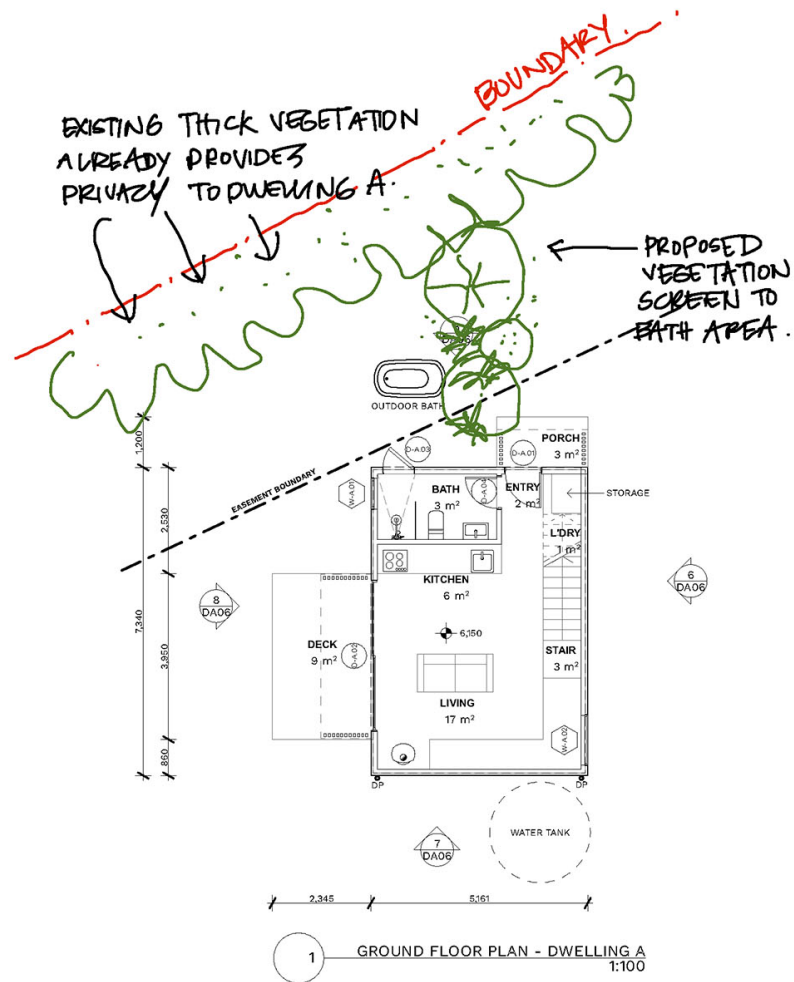
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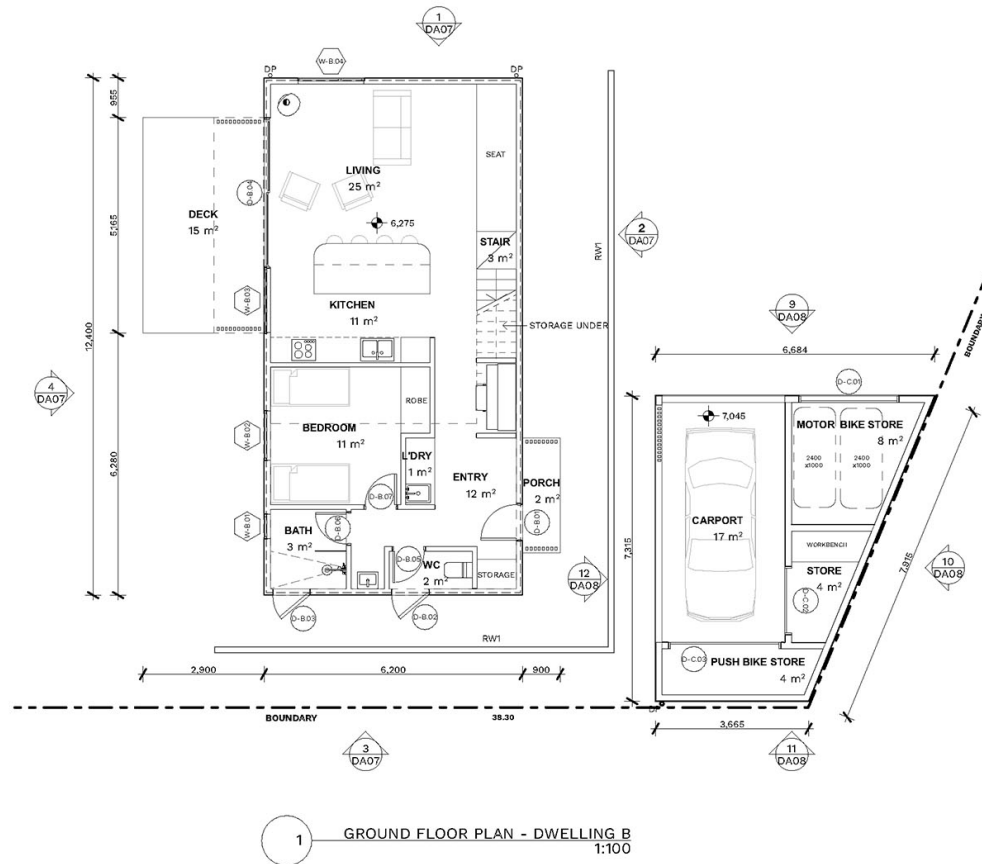
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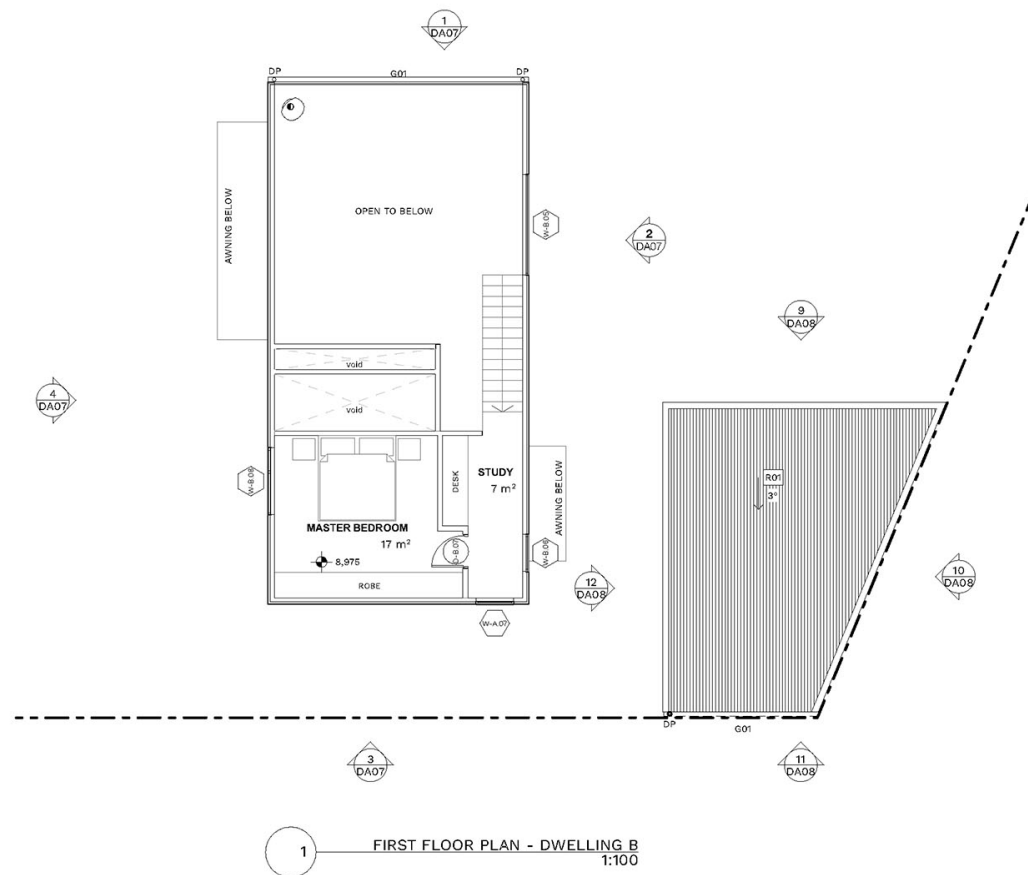
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PROJECT NAME	FYSH PLACE SHACKS NEW DWELLINGS
PROJECT STAGE	DA
DRAWING TITLE	GROUND FLOOR PLAN - DWELLING B
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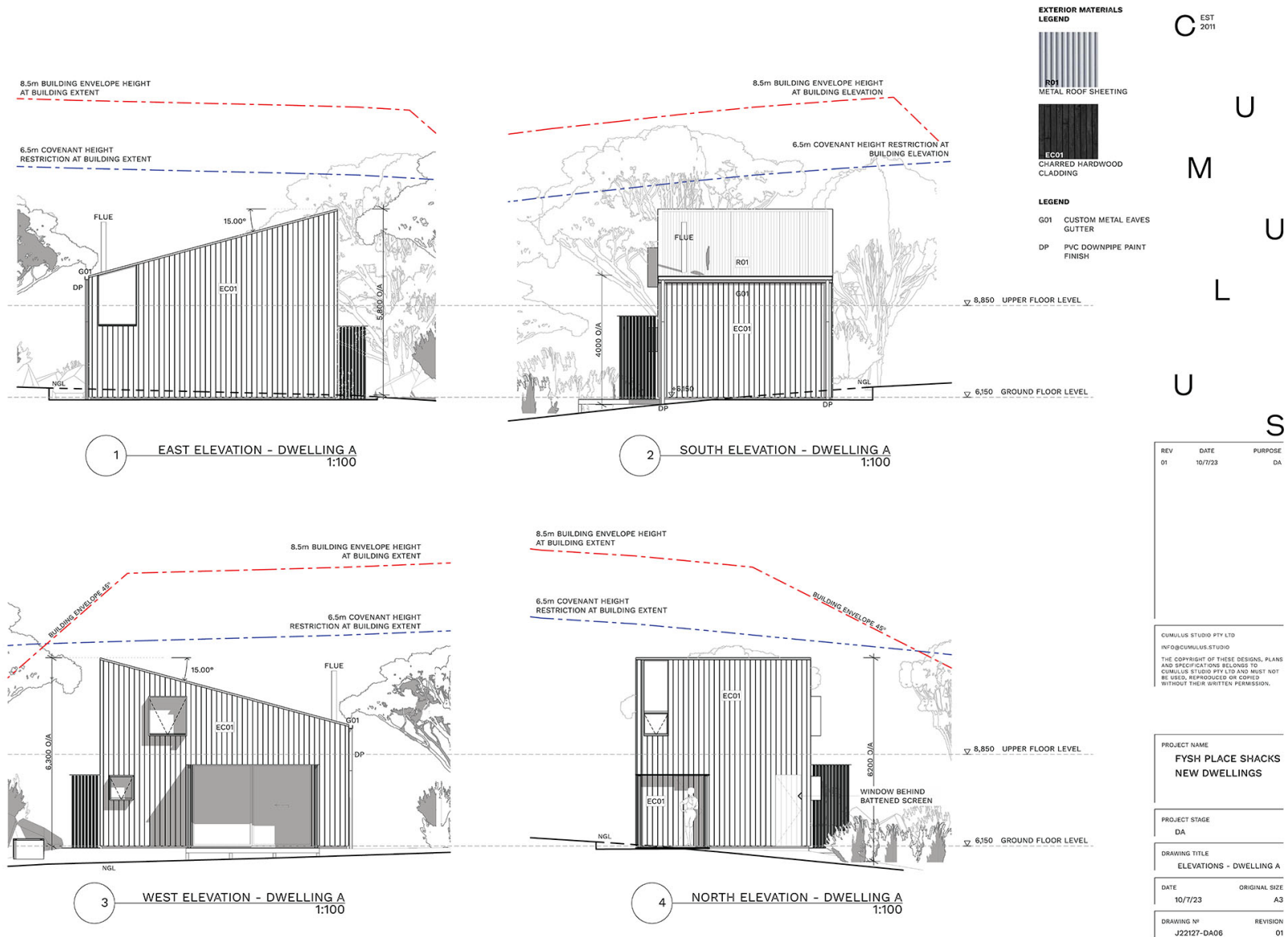


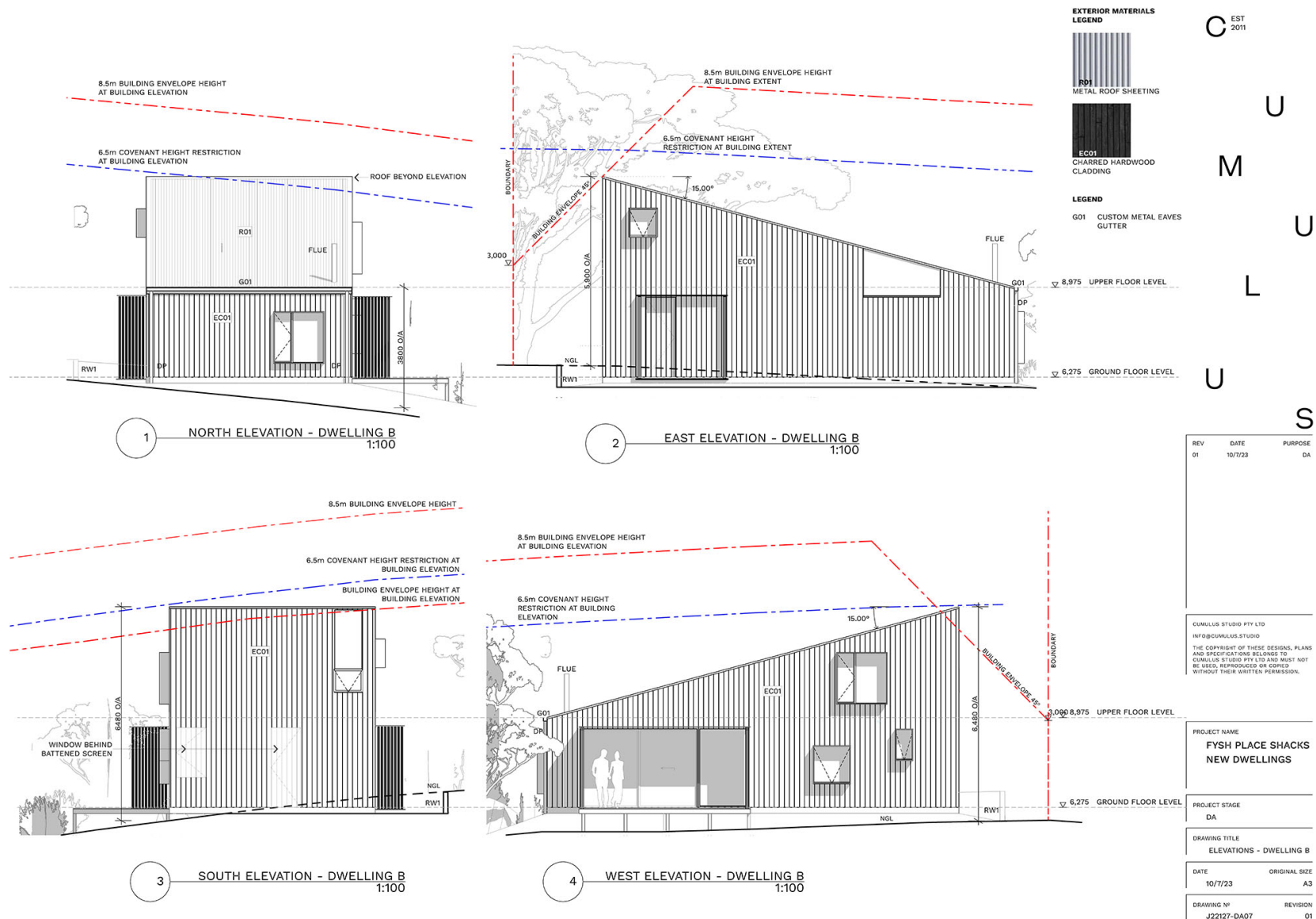
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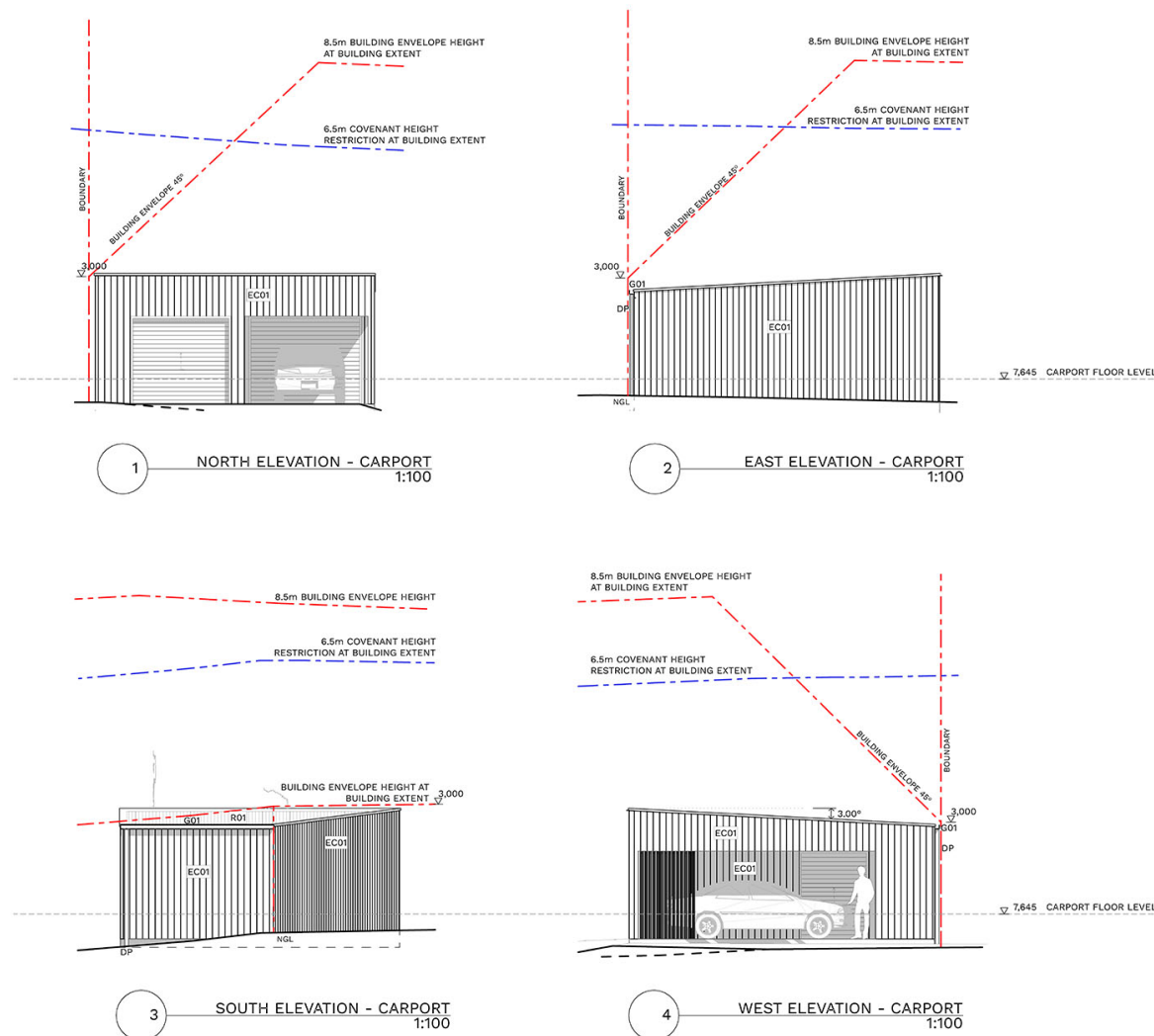
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PROJECT NAME	FYSH PLACE SHACKS NEW DWELLINGS
PROJECT STAGE	DA
DRAWING TITLE	FIRST FLOOR PLAN - DWELLING B
DATE	10/7/23
DRAWING N°	J22127-DA05
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#### EXTERIOR MATERIALS LEGEND



#### LEGEND

- G01 CUSTOM METAL EAVES GUTTER
- DP PVC DOWNPIPE PAINT FINISH

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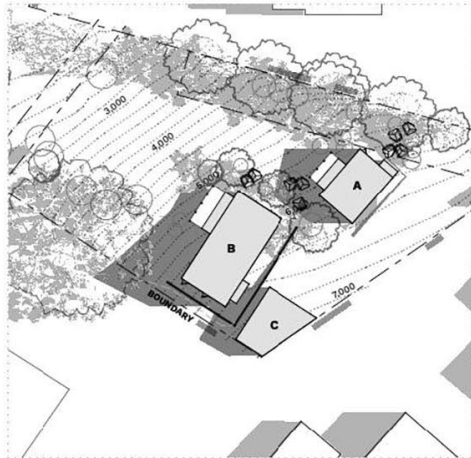
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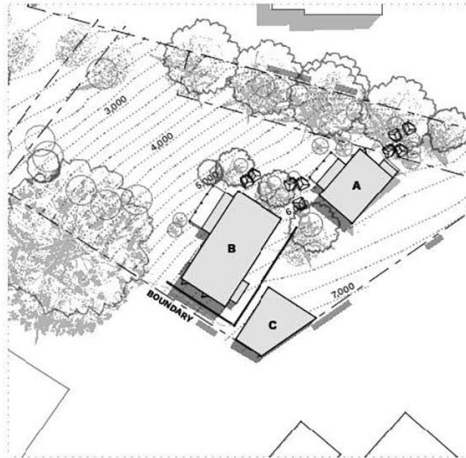
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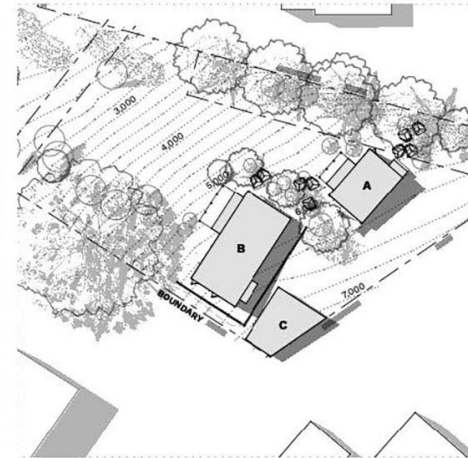




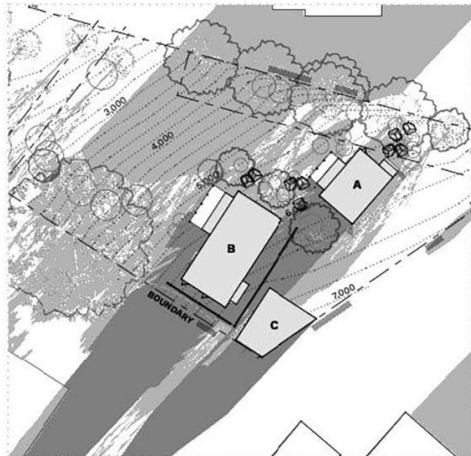
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SHADOWS WINTER 9am



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PROJECT NAME  
FYSH PLACE SHACKS  
NEW DWELLINGS

PROJECT STAGE  
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**DA 131-23 Change of Use - Existing Dwelling to Visitor  
Accommodation and the Construction of a New Dwelling  
(Residential), Deck, Retaining Wall and Outbuilding with Amenities**

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Allure Building Design
<b>OFFICER</b>	Deb. Szekely, Senior Town Planner
<b>FILE REFERENCE</b>	DA 131-23
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	1. Representation 2. Applicant response to representation 3. Plans 4. Wastewater Report 5. RO Completed Scheme Response

**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 CHANGE OF USE - EXISTING DWELLING TO VISITOR ACCOMMODATION AND THE CONSTRUCTION OF A NEW DWELLING, DECK, RETAINING WALL AND OUTBUILDING WITH AMENITIES on land situated at 114 GARDENS ROAD, BINALONG BAY described in Certificate of Title 124464/2 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.

<b>APPROVED PLANS</b>			
<b>PLAN / DOCUMENT NAME</b>	<b>REFERENCE NUMBER</b>	<b>PREPARED BY</b>	<b>DATED</b>
Location Plan	DA01	Allure Building Design	10/07/2023
Site Plan	DA02	Allure Building Design	10/07/2023
Existing Floor Plan (Proposed Visitor Accommodation)	DA03	Allure Building Design	10/07/2023
Ground Floor Plan	DA04	Allure Building Design	10/07/2023
First Floor Plan	DA05	Allure Building Design	10/07/2023
Elevations	DA06	Allure Building Design	10/07/2023
Elevations	DA07	Allure Building Design	10/07/2023
Shed Floor Plans	DA08	Allure Building Design	10/07/2023
Shed Elevations	DA09	Allure Building Design	10/07/2023
Geo-Environmental Assessment	114 Gardens Road Binalong Bay	Geo-Environmental Solutions	26/06/2023

2. The areas shown to be set aside for vehicle access and car parking must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;



- c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. A maximum occupancy limit of 2 persons shall be applied to the Visitor Accommodation Use.
6. All works associated with the development must be conducted in accordance with a *Soil and Water Management Plan* developed in accordance with Erosion and Sediment Control on Building Sites (Environment Protection Authority (EPA) Tasmania) published July 2023 and available on the website of EPA Tasmania. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
7. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
11. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night in accordance with 14.4.1 A10 of the *Break O'Day Interim Planning Scheme 2013*.
12. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
13. 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.
14. 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.
15. No works are to commence on the removal of the dam until such time as it is established whether a permit for dam works, within the meaning of the Water Management Act 1999 is

in force for the same and it is established through site survey or other relevant means, that the dam is wholly located on Certificate of Title 124464/2. Written notification of determination must be provided to Council prior to any works being undertaken.

16. The structure identified on approved plan DA03, titled Existing Floor Plan (Proposed Visitor Accommodation) and dated 10/07/2023 is approved for Visitor Accommodation use class only and is not approved for long term Residential Use.
17. Plants listed in Appendix 3 of the Break O'Day Interim Planning Scheme 2013 (attached) must not be used in landscaping.
18. Engage the expertise of suitably qualified person(s) with local knowledge of endemic vegetation to manage natural regeneration or assisted regeneration of areas previously cleared of vegetation and not associated with bushfire hazard management areas and in particular the north eastern section of the property, over the long term.

## ADVICE

1. The property is within the Environmental Living Zone (Interim Planning Scheme) and Landscape Conservation Zone (Tasmanian Planning Scheme) and previous development application material has identified the location of threatened vegetation species onsite. Attached to this permit is a copy of the relevant information. Future management of the site, including the regeneration of native vegetation outside of the Bushfire Hazard Management Area should be informed by knowledge of the endemic vegetation communities found on the site and the presence of threatened vegetation as outlined in the attached information. It is advised that qualified assistance is sought in managing the vegetation on the site including regeneration and maintaining existing native vegetation. Onsite management of vegetation should also address the historic removal of vegetation in areas not affected by development and work toward the future management of natural values, including threatened vegetation and its role in connectivity to adjoining vegetation communities. Landowners are encouraged to seek advice from local suitably qualified people, for assistance.
2. The fuel-modified buffer zone should be selectively maintained to ensure that any threatened species habitat or species of conservation significance, which germinate, and seed are retained.
3. This advice relates to condition 15 of the Permit. Section 60A of *Land Use Planning and Approvals Act 1993* (the Act), outlines that a permit for dam works is not required under the Act if a permit for dam works, within the meaning of the *Water Management Act 1999* is in force under that Act.
4. 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.
5. 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.
6. Activities associated with construction works are not to be performed outside the permissible time frames listed:

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

## INTRODUCTION:

The applicant is seeking approval for a change of use from Residential Use Class to Visitor Accommodation Use Class to the existing dwelling on the site in addition to the construction of a new dwelling (Residential Use Class), deck and retaining wall. The development application also includes the construction of an outbuilding with amenities and office (Residential Use). The application is a discretionary application and was assessed against the *Break O'Day Interim Planning Scheme 2013* Version 21. The property was purchased by the current owners in October 2021.

Relevant previous and current application material is presented below and demonstrates the extent of development on the site.

1. DA003-2014 DIANE & ANDREW PAYNE - 114 THE GARDENS ROAD, BINALONG BAY - DWELLING & SHED . Note: only the shed was constructed.

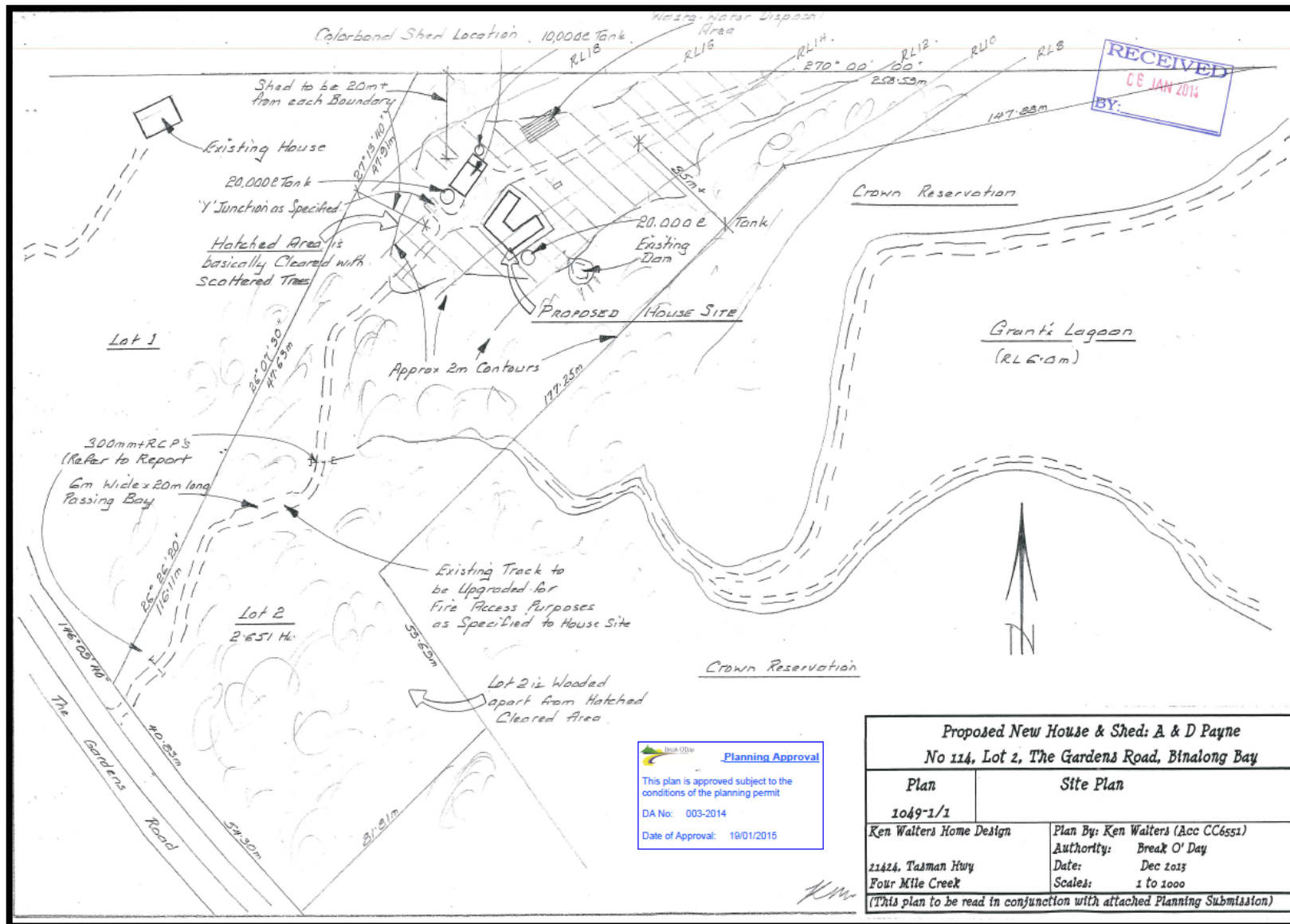


Figure 1. Approved Site Plan DA003-2014

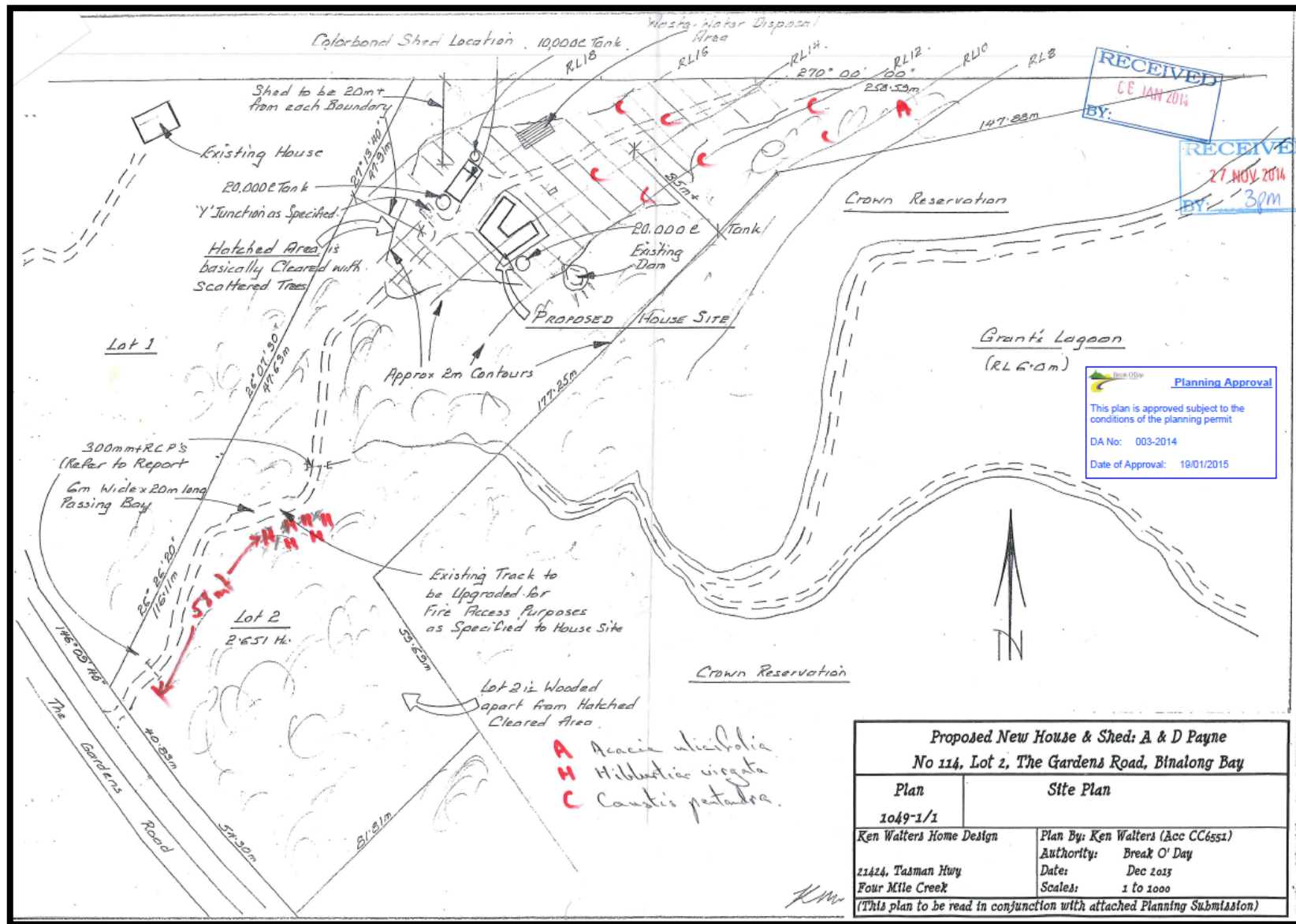


Figure 2. Location of Threatened Vegetation (2013)

2. DA006-2019 A JONES - 114 GARDENS ROAD, BINALONG BAY - CHANGE OF USE - PART OF SHED TO ANCILLARY DWELLING. Approved 17/04/2019.

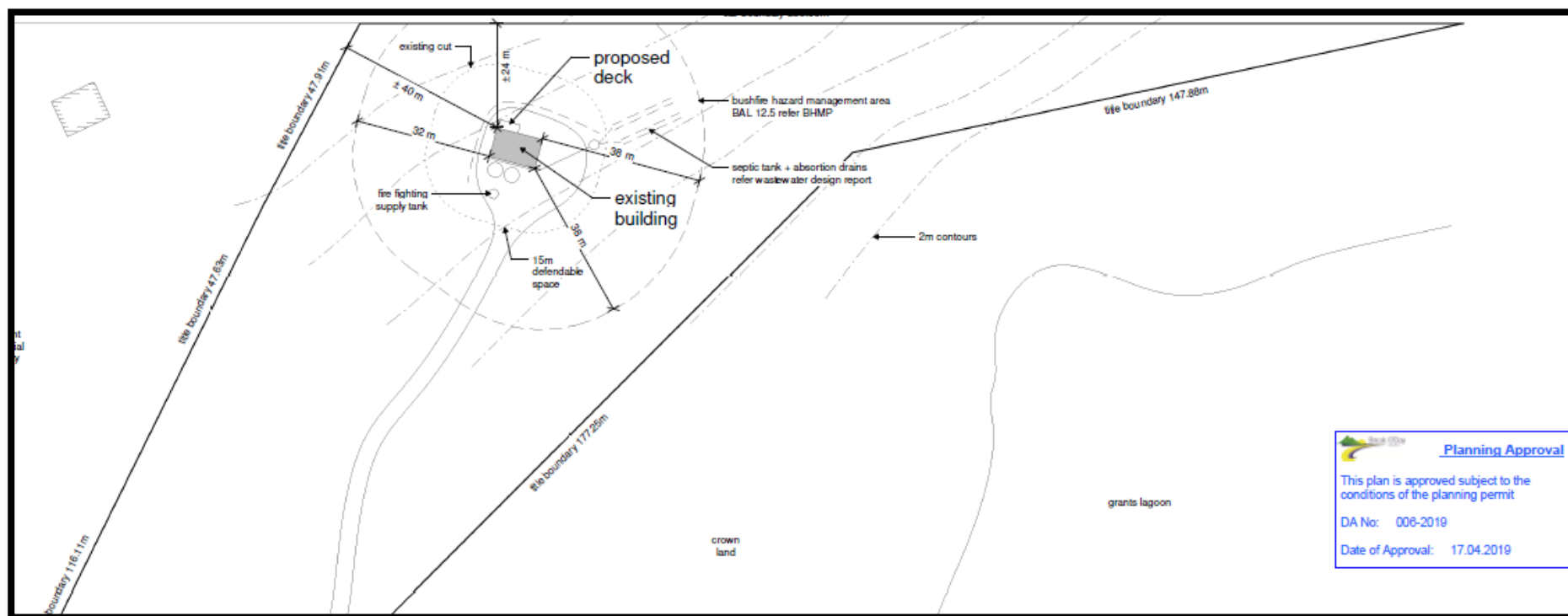
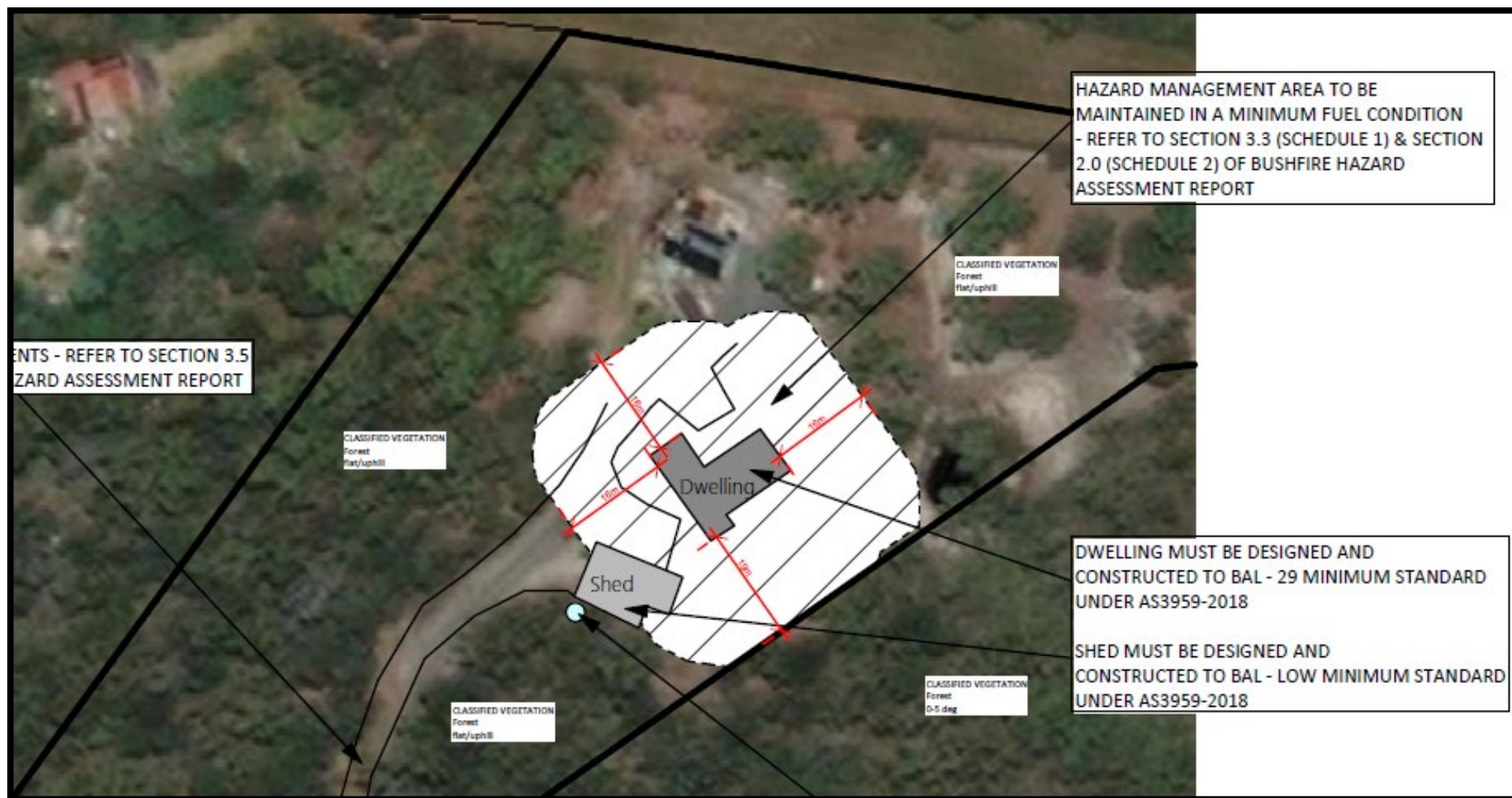


Figure 3. Approved Site Plan (partial) DA006-2019 – Note Bushfire Hazard Management Area



### 3. Current application – Bushfire Hazard Management Area



**Figure 4 Proposed Development – Bushfire Hazard Management Area**

## PREVIOUS COUNCIL CONSIDERATION:

01/15.16.1 DA003-2014 – Dwelling and Shed – 114 Gardens Road, Binalong Bay

01/15.16.1.028 Moved: Clr M Osborne / Seconded: Clr G McGuinness

## OFFICER'S REPORT:

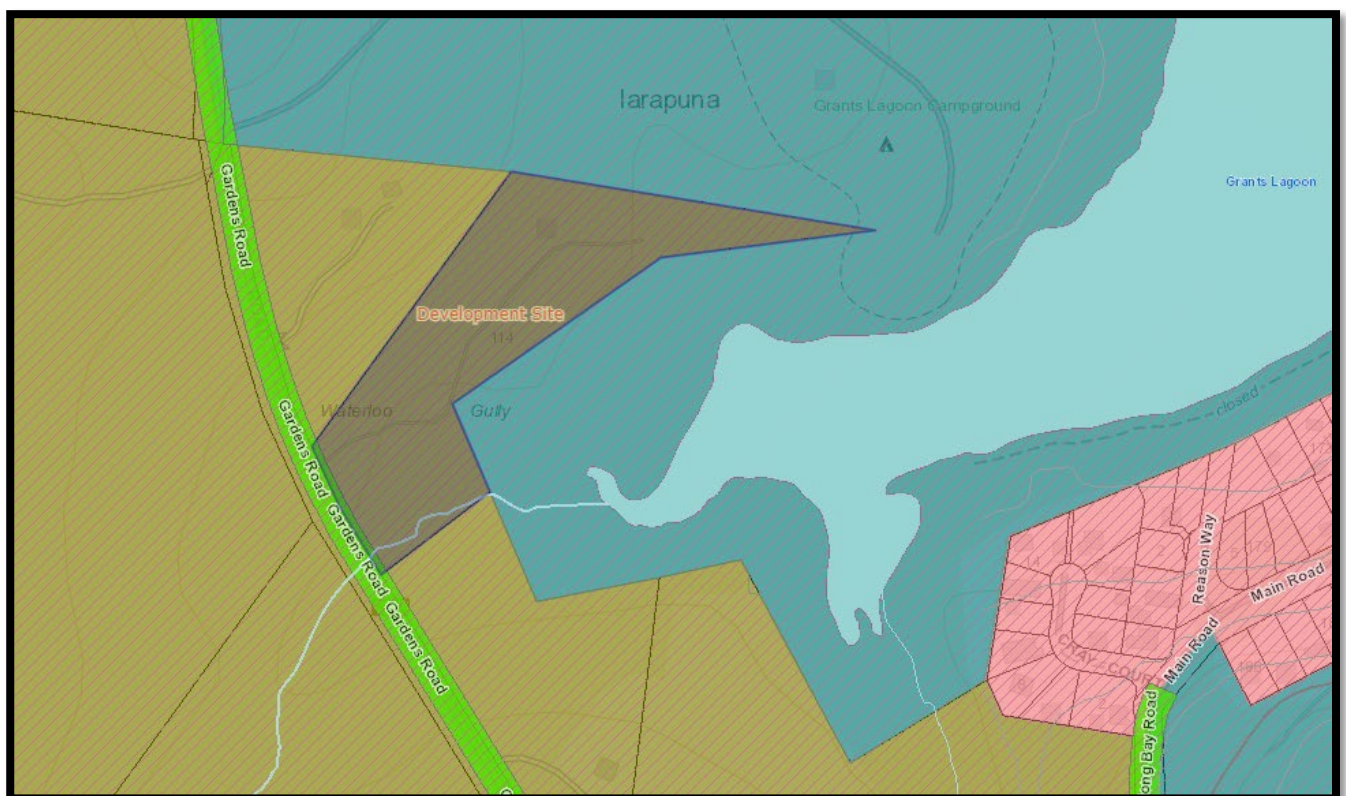
### 1. The Proposal

The applicant proposes a change of use to a previously approved dwelling. This structure had originally been approved as an outbuilding (DA003-2014) and then converted into a habitable dwelling for residential use (DA006-2019). The applicant now proposes to change the Use Class of this structure from Residential to Visitor Accommodation thereby only allowing short term / medium term accommodation of the same. The structure will no longer be permitted to be used for long-term accommodation. The one bedroom structure is existing and this is a permitted use within the zone.

The applicant also proposes to construct a new two-storey dwelling, associated decks and outbuilding. The proposed shed will accommodate two vehicles, provide for workshop space and a home office. The proposed shed will be associated and subservient to the residential use of the dwelling.

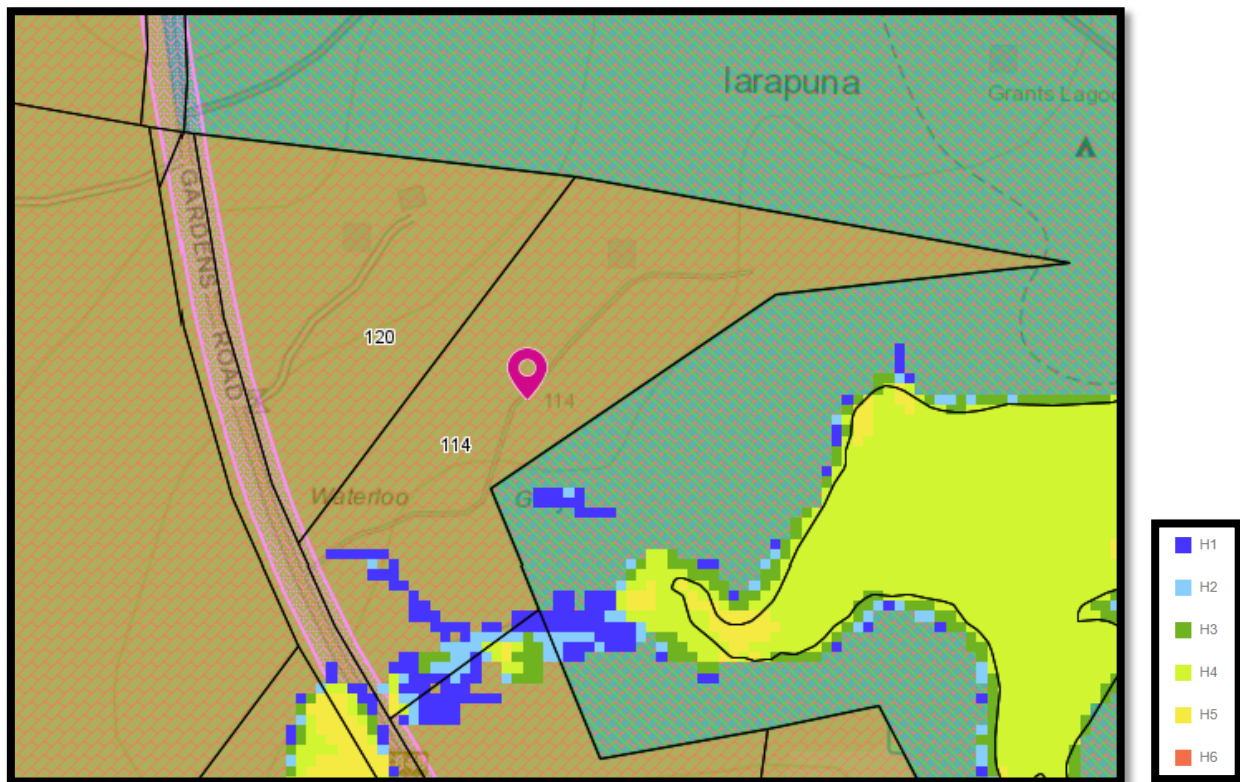
The site relies on onsite stormwater collection and disposal, and onsite wastewater management.

A small amount of overland flow affects the southern primary frontage and is associated with a mapped watercourse (tributary) that flows to Grants Lagoon. The mapped flood prone areas are categorised as a Hazard Level H1 and represents a low risk. The mapped watercourse is greater than 50m from the proposed development area and removed from access to the site.



**Development Site – showing location of watercourse**





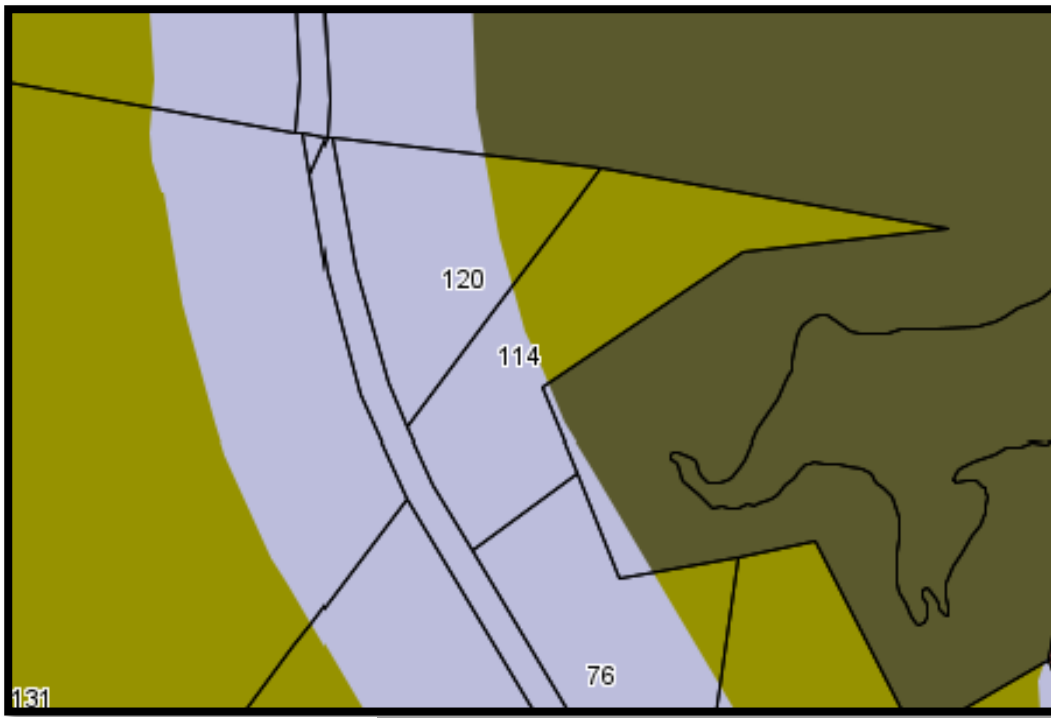
#### Flood Prone Areas – Access associated with H1

Application materials advise no clearing of vegetation is required as part of this development application due to the dwelling / outbuilding being located in a previously cleared area in association with DA003-2014 in preparedness for the approved dwelling (not built).

The access is existing and formed as part of previous development applications. The access has been considered in accordance with Clause 5.2.5.

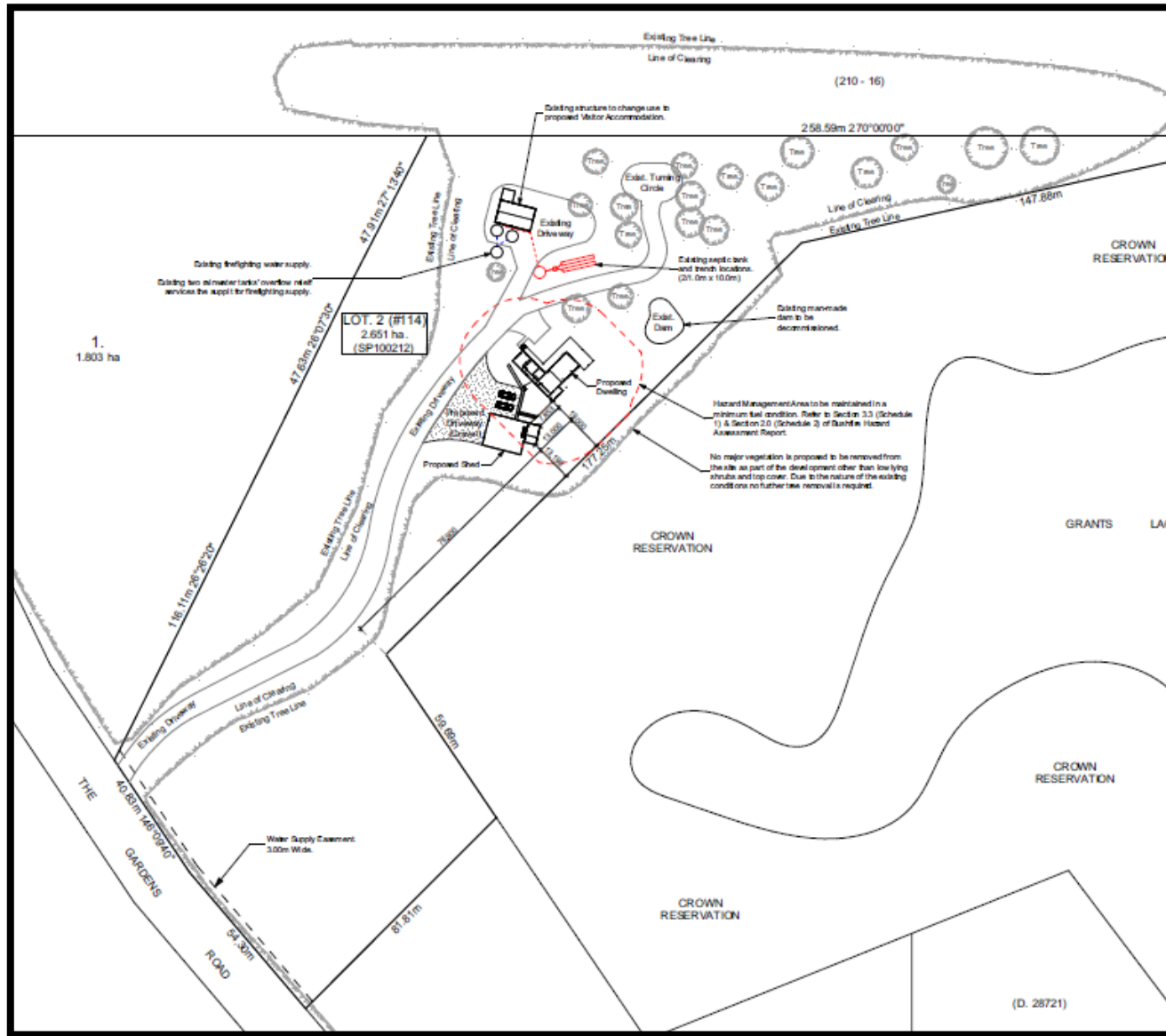
Whilst the Bushfire Prone Areas Code does not form part of this assessment, the Bushfire Report has been provided to demonstrate the extent of the required Bushfire Hazard Management Area. It is noted that this forms part of the existing cleared area and does not impact areas of threatened vegetation identified as part of DA003-2014 (See Figures 2 & 4).

The site is affected by the Scenic Corridor overlay, however the development is located greater than 100m from the scenic corridor.

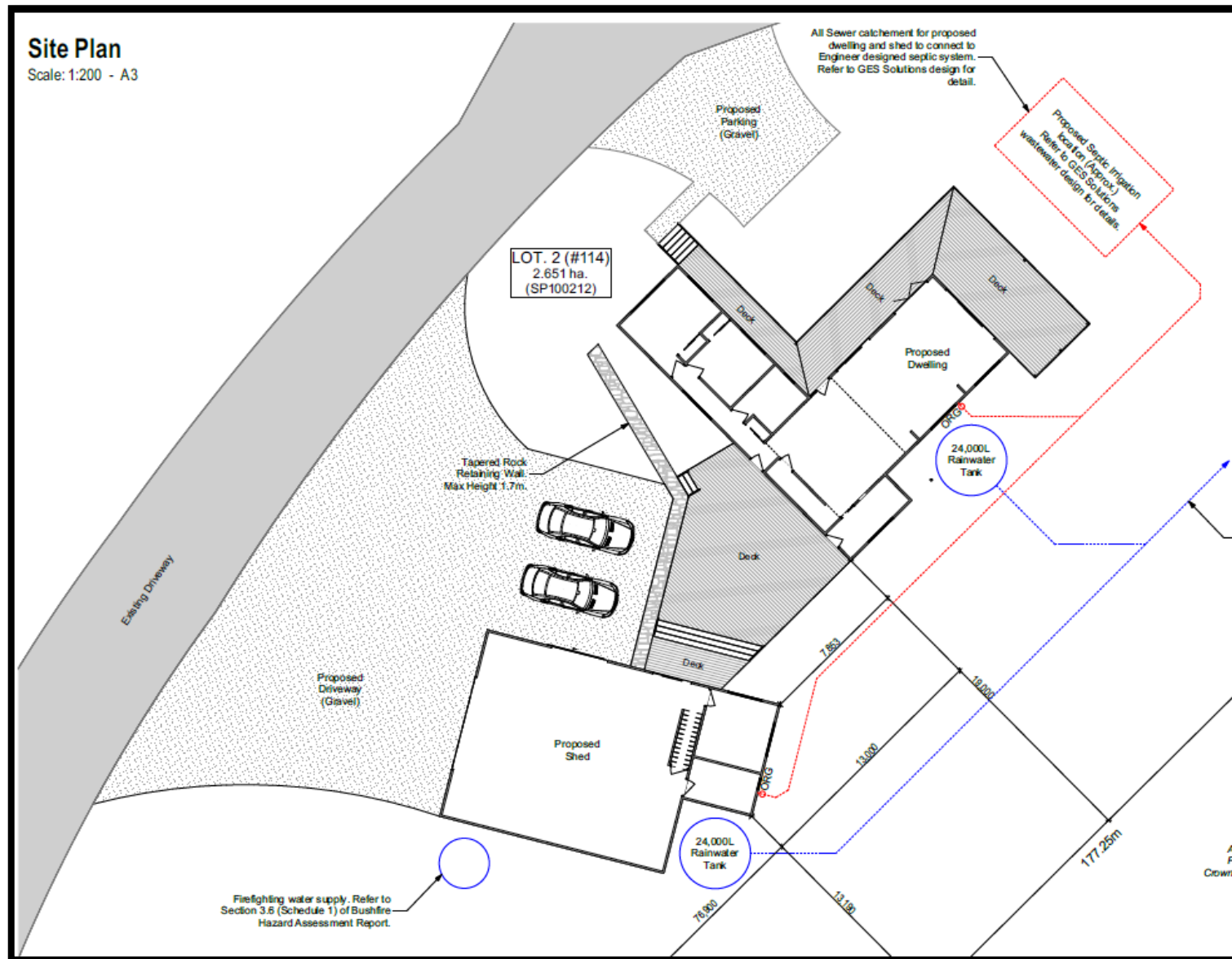


■ Scenic Road Corridor

The proposed dwelling and outbuilding will be located south east of the existing structure and access is achieved via the existing driveway (see below Site Plan)



## Site Plan



**Enlarged Site Plan – Proposed Dwelling and Outbuilding**



## 2. Applicable Planning Assessment

- Environmental Living Zone
- E5 Flood Prone Areas Code
- E6 Car Parking and Sustainable Transport Code
- E16 Onsite Wastewater Management Code

## 3. Referrals

- The application was referred to the Council's Works Department in relation to the access to the site.

Council's Works Department confirmed the existing access is fit for purpose and no further development works was required.

- The application was referred to Council's Environmental Health Officer in relation to the Onsite Waste Water who has assessed the proposed infrastructure and deemed adequate and consented to installation.

## 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:*

- 14.4.1 Building Design and Siting P2 & P5
- E5.6.1 Flooding and Coastal Inundation P1
- E6.7.1 construction of Car Parking Spaces and Access Strips P1
- E16.7.2 Surface and ground water impacts P4

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

#### 14 ENVIRONMENTAL LIVING ZONE

##### 14.4 Development Standards

##### 14.4.1 Building Design and Siting

Acceptable Solutions	Performance Criteria
A2 Building height must not exceed 7m.	P2 Building height must: a) be unobtrusive and complement the character of the surrounding landscape; and b) protect the amenity of adjoining dwellings from unreasonable impacts of overshadowing and overlooking.
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b>	

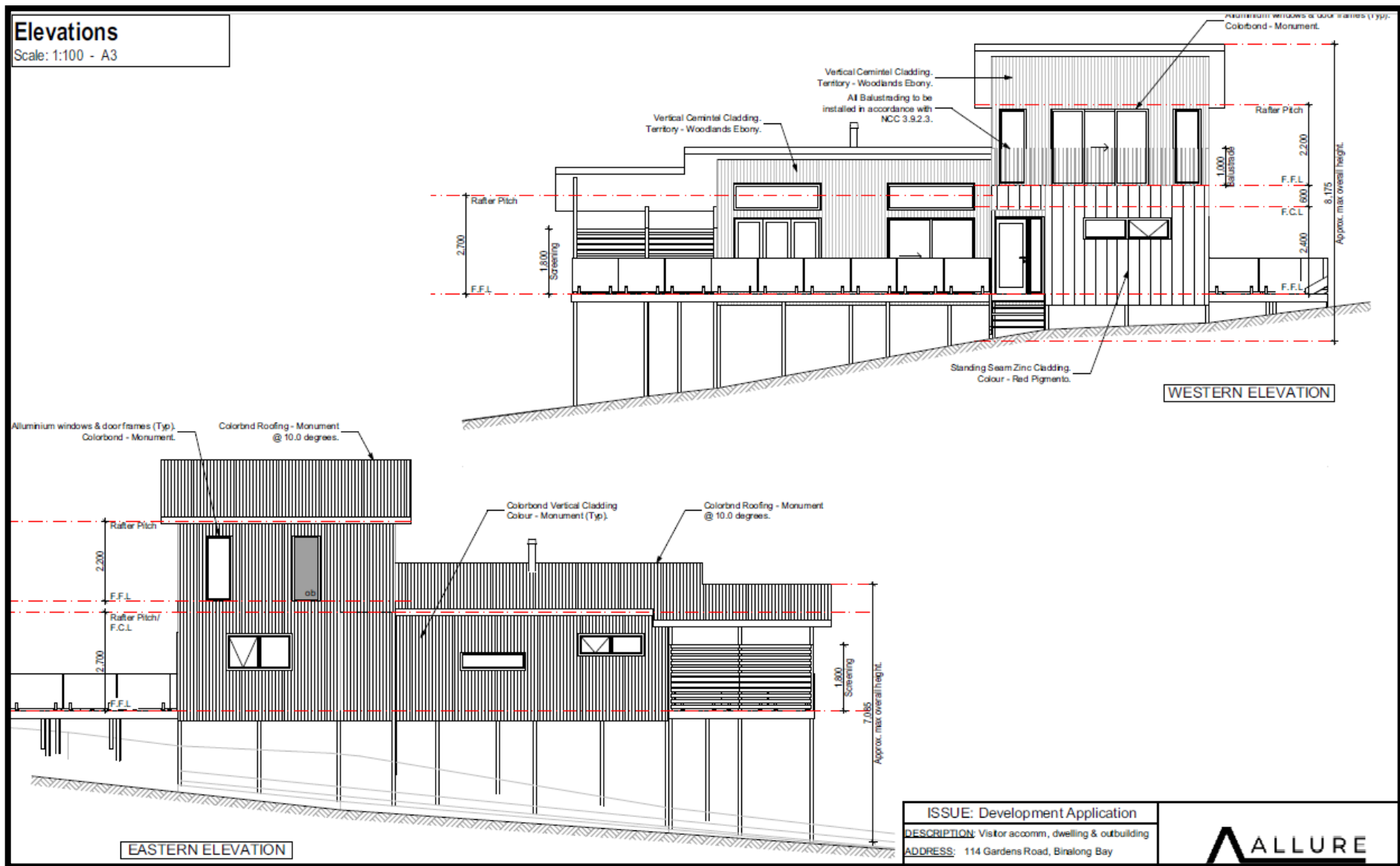
The proposed dwelling will respond to the slope and will have a maximum overall height of 8.175m. All other structures satisfy the acceptable solution.

The proposed dwelling is located approximately 173m from the primary frontage with the frontage obscured by existing vegetation. The eastern boundary of the site is shared with Grants Lagoon Conservation Area and the northern rear boundary is shared with Bay of Fires Conservation Area. The neighbouring lot to the NE is in private tenure, however the proposed dwelling is separated extensively from the residential areas of the neighbouring lot. Vegetation and distance provides a buffer to adjoining residential uses and neighbouring conservation areas. Due to these factors the adjoining residential uses will not be impacted by overshadowing or overlooking.

To the north the State Government maintains a fire protection buffer on Crown land, after which vegetation provides a visual screen from passive recreation uses within the conservation area.

In summary, the existing vegetation and distance from boundaries ensures the height of the proposed dwelling will be unobtrusive and not form part of the visual character of the area.

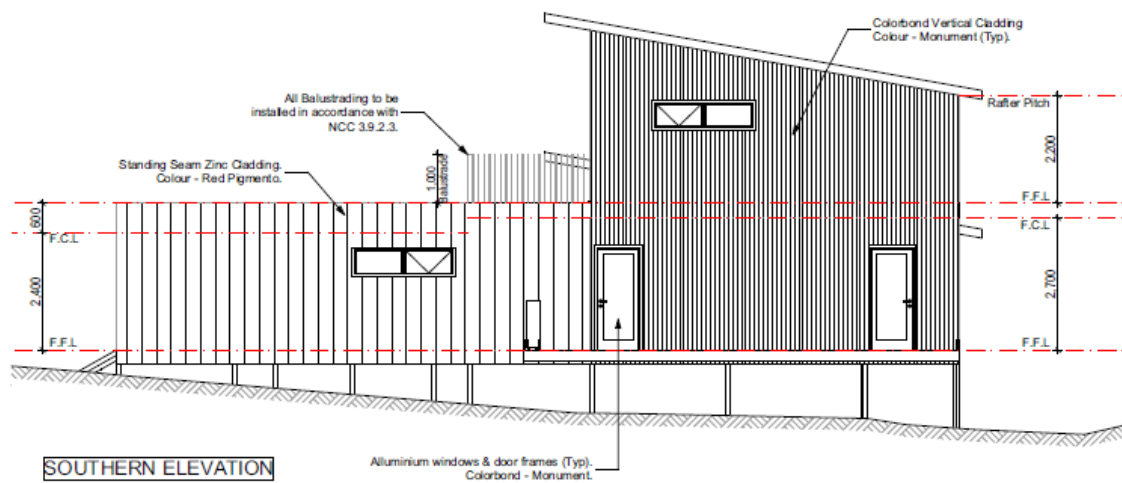
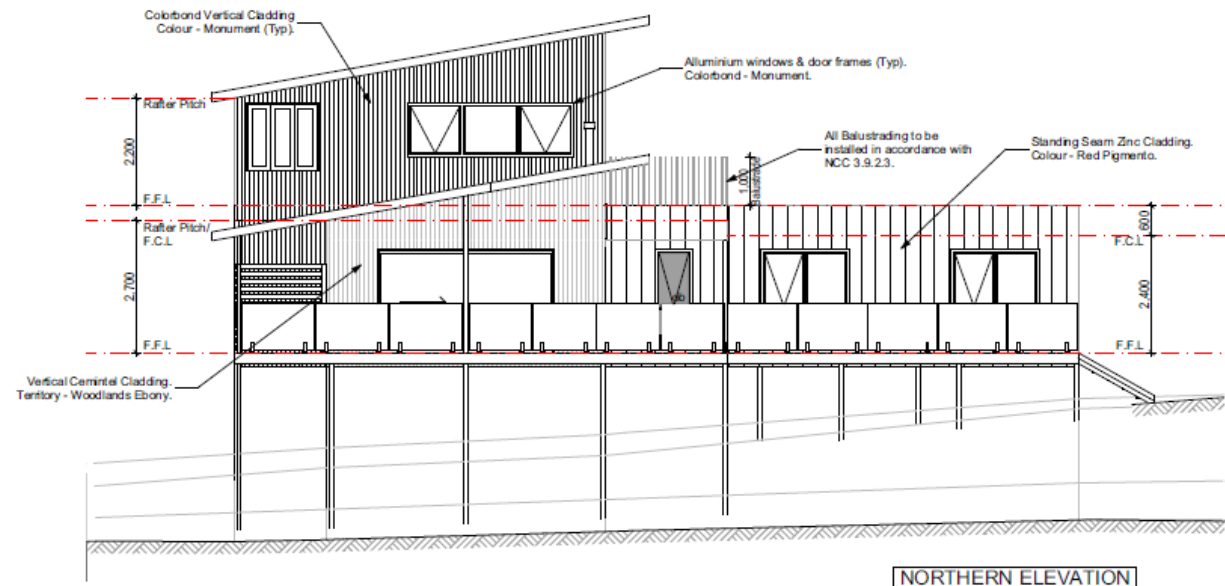
The proposed development is able to satisfy the performance criteria.



West and East Elevations

## Elevations

Scale: 1:100 - A3



ISSUE: Development Application

DESCRIPTION: Visitor accom, dwelling & outbuilding

ADDRESS: 114 Gardens Road, Binalong Bay

FOR: CON LARCOMBE

**ALLURE**  
BUILDING DESIGN

## North and South Elevations

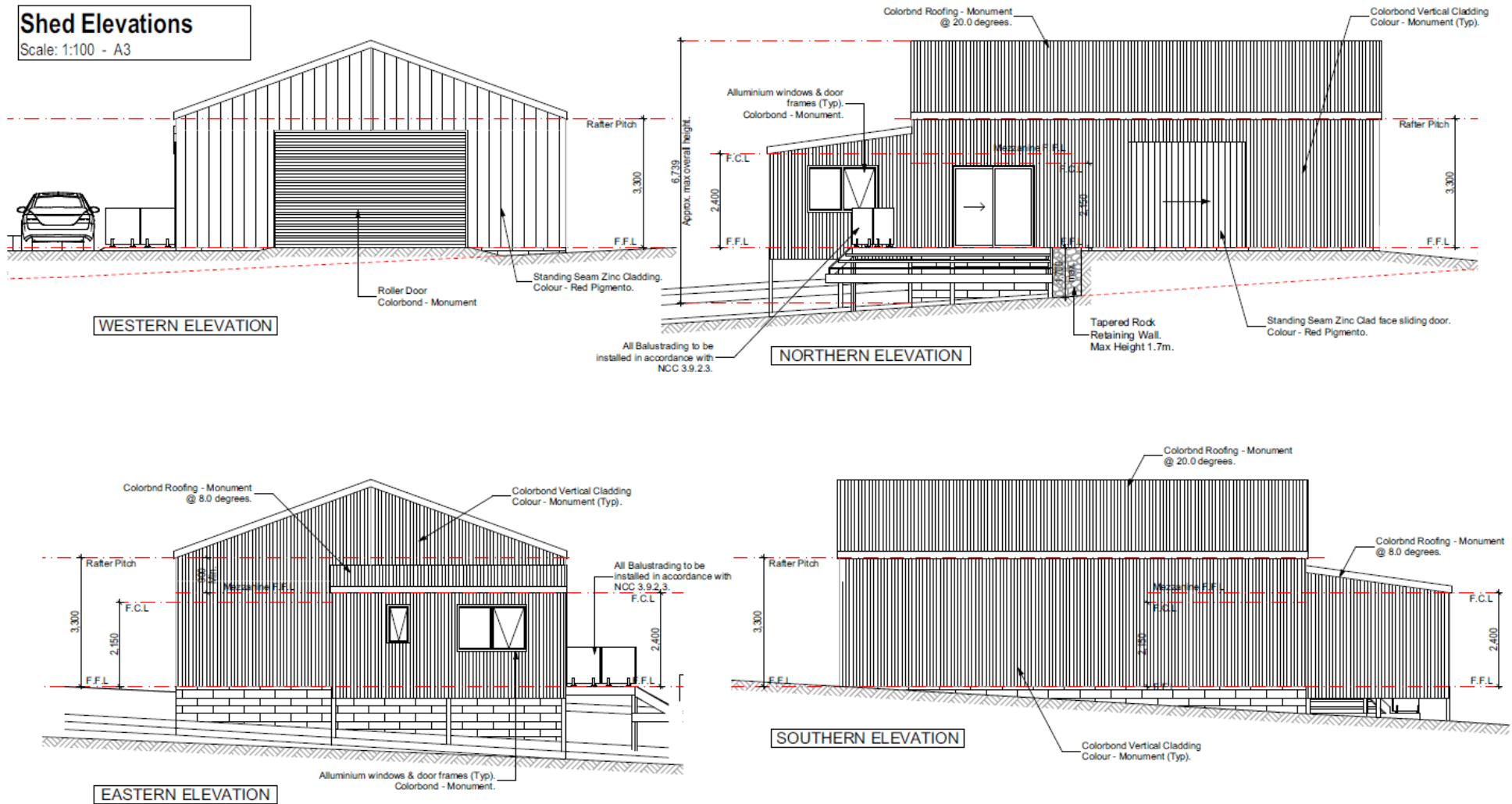
#### 14.4.1 Building Design and Siting

Acceptable Solutions	Performance Criteria
A5 The combined gross floor area of all outbuildings on a lot must not exceed 81m <sup>2</sup> and a maximum height of 5m.	P5 Outbuildings must be designed and sited so that there will not be unacceptable loss of sunlight or privacy to adjoining residential lots or adverse effects on the amenity of the locality.
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b> The proposed outbuilding will have a site cover of approximately 142.2 m <sup>2</sup> which will provide for a double garage for car parking, a workshop area, residential home office and amenities. The use class assigned to the outbuilding is Residential ensuring the use is compatible to the residential area. The outbuilding has an overall maximum height of 6.7m which takes into account the slope of the site and the gable roof. The proximity to boundaries (13m to eastern side boundary and >50m to western side boundary) and vegetation existing on site ensures the outbuilding will not impact sunlight or privacy to adjoining residential lots or amenity of the locality. The structure is unlikely to be visible from sites external to the lot. The proposed development satisfies the performance criteria.	



## Shed Elevations

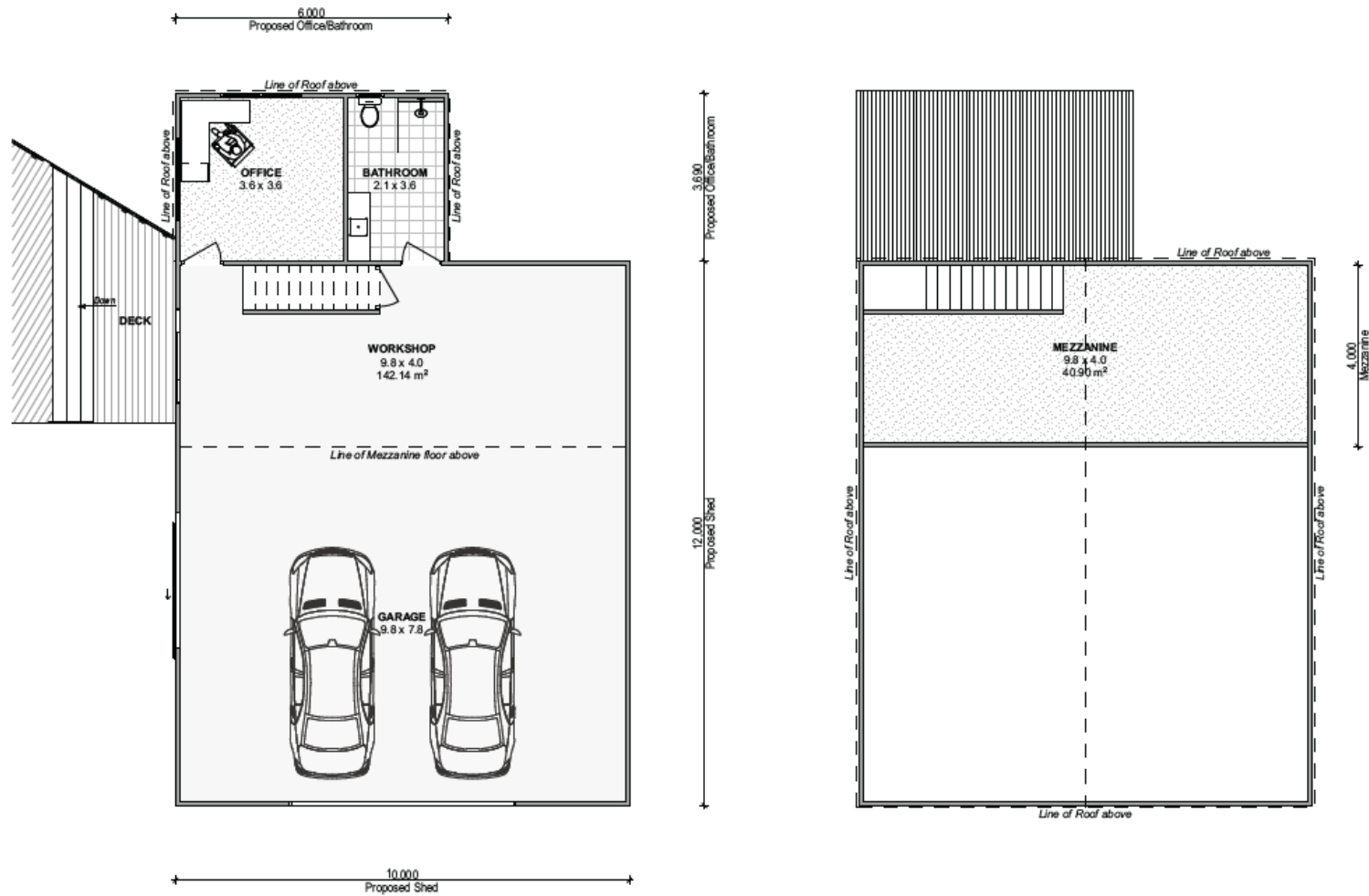
Scale: 1:100 - A3



## Proposed Outbuilding

## Shed Floor Plans

Scale: 1:100 - A3



## E5 FLOOD PRONE AREAS CODE

### E5.6 Development Standards

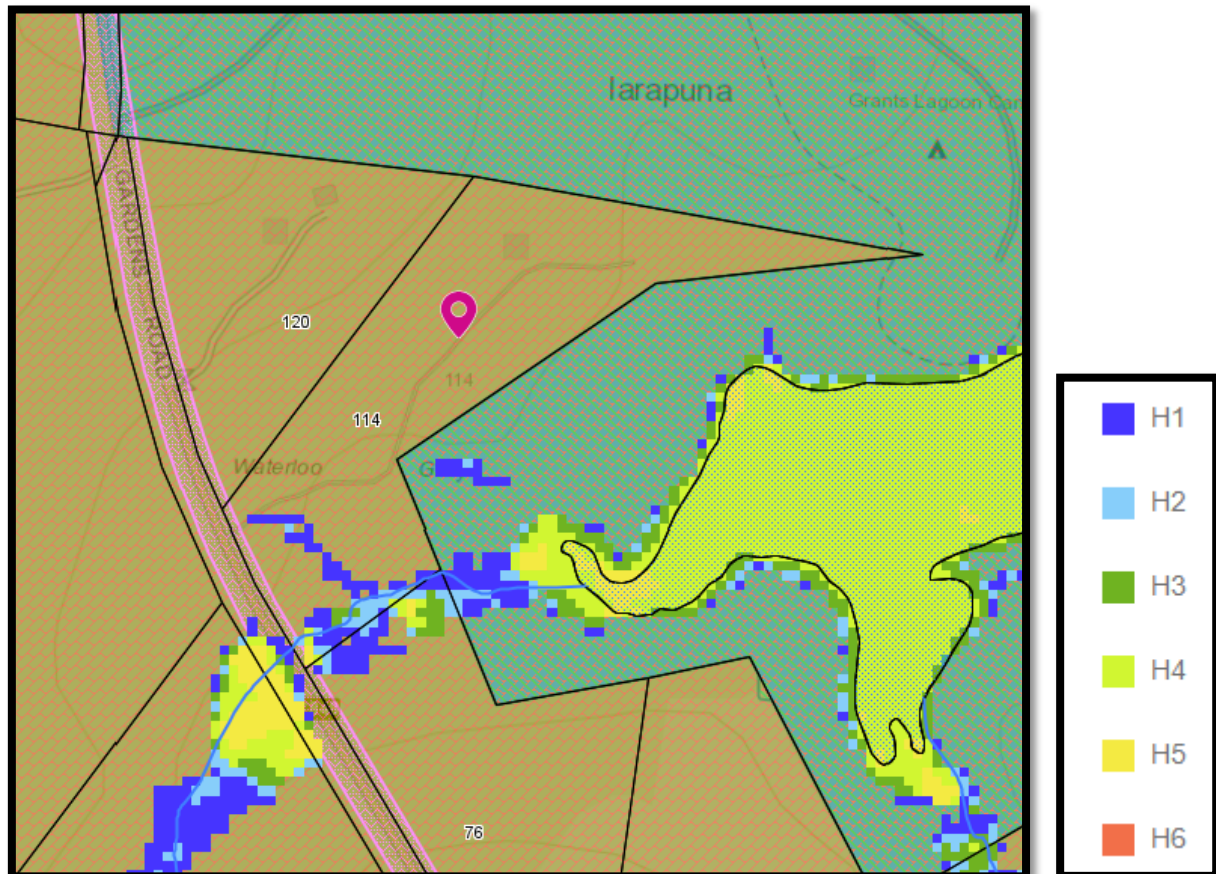
#### E5.6.1 Flooding and Coastal Inundation

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	<p>P1.1 It must be demonstrated that development:</p> <p>a) where direct access to the water is not necessary to the function of the use, is located where it is subject to a low risk, in accordance with the risk assessment in E5.7 a); or</p> <p>b) where direct access to the water is necessary to the function of the use, that the risk to life, property and the environment is mitigated to a medium risk level in accordance with the risk assessment in E5.7.</p> <p>P1.2 development subject to medium risk in accordance with the risk assessment in E5.7 must demonstrate that the risk to life, property and the environment is mitigated through structural methods or site works to a low risk level in accordance with the risk assessment in E5.7.</p> <p>P1.3 Where mitigation of flood impacts is proposed or required, the application must demonstrate that:</p> <p>a) the works will not unduly interfere with natural coastal or water course processes through restriction or changes to flow; and</p> <p>b) the works will not result in an increase in the extent of flooding on other land or increase the risk to other structures;</p> <p>c) inundation will not result in pollution of the watercourse or coast through appropriate location of effluent disposal or the storage of materials; and</p> <p>d) where mitigation works are proposed to be carried out outside the boundaries of the site, such works are part of an approved hazard reduction plan covering the area in which the works are proposed.</p>
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b>	

The site access is affected by the flood prone areas overlay only. No habitable component of the development is located in the overlay.

The site access is affected by the flood prone areas overlay only. This hazard category is H1 which is low risk and generally safe for people, vehicles and buildings.

The proposed development satisfies the performance criteria.



The site access is affected by the flood prone areas overlay only. This hazard category is H1 which is low risk and generally safe for people, vehicles and buildings.

## E6 CARPARKING AND SUSTAINABLE TRANSPORT CODE

### E6.7 Development Standards

#### E6.7.1 Construction of Car Parking Spaces and Access Strips

Acceptable Solutions	Performance Criteria
<p>A1 All car parking, access strips manoeuvring and circulation spaces must be:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p>	<p>P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.</p>

c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.	
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b> <p>The Visitor Accommodation structure is not classified as a dwelling and as this structure is surfaced by a compacted gravel driveway, it is unable to satisfy E6.7.1 A1(b).</p> <p>The Visitor Accommodation will be serviced by an access (compacted gravel) that will ensure it is useable in all weather conditions providing it is adequately maintained. The development will be conditioned accordingly.</p> <p>The proposed development is able to satisfy the performance criteria.</p>	

## E16 ON-SITE WASTEWATER MANAGEMENT CODE

### E16.7 Development Standards

#### E16.7.2 Surface and ground water impacts

Acceptable Solutions	Performance Criteria
A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	P4 Onsite wastewater management infrastructure separated from the limiting layer by less than 1.5m must have no detrimental impacts on groundwater.
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b> <p>The applicant has provided an Onsite Wastewater Management Report that was prepared by a suitably qualified person (Geo-Environmental Solutions) and has identified that the site has a limiting layer causing a separation of less than 1.5m. The performance criteria is aimed at protecting groundwater and the investigation by Geo-Environmental Solutions advised that no groundwater was encountered. The report has been reviewed by Council's Environmental Health Officer and deemed acceptable.</p> <p>The proposed development satisfies the performance criteria.</p>	

## 5. Representations

The application was advertised on Saturday 22 July 2023 until 5 pm Friday 4 August 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

Issue	Response
The proposed DA is undermining the intent of the Landscape Protection Zone/Environment Protection Zone whereby multiple dwellings and associated infrastructure such as roadworks (clearing for road access appears to	The site is within the Environmental Living Zone, a zone in which Residential Use and Visitor Accommodation Use are permitted. The proposed dwelling will provide for Residential



<p>be substantial) create a development footprint and dwelling density that fragments and destroys the natural values that supposed to be protected under this zoning. These type of DA are classic examples of the adage of "death by a thousand cuts" whereby ongoing fragmentation of natural values result in substantial loss of natural and scenic values over time.</p>	<p>Use, whilst the existing dwelling will convert to Visitor Accommodation only.</p> <p>The site has been the subject of previous development applications, one of which was for a dwelling and outbuilding. The outbuilding was constructed and the area for the dwelling prepared by clearing vegetation within the approved footprint. The dwelling did not proceed and the current proposal is to construct the dwelling within the existing cleared area.</p> <p>The access and internal driveway is existing as services the existing residential use of the site. No further clearing of vegetation is required as part of this development application.</p> <p>The site was purchased and transferred to the current owners in 2021. Development of the site has been occurring since 2013 when the application for a dwelling and outbuilding was first lodged.</p> <p>The current application does not require the removal of vegetation and a condition requiring no further clearing has been recommended. Additionally advice has also been provided to develop landscaping for the site in consultation with suitably qualified local professionals who understand the endemic vegetation communities.</p>
<p>The proposed DA 131-23 is in conflict with the State Coastal :Policy</p>	<p>The development application has been assessed against the Break O'Day Interim Planning Scheme 2013 which the State has approved and is required to satisfy the State requirements before being gazetted.</p>
<p>There is no Flora and Fauna survey that has been submitted as part of the DA therefore the DA has not demonstrated compliance with the Biodiversity Code or the Landscaping provisions in the Environment Protection Zone (or Natural Assets Code and Landscape Protection Zone if the new Scheme is in force). The general area in the vicinity of the property is known to have a number of threatened plant species present including <i>Conospermum hookeri</i>, <i>Hibbertia virgata</i>, <i>Caustis pentandra</i> etc and this land has <i>Caustis pentandra</i> on it</p>	<p>A Flora and Fauna report is required in E8 Biodiversity Code when the code applies and where there has been clearance or disturbance of native vegetation within priority habitat. The site is not subject to the priority habitat overlay.</p> <p>No removal of native vegetation is proposed as part of the development. Development areas are subject to existing cleared areas that were achieved in relation to a previously approved development application (DA003-2014).</p> <p>There is an existing cleared area to the North East of the development area that has been</p>

	<p>previously selectively cleared prior to the purchase by the current owner. No development is proposed in this area, however as a result of a site visit and discussion with the owner, the owner is prepared to work with local experts to rehabilitate this area. Vegetation rehabilitation works are exempt development within the Scheme (CI4.4.3). Additionally, copies previous information relating to vegetation onsite will be made available to the owner to assist in vegetation rehabilitation works in this area.</p>
<p>The DA appears to require clearing of vegetation for fire protection both on the property and the adjoining Bay of Fires Conservation Area.</p>	<p>The development is sited within an existing cleared area and so has been sited thoughtfully by using existing cleared areas that were achieved via a previous approval. The development does not rely on clearing within crown land. Any management of the hazard management area is subject to an exemption within clause 5.4.1 of the Scheme. The existing structure for Visitor Accommodation has an existing fire hazard management area that is being maintained.</p>
<p>It appears that the owner has been undertaking incremental illegal landclearing on the block over a number of years with the most recent photo below indicating some clearing in the Bay of Fires Conservation Area. Any new dwellings should not be located in positions which require clearing or modification of native vegetation in a Conservation Area. In addition it should not be assumed that areas that have been slashed or cleared (legally or illegally) do not contain threatened plant species and landowners should gain approval for new development based on them having cleared vegetation without approval and thus seeking to sidestep provisions in the Scheme designed to protect native vegetation, threatened species and wildlife habitat as well as maintain wildlife corridors and water catchments (in this case Grants Lagoon which is a highly sensitive coastal catchment) between the coast and hinterland.</p>	<p>The current owner and applicant, took possession of the property in October 2021 with cleared areas existing. In responding to the site with natural values in mind, it is responsible to site development in existing disturbed areas. As mentioned, existing disturbed areas not subject to further development will be managed by the applicant and informed by existing material and knowledgeable people within the community.</p>

<p>There is also no information provided regarding any potential visual impact arising from the development which is essential given the visual sensitivity of this area,</p> <p>The DA also has no information regarding demonstrated compliance with a range of other Zone and Code provisions under the Break O Day Planning Scheme.</p>	<p>The site retains substantial vegetation on all boundaries and will not have a visual impact. The development has been assessed against all relevant standards within the Scheme.</p>
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**The recommendation for approval has been made following due consideration of the representation and comments.**

## 6. Mediations

Nil

## 7. Conclusion

In accordance with 8.10 of the *Break O' Day Interim Planning Scheme 2013*, the application has been assessed against the objectives of the Scheme, in particular the Low Density Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and two (2) Performance Criterion. The received representation 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

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 20

*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

ACTION	DECISION
PROPONENT	Jon Pugh Home Design
OFFICER	Alex McKinlay, Planning Officer
FILE REFERENCE	DA 154-23
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> <li>1. Draft Approved Plans and associated documents</li> <li>2. Completed Planning Scheme Assessment</li> <li>3. Copy of the representations received (x1 received on time and 1 late representation)</li> </ol>

**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 SHED WITH AMENITIES on land situated at 11 SEABREEZE COURT, BEAUMARIS, described in Certificate of Title 148628/5 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
Proposed Site Plan	A03	Jon Pugh Home Design	19/04/2023
Proposed Shed – Floor Plan	A04	Jon Pugh Home Design	14/04/2023
Proposed Shed Elevations	A05	Jon Pugh Home Design	23/08/2023
Geo-Environmental Assessment	Nil	Geo-Environmental Solutions	June 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. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.

7. 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.
8. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
11. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
12. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

#### ADVICE

1. The future dwelling is not approved and will require a separate application to Council.
2. 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.
3. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

#### INTRODUCTION:

The applicant is seeking approval for the development of a shed with amenities for the subject site at 11 Seabreeze Court, Beaumaris (CT 148628/5). Proposed development will be serviced by an existing crossover, provision of a new internal gravel driveway and installation of a new onsite wastewater system as the subject site does not have reticulated services available to be connected to. Stormwater generated by the roofed areas of the proposed shed will be directed into two 10,000 litre tanks with overflow being directed on to the ground.



## PREVIOUS COUNCIL CONSIDERATION:

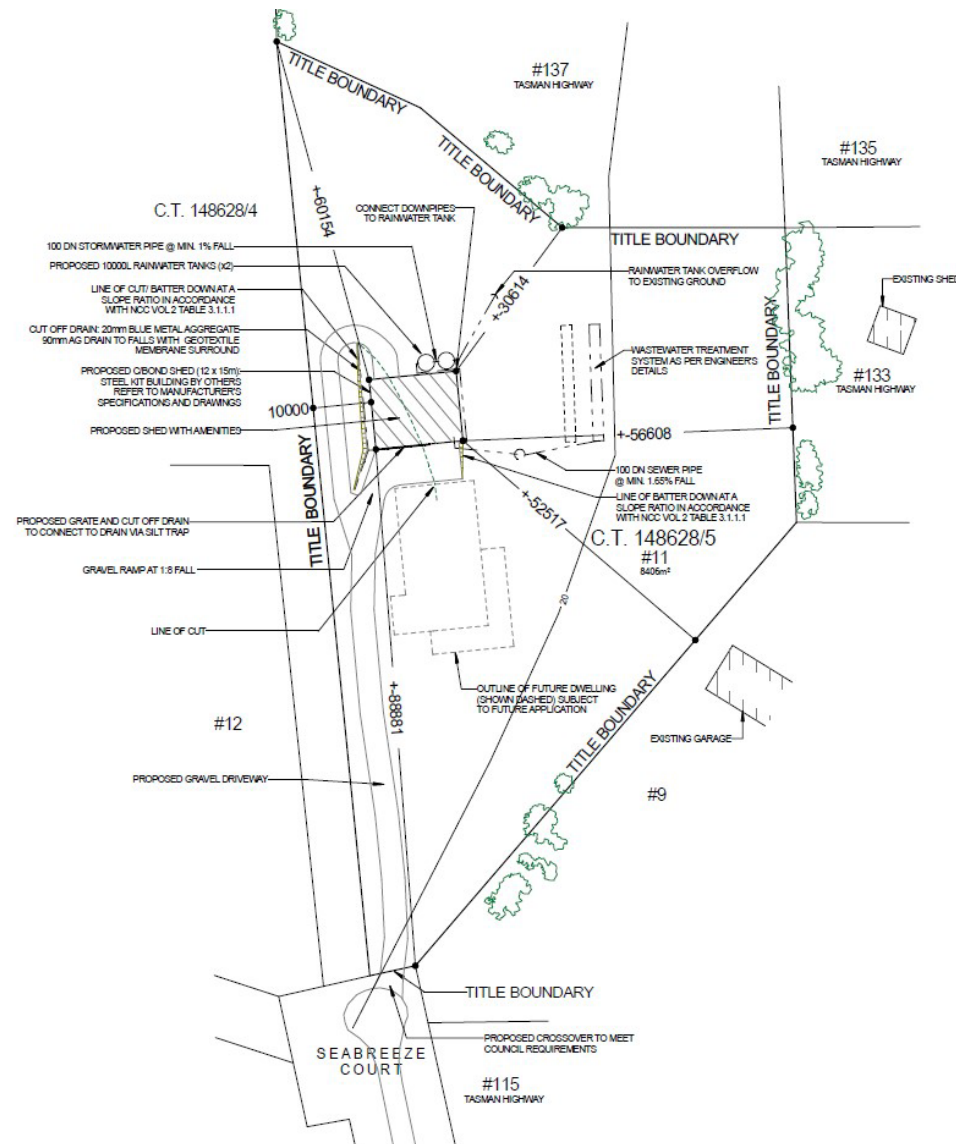
Nil prior Council considerations associated with the subject site.

## OFFICER'S REPORT:

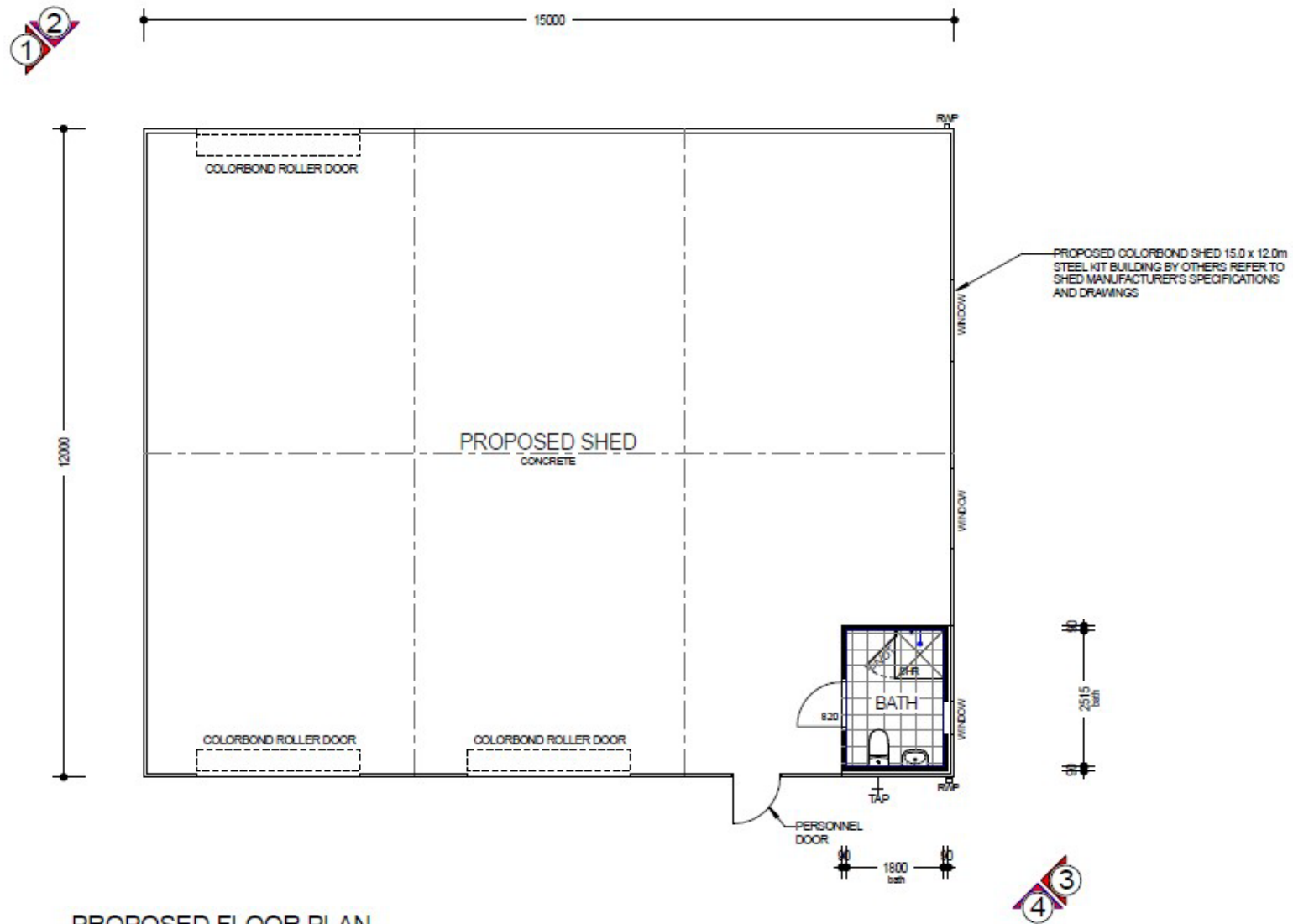
### 1. Proposal

An application was submitted by Jon Pugh (Jon Pugh home Design) on behalf of the landowner Ms Margaret Chamberlain on the 3/07/2023, as the owner of the subject site at 11 Seabreeze Court, Beaumaris, for the proposed shed with amenities. Elevations included within the submitted plans demonstrate that the proposed shed with amenities will have an approximate total building height of 6m as measured from the northern elevation.

Proposed 15m by 12m shed with amenities will contribute towards a site coverage of approximately 2.1% has been calculated for the 8406m<sup>2</sup> subject site. Additionally, this application includes the installation of a new dual septic tank which has been detailed within the submitted GEO-ENVIRONMENTAL ASSESSMENT Report prepared by Geo-Environmental Solutions for the subject site. The submitted floor plan for the proposed shed with amenities demonstrates that a 2.515m by 1.8m (4.527m<sup>2</sup>) bathroom is intended for the proposed shed and will have enough space to accommodate a toilet, hand basin and shower.

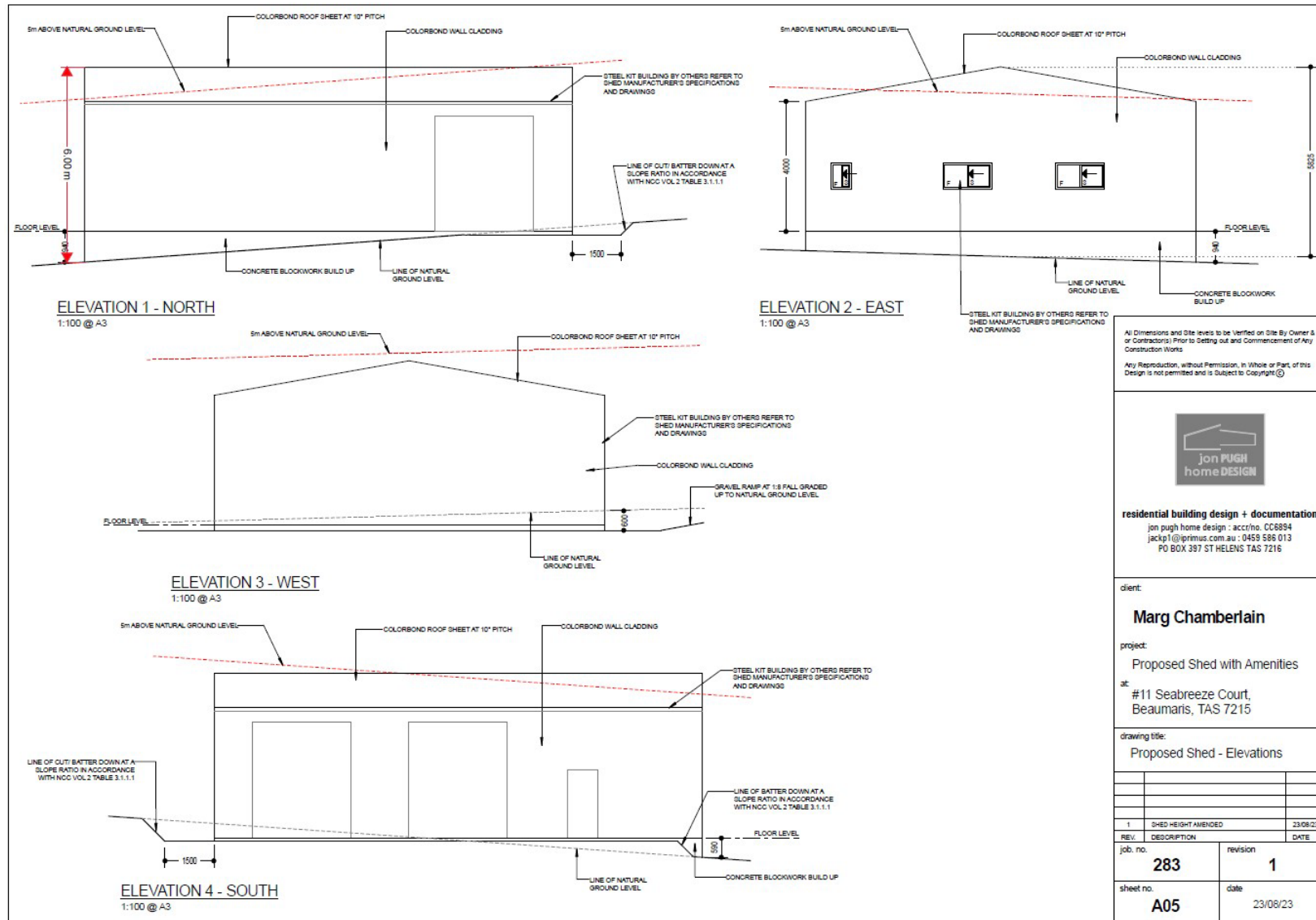


Site Plan Drawn by Jon Pugh Home Design  
Drawing No: A03  
Date: 19/04/2023



**PROPOSED FLOOR PLAN**  
1:100 @ A3

Proposed Shed – Floor Plan Drawn by Jon Pugh Home Design  
Drawing No: A04  
Date: 14/04/2023

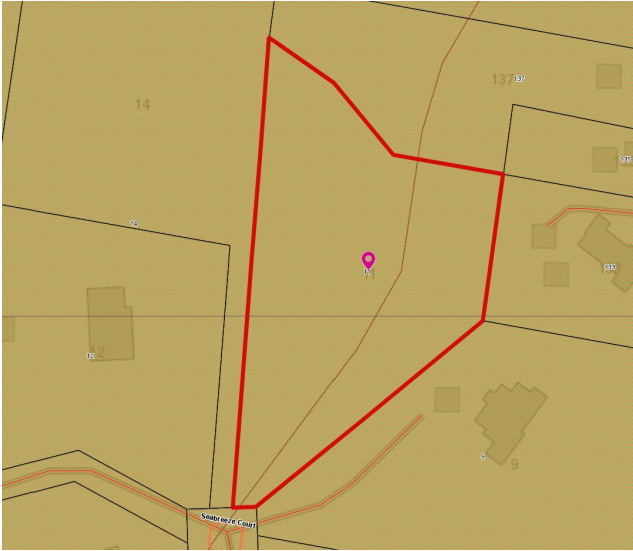


Proposed Shed - Elevations Drawn by Jon Pugh Home Design  
Drawing No: A05  
Date: 23/08/2023

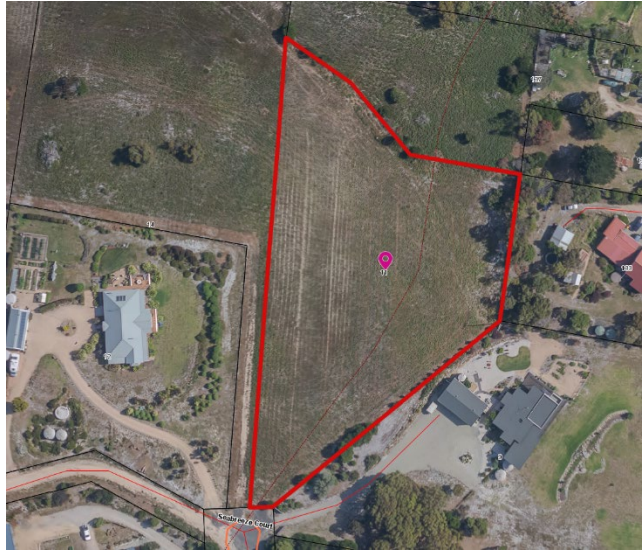


### 1.1. Site Characteristics and Background

The development site at 11 Seabreeze Court, Beaumaris, has an approximate area of 8406m<sup>2</sup> and is subject to the 14.0 Environmental Living Zone, has been previously cleared of vegetation, situated on slightly sloping land and the priority habitat overlay has not been applied to the subject site.



Locality Plan



Aerial Imagery

### Site Visit Photos – 13/07/2023









## 2. Applicable Planning Assessment

- 14.0 Environmental Living Zone: Assessment is required for the Development Standards *14.4.1 Building Design and Siting (P5)*.
- E6.0 Car Parking and Sustainable Transport Code: Proposed development has been determined to satisfy all relevant acceptable solutions outlined within the use and development standards of the code.
- E16 Onsite Wastewater Management Code: Proposed development has been determined to satisfy all relevant acceptable solutions outlined within the use and development standards of the code.

## 3. Referrals

- Referral to Council's Works Department: A referral was issued to the Works Department on the 07/07/2023 with to confirm the adequacy of the existing crossover. The Works Department responded with the following:
  - *'The existing crossover is constructed to an acceptable standard. No upgrading required'*.
- Referral to Council's Environmental Health Officer: A referral was issued to the EHO Officer on the 07/07/2023 to review the Onsite Wastewater Report submitted by the applicant. The EHO Officer responded with the following:
  - *'The Geo-Environmental Assessment provided by GES, is in accordance with the Directors Guidelines for On-site Wastewater and AS 1547 – 2012, therefore I am able to provide consent to the installation'*.

## 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:*

- 14.0 Environmental Living Zone: *14.4.1 Building Design and Siting (P5)*.

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

#### 14.0 Environmental Living Zone

##### *14.4.1 Building Design and Siting*

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A5 The combined gross floor area of all outbuildings on a lot must not exceed 81m <sup>2</sup> and a maximum height of 5m.	P5 Outbuildings must be designed and sited so that there will not be unacceptable loss of sunlight or privacy to adjoining residential lots or adverse effects on the amenity of the locality.

**Assessment against the Performance Criteria is required.**

**Performance Criteria Assessment**

Proposed development for a 15m by 12m (180m<sup>2</sup>) shed with amenities for the subject site at 11 Seabreeze Court, Beaumaris, is unable to satisfy the acceptable solution and as such assessment against the performance criteria is required.

Submitted plans demonstrate that the proposed shed with amenities will have a floor area of 180m<sup>2</sup> and when measured from the northern elevation, the structure will have a total building height of 6m. However, the performance criteria can be considered satisfied as evident in the completed assessment below:

- Given the size of the subject site in addition to the topographical characteristics which can be described as a slight east facing slope and the intended location of the proposed shed with amenities, it is unlikely to significantly impact upon the availability of sunlight to adjoining properties with consideration given to 12 and 14 Seabreeze Court, Beaumaris. Since the subject site has a slight easterly facing slope as mentioned above, it is evident from the submitted elevations and in particular the western elevation, that the side of the proposed shed which is located approximately 10m from the western side boundary will have a building height less than 5m above the natural ground level. It is also worth noting that 9 Seabreeze Court which is an adjoining property located along the southeast boundary of the subject site, will be located downslope from the proposed development. However, given the slight sloping nature of the subject site in conjunction with a separation distance of approximately 70m from the proposed shed to the existing dwelling located at 9 Seabreeze Court, any potential loss of sunlight can be expected to be minimal in nature.
- Proposed shed with amenities is unlikely to impact upon the privacy of the adjoining properties with consideration given to 9, 12, and 14 Seabreeze Court, Beaumaris. The western side of the proposed shed as shown within the western elevation does not include windows and is sited 10m from the western side boundary thereby not impacting upon 12 or 14 with regards to privacy. Additionally, the eastern side of the proposed shed which does include three windows as shown within the eastern elevation, is situated over 70m from the existing dwelling located at 9 Seabreeze Court and does not directly face the shared boundary between both of these properties.
- The interim planning scheme outlines the following definition for amenity, *'amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable'* (refer to Page B-2 of the interim planning scheme). The proposed development is unlikely to significantly impact upon the amenity of the locality given that the surrounding area can be characterised by large residential lots with either sparse or no vegetation coverage in addition to existing structures for residential uses (i.e. dwellings and outbuildings).

Proposed shed with amenities is intended for residential purposes to support the future dwelling which has been shown on the site plan. The owner's intent to construct a future dwelling is also revealed within the submitted onsite wastewater report where it states, *'The proposed four-bedroom dwelling has a calculated maximum wastewater output of 720L/day. This is based on a tank water supply and a maximum occupancy of 6 people (120L/day/person)'* (refer to pp. 02 of the onsite wastewater report). It is worth noting

that the neighbouring property at 9 Seabreeze Court, Beaumaris, has an existing 14.4m by 9m garage (129.6m<sup>2</sup>) which services the existing. Therefore, it can be considered that the proposed shed with amenities for the subject site is unlikely to adversely impact upon the amenity of the locality.

Notably, consideration also needs to be given to the fact that the proposed development is able to satisfy the acceptable solution requirements for site coverage, building height (note: 7m in order to meet the acceptable solution), setback distances to the front, rear & side boundaries, use of external building colours that are compatible with the surrounding landscape & vegetation elements and the proposed shed is being built on a lot that is currently cleared of vegetation.

## 5. Representations

The application was advertised 2<sup>nd</sup> August 2023 to 15<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. One (1) representation was 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>• Representor resides at the adjoining property 12 Seabreeze Court, Beaumaris and outlines that all properties included within the Seabreeze Court subdivision are subject to a height restriction caveat.</li> <li>• Existing dwelling have been designed and constructed in accordance with the caveat and are positioned to allow for uninterrupted views of the Tasman Sea for adjoining residents. Reference to the definition of 'Amenity' contained within the current interim planning scheme (<i>'means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable, Page B-2</i>).</li> <li>• Representor is of the understanding that the owner proposes to construct the proposed shed with amenities and then reside in it within a caravan for an unspecified time but they acknowledge the intent of the owner for the construction of a future dwelling. They then make reference to the definition of outbuilding included within the interim planning scheme (<i>'means a non-habitable detached</i></li> </ul>	<ul style="list-style-type: none"> <li>• Review and or determination of whether the proposed development has complied with the covenants listed within the associated schedule of easements is neither considered nor relevant to the assessment of the planning application. However, it is worth noting that the proposed shed with amenities will have a maximum building height of 6m which is less than the restrictive covenant's 6.5m height restriction. Restrictive covenant 1 (c) from the schedule of easements associated with this property states the following, <i>'(c) Not to erect on such lot any buildings which shall exceed 6.5 meter in height above the existing ground level'</i>.</li> <li>• Through correspondence with the applicant, the following has been confirmed with regards to the question posed about the presumed inclusion of a mezzanine floor and nature of the proposed</li> </ul>

<p>building of Class 10a of the Building Code of Australia and includes a garage, carport or shed).</p> <ul style="list-style-type: none"> <li>• Observe that the proposed shed will have a building height of 6.375m and they understand that the applicant has considered the inclusion of a mezzanine. Representor notes that this has not been detailed in the application and might not have been declared to Council.</li> <li>• Due to the intent of the owner to live in a caravan within the shed, the representor is interested in understanding how approval can be granted for a structure intended for residential purposes. They note that an occupancy permit would be required for a residential structure.</li> <li>• Representor then address the performance criteria of the clause that this application is discretionary on (14.4.1 Building Design and Siting – P5) and assert the following points: <ol style="list-style-type: none"> <li>1. Impacts on their visual amenity due to the height of the proposed shed and its proximity to the western side boundary. Will be looking at the proposed shed rather than over it and further asserts that the designer has not adequately considered this. Struggles to understand how the application satisfies 10.4.1.14 Non Residential Development.</li> <li>2. The impact upon winter sunlight and thermal values that are enjoyed by residents of 9 Seabreeze Court, Beaumaris. Proposed shed likely to cast long shadows over habitable rooms and open space later in the day.</li> </ol> </li> </ul>	<p>shed with amenities (review TRIM ref. 23/20107):</p> <ol style="list-style-type: none"> <li>1. <i>‘A mezzanine floor is not proposed and nor will be in future. Given that the roof pitch has been lowered there isn’t room for a compliant mezzanine floor anyway. The height of the proposed shed is to ensure that a caravan can be accommodated within the shed’.</i></li> <li>2. <i>‘A caravan permit has already been obtained for this property. The owner does intend to reside on the property for a limited time. An application is to be made for a future dwelling in the next few months. The caravan will be used during the documentation and the construction of this future dwelling. The owner is in the process of selling a property in Victoria to finance the building of the future dwelling and building plans for this dwelling have already been commenced’.</i></li> </ol> <ul style="list-style-type: none"> <li>• With consideration of the above, the proposed shed is not being approved for habitable purposes. Though the owner intends to reside in a caravan for some time, they are able to park the caravan within the proposed shed with amenities as the planning scheme nor the caravan by-law preclude this.</li> <li>• Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause Visitor Accommodation (P1) can be satisfied with regards to <i>Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes</i>.</li> <li>• Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the Performance</li> </ul>
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	Criteria for clause 14.4.1 Building Design and Siting (P5) can be satisfied with regards to 14.0 Environmental Living Zone.
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One (1) representation was received after the closing date and time of the advertising period (20/08/2023). The issues raised within the late submission are as follows:-

Representation Received After Advertising period

Issue	Response
<ul style="list-style-type: none"> <li>Proposed shed has a height exceeding 6.5m and over 12x15m dimensions. Size of the shed is higher than the covenant which is for 6m but it is also out of character with all other constructions within the area.</li> <li>Proposed shed likely to overshadow the proposed dwelling beside it and the land on the western side.</li> <li>Observes that other sheds within the area that are similar in style but the proposed shed is taller when compared to others in the area. Asserts that height of the proposed shed is more suited for a rural farm setting rather than a small seaside subdivision. Representor expresses that even if height of the proposed shed was reduced slightly this would the abovementioned effect.</li> <li>Representor outlines that housing a caravan within a shed of this height doesn't make sense and presumes that a mezzanine floor is to be constructed above the caravan. If this is the case they question whether the shed is intended to be a permanent dwelling and understood as such. Accordingly, the representor requests that consideration is given to the purposes of the shed and if the application is appropriate for the proposed development.</li> <li>The representor also requests that consideration should be given to the visual amenity impact that the proposed shed will have on the area. Further asserts that the quality and character of the area will be impacted given the industrial sized nature of the proposed shed.</li> </ul>	<ul style="list-style-type: none"> <li>Due to the similar nature of this representation regarding issues that have been outlined, please refer to the above response completed by the Responsible Officer.</li> </ul>

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 Environmental Living Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and one (1) 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

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 20*

*Land Use Planning and Approvals Act 1993,*

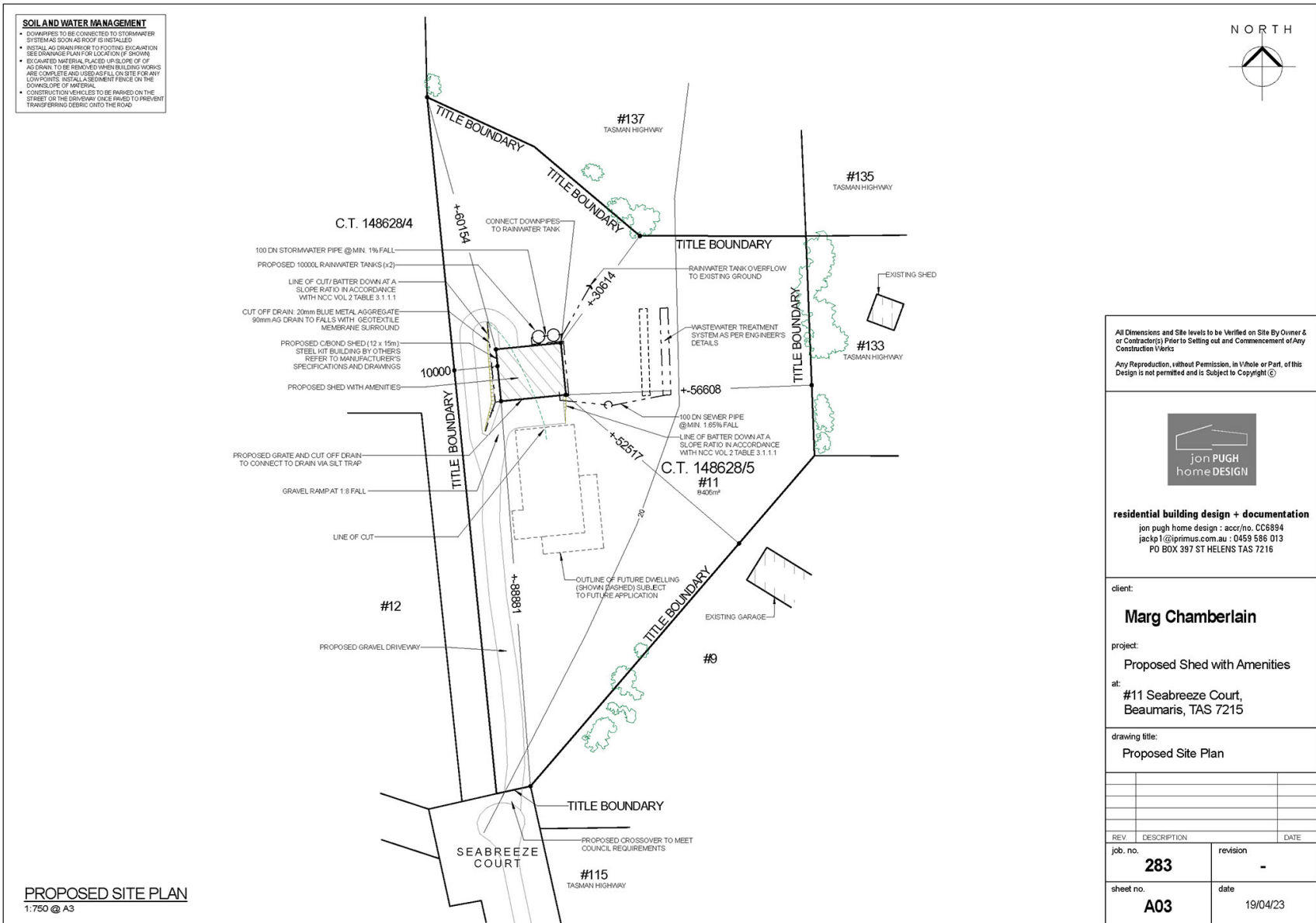
*Local Government (Building and Miscellaneous Provisions) Act 1993*

### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

### VOTING REQUIREMENTS:

Simple Majority



- ALL PLUMBING TO COMPLY WITH AS/NZS 3500 AND SUBSEQUENT REVISIONS APPLICABLE

**TIMBER FRAME**

SHED	: 174.00m <sup>2</sup>
BATH	: 6.00m <sup>2</sup>
<b>TOTAL</b>	<b>: 180.00m<sup>2</sup></b>



**PROPOSED FLOOR PLAN**  
1:100 @ A3

PROPOSED COLORBOND SHED 15.0 x 12.0m  
STEEL KIT BUILDING BY OTHERS REFER TO  
SHED MANUFACTURER'S SPECIFICATIONS  
AND DRAWINGS



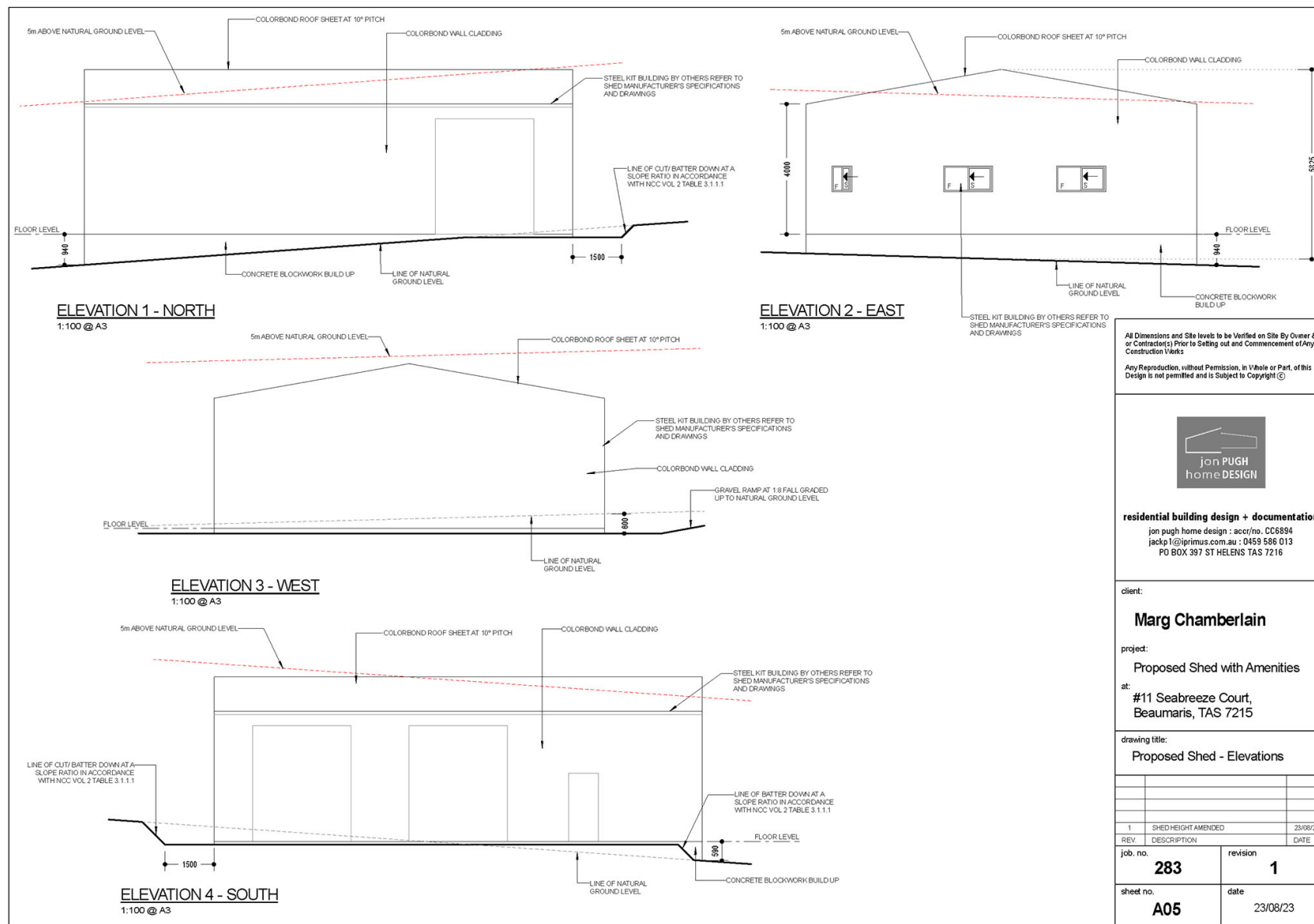
**Marg Chamberlain**

### Proposed Shed with Amenities

#11 Seabreeze Court,  
Beaumaris, TAS 7215

### Proposed Shed - Floor Plan

REV	DESCRIPTION		DATE
job. no.	283	revision	-
sheet no.	A04	date	14/04/23





ACTION	DECISION
PROPONENT	Zuri Creative Studio Pty Ltd
OFFICER	Alex McKinlay, Planning Officer
FILE REFERENCE	DA 276-22
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> <li>1. Draft Approved Plans and associated documents</li> <li>2. Completed Planning Scheme Assessment</li> <li>3. Copy of the representation received (x4)</li> </ol>

**OFFICER'S RECOMMENDATION:**

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - CONSTRUCTION OF DWELLING ADDITIONS & ALTERATIONS, GARAGE, DECK AND ADDITIONAL CROSSOVER on land situated at 5 BAYVIEW AVENUE, BINALONG BAY described in Certificate of Title 60263/35 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A001-Sk01	Zuri Creative Studio	16/03/2023
Ground Floor Plan	DA710 - DA02	Zuri Creative Studio	06/10/2022
First Floor Plan	DA711 - DA03	Zuri Creative Studio	05/07/2023
Roof Plan	DA712 - DA02	Zuri Creative Studio	06/10/2022
Elevations 01	DA720 - DA02	Zuri Creative Studio	06/10/2022
Elevations 02	DA721 - DA02	Zuri Creative Studio	06/10/2022
Solar Study	DA731 - DA03	Zuri Creative Studio	05/07/2023
5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty <sup>o</sup>	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

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

4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed driveway must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks.
12. The existing septic tank and trench system must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of an Occupancy Permit.
13. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
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. 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.
16. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

## ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

## **INTRODUCTION:**

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

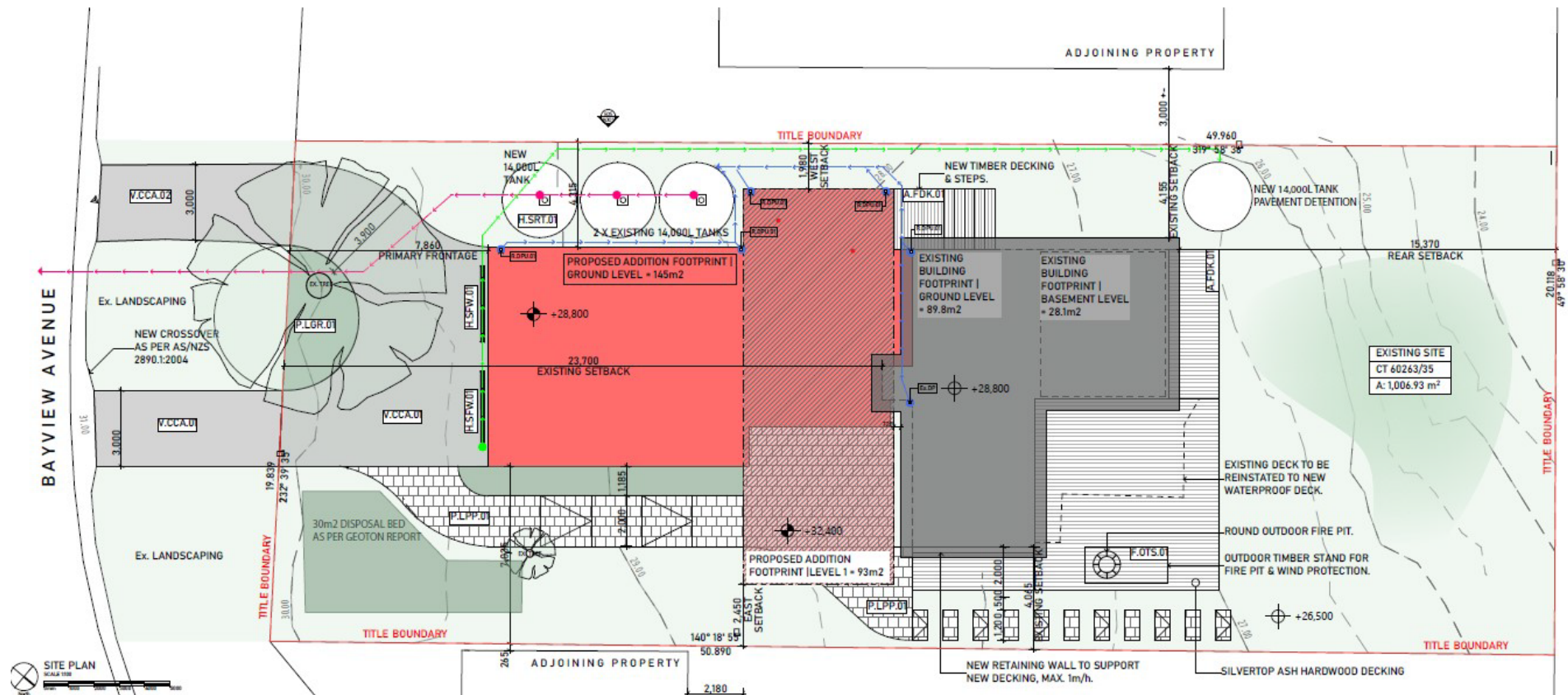
## **PREVIOUS COUNCIL CONSIDERATION:**

Nil prior Council considerations associated with the subject site.

## **OFFICER'S REPORT:**

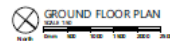
### **1. Proposal**

An application was submitted by Mia Marelja-Williams (Zuri Creative Studio PTY LTD) on behalf of the land owners Mrs. Felicity Grant and Mr Ian Grant on the 31 October 2022, as the owners of the land situated at 5 Bay View Avenue, Binalong Bay, for dwelling additions & alterations, garage, deck and additional crossover. Elevations included within the submitted plans demonstrate that the proposed dwelling addition will have a total building height to the apex of approximately 7.64m as measured from the western elevation. Notably, the proposed development will contribute to an approximate site coverage of 266m<sup>2</sup> or 26.41693067045376% of the approximately 1006.93m<sup>2</sup> subject site.



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

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

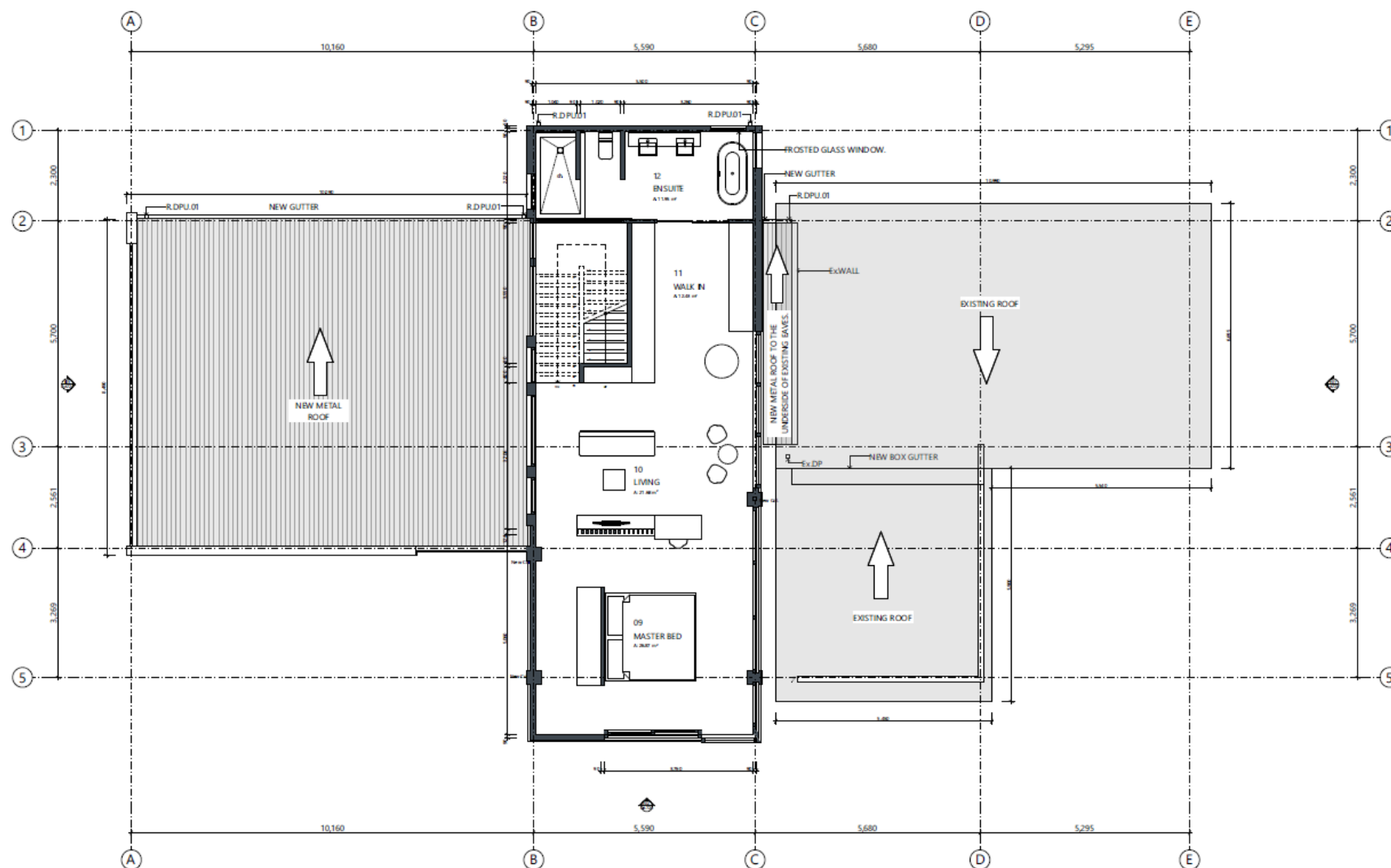


Date: 06/10/2022



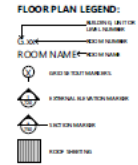
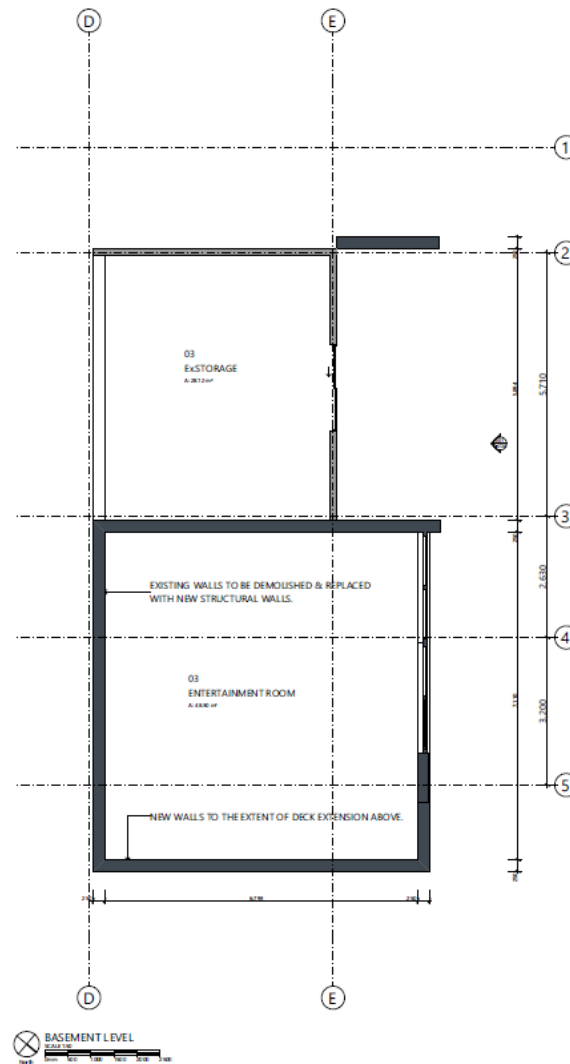
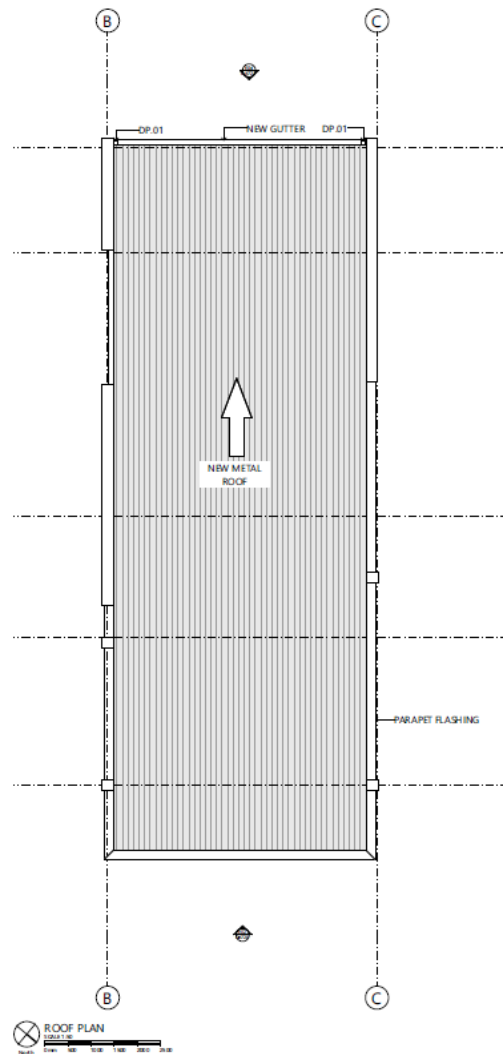
**FLOOR PLAN LEGEND:**

- ADDITIONAL SECTION
- EXISTING SECTION
- CL. LOC. (NEED NOT BE NUMBERED)
- ROOM NAME (NEED NOT BE NUMBERED)
- GRID OR TEST MARKERS
- INTERNAL AIR WATER BARriers
- EXIST EXTERIOR WALL
- EXIST EXTERIOR WINDOW
- ROOF SHEDDING



**FIRST FLOOR PLAN**  
 10/10/2023

First floor Plan Drawn by Zuri Creative Studio  
 Drawing No: DA03  
 Date: 05/07/2023



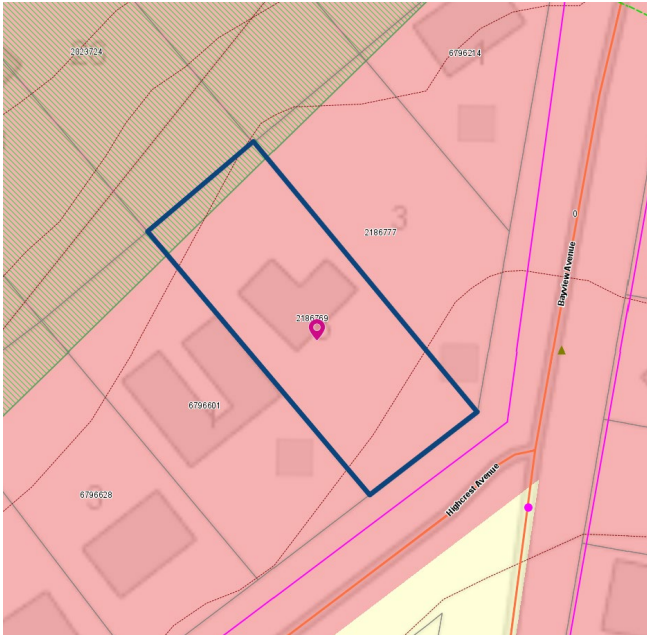
Roof Plan Drawn by Zuri Creative Studio

Drawing No: DA02

Date: 06/10/2022

### 1.1. Site Characteristics and Background

The development site at 5 Bay View Avenue, Binalong Bay, has an approximate area of 1006.93m<sup>2</sup> and is subject to the 12.0 Low Density Residential Zone, contains some vegetation coverage, situated on slightly sloping land, not impacted by the flooding overlay and a section along the northern boundary is subject to the priority habitat overlay.



Locality Plan



Aerial Imagery

## 2. Applicable Planning Assessment

- **12.0 Low Density Residential Zone:** Assessment is required for the Development Standards *12.4.1.2 Site Coverage* (P1), *12.4.1.5 Rear and Side Setbacks* (P2), *12.4.1.6 Location of Car Parking* (P1) and *12.4.4.2 Stormwater Disposal* (P1).
- **E4.0 Road and Railway Assets Code:** Assessment is required for the Development Standards *E4.7.2 Management of Road Accesses and Junctions* (P3) and *E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings* (P1).
- **E6.0 Car Parking and Sustainable Transport Code:** The proposed development has been determined to satisfy all relevant acceptable solutions outlined within the use and development standards of the code.
- **E8.0 Biodiversity Code:** Assessment is required for the Development Standards *E8.6.1 Habitat and Vegetation Management* (P2.1).
- **E16.0 Onsite Wastewater Management Code:** Assessment is required for the Use Standard *E16.6.1 Use and lot size* (P1). Assessment is also required for the Development Standards *E16.7.1 Onsite Wastewater Management* (P2) & *E16.7.2 Surface and ground water impacts* (P4).

### 3. Referrals

- Referral to Council's Works Department: A referral was issued to the Works Department on the 25/11/2022 with regards to stormwater and the proposed additional crossover. The Works Department responded with the following:
  - *All roof drainage must be connected to existing water storage tanks and overflow pumped to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3. See below for permit condition.*
  - *There's no need for a TIA based on the "new" crossover being closer to the east and having better sight distance to the east than the existing crossover.*
- Referral to Councils Environmental Health Officer: An initial referral was issued to the EHO Officer on the 03/04/2023 and further comments were provided on the 06/09/2023 (TRIM 23/20268) regarding the Onsite Wastewater Report submitted by the applicant. The EHO Officer responded with the following:
  - *'I am able to provide consent to the installation subject to the following conditions: The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks'.*
- Referral to Council's Development Services Coordinator: A referral was issued to the Development Services Coordinator on the 05/07/2023 to review the calculations and design details to support onsite stormwater disposal of overflow from the fourth tank/5500L Garden Water Tank into a 20m long by 0.4m wide dispersion trench. The Development Services Coordinator responded with the following, *'The onsite stormwater report is suitable for planning approval purposes'.*

### 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 22:*

- 12.0 Low Density Residential Zone: 12.4.1.2 Site Coverage (P1), 12.4.1.5 Rear and Side Setbacks (P2), 12.4.1.6 Location of Car Parking (P1) and 12.4.4.2 Stormwater Disposal (P1).
- E4.0 Road and Railway Assets Code: E4.7.2 Management of Road Accesses and Junctions (P3) and E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings (P1).
- E8.0 Biodiversity Code: E8.6.1 Habitat and Vegetation Management (P2.1).
- E16.0 Onsite Wastewater Management Code: E16.6.1 Use and lot size (P1). Assessment is also required for the Development Standards E16.7.1 Onsite Wastewater Management (P2) & E16.7.2 Surface and ground water impacts (P4).

Detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme 2013* version 22 where the proposal was reliant on satisfying the performance criteria, is provided below. **The proposal is deemed to comply with the performance criteria applicable.**

## **Planning Assessment**

### ***12.4.1.2 Site Coverage (P1)***

<b><i>Acceptable Solutions</i></b>	<b><i>Performance Criteria</i></b>
A1 The site coverage must not exceed 20%, unless the existing lot is less than 1000m <sup>2</sup> , in which case maximum site coverage is 30%.	P1 The site coverage must have regard to the: <ul style="list-style-type: none"> <li>a) size and shape of the site; and</li> <li>b) existing buildings and any constraints imposed by existing development or the features of the site; and</li> <li>c) site coverage of adjacent properties; and</li> <li>d) effect of the visual bulk of the building and whether it respects the neighbourhood character; and</li> <li>e) capacity of the site to absorb runoff; and</li> <li>f) landscape character of the area and the need to remove vegetation to accommodate development.</li> </ul>
<p><b><i>Assessment against the Performance Criteria is required.</i></b></p> <p><b><i>Performance Criteria Assessment</i></b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.</p> <p>Site coverage of the proposed development in conjunction with the existing dwelling will equate to approximately 266m<sup>2</sup> or 26.41693067045376% of the approximately 1006.93m<sup>2</sup> subject site. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p> <p>(a) Subject site is rectangular in shape and has an approximate area of 1006.93m<sup>2</sup> and is able to accommodate the proposed development.</p> <p>(b) Proposed development which includes dwelling additions will contribute towards an additional floor area of 145m<sup>2</sup> to the existing dwelling which has a current floor area of 121m<sup>2</sup>. The existing dwelling nor the features of the site pose constraints which would adversely impact upon the site coverage of the subject site.</p> <p>(c) It is evident from the current available aerial imagery that the site coverage of the proposed development will likely be consistent with both the adjacent properties in addition to other properties within the surrounding area.</p> <p>(d) Visual bulk of the proposed development will be predominantly screened by existing vegetation located along the front boundary in addition to the side and rear boundaries as well. It is also worth noting that there are a number of dwellings within the surrounding area that are of a similar scale and as such the proposed development can be considered consistent with the established neighbourhood character.</p>	



- (e) It is evident from the submitted site plan that the majority of the stormwater generated by the proposed development will be discharged to a new connection point to the kerb. However, stormwater generated by the driveway will be directed into a water adjoining the western side of the dwelling with subsequent overflow being discharged into a 20m long and 0.4m wide dispersion trench. Please refer to the planning assessment completed for 12.4.4.2 Stormwater Disposal for confirmation regarding the subject site's capacity to dispose of stormwater runoff.
- (f) The proposed development only includes minimal removal and in particular clearance will be limited to a portion of the front boundary. It is evident from aerial imagery that the landscape character of the surrounding area includes a mix of properties that are either mostly cleared or moderately vegetated.

#### 12.4.1.5 Rear and Side Setbacks (P2)

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A2 Buildings must be set back from side boundaries 3m.	<p>P2 Building setback to the side boundary must be appropriate to the location, having regard to the:</p> <ul style="list-style-type: none"> <li>a) ability to provide adequate private open space for the dwelling; and</li> <li>b) character of the area and location of dwellings on lots in the surrounding area; and</li> <li>c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings; and</li> <li>d) impact on the solar access of habitable room windows and private open space of adjoining dwellings; and</li> <li>e) locations of existing buildings and private open space areas; and</li> <li>f) size and proportions of the lot; and</li> <li>g) extent to which the slope and retaining walls or fences reduce or increase the impact of the proposed variation.</li> </ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.</p> <p>Submitted site plan demonstrates that the proposed dwelling add will have a setback of 1.98m to the western side boundary and 2.45m to the eastern side boundary. Additionally, the three 14,000L water tanks intended to be located on the western side of the proposed garage will have an approximate setback of 0.8m to the western side boundary and the fourth tank (5,500L) located on the western side of the existing dwelling will have an approximate setback of 0.2m to the western side boundary. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p>	

- (a) Private open space is predominately provided towards the rear of the existing dwelling.
- (b) Current available aerial imagery demonstrates that the majority of dwellings within the surrounding area have side boundary setbacks less than 3m and is therefore considered consistent with the established character of the area.
- (c) Proposed dwelling addition will be within immediate view from the Kitchen, Living Room and Deck of the adjoining property at 1 Highcrest Avenue (note: representation 01) and there is a boat shed on the adjoining property at 3 Bay View Avenue. Due to the existing tree line along the western side boundary which provides a visual screen between the properties in addition to the frosted glass window within the ensuite (review the first floor plan) for the proposed development, it is reasonable to conclude that the amenity and privacy of both habitable room windows and private open space of the adjoining property at 1 Highcrest Avenue is unlikely to be impacted upon in a detrimental manner.
- (d) The provided shadow diagrams demonstrate that the proposed development will have some overshadowing impacts on the adjoining dwelling at 1 Highcrest Avenue but will be fairly minor in nature. This is especially evident when considering the existing tree line located along the western side boundary that likely contributes to existing overshadowing of the abovementioned property.
- (e) Existing dwelling on the subject site has side boundary setbacks exceeding the minimum 3m and the private open will remain available for use (note: private open space located towards the rear of existing dwelling).
- (g) Similar to the assessment completed above for 12.4.1.2 Site Coverage, the subject site is rectangular in shape and has an approximate area of 1006.93m<sup>2</sup> and is able to accommodate the proposed development.
- (f) It is evident that the subject site slightly slopes towards the adjoining property at 1 Highcrest Avenue but this neither significantly reduces nor increases the impact of the proposed variation (i.e. subject site does not contain steep slopes).

#### 12.4.1.6 Location of Car Parking (P1)

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 A garage or carport must be located:</p> <ul style="list-style-type: none"> <li>a) within 20 metres of the dwelling it serves; and</li> <li>b) with a setback equal to or greater than the setback of the dwelling from the primary road frontage.</li> </ul>	<p>P1 Car parking facilities must be:</p> <ul style="list-style-type: none"> <li>a) close and convenient to dwellings and residential buildings; and</li> <li>b) located to minimise visual impact to the streetscape; and</li> <li>c) provided in a form that is appropriate to the area and development.</li> </ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to</p>	

satisfy the acceptable solution and as such assessment against the performance criteria is required.

However, the performance criteria can be considered appropriately satisfied as evident in the completed below:

- (a) The garage will form part of the proposed dwelling addition and therefore is able to effectively service the residential use associated with the existing dwelling.
- (b) The section of the dwelling addition which includes the garage is intended to be constructed in front of the existing dwelling and will have a 7.860m setback to the front boundary. Notably, existing vegetation that is intended to remain along the front boundary (note: some vegetation clearance required for the new crossover and driveway) will reduce the visual impact of the proposed development.
- (c) Provision of car parking within a garage is consistent with how car parking is provided within the surrounding area and dwellings.

#### 12.4.4.2 Stormwater Disposal – P1

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P1 Run off must be managed through integrated stormwater management techniques by means that will not cause soil erosion or flooding nuisance to adjoining lots.

#### **Assessment against the Performance Criteria is required.**

##### **Performance Criteria Assessment**

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

Submitted site plan in conjunction with the Stormwater Report prepared by 6ty<sup>o</sup> demonstrates that the stormwater generated by the roofed areas of both the existing dwelling and the proposed development will be directed to three 14,000L tanks with subsequent overflow being disposed into a new kerb connection point via a charged line. The documents also demonstrate that there will be a fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) which will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long by 0.4m wide dispersion trench within the rear section of the subject site.

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

- *All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.*

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

Additionally, with regards to the onsite stormwater disposal method proposed for the fourth tank as detailed above, the amended stormwater report was referred to Development Services Coordinator & Building Surveyor and resulted in the following comments being provided:

- *'The onsite stormwater report is suitable for planning approval purposes'*

Therefore, the performance criteria can be considered appropriately satisfied.

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

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

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A1 Sight distances at a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or c) If the access is a temporary access, the written consent of the relevant authority has been obtained.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b> Proposed development for the construction of dwelling additions & alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required. Specifically, an 80m sight distance cannot be achieved from the proposed access point	

to the east of the subject site. However, in response to the referral of this application, the Works Department confirmed the following (review TRIM ref. 22/23722 for the Works Referral):

*‘There’s no need for a TIA based on the “new” crossover being closer to the east and having better sight distance to the east than the existing crossover’.*

Therefore, the performance criteria can be considered appropriately satisfied.

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

<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>

#### **Assessment against the Performance Criteria is required.**

##### **Performance Criteria Assessment**

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

As part of the proposed development, removal of some existing vegetation to accommodate the proposed development including the additional crossover that has been proposed (note: this includes the removal of one tree along the western side boundary). However, review of the property with regards to the location of the approximate 7 trees that are proposed to be removed, it is evident on the LIST with both the ‘TASVEG 4.0’ and ‘TASVEG Live’ overlays applied, that this section of the subject site has been attributed the following vegetation group and description:



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

Consequently, the TASVEG layers from the LIST reveal that this section of the property does not contain native vegetation that could be identified as either environmentally significant or as an important habitat for local fauna species (note: further confirmed through the application of Threatened Fauna Point, Non-Threatened Fauna Point and Conservation Significance Fauna Point). Therefore, with regards to the above, removal of approximately 7 trees to accommodate the proposed development is able satisfy the performance criteria.

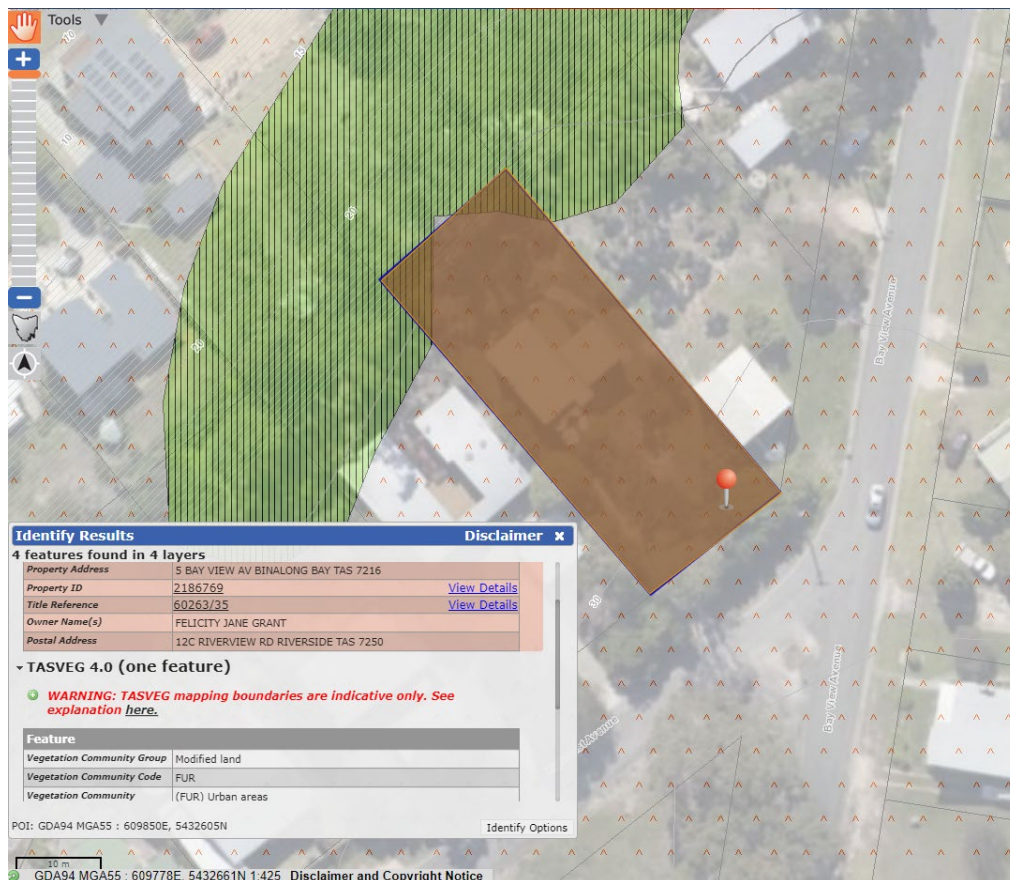




## Advertising/ Site Visit Photos

Date: 05/05/2023

Taken by: Planning Officer (Alex McKinlay)



### E16.6.1 Use and lot size (P1)

Acceptable Solutions	Performance Criteria
<p>A1 Residential uses that rely on onsite wastewater management must:</p> <p>a) be on a site with minimum area of 2,000m<sup>2</sup>; and</p> <p>b) have four bedrooms or less.</p>	<p>P1 Residential use on sites less than 2,000m<sup>2</sup> or with more than four bedrooms that rely on onsite wastewater management must be able to accommodate:</p> <p>a) the proposed residence and associated buildings and structures;</p> <p>b) private open space;</p> <p>c) vehicle manoeuvring and car parking;</p> <p>d) hardstand and paved areas; and</p> <p>e) onsite wastewater management infrastructure</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.</p>	

The subject site has an area of 1006.93 m<sup>2</sup> and the proposed development will result in the provision of three bedrooms and includes the installation of an Aerated Wastewater Treatment System (AWTS). However, the subject site is able to accommodate the proposed development, existing private open space that currently serves the existing dwelling, car parking and associated vehicle manoeuvring spaces in addition to hardstand and paved areas.

The response provided by Council's EHO (Chris Wicks) regarding the referral of the onsite wastewater report prepared by Geoton, resulted in the following comments (TRIM 23/20268):

- *'I am able to provide consent to the installation subject to the following conditions: The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks'.*

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

#### E16.7.1 Onsite Wastewater Management (P2)

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A2 A minimum horizontal separation of 3m must be provided between onsite wastewater management infrastructure and the following:</p> <p>a) hardstand and paved areas;</p> <p>b) car parking and vehicle manoeuvring areas; and</p> <p>c) title or lot boundaries;</p>	<p>P2 Hardstand, paved areas car parking and vehicle manoeuvring areas must:</p> <p>a) not be located above or below each other; and</p> <p>b) have no detrimental impact on the operation or integrity of the onsite waste water management infrastructure.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.</p> <p>Specifically, the site plan included within Geoton's report illustrates that the disposal bed for the proposed Aerated Wastewater Treatment System (AWTS) will be located less than 3m from eastern side boundary and the permeable eco pavers that form part of the development as well. However, the performance criteria can be considered appropriately satisfied as evident in the completed assessment below:</p> <p>(a) The raised disposal bed is not located above or below hardstand, paved areas, car parking and vehicle manoeuvring areas.</p> <p>(b) A written scheme response prepared by the suitably qualified person that prepared Geoton's onsite wastewater report confirmed that, <i>'The operation of the raised disposal</i></p>	

*bed will not be impacted by the adjacent paved area' (review written scheme response provided by Geoton under TRIM Ref. 23/9888).*

#### E16.7.2 Surface and ground water impacts – P4

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A4 Vertical separation between a limiting layer and the land used to apply effluent, including reserved areas, must be no less than 1.5m.	P4 Onsite wastewater management infrastructure separated from the limiting layer by less than 1.5m must have no detrimental impacts on groundwater.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Proposed development for the construction of dwelling additions &amp; alterations, garage, deck and additional crossover for the subject site at 5 Bay View Avenue, Binalong Bay, is unable to satisfy the acceptable solution and as such assessment against the performance criteria will be required.</p> <p>Within the onsite wastewater report prepared by Geoton, the Borehole logs illustrate that neither Borehole 1 nor 2 met refusal as both borehole were terminated at a depth of 1.8m thereby indicating a vertical separation of more than 1.5m from a limiting layer could be achieved.</p> <p>However, in response to the referral of the onsite wastewater report, Council's EHO (Chris Wicks) expressed the following concerns and subsequent conditions that will be required to accompany the planning permit (TRIM 23/20268):</p> <ul style="list-style-type: none"> <li><i>'I am able to provide consent to the installation subject to the following conditions: The location of the absorption area, specifically the boundary setbacks, is consistent with AS 1547 appendix R or, is determined on the basis of a rigorous risk assessment in accordance with AS 1547 – 2012; and, the designer inspect the construction of the absorption area and provide to Council certification that the absorption area has been designed in accordance with AS1547 – 2012, and constructed strictly in accordance with the approved design plan and boundary setbacks'.</i></li> </ul> <p>Inclusion of the recommend conditions as advised by the EHO (Chris Wicks) for the proposed Aerated Wastewater Treatment System (AWTS), will be included within the planning permit for this application. Therefore, the performance criteria can be considered appropriately satisfied.</p>	

## 5. Representations

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

### Representation 01

<b>Issue</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>Acceptable Solution of 12.4.1.5: Rear and Side Setbacks requires a 3m setback but the proposed dwelling addition will have a setback of 1.98m to the western side</li> </ul>	<ul style="list-style-type: none"> <li>One of the discretionary items associated with this application is <i>12.4.1.5 Rear and Side Setbacks (P2)</i> as the site plan demonstrates</li> </ul>

<p>boundary. Particularly, the location of laundry, and bathroom on the second storey addition as well as the relocation/placement of the stormwater tanks contravene the Planning Scheme. All the water tanks, including the new 14,000 litre tanks encroach even closer to the boundary. As these tanks will need a pressure pump to operate, their proximity to the boundary will be intrusive.</p> <ul style="list-style-type: none"> <li>• In relation to the Performance Criteria: (c) impact on the amenity and privacy of habitable room windows and private open space of existing and adjoining dwellings. Reference to the first site plan drawing submitted in the application, indicate that the new 2 storey extension is located over the rear third of 1 Highcrest Ave.</li> </ul> <p>The height of the extension with the location of the window in the upstairs bathroom will significantly impact on the amenity and privacy of our property. As the proposed development is on higher ground sloping down towards our property, this intrusion is amplified (performance criteria: (g) extent to which slope increase the impact of the proposed variation.</p> <p>The unroofed central, open deck design of our building, which has been in place for approximately 30 years, will be in full view from this window.</p> <ul style="list-style-type: none"> <li>• (d) impact on the solar access of habitable rooms windows and private open space of adjoining dwellings: The solar equinox diagrams in the proposal, due to the height of the proposed development will clearly affect solar access to our property. The diagrams of the shadows cast in the proposal stop at the boundary. It is obvious that the shadows cast will have a significant effect on sun in our kitchen and living areas in the mornings in Summer, Autumn Winter and Spring and block sunlight at noon in Autumn and Winter. As the setback from the boundary</li> </ul>	<p>a 1.98m setback to the western side boundary and 2.450m to the eastern side boundary for the dwelling addition. Please refer to the Responsible Officer's Completed Planning Scheme Assessment for reference regarding how the Performance Criteria for clause 12.4.1.5 Rear and Side Setbacks (P2) under the 12.0 Low Density Residential Zone can be considered appropriately satisfied.</p> <ul style="list-style-type: none"> <li>• Regarding the three 14,000 Litre tanks, the overflow from the proposed tanks will be disposed into a new stormwater kerb connection point via a charged line (note: subject to conditions provided by the Works Department). In this instance a pressure pump will not be utilised to direct stormwater overflow from the abovementioned tanks to the new kerb connection. Please note that with reference to the applicants submitted stormwater report, a pressure pump does not form part of the proposed stormwater disposal methods.</li> <li>• Review of the submitted site plan demonstrates that only 1 tree along the western side boundary is intended to be removed to accommodate the proposed development. Remaining vegetation along the western side boundary will continue to provide screening between the subject site and 1 Highcrest Avenue.</li> <li>• The white brick wall which is located along the western side of the proposed deck (note: refer to the western elevation for context) has been utilised in place of a glass balustrade. The applicant on behalf of the owners has developed the</li> </ul>
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<p>does not comply with the 3m provision of the planning scheme, and the upward sloping ground between our properties, this solar access is further restricted.</p> <ul style="list-style-type: none"> <li>Concerns about potential removal of vegetation along the western boundary as this currently provides good screening between both properties (i.e. privacy).</li> <li>Question the purpose of the white brick wall at the end of the balcony along the northern end of the structure/deck along the western boundary. Particularly, the necessity and purpose of the wall has been questioned and if it is a requirement of the current planning scheme as a solid feature.</li> </ul>	<p>design of the proposed development and the inclusion of the white brick wall forms part of that design. It is not a requirement under the current interim planning scheme but please note that the white brick wall has a total height of 3.4m which is less than the 8m building height requirement under acceptable solution A1 of <i>12.4.1.3 Building Height</i> and has a side boundary setback exceeding the 3m requirement of the acceptable solution A2 for <i>12.4.1.5 Rear and Side Setbacks</i>.</p>
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### Representation 02

Issue	Response
<ul style="list-style-type: none"> <li>Understands having the overflow pipes charged so the waste water flows to the streetside gutter, but there is a tank immediately adjoining 26 Binalong bay road. Unsure of where the water goes from this tank once the tank is full. The area along the rear boundary is solid sheet rock and there is little soil absorption and the Geoton report does not show anything on that part of the block at all.</li> <li>Can't see where all three boreholes were drilled on the site plan from Geoton's report. Can only see hole 3 was drilled in front of the house in the fill area and 2 at the back of the house, but I can see where hole 1 was bored.</li> <li>Concerned that concentrating water from behind the house down to there as well as the runoff from all the paths will potentially cause a problem for 26. Runoff from 5 Bayview as it exists currently causes washouts now as the soil/rocks can't absorb it.</li> <li><i>'The surrounds of the house contain sections of paths, an outside deck and a vehicle forecourt area, with little of these being provided with a direct stormwater connection. Care should be taken to ensure</i></li> </ul>	<ul style="list-style-type: none"> <li>In the first version of the stormwater report prepared by 6ty°, a fourth 14,000L tank was shown to be located in the corner of the western boundary adjoining 1 Highcrest Avenue and 26 Main Road, Binalong Bay. However, in response to the submitted representations, the applicant has supplied a revised stormwater report and site plan which now demonstrates that the fourth tank will be located along the western end of the existing dwelling structure, will have a 5,500L capacity and subsequent overflow is intended to be disposed into a 20m long by 0.4m Wide dispersion trench. Please note that the Geoton report was completed for the proposed Aerated Wastewater Treatment System (AWTS) and not for stormwater purposes.</li> <li>Representor locates the boreholes from the Geoton report as outlined in Representation 04 below.</li> <li>Stormwater from the existing dwelling structure will also be</li> </ul>

*that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land* - How is this proposed?

- *'Collected stormwater can be directed to a dispersion trench along the contour or to a garden watering tank. The flows collected from the forecourt area are minor, totally some 3 l/s for the 1 % AEP and 1600 litres for a 10-minute burst event (a thunderstorm)'* - Where is such a trench proposed and a flow rate of 3ls in a storm for all the area is way below what we see now, before adding paths and roadways preventing soil absorption. This report only talks about the forecourt area, what about the driveways paths etc., are they accounted for?
- 12.4.1.5 Setbacks. Interpretation is that the setback is required to be 3 metres, but the existing setback is 2510. If the Representor wanted to build an 8 metre high building on 3 Bayview Avenue would shading preclude the Representor from being 3 metres from their boundary because the setback on the plan is proposed to be 2510. Will the Representor have to build half a metre further away from the boundary due to shading?
- Geoton report section 4.5, it talks about 3.0 metres from cross slope buildings for waste water disposal. Can't see any plans for where the Waste water treatment area is going on the plans. The Representor notes that they know when they built the boatshed on 3 Bayview it was extremely heavy impermeable clay, hence the concern over the 3 metre cross slope if the waste water treatment area is going to be in that area. Can't see the boreholes marked from Geoton report to know what and where. The soil changes rapidly on 3 Bayview from heavy clay to solid granite in decaying granite sands with completely different drainage properties.
- Is the existing septic tank structure being removed?

directed into three 14,000L tanks along the western side boundary as seen within the site plan with overflow being discharged to a new kerb connection point via a charged line (note: Proposed development does include outdoor permeable eco pavers to provide pathways for the proposed development).

- The fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site. The revised stormwater report on pg. 09 of the report further states, *'The surrounds of the house contain sections of paths, an outside stairwell and the water storage tanks, with these having no direct stormwater connection. Care should be taken to ensure that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land. This may be achieved by landscaping or the interception of any surface flows by the installed dispersion trench'*.
- The application is discretionary on 12.4.1.5 Rear and Side Setbacks (P2) as the site plan demonstrates a 1.98m setback to the western side boundary and 2.450m to the eastern side boundary for the dwelling addition. Accordingly, assessment against the performance criteria was required (Please refer to the Responsible Officer's Completed Planning Scheme Assessment) but if the Representor wishes to construct a

	<p>structure on 3 Bay View Avenue, the 2.450m setback to the eastern boundary of the proposed dwelling addition will not impact upon the ability for the Representor to site a structure 3m from the adjoining side boundary. The setback requirements apply to individual properties within their respective boundaries.</p> <ul style="list-style-type: none"> <li>• Similar to the point above, Representor locates the boreholes from the Geoton report as outlined in Representation 04 below.</li> <li>• Existing septic system is intended to be replaced with a new Aerated Wastewater Treatment System (AWTS). However, the following condition will be included on the planning permit:</li> </ul> <p><i>12. The existing septic tank and trench system serving 5 Bay View Avenue, Binalong Bay must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of an Occupancy Permit.</i></p>
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**Representation 03** (Another representation submitted by Representor 02 above)

Issue	Response
<ul style="list-style-type: none"> <li>• Observations regarding the tank above the boundary of 26 and 28 Binalong Bay Road and the proposed. There is the area marked above where that tank for a paved area and deck area, but no plans on where the runoff will be managed from those areas. Does that go into the tank in the corner of the block or run down the representor's blocks? It is solid granite less than 2 metres inside 26 Boundary which would mean the concentrated water movement would all run across the top of the rocks and down the hill. In an east Coast storm this has the potential to cause washing due to the speed the water will</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to the response provided for representation 02 above: <ul style="list-style-type: none"> <li>- The fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site. The revised stormwater report on pg. 09 of the report further states,</li> </ul> </li> </ul>

<p>travel from pavers to rock and beyond. Has this been addressed in a report?</p> <ul style="list-style-type: none"> <li>• Interpretation of the reports is that if the Representor wanted to build up high on those blocks 26 and 28 and install a bore due to the lack of town water at Binalong Bay, the Representor believes that they would be restricted because the waste water above will be filtering down preventing them from potentially doing this. Is that a correct assumption? Representor further asks if they wanted to put a bore on 3 Bayview would they be permitted to use it.</li> </ul>	<p><i>‘The surrounds of the house contain sections of paths, an outside stairwell and the water storage tanks, with these having no direct stormwater connection. Care should be taken to ensure that stormwater from these areas is not concentrated so as to create a potential problem to properties downslope of the land. This may be achieved by landscaping or the interception of any surface flows by the installed dispersion trench’.</i></p> <ul style="list-style-type: none"> <li>• The proposed disposal bed for the new Aerated Wastewater Treatment System (AWTS) has been shown within Geoton’s report to be located within the front section of the subject site. Potential construction of structures up high on blocks 26 Main Road &amp; 28 Main Road and the hypothetical installation of a bore on adjoining properties will be for the Representor to consider.</li> <li>• Please refer to the Responsible Officer’s Completed Planning Scheme Assessment for reference regarding how the relevant Performance Criteria from the E16.0 Onsite Wastewater Management Code can be considered appropriately satisfied.</li> </ul>
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**Representation 04** (Another representation submitted by Representor 02 above)

Issue	Response
<ul style="list-style-type: none"> <li>• Found the bore holes within the Geoton report, but challenges their validity doing a soil water test in the driest month of the year 22<sup>nd</sup> February to see if it can cope with 600 Litres per day. Representor asserts that stating that minimum water depth is &gt; than 1.8 metres, would be accurate for that time of year, but consideration should be given to the water table on the 1<sup>st</sup> September for example, water table will be a lot less than this and could be possibly be</li> </ul>	<ul style="list-style-type: none"> <li>• The submitted onsite wastewater report by Geoton to support the installation of a new Aerated Wastewater Treatment System was prepared by a qualified wastewater system designer and was reviewed by Council’s EHO (Chris Wicks).</li> <li>• The outlined section of the stormwater report that the Representor makes reference to, is with regards to the existing site</li> </ul>

<p>&lt;200mm which would result different calculation.</p> <ul style="list-style-type: none"> <li>• Page 07 of the stormwater report prepared by 6ty<sup>o</sup> – “This equates to a total impervious fraction of 22% of the lot, with all of the site discharging to ground if the rainwater storage tanks are full” – Representor notes that in other parts of the report it is says water will be directed to the kerb through charged pipes and questions which one to believe.</li> <li>• Stormwater report only outlines 3 tanks, yet there are 4 on the plan and there is no comment on the tank adjoining 26 Binalong bay Road, what this tank does and where does the overflow go?</li> <li>• Attached pics 3808 you can see proposed pavement, yet in 3807 it is showing grass and as such unsure which one to believe, but if its pavement where is the concentrated water going?</li> </ul>	<p>prior to the proposed development. Stormwater generated by the roof areas of the proposed development will be directed into three 14,000L tanks with overflow being disposed into a new kerb connection point (note: subject to conditions required by the Works Department). As detailed in representation 03 above, the fourth tank/5500L garden water tank located along the western side boundary (note: located within proximity to the existing dwelling) will capture stormwater generated by the forecourt and driveway with subsequent overflow then being discharged into a 20m long and 0.4m wide dispersion trench within the rear section of the subject site.</p>
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**The recommendation for approval has been made following due consideration of the representation and comments.**

## 6. Mediations

As per the decision reached during the July Council meeting, this application was deferred to allow sufficient time to organise for a meeting between the representor (Representor 01 – George Cerchez accompanied by his wife), the applicant (Chester Bullock is the engineer who has been working on this application and has received authorisation from the owners to work on the application on their behalf) and the owners of the subject site. This meeting occurred on the 11 of August at 2:00pm and concluded at approximately 2:30pm. Please review notes below for a summary of the discussion and subsequent results of the meeting:

- Location of the tanks being less than 3m from the side boundary and the scheme response provided for clause 12.4.1.5 Rear and Side Setbacks from the interim planning scheme’s 12.0 Low Density Residential Zone;
- General commentary about the design of the addition which was largely focussed on the inclusion of vertical windows for the ensuite rather than being consistent with the laundry and having horizontal windows;
- Vegetation Removal;
- Noise concerns regarding the proposed stormwater system;
- Concerns and questions regarding the overshadowing that the proposed development may have on the representor’s property;



- It was confirmed to the representor that if they still have issues or concerns that appealing the application to address those concerns further is a course of action that can be pursued if desired;
- The representor was informed that the application will remain as originally recommended, that is for approval with conditions. They were advised of their rights to appeal Council decision to TASCAT (Tasmanian Civil and Administrative Tribunal) in the instance where the recommendation is approved by Council;
- Equally the applicants were advised of their right to appeal Councils decision to TASCAT in the event that the recommendation is refused by Council.
- As a result on the mediation process, no resolution to the matters discussed could be resolved and so as a result no design changes were made.

## 7. Conclusions

In accordance with 8.10 of the Break O' Day Interim Planning Scheme 2013, the application has been assessed against the objectives of the Scheme, in particular the Low Density Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and ten (10) 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

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 20*

*Land Use Planning and Approvals Act 1993,*

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

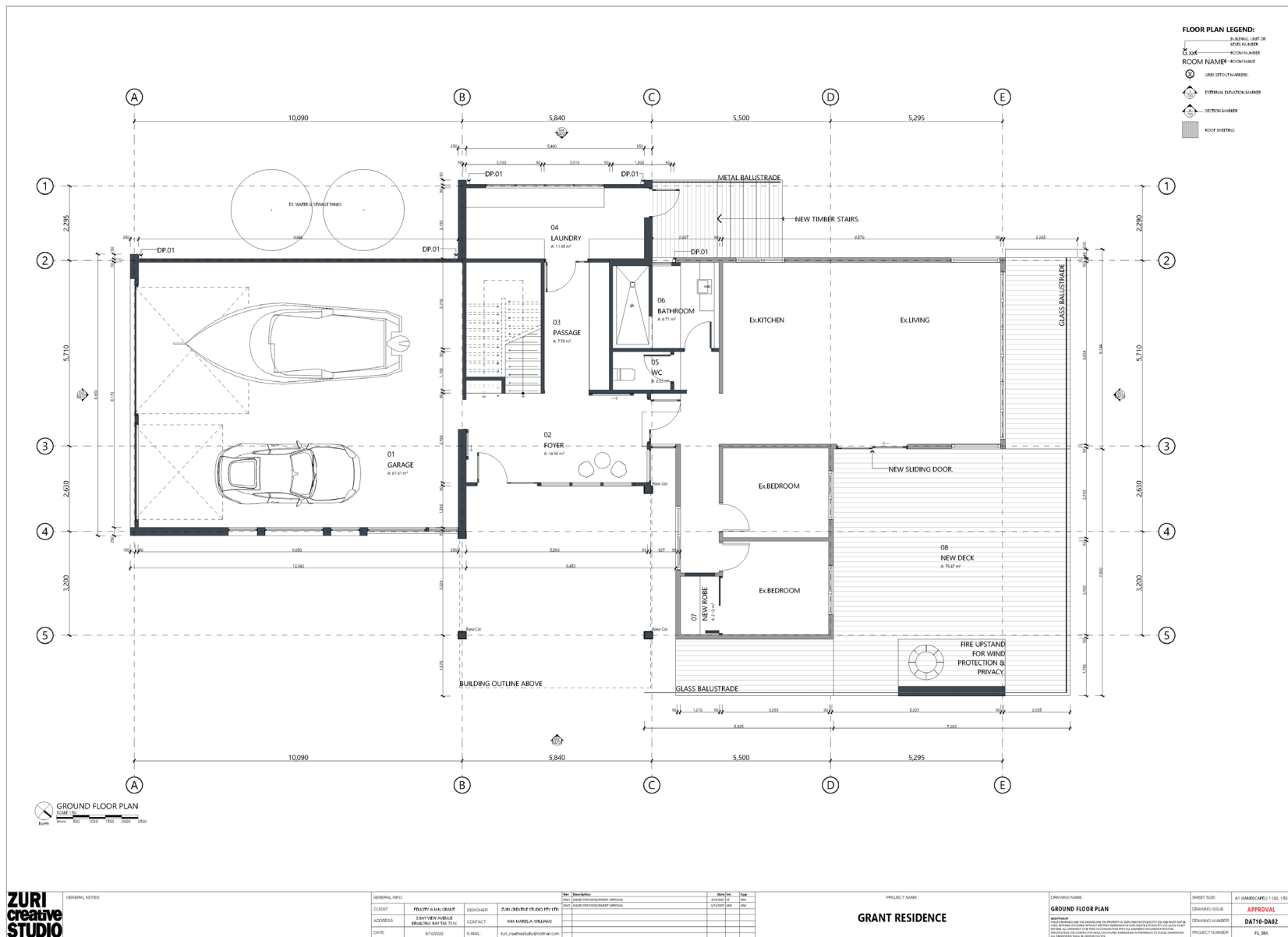
## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

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

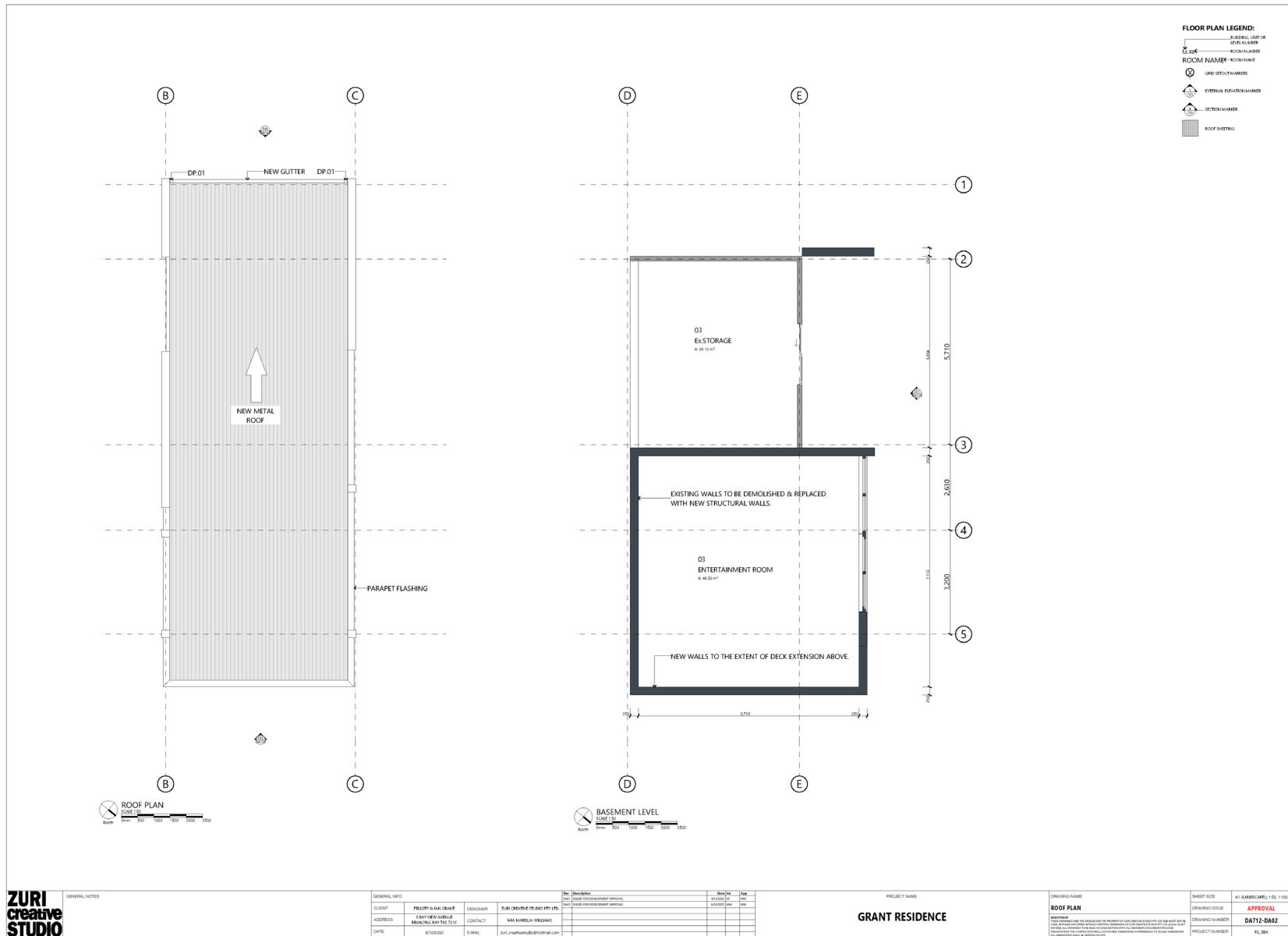
## VOTING REQUIREMENTS:

Simple Majority

















09/23.7.0

## COUNCIL MEETING ACTIONS

09/23.7.1

## Outstanding Matters

COUNCIL RESOLUTIONS - MEETINGS - PUBLIC  
11/09/2023

23

GOALS

57%

GOAL COMPLETION

## COUNCIL RESOLUTIONS PLAN

## COUNCIL RESOLUTIONS - AUGUST 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	21/08/2023	21/09/2023	08/23.13.4.192 Request for General Rate Remission – 14 Mangana Road, Fingal	That Council in accordance with the provisions of s.129 of the Local Government Act 1993, Council approve a remission as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.	Applicant for Rate Remission advised of Council Decision - Approval.	Corporate Services Coordinator
100%	21/08/2023	21/09/2023	08/23.13.5.193 Request for General Rate Remission and Service Rate Remission – PID 6414634 - 4 Dunn Street, Mathinna	That Council in accordance with the provisions of s.129 of the Local Government Act 1993 and Council's Rating Exemptions and Remission Policy no LG71, Council approve a General Rate remission and a 50% Service Charge Remission to the total value of \$878.00 as requested for the property known as 4 Dunn Street, Mathinna identified as PID 6414634.	Applicant advised of Rate Remission Request - Approval.	Corporate Services Coordinator
100%	21/08/2023	23/09/2023	08/23.13.6.194 Council Meeting Procedures Review	That the Council rescind LG53 – Audio Recording of Council Meetings Policy and adopt Councils Meeting Procedures – July 2023.	LG53 Audio Recording of Council Meetings Policy revoked and unpublished in all locations.	Corporate Services Coordinator

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	21/08/2023	21/09/2023	<b>08/23.15.2.198 Review of the Community Facility Hire Policy – CB07</b>	<p>That policy CB07 be amended as follows:</p> <ul style="list-style-type: none"> <li>· In Category A; a new paragraph is added: A registered political party/group can apply for an exemption in line with Category B or Category C.; and</li> <li>· A new category is added:</li> </ul> <p>Category E – Full Concession – eligible for 100% concession on full rate (ie. free venue hire) – 3 Month Trial Period</p> <p>This category applies to groups/organisations/start up small businesses/start up social enterprises that fall outside categories A, B, C and D. Any group applying for Category E must provide copies of recent bank statements showing their financial position. Any materials that are used during the three-month trial of a venue hire MUST be removed from the venue after each use.</p>	Policy updated in all places - website, trim etc	Corporate Services Coordinator
100%	21/08/2023	21/09/2023	<b>08/23.15.3.199 Community Grant Application Form</b>	That Council adopt the Community Grant Application Form.	Community Grant Application Form will now form part of the application process	Manager Community Services
25%	21/08/2023	21/09/2023	<b>08/23.15.4.200 Bay of Fires Master Plan</b>	<p>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.</p> <p>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.</p>	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.	Manager Community Services
100%	21/08/2023	21/09/2023	<b>08/23.15.5.201 Waiver of Fees for Banner Pole Hire – A Festival Called George</b>	That Council waive all fees associated with the use of the eight (8) banner poles located in St Helens in support of the Festival Called George which is being held in October 2023.	Council's decision actioned	Manager Community Services
0%	21/08/2023	21/09/2023	<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.		Manager Community Services
100%	21/08/2023	21/09/2023	<b>08/23.16.2.204 Strata Development Policy– Post Targeted Consultation</b>	Endorse the draft Strata Development Policy (Policy No EP11) which has undergone targeted consultation within the development community and legal counsel review.	Policy updated in all places - website, trim etc	Corporate Services Coordinator



Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
0%	21/08/2023	30/09/2023	<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	Community consultation process for the 2024-25 State Budget concludes at the end of October. Submission preparation yet to commence but will be largely based on the last submission	General Manager

## COUNCIL RESOLUTIONS - JULY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	17/07/2023	31/08/2023	<b>07/23.15.4.175 Lease of Public Land under S.178 Local Government Act – Elizabeth Street, Mangana</b>	That in making this resolution, Council has considered all objections lodged against this lease and that Council under Section 178 of the <i>Local Government Act 1993</i> authorise the General Manager to lease part of Certificate of Title Volume 203723 Folio 5 being land situate in Elizabeth Street, Mangana for the purpose of the construction of a small cell mobile tower.	Notice of Council's decision provided to the representor advising of the Appeal period. As no Appeal has been forthcoming, Council officers will now progress with the Lease process.	Community Services Officer

## COUNCIL RESOLUTIONS - JUNE 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
25%	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	Letter developed and sent to the Minister	General Manager
25%	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.	By-Law and Updated decision forwarded to Office of Local Government for certification. Subsequent to the certification the consultation phase will commence.	Development Services Coordinator

## 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 APRIL 2023

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



## COUNCIL RESOLUTIONS - MARCH 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	20/03/2023	30/06/2023	<b>03/23.9.1 Submission from St Marys Dog Group – Cllr Drummond</b>	To provide acknowledgement and consider the submission from the St Marys Dog's Group for two dog exercise areas in St Marys. That Council acknowledge the submission of the St Marys Dog group, of the preferred dog exercise areas, in St Marys; and consider including the proposed areas as part of the municipal Dog Management Policy.	Councillors were briefed on the progress of this action at the 4th of September 2023 Councillor workshop.  There is limited Council and other public land in St Marys where the Council could provide accessible, safe, and affordable facilities to exercise dogs off-lead. Ahead of identifying a preferred option or options for reviewing the Dog Management Policy and community input, several potential options have been specified to consider further.  An agenda report has been prepared for consideration by the Council at the September 2023 Council meeting.	Manager Infrastructure and Development Services
36%	20/03/2023	30/06/2023	<b>03/23.15.7 St Helens Sports Complex</b>	1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project. 2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.	Meeting has been organised with staff to start developing a Brief for this project so that Expressions of Interest can be obtained in line with community feedback and usage.	Manager Community Services

## COUNCIL RESOLUTIONS FEBRUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	20/02/2023	31/03/2023	<b>02/23.15.6 Policy AM21 – Single Use Plastics Policy</b>	<ol style="list-style-type: none"> <li>1. That a longer time frame be considered for community members who are participating in events and activities to implement the Single Use Plastic Policy.</li> <li>2. That Council undertaking more extensive community engagement with community groups as to what options are available for them to use when replacing current single use plastics.</li> </ol>	Council approved a longer time frame to enforce the Soft Plastics Policy with our community and engagement has commenced with market groups and leasees of Council owned facilities.	Manager Community Services
20%	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>	Draft Revised Meeting Procedures Guidelines are listed on the August Council Workshop for discussion.	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.	<b>Polly Buchhorn:</b> Work to bring information on state freshwater water resources and water quality management concerns for Break O'Day through Council continues to be delayed. Concerns remain for critical reviews and claims of poor freshwater and river management by the Tasmanian Government agencies and bodies and their response.	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
50%	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's NRM Facilitator and Communications Coordinator are yet to develop public communications on Off Road Vehicle issues, in collaboration with the Parks and Wildlife Service and other stakeholders. Progress is being made by PWS to install access controls.	NRM Facilitator

## COUNCIL RESOLUTIONS 2021

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
10%	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.	On hold until the Local Government Act Review is completed.	Executive Officer

ACTION	INFORMATION
PROPONENT	Council
OFFICER	Anna Williams, Economic Development Officer
FILE REFERENCE	014\002\003\
ASSOCIATED REPORTS AND DOCUMENTS	Centacare Evolve Housing – Information Sheet: Fingal Housing Project

**OFFICER’S RECOMMENDATION:**

That Council write to residents and property owners in Fingal providing a response to the content of the Petition which has been received.

**INTRODUCTION:**

Council officers have provided comments on the Petition received in response to the proposed community housing project at 29 Talbot Street, Fingal. The Petition was brought to the September Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Meeting 21 August 2023

**08/23.8.1.187**      Moved: Clr K Chapple / Seconded: Clr G Barnes

That Council receive the petition.

**CARRIED UNANIMOUSLY****OFFICER’S REPORT:**

The General Manager tabled this Petition at the Council Meeting on 21 August 2023 and in the Officer’s Report to the meeting advised as follows:

*The petition was proposed by Fingal residents. A formal contact was not provided however the letter was signed by Peter Simmonds, John Vincent and Hamish Thompson and one other but we were unable to identify their name from their signature. Council staff notified Hamish Thompson and John Vincent of receipt of the petition, as we already had contact details for them when they wrote to us regarding the Social Housing Project*

*The petition does not meet the requirements of Section 57 of the Local Government Act 1993.*



*As per Section 57(2)(e)(i) the petition does not meet the legislative requirements as there are a total of 85 signatures which form this part of the petition and following a cross check with the Electoral Roll dated 8 September 2022 there was the following breakdown:*

<i>On Electoral Roll</i>	<i>59</i>
<i>Not on Electoral Roll</i>	<i>26</i>

*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%.*

Firstly, it is crucial to recognise and keep in mind the importance of personal choices of future residents. Those who decide to settle in Fingal do so voluntarily and are chosen based on suitability to the area. When exploring ways in which the Council could provide housing in the area, it was imperative to establish a supportive atmosphere. This consideration was the reason why partnering with a Tier 1 Provider was vital. Among all the Tier 1 Partners, the Council officers suggested Centacare Evolve Hosuing (CEH) as they prioritise achieving positive social, health and wellbeing outcomes for the whole community.

***Good morning Council. I’m here representing the views of Fingal residents concerned about the proposed social housing development in the town. I’d like to make a brief statement on their behalf.***

***Let me start by thanking you for acknowledging receipt of the petition representing the views of 85 local residents and business owners. I’d like to clarify that these signatures were collected easily. There was no door-to-door exercise undertaken. Had we gone door to door, we are certain that we would have easily obtained the signatures of more than half the adult population of the town.***

The approach taken by the petitioners to gather signatures is understood. Regardless of whether it is valid, the sentiments and content of the Petition are considered by Council and Council officers. However, approaching individuals who have opted not to participate and requesting they sign the petition during a visit to their home may create unwanted pressure for them.

***Very few people declined to sign, and those that did said that they had been warned that doing so would have created a conflict of interest. This obviously isn’t the case.***

There are no conflicts of interest that the Council are aware of and where such statements would have come from.

***All of us are anxious. None of us want to get on the wrong side of Council. We support the need for additional social housing in Break O’Day, but we cannot support a proposal that places additional pressure on our small isolated town.***

It is unclear where the extra strain will be placed on the 'small and isolated town' of Fingal. Will it affect local businesses like the IGA, the neighbourhood house, or Integrated Living? It appears that this is just a declaration of their position on the matter. Council Officers and CEH have provided information broadly to the community and directly to community members who have written to Council.

After studying Fingal, we have found no evidence of additional stress. On the contrary, those who establish homes at 29 Talbot Street will receive ongoing support from CEH, Fingal Neighbourhood House, and will contribute to the community in a variety of meaningful ways.

CEH has also stated in their own fact sheet provided to the Fingal Community that:

*"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."*

Regarding the isolation of Fingal, those who create a home at 29 Talbot Street, Fingal will receive ongoing support from CEH to ensure they have access to transportation. We appreciate the concern of the Fingal residents and their proactive efforts, such as the community bus, to address this issue.

- 15 mins drive to St Marys
- 45 mins drive to St Helens
- 1 hr 15 min drive to Launceston
- 50 min drive to Campbell Town

A bus runs twice daily from St Helens to Launceston. The community bus is also available.

***In our group meetings we looked closely at why we felt uncomfortable with the proposed development. We decided to look objectively and unemotionally at why we believe the proposed scheme should be abandoned. We looked at subject access requests about the location of social housing units in Break O'Day and we looked at demographic data for our town, including age, health and income data.***

Upon reviewing Table 1, 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 Centacare 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 Centacare Evolve Housing to update us on tenant satisfaction and community involvement.

	Fingal	St Helens
Age	51	57
In the labour force	39.2%	40.8%
Not in the labour force	51.5%	51.3%
Working full time	42.4	40.3
45 hours or more	22.2	13.8
Median weekly incomes (Household)	\$833	\$824
Median weekly incomes (Personal)	\$481	\$494
Arthritis	16.9%	18.2%
Asthma	10.0%	8.1%
Cancer (including remission)	4.2%	5.4%
Dementia (including Alzheimer's)	0.0%	0.9%
Diabetes (excluding gestational diabetes)	6.5%	7.3%
Heart disease (including heart attack or angina)	7.7%	7.1%
Kidney disease	0.7%	2.0%
Lung condition (including COPD or emphysema)	3.7%	4.0%
Mental health condition (including depression or anxiety)	13.2%	11.9%
Stroke	2.6%	1.9%
Any other long-term health condition(s)	9.7%	11.2%

**Table 1. Age, income, and health data comparison between St Helens and Fingal. Source: ABS, 2021**

***We also looked at what essential facilities are within acceptable reach of the town and compared all of this data with other towns in the region. On the basis of this research, we find it impossible to understand why our town has been identified as the site for these new units. We are a low-income, isolated town with an ageing population whose health is below state average.***

This is not exclusive to Fingal. All towns in Break O'Day are low-income, isolated and have an ageing population. Most towns in Break O'Day experience health figures below state average. Access to services is addressed below.

***According to the data we have been able to access, we have a higher ratio of social housing units to population.***

This housing project falls under the category of community housing, not social housing as Homes Tasmania does not manage or own it. Therefore, this statement is not relevant to the project.

As of February 2022, there is no community housing available in Break O'Day. However, Council officers have gathered data relevant to the Petitioner's statement in Table 2. This table displays the social housing inventory of St Helens and Fingal as of March 2021, with a slight 1.1% variation between the two towns.

	Fingal	St Helens
Housing Tasmania Properties	13 homes	43 homes
Housing Tasmania Properties as a percentage of the town's population	3%	1.9%

**Table 2. Social Housing Stock of St Helens and Fingal – March 2021.**

***Other than a small shop and a post office, the town lacks all essential services. No doctor, no chemist, no cafes, no restaurants, no pubs, no retail, no hospital, no major employers, no newsagent.***

It can be difficult to find all the necessary amenities in a small regional town, but Fingal is conveniently located just 15 minutes away from St Marys. St Marys provides access to a doctor, chemist, café, restaurant, pub, retail, hospital, school, newsagent (IGA), and major employers such as the Education, Local Government and Health Industry.

According to the petitioner's statement, residents expressed concern that the project could add additional pressure to Fingal. However, if essential services are not available within the town, it is unclear where these pressures would arise.

***The town is also ill-equipped to accommodate more people with potentially complex needs. Several of us have worked in public services, including housing, counselling and community safety. The key learning from this experience is that easy access to services is crucial.***

If a resident in Fingal has needs that cannot be met, Centacare Evolve Housing will not offer this area as an option. It is important to note that the wait time to see a doctor in St Helens is the same for both Fingal and St Helens residents. Access to services is crucial, but in our municipality, easy access is not available regardless of where you live. Is easy access determined by transport accessibility to the doctor or wait time? If the former, this is addressed through the selection process of CEH. If the latter, this is not determined by the Council, public or CEH and should not be a deterrent in providing a crucial need for the community.

Additionally, Fingal residents are closer to Launceston than all towns in our municipality, which is beneficial if any Fingal resident requires frequent or complex health treatment.

***Council members have advised us individually that a proposed development in Scamander was abandoned on the basis of the heated protests of local residents. We are not replicating that hostile behaviour. Instead, we hope that Council will heed our rational, objective concerns and agree that on any objective analysis, locating more social housing units in Fingal would be detrimental. We urge Council to abandon this proposal.***

The proposal for housing in Scamander was abandoned due to the fact that the potential site was Council land that had been zoned as Public Open Space. The residents of Scamander were adamant that this land should remain as Public Open Space and not be utilised for social or affordable housing. The zoning of 29 Talbot Street, Fingal is the Village Zone.

Although we acknowledge the concerns expressed by the residents of Fingal, it is the responsibility of the Council to make decisions keeping in mind the welfare of the entire Break O'Day community, while balancing the needs of everyone.

Affordable housing has been a major concern for our community, and the residents have been urging the Council to take necessary steps to address this issue. The proposed Housing Project in Fingal is a step towards meeting some of these concerns.

It has been observed that residents living in proximity to affordable housing developments often oppose them, a trend that is not new. In this particular instance, a misunderstanding appears to exist among petitioners regarding the distinction between Social and Community housing. Despite efforts to provide clarification and information about the project, some individuals persist in advocating for its abandonment. This has led officers to suspect that personal motives may underlie these efforts. Mr Vincent's request for a significant reduction in rates further reinforces this suspicion, as it suggests a personal bias and concern over property value depreciation are driving factors underlying the opposition to the project.

#### **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.

###### *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.

##### Break O Day Annual Plan 2023 – 2024

###### *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:**

N/A

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

#### Background

Centacare Evolve Housing (CEH) is committed to increasing social housing supply throughout Tasmania. The land at 29 Talbot Street, Fingal is Break O'Day Council owned land, and it is proposed that 8 new homes will be constructed. The new homes will be allocated to priority applicants from the Social Housing waiting list who are over 55.

This flyer is being circulated to provide information about social housing and how the proposed development will be managed in the community moving forward.

#### The Development

During the concept stage, we ensure that our developments are in keeping with the existing buildings and landscape. Given the notable vegetation on the proposed site, our goal was to retain as much of the existing trees and greenspaces as possible. This was a driving factor for the team when coming up with the design concept and the usage of conjoined units along with their placing on the block allows for the maximisation of shared spaces however, creates opportunities for privacy also. The shared spaces will in turn allow opportunities for the tenants to create relationships and foster a sense of community.

The facades of the homes themselves are an aesthetically pleasing mix of both brick and lightweight cladding featuring both one-bedroom and two-bedroom dwellings. All units providing an open plan kitchen, dining and kitchen, boasting a 7-star energy rating.

It is planned that tenants are selected from the Housing Connect waitlist which is managed by the State Government and available properties are allocated by housing providers to people on the list according to a number of factors (e.g. family size, preferred location, length of time on the list etc.). Centacare Evolve Housing recognises the

importance of allowing those in the area in need of housing to remain in the community where they have established family, friends, services and networks. The location of the development itself is within walking distance of the town centre allowing the tenants ease in accessing services and shops within Fingal. Given the current climate, it's not just suburban areas that are experiencing the current housing crisis and the pressure that comes with it. Now more than ever, it is essential to support both rural and regional areas in addition to suburbs closer to the major cities.



(Proposed Development Image for Illustration Purposes)

The proposed development in Fingal will have an assigned Tenancy Officer who is the tenant's main point of contact with Centacare Evolve Housing. Tenancy Officers assist tenants with initial viewing and sign-ups, providing important information about leases and tenancies, conducting property inspections, and checking rental payments are up to date, they also are key to ensuring properties are well looked after and any issues regarding a tenancy are dealt with accordingly.

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.



**What is the social housing wait list and what is the need?**

There are currently over 4000 people on the housing waiting list that are seeking properties throughout Tasmania.

The social housing list is a list of people waiting for a home. Some people have more urgent needs than others because of personal circumstance. The highest level of need is called priority.

Social housing tenants are selected from the Housing Connect waitlist which is managed by the State Government and available properties are allocated by housing providers to people on the list according to a number of factors (e.g. family size, preferred location, length of time on the list etc.).

**How do people apply for Social Housing?**

Social housing applications are received by Housing Connect (1800 800 588). Applications for the waitlist can be made via our website <https://centacareevolve.com.au>

**How are rents set for Social Housing?**

Social housing rent is set as a proportion of household income and calculated as 25% of assessable household income plus Commonwealth Rent Assistance or independently valued market rent - whichever is lower.

**What is the difference between 'Social Housing' and 'Affordable Housing'?**

Social housing is secure and affordable rental housing for people on low incomes with housing assistance needs.

Affordable housing is for households with very low to moderate incomes. It is priced so households are able to meet basic living costs such as food, clothing, transport, medical care and education.

**Who would manage the Social housing tenancies?**

Centacare Evolve Housing. The proposed development in Fingal will have an assigned Tenancy Officer who is the tenant's main point of contact with Centacare Evolve Housing. Tenancy Officers assist tenants with initial viewing and sign-ups, providing important information about leases and tenancies, conducting property inspections, and checking rental payments are up to date, they also are key to ensuring properties are well looked after and any issues regarding a tenancy are dealt with accordingly. Below is a link to Centacare Evolve Housing website that provides an overview of our tenancy management practices.

<https://centacareevolve.com.au>

**Who is CatholicCare Tasmania and Centacare Evolve Housing**

Catholic Care Tasmania, through its housing entity Centacare Evolve Housing (CEH) is a Tier 1 Community Housing Provider that is committed to contributing to an increase in the supply of housing in Tasmania. CEH owns or manages over 3000 social or affordable housing properties throughout Tasmania. We are also building many new homes through an extensive building program that will add over 800 new properties to the social and affordable housing markets over the next few years.

**How does Centacare Evolve Housing fund the construction of the homes it builds?**

There are a number of funding sources, including State or Federal funding. It is proposed that the development at Fingal would be funded by a collaboration between State Government & CEH in a response to investment of delivering social housing across Tasmania, the land is owned by Break O'Day Council.





**How many people will be housed in the proposed development at Fingal?**

We have very strict guidelines that we are required to meet when housing our tenants. This includes the number of people, as well as the age of any children that may be sharing a room. The eight units could potentially house up to 16 residents. Our tenancy officers do regular inspections of the properties to make sure that these requirements are being met.

**Where services are already stretched, what will Centacare do to address this?**

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: <https://catholicaretas.org.au/services>

It should also be recognised that the Fingal Valley is the home to one of the best-established Neighbourhood Houses throughout Tasmania. Fingal Valley Neighbourhood House Inc. services Fingal, Avoca, St Marys, Mathinna, Cornwall and Mangana.

Services and activities include:

- Play Centre
- Online Access Centre
- Op Shop
- Community Library
- Hairdresser
- 12 Seater Bus
- Car

**I live in the Fingal area, am I eligible to apply for housing within this development?**

Centacare Evolve Housing recognise the importance of allowing those in the area in need of housing to remain in the community where they have established family, friends, services and networks. To be eligible for housing within this development you must be registered on the priority housing waitlist.

**Another Useful Link:**

<https://www.communities.tas.gov.au/housing/housing-connect>

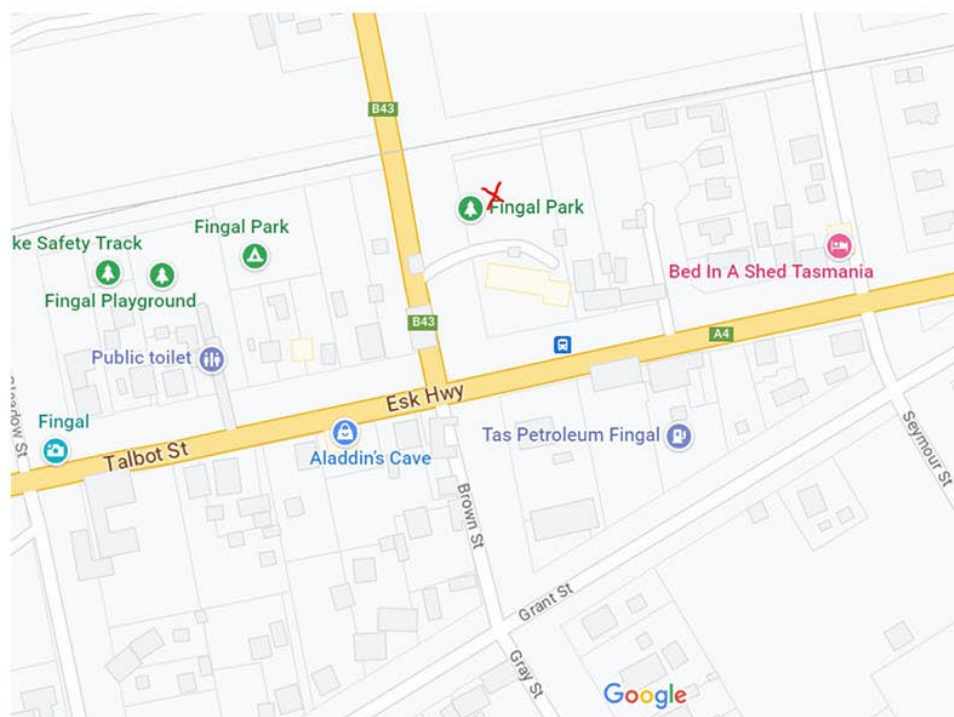
**More Information**

For further information in regards to the Centacare Evolve Housing, please see our website: <https://centacareevolve.com.au> or email: [property.development@aohtas.org.au](mailto:property.development@aohtas.org.au)

The development will go through the required planning process with Break O'Day Council. You will be able to view the full submission on the Councils website, when it becomes available:

<https://www.bodc.tas.gov.au/council/advertised-development-applications/>

*Proposed site of development*





## 09/23.9.0

## NOTICES OF MOTION

Nil

## 09/23.10.0

## COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 09/23.11.0

## 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.*

23.08.2023	<b>Fingal</b>	– Eating with Friends at Fingal Valley Neighbourhood House.
28.08.2023	<b>Riverside</b>	– Northern Tasmanian Alliance for Resilient Councils.
28.08.2023	<b>MS Office</b>	– Glamorgan Spring Bay Future of Local Government Review Hearing
30.08.2023	<b>St Marys</b>	– Community Meeting at St Marys with Dr Latt and Health Minister
31.08.2023	<b>St Helens</b>	– Meeting with State Premier Jaensch and Treasurer Shelton
04.09.2023	<b>St Helens</b>	– Council Workshop
05.09.2023	<b>Canberra</b>	– ALGA September Board meeting and Strategic planning session
06-07.09.2023	<b>Canberra</b>	– ALGA National Local Roads and Transport Congress
13.09.2023	<b>Launceston</b>	– NTDC Members Representative Group Meeting
18.09.2023	<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.*

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

<b>ACTION</b>	<b>INFORMATION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, Business Services Manager
<b>FILE REFERENCE</b>	018\018\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	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:****Tasmanian Audit Office (TAO)**

The annual TAO Audit is underway with staff responding to requests for information required by the auditors. The 2022/2023 Annual Financial Report is being assessed by the auditors and will be finalised in the coming weeks in readiness for the preparation of the 2022/2023 Annual Report.

**Rates Payments**

The first instalment of rates payments fell due on the 31 of August with payment levels being in line with previous years. A printing error on the rate notice whereby a payment bar code was not included has caused some concern for ratepayers and a higher than normal volume of calls for customer service staff to deal with. The error will be rectified in the future. Apologies to those ratepayers inconvenienced by the omission in this instance and thank you to the customer service staff for their patience and hard work in answering calls and processing payments.

**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	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank
18.09.2023	3	1,000,000.00	12,876.71	\$ 1,012,876.71	5.00%	Bendigo
10.11.2023	12	1,007,022.43	42,882.05	\$ 1,049,904.48	4.27%	CBA
10.11.2023	12	1,008,843.21	42,959.58	\$ 1,051,802.79	4.27%	CBA
29.11.2023	12	1,500,000.00	64,921.64	\$ 1,564,921.64	4.34%	CBA
18.12.2023	6	1,000,000.00	26,863.01	\$ 1,026,863.01	5.30%	Bendigo
24.01.2024	12	1,100,000.00	49,912.88	\$ 1,149,912.88	4.55%	Bendigo
05.02.2024	5	1,000,000.00	20,375.00	\$ 1,020,375.00	4.89%	CBA
19.03.2024	9	1,000,000.00	40,912.33	\$ 1,040,912.33	5.45%	Bendigo
02.04.2024	9	1,500,000.00	62,325.00	\$ 1,562,325.00	5.54%	CBA
09.05.2024	9	3,000,000.00	123,075.00	\$ 3,123,075.00	5.47%	CBA
05.06.2024	9	2,000,000.00	76,200.00	\$ 2,076,200.00	5.08%	CBA
16.06.2024	12	1,000,000.00	54,295.89	\$ 1,054,295.89	5.40%	Bendigo
		<b>\$ 16,115,865.64</b>	<b>\$617,599.09</b>	<b>\$16,733,464.73</b>		

#### Rates Summary - 6 September 2023

##### Rates Brought Forward

Outstanding Rate Debtors

Less Rates in Credit

##### Net Rates Outstanding at 30 June 2023

Rates and Charges Levied

Interest and Penalty Charged

##### Total Rates and Charges Demanded

Less Rates and Charges Collected

Less Credit Journals and Supp Credits

Remissions and Discount

##### Unpaid Rates and Charges 6 September

	2023/2024		2022/2023	
	%	\$	%	\$
		695,682.00		470,736.59
		-271,007.13		-280,014.02
	<b>3.44</b>	<b>424,674.87</b>	<b>1.73</b>	<b>190,722.57</b>
	96.53	11,915,945.94	98.22	10,808,512.61
	0.03	4,256.80	0.04	4,611.87
	<b>100.00</b>	<b>11,920,202.74</b>	<b>100.00</b>	<b>10,813,124.48</b>

	54.91	6,778,670.62	52.91	5,821,668.32
	0.69	84,650.16	0.02	2,180.72
	4.89	603,508.82	5.03	553,142.13
	<b>39.51</b>	<b>4,878,048.01</b>	<b>42.05</b>	<b>4,626,855.88</b>

##### Remissions and Discounts

Early Payment Discount

Pensioner Rebates

	2023/2024	2022/2023
	116,617.04	102,780.42
	486,891.78	450,361.71
	<b>603,508.82</b>	<b>553,142.13</b>

Number Rateable Properties	6784
Number Unpaid Rateable Properties	3834
% Properties Not fully paid	56.52

#### Right to Information (RTI) Requests

1

#### 132 and 337 Certificates

	132	337
August 2023	34	25
July 2023	38	14
August 2022	42	27

#### Debtors/Creditors @ 6 September 2023

##### DEBTORS INFORMATION

##### Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
87	\$113,243.01	181	107	206

##### CREDITORS INFORMATION

##### Payments Made

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
281	\$776,439.80	593	314	514

#### 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 31 August 2023 be received:

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

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at 31 August 2023.

## Profit and Loss

Break O'Day Council

For the 2 months ended 31 August 2023

Account	Actual YTD	Budget YTD	Budget Variance % YTD	Annual Budget	Notes
<b>Trading Income</b>					
Rates	11,870,915	11,845,314	0%	11,845,314	
User Fees	211,109	226,712	-7%	1,383,879	
Operating Grants	106,159	746,473	-86%	3,897,036	2
Interest & Investment Income	(90,223)	174,826	-152%	816,457	3
Contributions	1,745	2,650	-34%	15,900	
Other Revenue	2,024	14,760	-86%	88,550	
<b>Total Trading Income</b>	<b>12,101,728</b>	<b>13,010,735</b>	<b>-7%</b>	<b>18,047,136</b>	
<b>Gross Profit</b>	<b>12,101,728</b>	<b>13,010,735</b>	<b>-7%</b>	<b>18,047,136</b>	
<b>Capital Grants</b>					
Grants - Commonwealth Capital	1,537,265	776,622	98%	3,106,489	
Grants - Roads to Recovery	0	161,750	-100%	647,000	
Grants - State Capital	105,644	246,250	-57%	985,000	
<b>Total Capital Grants</b>	<b>1,642,909</b>	<b>1,184,622</b>	<b>39%</b>	<b>4,738,489</b>	4
<b>Other Non Operating Income</b>					
Net Gain/Loss on Disposal of Assets	66,257	20,000	231%	120,000	
<b>Total Other Non Operating Income</b>	<b>66,257</b>	<b>20,000</b>	<b>231%</b>	<b>120,000</b>	
<b>Total Non Operating Revenue</b>	<b>1,709,166</b>	<b>1,204,622</b>	<b>42%</b>	<b>4,858,489</b>	
<b>Operating Expenses</b>					
Employee Costs	855,178	940,629	-9%	6,114,089	
Materials & Services	1,465,970	1,724,677	-15%	7,026,009	5
Interest Expense	(2,348)	41,318	-106%	247,910	
Depreciation	780,363	776,298	1%	4,657,790	
Other Expenses	31,900	44,834	-29%	269,008	
<b>Total Operating Expenses</b>	<b>3,131,062</b>	<b>3,527,756</b>	<b>-11%</b>	<b>18,314,806</b>	
<b>Operating Net Profit</b>	<b>8,970,666</b>	<b>9,482,979</b>	<b>-5%</b>	<b>(267,670)</b>	
<b>Net Profit (Including Non Operating Re</b>	<b>10,679,832</b>	<b>10,687,601</b>	<b>0%</b>	<b>4,590,819</b>	
<b>Work in Progress</b>					
Capital Work in Progress	449,544	0	0%	0	
<b>Total Work in Progress</b>	<b>449,544</b>	<b>0</b>	<b>0%</b>	<b>0</b>	

### Notes

1. Operating grants are down \$640k on budget YTD, which primarily relates to receiving of the 23/24 Financial
2. Interest and Investment income is down \$265k which primarily relates to the timing of maturity of
3. Capital Grant income up \$458k, which primarily relates to the carry forward of unspent grant funds received
4. Materials and services are down 15% on budget YTD which primarily relates to the seasonality of work and

## Balance Sheet

Break O'Day Council  
As at 31 August 2023

Account	31 Aug 2023	30 Jun 2023
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	20,023,834	14,434,952
Trade & Other Receivables	5,649,472	1,056,053
Inventory	245,921	242,538
Other Assets	2,838	2,838
<b>Total Current Assets</b>	<b>25,922,065</b>	<b>15,736,380</b>
<b>Non-current Assets</b>		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	190,598,735	191,393,245
Right of Use Asset	792,141	792,141
Intangible Assets	41,943	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>225,437,014</b>	<b>226,235,729</b>
<b>Total Assets</b>	<b>251,359,079</b>	<b>241,972,109</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	1,113,828	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	741,866	742,459
<b>Total Current Liabilities</b>	<b>3,239,427</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>10,206,769</b>	<b>11,050,087</b>
<b>Net Assets</b>	<b>241,152,310</b>	<b>230,922,022</b>
<b>Equity</b>		
Accumulated Surplus	53,895,321	43,665,033
Reserves	187,256,989	187,256,989
<b>Total Equity</b>	<b>241,152,310</b>	<b>230,922,022</b>

## Statement of Cash Flows

Break O'Day Council

For the 2 months ended 31 August 2023

Account	YTD	2023
<b>Operating Activities</b>		
Receipts from customers	353,007	1,409,618
Receipts from rates	7,140,379	10,670,679
Receipts from Operational Grants	107,141	4,840,072
Contributions	7,227	155,057
Interest received	(90,223)	546,447
Dividends received	0	465,600
Payments to employees	(908,065)	(5,738,665)
Payments to suppliers	(1,418,047)	(6,976,112)
Finance Costs	(19,784)	(343,938)
Cash receipts from other operating activities	337,122	232,623
Cash payments from other operating activities	632	421
<b>Net Cash Flows from Operating Activities</b>	<b>5,509,387</b>	<b>5,261,801</b>
<b>Investing Activities</b>		
Payment for property, plant and equipment	(519,318)	(4,394,745)
Proceeds from sale of property, plant & equipment		86,000
Capital Grants received	621,154	1,987,754
<b>Net Cash Flows from Investing Activities</b>	<b>101,836</b>	<b>(2,320,991)</b>
<b>Financing Activities</b>		
Proceeds of trust funds and deposits	9,757	57,599
Repayment of loans	(32,097)	(389,024)
Repayment of lease liabilities	0	12,131
<b>Net Cash Flows from Financing Activities</b>	<b>(22,340)</b>	<b>(319,294)</b>
<b>Net Cash Flows</b>	<b>5,588,882</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	5,588,882	2,621,516
Cash and cash equivalents at end of period	20,023,834	14,434,952



# Break O'Day Council

Capital Works 2022-2023  
for the period ending 31 August  
2023

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024
<b>Plant &amp; Equipment</b>				
Replace 1358 H66ZW - Kia Sportage - Building Surveying	-	40,000		40,000
Small Plant - VARIOUS	21,920		40,000	40,000
Replace 1050 - Crown LPG Forklift	-		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	-		30,000	30,000
Replace 1379 - Toro G3 Z-Master 48"	-		17,148	17,148
Fuso Fighter (replace 1321)	17,060			-
All terrain Beach Wheelchair	2,843			-
<b>Total Plant &amp; Equipment</b>	<b>82,759</b>	<b>40,000</b>	<b>837,148</b>	<b>877,148</b>
<b>Furniture &amp; IT</b>				
Desktop replacements 2022/23	8,813		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>8,813</b>	<b>-</b>	<b>81,400</b>	<b>81,400</b>

<b>Buildings</b>				
Fingal Community Shed (Old Tas Hotel)	-	350,000		350,000
St Marys Indoor Recreation Facility	-	1,000,000		1,000,000
Portland Hall Upgrades	-	6,288	3,712	10,000
Scamander Sports Complex	3,370	50,000		50,000
St Marys Hall Upgrades	-			-
Stadium repaint of floors and replace damaged equipment	-	95,074		95,074
Council Chambers additions and improvements	3,235	47,735	10,000	57,735
Falmouth Community Centre - New Toilet, Demolish Old, Internal Alterations	-			-
Pyengana Recreation Ground Improvements	-			-
Binalong Bay - Village Green BBQ Replacements	-			-
Memorial Park Toilet Block Replacement	-			-
Service Tasmania	-		20,000	20,000
Marine Rescue Building Renovations	1,636			-
<b>Total Buildings</b>	<b>8,241</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	-			-
Special Project - St Helens Wharf Foreshore Master Plan	-	50,000		50,000
Special Project - Feasibility Study Aquatic Centre & Hydrotherapy Pool	-	40,000	50,000	90,000
Special Project - Tas Police Project	1,463		200,000	200,000
Special Project - Parking Strategy St Helens and St Marys	-		20,000	20,000
Special Project: Scamander Coastal Hazards Project	582	30,000	70,865	100,865
Fingal Youth Playground/recreation hub	-	345,767		345,767
Pump Track/s	-	500,000		500,000
Playground equipment replacement program	5,489	64,261		64,261
Dog exercise area St Helens Improvements	469	7,803		7,803
St Marys Dog Park	-	6,554		6,554
Cornwall Soldiers Park - Track upgrade and SW works	-	20,000		20,000

St Marys Cemetery Master Plan - Columbarium Wall & garden	1,204		5,000	5,000
St Helens Cemetery Master Plan improvements	-			-
<b>Totals Parks, Reserves &amp; Other</b>	<b>9,207</b>	<b>1,064,385</b>	<b>345,865</b>	<b>1,410,250</b>
<b>Roads - Streetscapes</b>				
LRCI Phase 4 - Cecilia St/ Georges Bay Esp Junction	29,138		130,000	130,000
Cecilia Street/Georges Bay Esplanade junction	-		30,000	30,000
Cecilia St - Northern End	-		15,000	15,000
Quail St Parking Bay	-	50,000	-	50,000
<b>Total Streetscapes</b>	<b>29,138</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
Parkside Foreshore Footpath	4,892	30,000		30,000
Grant Street Pathway, Falmouth	4,305		47,303	47,303
<b>Total Footpaths</b>	<b>9,197</b>	<b>38,500</b>	<b>47,303</b>	<b>85,803</b>
<b>Roads - Kerb &amp; Channel</b>				
Penelope St St Helens	-			-
<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	-		39,250	39,250
Evercreech Road	-		64,160	64,160
Mathinna Plains Road	4,452		96,250	96,250
North Ansons Road	-		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>31,882</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
794-Boronia St	-		6,730	6,730
656-Football Entry Rd	-		2,293	2,293
1036-Talbot St West C/W	-		5,328	5,328
1035-Talbot St West C/W	-		4,688	4,688
1004-Victoria St Part A	-		4,870	4,870
616-Charlotte Crt	-		29,250	29,250
621-Four Mile Creek Rd	-		18,206	18,206
644-Mangana Rd	-		30,108	30,108
307-Mangana Rd	-		39,597	39,597
306-Mangana Rd	-		10,051	10,051
305-Mangana Rd	-		33,069	33,069
636-Chapman St	-		3,574	3,574
623-Fonthill St	-		4,071	4,071
614-High St Mathinna	-		12,127	12,127
613-High St Mathinna	-		9,531	9,531
631-High St Mathinna	-		9,611	9,611
630-High St Mathinna	-		8,849	8,849
629-High St Mathinna	-		13,280	13,280
628-High St Mathinna	-		3,366	3,366
626-High St Mathinna	-		2,872	2,872
638-Wilson St	-		4,011	4,011
194-Mathinna Rd	-		14,942	14,942
572-Cherrywood Dve	-		5,420	5,420
543-Scamander Ave	-		18,121	18,121

565-Silver St	-		7,978	7,978
923-Ansons Bay Rd (Priory Rd)	-		53,861	53,861
432-Circassian St	-		11,935	11,935
439-Depot Rd	-		5,036	5,036
485-Netball Rd	-		6,525	6,525
484-Netball Rd	-		4,887	4,887
689-St Helens Point Rd	-		31,993	31,993
688-St Helens Point Rd	-		23,223	23,223
Quail Street - off traffic lane resealing	-	50,000		50,000
<b>Totals Reseals</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
218 - Mathina Plains Road	46,437	185,000		185,000
Medeas St/Circassian St intersection upgrade	-	195	200,000	200,195
LRCI Phase 3 North Ansons Bay Sealing	1,783	139,000		139,000
Road Network - Sign Replacement	23,489		25,000	25,000
LRCI Program - Phase 4 Projects	-		890,844	890,844
Flood damage remediation works	26,841		300,000	300,000
Gardens Road - STAGE ONE	2,360			-
St Helens Point Road - Parkside	19,773			-
Digouts and Edge Remediation	122,036			-
<b>Totals - Roads Construction, Digouts &amp; Other</b>	<b>242,718</b>	<b>349,195</b>	<b>1,695,844</b>	<b>2,045,039</b>
<b>Totals Roads &amp; Footpaths</b>	<b>312,935</b>	<b>569,834</b>	<b>2,895,606</b>	<b>3,465,440</b>
<b>Bridges</b>				
B2293 - Cecilia St	2,296	216,499	5,000	221,499
B7027 - Mathina Plains Road	-	30,000	30,000	60,000
B1243 - Binns Road	-		28,600	28,600



B1245 - Clellands Road	117		29,400	29,400
B1675 - Lower Germantown Road	2,905		220,000	220,000
B1605 - St Columba Falls Road	4,469		-	-
B7010 - Rattrays Road	1,140		-	-
<b>Total Bridges</b>	<b>10,926</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
Falmouth Street	-	10,000		10,000
Penelope Street	900	113,521		113,521
Victoria Street, Fingal	788		108,000	108,000
Aulichs Lane, St Marys	-		10,000	10,000
Freswater St / Lade Court Beaumnaris	7,563		-	-
Treloggens Track	4,888		-	-
<b>Total Stormwater</b>	<b>16,662</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
<b>Total Waste Management</b>	<b>-</b>	<b>14,283</b>	<b>40,000</b>	<b>54,283</b>
<b>Total Capital</b>	<b>449,544</b>	<b>3,616,625</b>	<b>4,722,731</b>	<b>8,339,356</b>



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

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

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

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

- Main tourists this month were from VIC, QLD.
- Our door count for August was once again the best we have had for that month.
- One staff member attended the quarterly TVIN Meeting in Launceston and met with other staff from other Information Centres around the North of the state.
- Participated in the Week in the Life of Council project. Staff spoke to the students about what we do at the St Helens Information Centre and our main enquiries from tourists.
- Requested East Coast Tourism to utilise their regular Industry Update Emails to ask Operators if they can let us know of any changes to their business i.e. closing times and days, so that we can give accurate information to Tourists.

**History Room Curator Report:**

- **Roving Curator Regional Workshop for Greater Launceston:** Attended this workshop at QVMAG on Monday 7 August 2023 to explore options for possible projects. An Arts Tasmania grant for updating the Heritage Walk bollards around St Helens has been submitted.
- **Volunteers Return:** Pleased to have Carol Joyce and John Lester back on duty.
- **ASA (Tas) AGM:** This was held on Tuesday 15 August via ZOOM where I was elected Secretary for the state branch.

- **AMaGA (Vic) 'Collection Care':** This was held on Tuesday 22 August 2023 via ZOOM where infrastructure and development of storage provisions was discussed with participants coming from across the nation.
- **John Lord Collection:** This local Aboriginal stone tool collection is still being updated and catalogued but should be completed soon.
- **Foyer Cabinet Display:** 'Tools of Trade' a selection of settler tools from yesteryear.
- **'Week in the Life of Break O'Day Council':** Eight participants visit the centre on Tuesday 15 August 2023. Had a good session with the students where they took it all in. Our backroom workspace came as a complete surprise for some.
- **August 'Off Season' month:** August is free visitation for all and this month's figures were the best on record with 401 people taking advantage of this promotion. The additional advertising for this campaign is paying dividends.
- **Friends of St Helens History Room:** The AGM went well on Monday 14 August 2023 and the next meeting is scheduled for Monday 14 November 2023.
- **'Ships of St Helens' exhibition:** Still on display in the museum.

## Statistics:

### Door Counts

Month/Year	Visitor Numbers	Daily Average	History Room
August 2012	707	22.81	30
August 2013	779	25.13	30
August 2014	958	30.90	51
August 2015	961	31	38
August 2016	881	28.42	35
August 2017	843	27.19	37
August 2018	950	30.65	38
August 2019	737	23.77	38
August 2020	601	19.39	27
August 2021	769	24.81	269
August 2022	1046	33.74	347
August 2023	1494	48.19	401

### 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	3108.79	174	149.50
August	4459.92	0	131.05

### STRATEGIC PLAN & ANNUAL PLAN:

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

##### Goal

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

##### Strategies

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

### LEGISLATION & POLICIES:

N/A

### BUDGET AND FINANCIAL IMPLICATIONS:

N/A

### VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Angela Matthews, Corporate Services Coordinator
FILE REFERENCE	014\002\010\
ASSOCIATED REPORTS AND DOCUMENTS	Correspondence detailing the Summary of Changes prepared by Simmons Wolfhagen – August 2023 Updated Delegations for Amended Legislation to be included in the Delegations Register

**OFFICER'S RECOMMENDATION:**

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the amendments to the Delegations Register dated August 2023, which include:

The addition of Legislation:

- Biosecurity Act 2019
- Biosecurity Regulations 2022

The following Legislation was repealed:

- Weed Management Act 1999

Amendments/additions to the following Legislation:

- Land Use Planning and Approvals Act 1993
- Traffic Act 1925

**INTRODUCTION:**

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

Simmons Wolfhagen have undertaken a further review of delegations on behalf of the Local Government Association of Tasmania (LGAT) dated August 2023. There has been some substantial changes to some Legislation e.g. Weed Management Act 1999 that has been repealed and a new Biosecurity Act 2019 and Biosecurity Regulations 2022 have come into force. A further report has been provided to Council to adopt the changes.

**PREVIOUS COUNCIL CONSIDERATION:**

Reviews undertaken annually or as Legislation changes.

The last full annual review of delegations was recently undertaken and adopted at the July 2023 Council Meeting.



## OFFICER'S REPORT:

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

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

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

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

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

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

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

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

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

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

The Local Government Association of Tasmania (LGAT) engages Simmons Wolfhagen to undertake an annual review, amend and update LGAT's model delegations. The Delegations Register Index

shows the Legislation included within Councils delegations register and highlights any amendments etc. in relation to the specific legislation.

Through this review Simmons Wolfhagen have completed reviews, which have included amendments to the following Acts/Regulations, these amendments/additions are attached for information:

The addition of Legislation:

- Biosecurity Act 2019
- Biosecurity Regulations 2022

The following Legislation was repealed:

- Weed Management Act 1999

Amendments/additions to the following Legislation:

- Land Use Planning and Approvals Act 1993
- Traffic Act 1925

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

## **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

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

## **LEGISLATION & POLICIES:**

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

## **BUDGET AND FINANCIAL IMPLICATIONS:**

There are no financial implications identified in adopting these delegations.

## **VOTING REQUIREMENTS:**

Simple Majority

Contact: Kate Hanslow  
Our Ref: KH132644

15 August 2023

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

By email [Michael.Edrich@lgat.tas.gov.au](mailto:Michael.Edrich@lgat.tas.gov.au)

Dear Mr Edrich,

**Legislative Audit and Compliance Register/Delegations Register for Members**

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

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

**1. Amendment to the Register**

1.1 We have identified nine (9) legislative instruments that have been amended since the last audit of the register in March 2023. Those Acts and Regulations amended are:

- (a) *Biosecurity Act 2019*
- (b) *Biosecurity Regulations 2022*
- (c) *Building Regulations 2016*
- (d) *Land Use Planning and Approvals Act 1993*
- (e) *Monetary Penalties Enforcement Act 2005*
- (f) *Road and Jetties Act 1935*
- (g) *Traffic Act 1925*
- (h) *Vehicle and Traffic Act 1999*
- (i) *Weed Management Act 1999*

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

- 1.2 Of these amendments, the most significant amendment was the repeal of the *Weed Management Act*, with relevant provisions now enacted under the *Biosecurity Act 2019*.
- 1.3 There has also been a raft of reforms made to the Major Projects provisions under Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.
- 1.4 **Enclosed** with this correspondence is the updated Register and Delegations Index, with all changes highlighted in red.
- 1.5 Attached as **Annexure A** to this letter is a summary of every change that was made to the Register.

## 2. Advice on Discretionary Delegations

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

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

Yours faithfully  
Simmons Wolfhagen



**Kate Hanslow**  
Senior Associate | Local Government  
kate.hanslow@simwolf.com.au

## Annexure A

### Summary of all changes as at 15 August 2023

#### A. SUMMARY OF AMENDED ACTS

Nine (9) Acts have been amended since the last delegations register update, these are:

- (a) *Biosecurity Act 2019*
- (b) *Biosecurity Regulations 2022*
- (c) *Building Regulations 2016*
- (d) *Land Use Planning and Approvals Act 1993*
- (e) *Monetary Penalties Enforcement Act 2005*
- (f) *Road and Jetties Act 1935*
- (g) *Traffic Act 1925*
- (h) *Vehicle and Traffic Act 1999*
- (i) *Weed Management Act 1999*

Each separate Act will be addressed below:

##### 1. *Biosecurity Act 2019 and the Weed Management Act 1999*

- 1.1 The *Weed Management Act 1999* was repealed on 17 May 2023. Relevant provisions are now enacted under the *Biosecurity Act 2019* and *Biosecurity Regulations 2022*.
- 1.2 Previously, under section 34(3) of the *Weed Management Act*, a Council, with the approval of the Secretary of the Department of Natural Resources and Environment Tasmania (the **Secretary**), could appoint any person as an inspector for the purposes of the *Weed Management Act*.
- 1.3 Now, under section 31 of the *Biosecurity Act 2019*, the Secretary may appoint persons (which may include an employee of a council) to be an authorised officer for the purposes of the *Biosecurity Act 2019*.
- 1.4 Payment of infringement notices served by inspectors appointed by a Council under the *Weed Management Act* were paid to the Council (s.66(a)). That position remains unchanged under the *Biosecurity Regulations 2022* (Reg. 25(1)(a)).
- 1.5 In addition, the *Biosecurity Regulations* provide that a Council may charge a person a fee for:
  - (a) the provision by the Council to the person of any information requested by the council from the Council under the *Biosecurity Act* (Reg. 25(2)); or
  - (b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised person who is an employee of the council.

That fee is to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the provision of the information or the inspection, analysis or other function that was carried out by the authorised officer (Reg. 25(2); (3)).



**2. *Building Regulations 2016***

2.1. This Act was amended on:

(a) 1.7.2023

2.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

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

3.1. The Regulations were amended on:

(a) 17.5.2023

3.2. The amendments to this Act impacted Part 4, Division 2A of the Act, relating to major projects. New sections have been highlighted in red in the Register, for ease of reference.

**4. *Monetary Penalties Enforcement Act 2005***

4.1. The Act was amended on:

(a) 13.6.2023

4.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

**5. *Road and Jetties Act 1935***

5.1. This Act was amended on:

(a) 17.5.2023

5.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

**6. *Traffic Act 1925***

6.1. This Act was amended on:

(a) 13.6.2023

6.2. The amendments to this Act impact upon the issue of notices of demand and traffic infringement notices under sections 43G and 43H respectively. Those notices are now issued by an "issuing authority" (previously an "authorised officer"). A new definition of "issuing authority" has been included in the Act which includes "authorised officers" (that term defined under s.9(2) to include a council officer authorised in writing by the Commission in that behalf).

**7. *Vehicle and Traffic Act 1999***

7.1. This act was amended on:

(a) 23.06.2023

7.2. The amendments to this Act were insignificant to the execution of the Council's delegation powers.

**8. *Weed Management Act 1999 and the Biosecurity Act 2019***

8.1. The Weed Management Act was repealed on:

(a) 17.5.2023,

and replaced by provisions enacted under the *Biosecurity Act 2019*.

8.2. The impact of this change on Councils' delegation powers is discussed above (see paragraph 1).

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

DELEGATIONS REGISTERS – AUGUST 2023

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
1.	<i>Archives Act 1983</i>	18.03.22	15.8.23	18.01.22
2.	<i>Biosecurity Act 2019 - NEW</i>	17.05.23	15.8.23	04.07.23
3.	<i>Biosecurity Regulations 2022 - NEW</i>	02.11.22	15.8.23	04.07.23
4.	<i>Building Act 2016</i>	05.11.21	15.8.23	18.01.22
5.	<i>Building Regulations 2016</i>	01.07.23	15.8.23	21.12.16
6.	<i>Burial and Cremation Act 2019</i>	25.12.19	15.8.23	31.01.20
7.	<i>Burial and Cremation Regulations 2015</i>	16.11.22	15.8.23	31.01.20
8.	<i>Dog Control Act 2000</i>	18.12.19	15.8.23	18.01.22
9.	<i>Environmental Management and Pollution Control Act 1994</i>	14.12.22	15.8.23	18.01.22
10.	<i>Food Act 2003</i>	05.10.21	15.8.23	13.05.16
11.	<i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	27.11.20	15.8.23	20.01.21
12.	<i>Historic Cultural Heritage Act 1995</i>	05.11.21	15.8.23	18.01.22
13.	<i>Land Use Planning and Approvals Act 1993</i>	17.05.23	15.8.23	18.01.22
14.	<i>Land Use Planning and Approvals Regulations 2014</i>	22.12.22	15.8.23	18.01.22
15.	<i>Litter Act 2007</i>	02.12.19	15.8.23	20.01.21
16.	<i>Local Government Act 1993</i>	16.06.22	15.8.23	18.01.22
17.	<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	01.12.22	15.8.23	18.01.22
18.	<i>Local Government (General) Regulations 2015</i>	05.11.21	15.8.23	18.01.22
19.	<i>Local Government (Highways) Act 1982</i>	01.01.22	15.8.23	18.01.22
20.	<i>Local Government (Meeting Procedures) Regulations 2015</i>	29.06.15	15.8.23	13.05.16
21.	<i>Monetary Penalties Enforcement Act 2005</i>	13.06.23	15.8.23	18.01.22
22.	<i>Place Names Act 2020</i>	01.07.20	15.8.23	18.01.22
23.	<i>Public Health Act 1997</i>	24.10.22	15.8.23	18.01.22
24.	<i>Public Interest Disclosures Act 2002</i>	01.03.21	15.8.23	18.01.22

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

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

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

No.	Act / Regulation	Legislation Amended	Last Checked	Register Last Updated
25.	<i>Right to Information Act 2009</i>	18.03.22	15.8.23	07.09.20
26.	<i>Roads and Jetties Act 1935</i>	17.05.23	15.8.23	27.02.23
27.	<i>Strata Titles Act 1998</i>	05.11.21	15.8.23	18.01.22
28.	<i>Survey Co-Ordination Act 1944</i>	01.07.20	15.8.23	20.01.21
29.	<i>Tasmanian Civil and Administrative Tribunal Act 2020.</i>	21.11.22	15.8.23	18.01.22
30.	<i>Traffic Act 1925</i>	23.06.23	15.8.23	18.01.22
31.	<i>Urban Drainage Act 2013</i>	05.11.21	15.8.23	18.01.22
32.	<i>Vehicle and Traffic Act 1999</i>	23.06.23	15.8.23	18.01.22
33.	<i>Weed Management Act 1999 - <b>REPEALED</b></i>	17.05.23	04.7.23	04.07.23

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

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

## 2 - Biosecurity Act 2019

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

### Notes on Delegation

**(1)** A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

**(2)** The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993*(Tas).

**(3)** If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931*(Tas).

**(4)** If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931*(Tas).

**(5)** A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931*(Tas).

### Notes on the Register (see table)

#### Note 1:

**(a)**This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

**(b)** Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)



**Note 2:**

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	S31(1)(b)	Appointment of Authorised Officer	The Secretary of the Department may appoint an employee of a Council to be an authorised officer for the purpose of the Biosecurity Act	General Manager Manager Infrastructure and Development Services Development Services Coordinator Works Operations Manager NRM Facilitator Weeds Officer	Council General Manager

### 3 - Biosecurity Regulations 2022

This register is maintained in compliance with section 22 (4) of the *Local Government Act 1993* (Tas).

**Notes on Delegation**

**(1)** A council, in writing, may delegate with or without conditions to the general manager, any of its functions or powers under any Act: s.22 *Local Government Act 1993* (Tas) (subject to restrictions).

**(2)** The general manager, in writing, may delegate to an employee of the council (a) any functions or powers under any Act, other than this power of delegation; and (b) any functions or powers delegated by the council which the council authorised the general manager to delegate: s.64 *Local Government Act 1993*(Tas).

**(3)** If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the function or power to (a) a person by name; or (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of the delegation: s.23AA(1) *Acts Interpretation Act 1931*(Tas).

**(4)** If a function or power is delegated to a particular officer or the holder of a particular office or position (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that officer or the holder of that office or position; and (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned: s.23AA(5) *Acts Interpretation Act 1931*(Tas).

**(5)** A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator: s.23AA(6) *Acts Interpretation Act 1931*(Tas).

### Notes on the Register (see table)

#### Note 1:

**(a)** This section is to be populated by councils. It is suggested entries only be made in this column when the executed instrument of delegation is sighted by the officer making the entry. This will avoid this table being incorrectly relied on with respect to what instruments of delegation have been executed.

**(b)** Councils may delegate functions and powers to a particular office or position eg - Senior Environmental Health Officer: s.23AA *Acts Interpretation Act 1931* (Tas)

#### Note 2:

This section of the table is to be populated by councils. Conditions or restrictions on the exercise of a power or function can be imposed by the person making the delegation (s.23AA *Acts Interpretation Act 1931* (Tas) & s.22 *Local Government Act 1993* (Tas)). Conditions or restrictions may also be contained in the legislation.

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
1	Regulation 25	<p><b>Payments to Council of Public Account</b></p> <p>(1) Any payments made in respect of an infringement notice –</p> <p>(a) are payable to a council, if the notice was served by an authorised officer who is an employee of the council; ...</p> <p>(2) A council may charge a person a fee for –</p> <p>(a) the provision by the council to the person of any information requested by the person from the council under the Act; or</p> <p>(b) the carrying out of any inspection, analysis or other function under the Act in respect of the person by an authorised officer who is an employee of the council.</p>	<p>Reg. 25(3) A fee charged under subregulation (2) is –</p> <p>(a) to be no more than is necessary to cover the reasonable costs and expenses incurred in connection with the provision of information, or the inspection, analysis or other function that was carried out by the authorised officer under the Act in respect of the person; and</p> <p>(b) recoverable in a court of competent jurisdiction as a debt due and owing to the council.</p>	<p>General Manager</p> <p>Manager Infrastructure and Development Services</p> <p>Development Services Coordinator</p> <p>Works Operations Manager</p> <p>NRM Facilitator</p> <p>Weeds Officer</p>	Council General Manager

### 13 - Land Use Planning and Approvals Act 1993

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
	<b>PART 4</b>	<b>ENFORCEMENT OF PLANNING CONTROL</b>			
42	S60S(5)	<p><b>Refund of ordinary permit where declaration of major project is amended under S60TG(2) so that the declaration also relates to an additional area of land</b></p> <p>The Planning Authority to which the application was made must, as soon as practicable, refund the applicant half of any fees that the applicant has paid in respect of the application.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
43	S60SA(6)	<p><b>Service of certificate of development completion</b></p> <p>If the Commission issues a certificate of development completion under S60SA, the Commission must give a copy of the certificate of development completion, issued in relation to all, or part, of the area to which a major project permit relates to the planning authority in relation to the area of land.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
44	S60TD(1)	<p><b>Notice of request under S60TC(1)</b> On receiving a request in relation to an additional area of land in relation to a major project under S60TC(1), a relevant advice body must, within 7 days, give a notice in relation to the request to:</p> <p>.....</p> <p>(c) the Council that is the relevant planning authority in relation to the major project;</p> <p>(d) each Council that is not a relevant planning authority in relation to the major project but that is the COuncil for a municipal area that is in the regional area, or regional areas, in which the project is to be situated.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
45	S60TH	<p><b>Notice of amendment of declaration of a major project to be given</b> Within 7 days after amending a declaration of a major project under S60TG, the Minister is to notify, in writing:</p> <p>....</p> <p>(d) the Council that is a relevant planning authority in relation to the project; and</p> <p>(e) each Council that is not a relevant planning authority in relation to the project but that is the Council for a municipal area that is in the regional area, or regional areas in which the major project is, or is to be, situated.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
47	S60ZZP(10)	<p><b>Major project permit may be granted subject to conditions or restrictions</b></p> <p>Without limiting the conditions or restrictions that may be imposed under subsection (1), such a condition or restriction may specify that:</p> <p>(a) plans, information, designs, or other documents, are required, under the condition or restriction, to be prepared and provided to the Panel or a planning authority; and</p> <p>(b) particular actions or works are to be carried out to the satisfaction of the Panel or a planning authority.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
48	S60ZZZAA (5)	<p><b>Determination as to whether, and the manner in which, proposed significant amendment may be assessed</b></p> <p>After making a determination under S60ZZZAA(2), the relevant decision maker must, within 7 days after making that determination, give notice to the Council that is a relevant planning authority in relation to the project to which the major project permit relates.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority
49	S60ZZZAB	<p><b>Enforcement certificates</b></p> <p>(3) If the Commission issues an enforcement certificate in relation to all or part of the land to which a major project permit relates, the Commission must give a copy of the enforcement certificate to the planning authority in relation to the land to which the major project relates.</p> <p>(4) An enforcement certificate is to specify the planning authority's responsibility for the enforcement of the Act.</p>	No authority to sub-delegate in respect of the delegation	General Manager Manager Infrastructure and Development Services Development Services Coordinator Senior Town Planner	Planning Authority



## 29 - Traffic Act 1925

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
4	S43G	<p><b>Notice of demand</b></p> <p>(1) An issuing authority may serve a notice of demand on the registered operator of a vehicle if the issuing authority is satisfied that the driver of that vehicle committed a traffic offence.</p> <p>(2) A notice of demand is to indicate the offence to which it relates, specify the registration number of the vehicle involved, and specify that the registered operator is to provide the issuing authority, within 14 days after service of the notice, with a statutory declaration stating the name, address and, if known, the date of birth and driver licence number of the driver of the vehicle at the time of the offence.</p>	<p>S 3(1) issuing authority in relation to a notice of demand or traffic infringement notice, includes - (c) an authorised officer.</p> <p>S 9(2) Where, under this Act or the Vehicle and Traffic Act, any power or right may be exercised by an authorised officer, or any act is authorised or required to be done by or in respect of an authorised officer, that power may be exercised, and that act may be done by or in respect of - (b) an officer of a local authority authorised in writing by the Commission in that behalf.</p> <p>(3) The Commission may only authorise an officer of a local authority to exercise a power or right in respect of, or in respect of the prevention of, prescribed offences within the municipal area of that local authority.</p>	<p>General Manager Manager Infrastructure and Development Services Works Operations Manager</p>	Council

No	Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
5	S43H	<p><b>Traffic infringement notices</b></p> <p>Where an issuing authority is satisfied that a person has committed a prescribed offence or offences, the issuing authority may serve on that person a notice in respect of that offence or those offences.</p>	<p>S 3(1) issuing authority in relation to a notice of demand or traffic infringement notice, includes - (c) an authorised officer.</p> <p>S 9(2) Where, under this Act or the Vehicle and Traffic Act, any power or right may be exercised by an authorised officer, or any act is authorised or required to be done by or in respect of an authorised officer, that power may be exercised, and that act may be done by or in respect of - (b) an officer of a local authority authorised in writing by the Commission in that behalf.</p> <p>(3) The Commission may only authorise an officer of a local authority to exercise a power or right in respect of, or in respect of the prevention of, prescribed offences within the municipal area of that local authority.</p>	<p>General Manager Manager Infrastructure and Development Services Works Operations Manager</p>	<p>Council</p>

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


**PREVIOUS COUNCIL CONSIDERATION:**

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

**OFFICER'S REPORT:**

Asset Maintenance	
Facilities	<ul style="list-style-type: none"> <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>Level 1 footpath inspections completed.</li> <li>Routine playground inspections completed and ongoing.</li> <li>Footpath edging program in progress.</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>Flood damage.</li> <li>Kerb cleaning/sweeping where required.</li> <li>Sealing maintenance throughout the municipality.</li> <li>Storm damage clean up.</li> <li>Grading completed in Seymour.</li> <li>Re-sheeting of Champ and Macquarie Streets in Seymour completed.</li> </ul>

	<ul style="list-style-type: none"> <li>Maintenance and grading North Ansons and Ansons Bay roads.</li> </ul>
MTB	<ul style="list-style-type: none"> <li>Routine track maintenance.</li> </ul>

Weed Management – Targeted weeds for August 2023	
Scamander WTS	<ul style="list-style-type: none"> <li>Caper spurge, thistles, pampas grass, mullein, butterfly bush, Spanish heath, various.</li> </ul>
Binalong Bay	<ul style="list-style-type: none"> <li>Thistles, capeweed, bridal creeper.</li> </ul>
St Helens	<ul style="list-style-type: none"> <li>Thistles, broadleaf, blackberry, various.</li> </ul>
Fingal	<ul style="list-style-type: none"> <li>Broadleaf.</li> </ul>
St Marys	<ul style="list-style-type: none"> <li>Spanish heath, gorse, broadleaf.</li> </ul>
	<p>Dolichos pea (<i>Dipogon lignosus</i>) is one of many scrabbling and climbing environmental weeds that creep out of backyards and strangle our bushland reserves. It's attractive white to purple flowers and vigorous growth make it an easycare garden plant, until it gets out of hand. Dolichos pea spreads when its hardy black seeds are spread. Other climbers that creep out of backyards, such as blue periwinkle (<i>Vincia major</i>) and Cape Marguerite daisy (<i>Dimorphotheca ecklonis</i>) can take root from stem pieces. Ivy groundsel (<i>Delairea odorata</i>) has wind-blown seed, while birds eat the berries and seed of English ivy (which also takes root from stems).</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	TBA											187
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											94
2022/23 (T)	53	56	66	64	67	65	81	63	69	61	50	61	756

## CAPITAL WORKS

Activity	Update
Mt Paris Dam Road – William Street urban area sealing	Pavement upgrade completed. Sealing to occur in 2 <sup>nd</sup> quarter of 23/24.
North Ansons Road	Stage 1 sealing completed 1.8km. Stage 2 to pavement upgrade completed, sealing to occur in 2 <sup>nd</sup> quarter of 23/24.
<b>St Helens Point Road</b>	<b>COMPLETED</b>
St Marys Cemetery Masterplan	New columbarium and remembrance wall. Fencing and landscaping work is progress. Waiting on contractor to complete block works.
Cornwall Soldiers Memorial Park	Storm water and footpath renewal works completed. Garden works yet to occur.
Gardens Road – Pavement Dig-out (remediation)	In-progress.
Footpath works – Grant St, Falmouth	In-progress.
2023/2024 Bituminous Surfacing Works Tender	Tender Closed. Council to consider award of Contract at September 2023 Council meeting.

### 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



10th August - 7th September 2023														Reporting Period Total	2022-2023 YTD
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)														0	3
Dog - Attack on another animal (Serious)				1										1	11
Dog - Attack/Harassment - on another animal (Minor)														0	0
Dog - Attack/Harassment on a person (Minor)														0	4
Dog - Declared Dangerous														0	5
Dog - Dangerous Dogs Euthanised														0	5
Dog - Barking			1											1	48
Dog - Chasing a person				1										1	2
Dog - Impounded				2				1						3	21

Dog - in Prohibited Area															0	0
Dog - Lost Dogs Reported															0	5
Dog - Rehomed/kennel for rehoming															0	1
Dog - Wandering/at large		1		2				2							5	55
Verbal Warnings given to dog owners		1		2				1			1				5	57
Notice Issued - Unregistered Dog															0	32
Notice Issued - Bark Abatement Notice															0	0
Notice Issued - Caution Notice				2											2	16
Notice Issued - Infringement Notice		1						1							2	22
Infringement Notice - Disputes															0	0
Infringement Notice - Time Extension Request															0	0
Infringement Notice - Revoked															0	6
Written Letter - Various matters to Dog owners.		1		1											2	56
Patrols - Township/Urban Areas			1	1							1		2	2	7	118
Patrols - Beaches/Foreshore		1			1	1		2	3		2		2		12	178
Unregistered Dog - Notice to Register															0	0

Kennel Licence - No licence held															0	3
Kennel Licence - Issued														1	1	2
Other - Cat complaints											1				1	4
Other - Livestock							1								1	2
Other - Poultry															0	4
Other - Animal Welfare, RSPCA intervention															0	15
<b>TOTAL</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>3</b>	<b>44</b>	<b>675</b>
<b>Registered 2023-2024 YTD</b>	<b>1,328</b>															
<b>Pending 2023-2024</b>	<b>119</b>															

Notes:

Infringement Notices revoked 2022-2023YTD include infringement notices issued in the previous financial year2021-2022 and revoked in the current financial year.

Please note all pending registrations were sent reminders on 10th August 2023.

Resulting in a large number of registrations paid.

## 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:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	David Jolly, Infrastructure & Development Services Manager
<b>FILE REFERENCE</b>	039\002\008\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	LGAT – Open spaces Grants program Guidelines

**OFFICER’S RECOMMENDATION:**

That Council apply for a total grant amount of \$400,000 (under the Tasmanian Open Spaces Grant Program - Round 1) to fund the following projects:

1. Solar lighting - Georges Bay Foreshore Multi-user track and;
2. Outdoor Gym equipment – Scamander Park.

**INTRODUCTION:**

The purpose of this report is to seek Councils support in applying for funding for two projects that meet the Program criterion prior to the closing time and date of 5:00pm on Friday, 29 September 2023.

**PREVIOUS COUNCIL CONSIDERATION:**

**Relevant to Outdoor Gym equipment – Scamander Park.**

**Council Meeting 27 June 2022**

**06/22.15.4.3** Moved: Clr B. Lefevre/ Seconded: Clr M. Osborne

That Council:

1. That Council work with the Scamander Community to decide on the following:
  - location of outdoor gym equipment to be placed; and
  - what pieces of equipment they would like to use in this space.
2. That Council seek external funding to cover the cost of this project.

**CARRIED UNANIMOUSLY**

**OFFICER’S REPORT:****Open Spaces Grant Program**

The Open Spaces Grants Program (The Program) is an initiative of the Tasmanian Government, delivered with the Local Government Association Tasmania (LGAT). The Program aims to support councils in providing new or renewed capital infrastructure to support active living.

Funding awards to successful councils of between \$100,000 and \$400,000 can occur under Round 1 of the Program, with \$ 2.47 million in total funds available in Round 1.

Program guidelines are attached for information.

### **Proposed Projects**

In accordance with Program guidelines, a single application comprising two projects totalling \$400,000 is proposed.

#### ***Project 1: Solar lighting - Georges Bay Foreshore multi-user track***

The placement of lighting along the multi-user track has not been formally considered by the council, but raised in discussion a number of times by community, individuals and Councillors.

The Program offers the opportunity for Council to apply for funds to purchase and install solar lighting to benefit community use of the asset.

The project scope is limited to installing solar lighting along the track length from O' Connors Beach to St Helens, a distance of approximately 3.85km with 77 LED lights spaced every 50m, where the lighting still needs to be created.

Track lighting would be pole mounted with a small solar cell and battery pack and similar to lighting placed at our Beauty Bay, Kirwans Beach, Talbot Street and Cunningham Street jetties.

Outdoor solar LED deck lighting can be fitted on the pedestrian bridge (Golden Fleece Rivulet) utilising a wiring conduit provided during fabrication.

The preliminary project cost estimate is in the order of \$330,000 to \$350,000 and includes parts and fitting. For the purpose of making an application it is recommended that \$350,000 is used as the project cost estimate to ensure an adequate contingency amount.

#### ***Project 2: Scamander Park – Gym Equipment***

The Grant Program offers the opportunity to the Council to apply for and potentially secure funding to allow for the purchase and installation of at least seven pieces of gym equipment at an estimated cost of \$50,000 prior to a decision being made on placement location and the pieces of equipment to be purchased being finalised.

Equipment suppliers offer extensive ranges of predesigned outdoor Fitness Equipment and Gym Equipment. Products can be purchased as either individual equipment or in multi equipment packages.

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

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

##### **Goal**

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



### Strategy

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

#### *Key Focus Area:*

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

### **LEGISLATION & POLICIES:**

*Local Government Act 1993*

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

Should a funding application be successful, projects would be fully funded under The Program.

Proposed projects are not included in Council's capital works program.

### **VOTING REQUIREMENTS:**

Simple Majority

# Open Spaces Grant Program Guidelines

## Round 1

The Open Spaces Grants Program (the Program) is an initiative of the Tasmanian Government, delivered in cooperation with the Local Government Association of Tasmania (LGAT). The purpose of the Program is to support Tasmanian councils to provide new or renewed capital infrastructure to support active living.

The Program will provide grants totalling up to \$4.94 million over two rounds through 2023-24.

The Program is flexible to enable funding to be provided towards both active and passive recreational pursuits in line with community need.

Applications for Round 1 are welcome until 5:00pm on Friday **29 September 2023**. Up to \$2.47 million in grants is available in Round 1.

A subsequent round will be conducted in 2023-24, with at least \$2.47 million in funds to be allocated in that round.

### Eligibility

All 29 councils are eligible to apply for the Program. Councils awarded funds in Round 1 will be eligible to apply in the subsequent round. The overall distribution of funds across the state may be considered in both rounds.

Each council may make one application to Round 1 of the Program, though that application may contain multiple proposed works, including works of different type or at various locations. Each application will be assessed as a single project.

Councils may seek funds to support capital works for new or renewed outdoor infrastructure, including but not limited to:

- council parks and city and town green spaces, where improvements are directed towards active living
- walking and cycling trails and pathways
- playgrounds
- ancillary facilities including accessible toilets/changerooms and journey features to encourage activity, such as infrastructure for active transport, rest points, seating, shelters, and signage
- aquatic facilities
- outdoor gym facilities
- skate parks and pump tracks

Projects must be for public use.

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Projects must be constructed on/over council land or leased/licenced Crown Land. Evidence of landowner support must be provided with applications including works on/over Crown land.

Wherever appropriate, projects should be accessible and reflect universal design principles.

Councils may not seek funds for:

- facilities wholly or predominantly accessed on a commercial or full-cost recovery basis
- facilities not open to the public for general public use
- works which are routine maintenance or are budgeted capital renewal

Projects must be delivered by **30 June 2025**.

### **Funding**

Funding awards to successful councils of between \$100,000 and \$400,000 may be made under Round 1 of the Program, with \$2.47 million in total funds available in Round 1.

At least \$2.47 million is allocated towards a subsequent round to be held in 2023-24. Unallocated funds may be moved from Round 1 to the subsequent round. Scope and eligibility for the subsequent round may vary from Round 1.

Funding offered may be a lesser amount to funding sought in applications, including for specified works where an application contains multiple proposed works.

### **Evaluation process and criteria**

Applications will be assessed on a competitive basis by an evaluation panel with representation from LGAT, the Tasmanian Government's Department of Premier and Cabinet and a nominated third member.

Applications will be assessed against the following criteria, and are encouraged to be structured against these criteria to assist the panel's consideration. These are:

#### *Identified need and expected benefit for the proposed works (40 per cent)*

Applicants should demonstrate the benefit to the community of the proposed works, including qualitative and/or quantitative factors (eg. expected usage of the facilities, addressing an unmet need for recreational infrastructure for a specific cohort, or so on). Outcomes of community engagement or links to council strategies or plans to support claims of need for the proposed works may be provided.

#### *Value for money (40 per cent)*

Applicants should demonstrate how the funding request and total project value represents value for money for the benefits claimed. Consideration will be given to matched or greater co-funding and/or value-in-kind contributions from councils or other sources relative to funding sought from the Program.

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#### *Capacity to deliver the project (20 per cent)*

To demonstrate their capacity to deliver the complete proposed scope by 30 June 2025, applicants should provide a preliminary project schedule, budget, and evidence of committed matched funding or co-funding (where applicable). Preliminary design documentation or similar may also be submitted in support of this criterion.

Secondary consideration may be given by the evaluation panel to regional spread and achieving a mix of project types within the broad scope of the Program.

Funding recommendations are subject to the final review of the Department of Premier and Cabinet.

#### **Application and funding conditions**

Councils applying to the Program grant LGAT and each agency and instrumentality of the Crown in Right of Tasmania a perpetual, irrevocable, royalty-free, world-wide, non-exclusive (including a right of sub-licence) licence to use, re-use, copy, modify, adapt and/or exploit the application documents and any appended material for the purpose of administering the grant.

Successful applicants will be required to enter into a tripartite grant agreement with LGAT and the Crown in Right of Tasmania, represented by the Department of Premier and Cabinet, which will outline funding conditions.

Major conditions include that:

- All funding must only be used for the projects outlined in the application and included in the subsequent grant agreement. Any changes to the purposes of the funding must be approved by the Department of Premier and Cabinet in writing.
- Report on progress in delivering the projects and expenditure must be provide twice-yearly to LGAT and the Department of Premier and Cabinet.
- A final financial acquittal of the grant must be provided to LGAT and the Department of Premier and Cabinet.
- The General Manager must attest to the completion of the works for which funding was provided, and provide the Certificate of Completion, where applicable.
- Underspent funds must be returned to the Department of Premier and Cabinet.
- Councils must provide advance notice and consult the Department of Premier and Cabinet and LGAT prior to any official launch, opening, media conference, or public event related to the funded project. Acknowledgement of the Tasmanian Government's support will be required.
- Councils must ensure that their project or activities will be undertaken by appropriately qualified and experienced people who have appropriate insurance cover.
- Councils must ensure compliance with all relevant legislative, planning, building, and environmental requirement.

Version 1.0 (30 June 2023)



- Projects must be delivered by 30 June 2025.

### **Guide to applicants**

Please read these guidelines carefully before you complete your application.

Applicants should submit an application providing a response to each selection criteria and supporting evidence.

Written applications and supporting documentation should be no more than eight A4 pages or equivalent (design drawings, diagrams, or maps etc. excepted). Longer supporting documents (eg. existing council strategic plans) may be referenced in the text, or provided with the application if unpublished.

Applications must be submitted via email to [reception@lgat.tas.gov.au](mailto:reception@lgat.tas.gov.au) and will be acknowledged by return email.

Applications open on 30 June 2023 must be received by **5:00pm on Friday 29 September 2023. No late applications will be accepted.**

Contact [reception@lgat.tas.gov.au](mailto:reception@lgat.tas.gov.au) or call 03 6146 3740 if you have questions regarding the application process.

### **Critical timeframes**

Applications must be received by **5:00pm on Friday 29 September 2023.**

It is expected that offers of funding will be advised in writing **by 30 November 2023.**

Successful applicants will be required to enter into a grant agreement outlining the funding terms and conditions. This is expected to occur in early 2024.

Projects must be delivered by **30 June 2025.**

### **Personal information**

Personal information will be managed in accordance with the *Personal Information Protection Act 2004*. You can request access to your personal information from LGAT and the Department of Premier and Cabinet. You can view the Act in full on the Tasmanian Legislation website: [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

### **Right to Information**

Information provided to LGAT and the Department of Premier and Cabinet is subject to the provisions of the *Right to Information Act 2009*. To find out more about this Act and what it means, go to [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) or [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au). You can view the Act in full on the Tasmanian Legislation website: [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au).

Version 1.0 (30 June 2023)

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	David Jolly, Manager Infrastructure & Development Services
<b>FILE REFERENCE</b>	018\019\068\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	LRCIP-P4 Potential Projects

**OFFICER'S RECOMMENDATION:**

That Council endorse the projects tabled in this report for nomination for funding under the Australian Government's Local Roads & Community Infrastructure Program – Phase 4.

That Council note the additional finances needed for the Ansons Bay Road Sealing Project at \$126,562 and Alexander Street Rehabilitation projects at \$85,000 and includes these supplements in the 2024-2025 capital budget to ensure these projects' success.

**INTRODUCTION:**

This report aims to seek the Council's endorsement of projects tabled in this report for nomination for funding under the Australian Government's Local Roads & Community Infrastructure Program – Phase 4.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Break O' Day Council's Phase 4 total funding allocation is \$1,020,847.

Projects for nomination were workshopped with Councillors (4 September 2023) and tabled below.

All projects must be completed by 30 June 2025.



Project	Description	Project Estimate	Comment	LRCIP-P4 Contribution	Council/R2R /Other Contribution
Ansons Bay Road Sealing	Seal 1,200m of Ansons Bay Road (End of Seal near Bosses Creek to Charlies Marsh). Includes road widening and drainage improvement works.	\$350,000	Alignment, drainage and pavement works in 2023/24	\$223,438	-
			Pavement & Sealing Works in 2024/25	-	\$126,562
Alexander Street Rehabilitation-Cornwall	Rehabilitation of Alexander Street uphill from bridge.	\$300,000	Pavement & Sealing Work in 2024/2025	\$215,000	\$85,000
Georges Bay Esp/Cecilia St junction upgrade	Reconfiguration of the junction from a "Y" to "T" arrangement and inclusion of a traffic refuge island, pedestrian crossover points and new kerb and channel.	\$162,409	Works in 2023/24	\$162,409	-
St Columba Falls Road	Shoulder widening and sealing between Kohls Creek and the "Cheese factory" and includes the construction of traffic "give way" pull off bays at Bridge 1066 (+ new approach barriers) at Georges River and Bridge 1605 at Kohls Creek.	\$150,000	Works in 2023/24	\$150,000	-
Seymour: Old Highway - Sealing	Seal 750m of gravel road segment at Width 5.5m. Includes pavement and drainage improvements.	\$150,000	Works in 2023/24	\$150,000	-
Scamander Avenue Footpath	Pedestrian crossover upgrades to accommodate improved disability access (Bridge Esplanade to Wrinklers Drive) and pathway upgrade (hybrid gravel and asphalt) over a distance of 212m (frontage of 20 Scamander Avenue to Campbell Street).	\$70,000	Works in 2023/24	\$70,000	-
Gray Road, St Marys – footpath extension	Construction of a missing link asphalt Footpath extension (150m extension from St Marys High School driveway to Bowls Club) and includes minor stormwater drainage works.	\$50,000	Works in 2024/25	\$50,000	-
<b>TOTALS</b>		<b>\$1,232,409</b>		<b>\$1,020,847</b>	<b>\$211,562</b>

## 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:*

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

## LEGISLATION & POLICIES:

*Local Government Act 1993*

*Policy No: AM01 Asset Recognition and Depreciation Policy*

*Policy No: AM19 Asset Management*

## BUDGET, FUNDING AND FINANCIAL IMPLICATIONS:

The total project estimate exceeds available LRCIP-Phase 4 funding.

Two projects (Ansons Bay Road Sealing and Alexander Street Rehabilitation) require supplemental financing from the Council or other funding sources, such as Roads to Recovery program funding in the 2024-2025 financial year, to ensure successful project completion.

The overall budget for the Phase 4 project program is tabled.

Total Projects Estimate	(\$1,232,409)
LRCIP – Phase 4 funding	\$1,020,847
<b>Projects Shortfall</b>	<b>(\$211,562)</b>
Supplemental funding: Ansons Bay Rd Sealing in 2024-2025	\$126,562
Supplemental funding: Alexander St Rehabilitation in 2024-2025	\$85,000

Asset lifecycle costs for proposed projects have not been determined at this stage.

## VOTING REQUIREMENTS:

Simple Majority

				<b>LRCIP Phase 4 - Part A Funding allocation (\$)</b>	<b>LRCIP Phase 4 - Part B Funding allocation (\$) - Rural Roads only</b>		
				<b>647,409</b>	<b>373,438</b>		
<b>Project Description</b>	<b>Problem being Addressed</b>	<b>Project Cost Estimate (\$)</b>	<b>Comment</b>	<b>LRCIP 4 - Part A (\$)</b>	<b>LRCIP 4 - Part B (\$)</b>	<b>Council Contribution (\$)</b>	<b>Project Year</b>
Construction of missing link footpath in concrete 1.5m width and 360m length to match existing subdivision footpath between existing end of path in Coffee Drive to Main Road. Includes drainage works to collect ground water in nature strip.	Missing link footpath.	150,000	Consider as a future Council funded project.				
Disability Ramp and Road crossing outstand and refuge island on Main St	Improved disabled access from road to the existing footpath along the frontage of Neighbourhood House and street crossing.	80,000	Recommend that Council consider as a candidate project for funding under the Vulnerable Road User Program.				

Construction of a missing link asphalt Footpath extension (150m extension from St Marys High School driveway to Bowls Club) and includes minor stormwater drainage works.	Missing link footpath.	50,000		50,000			2024-2025
Pedestrian crossover upgrades to accommodate disability access (Bridge Esp to Wrinklers Drive) and pathway upgrade (hybrid gravel and asphalt) over a distance of 212m (frontage of 20 Scamander Avenue to Campbell Street).	Improved disability access - Scamander Bridge to Wrinklers entrance	70,000		70,000			2023-2024
Asphalt footpath from Aerodrome Road to Chimney Heights Road	Missing link path.	230,000	Consider as a future Council funded project.				
		<b>580,000</b>		<b>120,000</b>			

Project Description	Problem being Addressed	Project Cost Estimate (\$)	Comment	LRCIP 4 - Part A (\$)	LRCIP 4 - Part B (\$)	Council or R2R Contribution (\$)	Project Period
Rehabilitation of Alexander Street uphill from bridge	Road has deteriorated from its original standard	300,000		215,000		85,000	2024-2025
Realignment and widening of 100m of sealed road at Charlies Marsh. Includes culvert replacement, road formation and pavement works and resealing.	Narrow segment of road with poor alignment	150,000	Consider funding under Roads to Recovery Funding in 2024-2025				
Seal 1,200m+ of Ansons Bay Road (End of Seal near Bosses Creek to Charlies Marsh). Includes road widening and drainage improvement works. Pavement works to occur 2023-2024 and sealing in 2024-2025.	Continuation of sealing of Ansons Bay Road	350,000			223,438	126,562	2023-2025

Realignment and widening of 1200m of gravel road segment (440m south of Chapples Road junction to 250m north of LeFevres Road junction)	Narrow road segment with poor alignment.	150,000	Consider funding under future Roads to Recovery Funding				
Rebuilding of road junction that involves reconfiguration of the junction from a "Y" to "T" arrangement and inclusion of a traffic refuge island, pedestrian crossover points and new kerb and channel.	Poor intersection alignment with no existing pedestrian crossing point.	162,409		162,409			2023-2024
Seal 750m of gravel road segment at Width 5.5m. Includes pavement and drainage improvements.	Sealing of high maintenance gravel road.	150,000			150,000		2023-2024
Shoulder widening and sealing between Kohls Creek and the "Cheese factory" and includes the construction of	Road shoulder failures. No "give way" pull off bays at existing bridges to improve road	150,000		150,000			2023-2024



traffic "give way" pull off bays at Bridge 1066 (+ new approach barriers) at Georges River and Bridge 1605 at Kohls Creek.	safety. Bridge 1066 no approach barriers.						
		\$ 1,412,409		527,409	373,438	211,562	0
		\$ 1,992,409		\$ 647,409	\$ 373,438		

ACTION	DECISION
PROPONENT	Council
OFFICER	David Jolly, Infrastructure & Development Services Manager
FILE REFERENCE	033\046\001\
ASSOCIATED REPORTS AND DOCUMENTS	Tyrecycle's Price List

**OFFICER'S RECOMMENDATION:**

That Council increase Waste Transfer Station (WTS) tyre disposal charges as follows:

- Motorcycle/car: \$7.00 per tyre to \$9.00 per tyre.
- Light truck/4WD: from \$13.50 per tyre to \$17.50 per tyre.
- Truck: from \$29.00 per tyre to \$38.00 per tyre.
- Tractor – up to 1m: from \$40.00 per tyre to \$187.00 per tyre.
- For tyres greater than 1m in diameter, Tyrecycle's current price list applies by "Price on Application."

**INTRODUCTION:**

The purpose of this report is to:

1. Inform the Council that Tyrecycle, Tasmania's only tyre recycler, has increased its tyre recycling fees, which has triggered a review of the Council's Waste Transfer Station tyre disposal charges.
2. Recommend increases to Waste Transfer Station (WTS) tyre disposal charges in line with increased recycling charges advised by Tyrecycle.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

Tyrecycle advised Works Officers of increases to its tyre recycling fees after the Council approved the 2023-2024 WTS charges.

The recommended WTS tyre disposal charges (rounded to the nearest 50 cents) are tabled to counter fee increases.

**Table 1: WTS tyre charges.**

Tyre type	WTS Current tyre disposal charge (\$*)	Tyrecycle New tyre recycling fee (\$*)	Difference	Recommended new BODC WTS charges (\$*)
Motorcycle/Car	7.00	8.75	+25%	9.00
Light truck/4WD	13.50	17.50	+30%	17.50
Truck	29.00	38.33	+32%	38.00
**Tractor–up to 1m	40.00	186.67	+467%	187.00

\*Includes GST

\*\* Council WTSs only accept tyres up to 1m in diameter. Larger tyres will be subject to “Price on Application” by Tyrecycle’s price list (attached).

The forecast cost impact for the 2023-2024 financial year based on the distribution of tyre types received at our WTSs in the last financial year is expected to return a slight unfavourable cost variation to expected revenue that can be negated by increasing disposal charges.

**Table 2: Cost Impact**

Tyre Type	2022/2023 Tyres received at WTS’s 2022-2023	Expected WTS tyre revenue 2023-2024 (\$*)	Expected Tyrecycle recycling cost in 2023-2024 (\$*)	Difference (\$*)
Motorcycle/Car	314	2,198	2,748	(550)
Light truck/4WD	10	135	175	(40)
Truck	8	232	307	(75)
Tractor Tyre - large	1	40	187	(147)
<b>Total</b>	<b>333</b>	<b>2,605</b>	<b>3,417</b>	<b>(812)</b>

\*Includes GST and rounding of calculated cost.

It is recommended that the Council increases WTS tyre disposal charges as proposed in Table 1 above.

## STRATEGIC PLAN & ANNUAL PLAN:

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

#### Goal

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

#### Strategy

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:**

*Local Government Act 1993*

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

Waste Transfer Station fees schedule to be updated, subject to the Council endorsing the recommendation to increase tyre disposal charges.

## **VOTING REQUIREMENTS:**

Simple Majority



ABN 84 085 545 053

NATIONAL PHONE NUMBER  
**1300 4 TYRECYCLE**

**AUSTRALIAN HEAD OFFICE**  
30-56 Encore Avenue  
Somerton VIC 3062

T: +61 3 8339 3501  
F: +61 3 9305 2545  
E: sales@tyrecycle.com.au  
[www.tyrecycle.com.au](http://www.tyrecycle.com.au)

**A RESOURCECO COMPANY**



## TYRECYCLE FEBRUARY 2023 PRICE LIST CI9 Tasmania

Description	Base Price	OFS	Total ex GST
PASSENGER	\$6.13	\$1.82	\$7.95
PASSENGER W/RIM	\$15.43	\$3.64	\$19.07
PASSENGER CONTAMINATED	\$18.75	\$1.82	\$20.57
LIGHT TRUCK / 4WD	\$12.26	\$3.64	\$15.90
LIGHT TRUCK / 4WD W/RIM	\$30.81	\$7.28	\$38.09
LIGHT TRUCK / 4WD CONTAMINATED	\$37.45	\$3.64	\$41.09
TRUCK	\$25.75	\$9.10	\$34.85
TRUCK W/RIM	\$62.85	\$18.20	\$81.05
TRUCK CONTAMINATED	\$80.95	\$9.10	\$90.05
SUPER SINGLE	\$54.45	\$18.20	\$72.65
SOLID SMALL - 0m - .3m	\$29.64	\$5.46	\$35.10
SOLID MEDIUM - .3m - .45m	\$49.40	\$9.10	\$58.50
SOLID LARGE - .45 - .6m	\$69.16	\$12.74	\$81.90
SOLID EXTRA LARGE - .6m -	\$88.92	\$16.38	\$105.30
RACING SLICKS	\$12.26	\$3.64	\$15.90
TRACTOR SMALL - 0m - 1m	\$142.40	\$27.30	\$169.70
TRACTOR LARGE - 1m - 2m	\$247.00	\$45.50	\$292.50
TRACTOR EXTRA LARGE - 2m -	\$367.85	\$81.90	\$449.75
FORKLIFT SMALL - 0m - .3m	\$19.76	\$3.64	\$23.40
FORKLIFT MEDIUM - .3m - .45m	\$39.52	\$7.28	\$46.80
FORKLIFT LARGE - .45 - .6m	\$59.28	\$10.92	\$70.20
GRADER	\$148.20	\$27.30	\$175.50
MOTORCYCLE	\$6.13	\$1.82	\$7.95
MOTORCYCLE CONTAMINATED OR W/RIM	\$16.93	\$3.64	\$20.57
EARTH MOVER SMALL - 0m - 1m	\$197.60	\$36.40	\$234.00
EARTH MOVER MEDIUM - 1m - 1.5m	\$494.00	\$91.00	\$585.00
EARTH MOVER LARGE - 1.5m - 2.0m	\$988.00	\$182.00	\$1,170.00

All prices exclude GST.

South Australia  
8 Meyer Road,  
Lonsdale SA 5160

South Australia  
26 Cornack Road,  
Wingfield SA 5013

Queensland  
Lot 1 Gypsum Drive,  
Redbank Plains QLD 4301

New South Wales  
81/85 Christie Street,  
St Marys NSW 2760

New South Wales  
36 Stenhouse Drive,  
Cameron Park NSW 2285

Victoria  
U2, 2 England Street  
Dandenong VIC 3175

Western Australia  
10 Keegan Street,  
O'Connor WA 6163

## 09/23.15.0 COMMUNITY DEVELOPMENT

### 09/23.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Jenna Barr, Community Services Programs Officer
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

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of current work and outcomes within Community Services Department.

#### PREVIOUS COUNCIL CONSIDERATION:

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

#### OFFICER'S REPORT:

Updates on current projects being managed by Community Services:

##### **Pump Track Project**

No further update

##### **Community Events/Activities**

##### **SEPTEMBER 2023**

2 – With One Voice Choir – Portland Hall

29 – Break O'Day Stitchers – Portland Hall

##### **OCTOBER 2023**

6-8 – Festival of George – Foreshore and other locations in St Helens

8 - BOFWA Market – Bendigo Bank Community Stadium  
14 – Festival of Wellbeing – Bendigo Bank Community Stadium  
17 October – Seniors Week – Bus Trip

## **NOVEMBER 2023**

12 – Scooter Jam – St Marys

### **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

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

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various 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. Implemented New Strata Titles Policy;
2. Substantial Modifications current underway in relation to Tasmanian Planning Scheme and Local Provisions Schedule as directed by Tasmanian Planning Commission;
3. Obtained Office of Local Government Certification for Proposed Municipal (Environmental) By-Law. Public Consultation planned to commence 13 September 2023 and conclude Friday 6 October 2023.

## 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
<b>NPR</b>	1	5											6	
<b>Permitted</b>	0	1											1	
<b>Discretionary</b>	12	8											20	
<b>Amendment</b>	3	2											5	
<b>Strata</b>		1											1	
<b>Final Plan</b>	3	2											5	
<b>Adhesion</b>														
<b>Petition to Amend Sealed Plan</b>														
<b>Boundary Rectification</b>														
<b>Exemption</b>														
<b>Total applications</b>	19	19											38	284

<b>Ave Days to Approve Nett *</b>	30	26.68											28.34
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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:

**August 2023**

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
097-2023	Ansons Bay	Dwelling & On-Site Wastewater System	S57	41	40
165-2023	St Helens	Addition and Renovation to BBQ Shelter	NPR	1	1
156-2023	Scamander	Deck Addition	NPR	10	9
138-2023	Stieglitz	Dwelling, Shed with Amenities & Carport	NPR	32	10
282-2022	Ansons Bay	New Shed & Demolish Existing Shed	S57	175	42
318-2020 AMEND	Ansons Bay	Altered Deck Design & Setbacks	AMEND	28	28
075-2021 FINAL	Scamander	Final Plan of Survey – 3 Lot Subdivision	FINAL	83	15
203-2022 FINAL	St Helens	Final Plan of Survey – 3 Lot Subdivision	FINAL	57	45
141-2023	Beaumaris	Construction of New Dwelling & Carport	S57	36	35
158-2023	Stieglitz	Additional Use for Visitor Accommodation	S58	27	27
142-2023	Stieglitz	Construction of Dwelling & Veranda and Carport Addition to Existing Shed	S57	27	26
220-2006 STRATA	St Helens	Staged Strata Development – Final stage	STRATA	70	8
122-2018 AMEND 2	Scamander	Container Dwelling Updated to Single Level Visitor Accommodation	AMEND	14	14
168-2023	St Helens	Construction of a Dwelling	S57	24	24
085-2023	Beaumaris	Dwelling, Carport & Deck	S57	113	82
040-2023	St Marys	Shed & Carport	S57	43	42
151-2023	Scamander	Construction of Garage with Amenities	S57	42	41
177-2023	St Marys	Dwelling & Carport, Ancillary Dwelling & Shipping Container	NPR	8	7
174-2023	Falmouth	Shed & Driveway	NPR	12	11

**TOTAL 19**

## BUILDING PROJECTS REPORT

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

Description	Location	Updates
NIL	NIL	

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

Description	Location	Updates
New Lighting Towers	St Helens Sports Complex – Football Oval	<ul style="list-style-type: none"><li>Lights now operational, final adjustments still to be completed.</li></ul>
Kitchen Upgrades & Renovations	Scamander Sports Complex	<ul style="list-style-type: none"><li>Works Commenced;</li><li>Nearing Completion.</li></ul>
St Marys Waste Transfer Station Additions	St Marys Waste Transfer Station	<ul style="list-style-type: none"><li>Nearing Completion;</li><li>Final earthworks to be completed.</li></ul>
Sports Floor Replacement & New Backboard	Bendigo Bank Community Stadium	<ul style="list-style-type: none"><li>Insurance Claim approved;</li><li>Backboard now replaced;</li><li>Flooring contractor booked to commence in October 2023.</li></ul>
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"><li>Repainting identified as priority which has now commenced.</li></ul>

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

Description	Location	Updates
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none"><li>Building Application Documentation now completed;</li><li>Awaiting Building/Plumbing Approval Phase;</li><li>Tender Documentation currently being prepared.</li></ul>
St Marys Indoor Recreation Facility	St Marys Sports Complex	<ul style="list-style-type: none"><li>Building Application Documentation now completed;</li><li>Awaiting Building/Plumbing Approval Phase;</li><li>Tender Documentation currently being prepared.</li></ul>
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>



Replacement of Carpet & Repainting	Service Tasmania	<ul style="list-style-type: none"> <li>• Quotations currently being sourced in consultation with Service Tasmania;</li> <li>• Rebranding to occur.</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>

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

## Building Services Approvals Report

### August 2023

No.	BA No.	Town	Development	Value
1.	2023 / 00162	Scamander	New Solar panels	\$15,000.00
2.	2023 / 00101	St Helens	Legalisation Shed with attached Carport	\$34,000.00
3.	2023 / 00065	Beaumaris	New Shed & Retaining Wall	\$25,000.00
4.	2023 / 00002	Stieglitz	New Dwelling, Deck & Solar Panels	\$550,000.00
5.	2018 / 00222	Ansons Bay	Alterations & Additions to Dwelling & Deck	\$38,000.00
6.	2021 / 00035	Ansons Bay	Demolition of existing buildings, New Dwelling & Deck	\$321,000.00
7.	2018 / 00088 - AMEND	Akaroa	Amended Building Approval (for Carport to Garage)	N/A
8.	2023 / 00159	St Helens	Alteration to Science Lab	\$240,000.00
9.	2023 / 00170	St Helens	Addition - Shed	\$8,900.00
10.	2023 / 00123	St Helens	Change of Use – part of building (storage to retail), internal alterations (retail outlet) & additions (new entry)	\$166,000.00
11.	2023 / 00050	Stieglitz	Demolition & New Shed	\$16,800.00
12.	2022 / 00154 - UNIT 1	St Marys	New Dwelling, Garage & Porch	\$280,000.00
13.	2022 / 00154 - UNIT 2	St Marys	New Dwelling, Porch, Deck & Carport	\$280,000.00
14.	2023 / 00118	Scamander	New Shed	\$35,000.00
15.	2023 / 00117	St Helens	New Shed with Amenities	\$51,000.00
16.	2023 / 00119	St Helens	Demolition & New Shed	\$28,000.00
17.	2023 / 00178	Binalong Bay	Plumbing only approval – Removal of Septic Tank and replace with holding Tank (Pump out tank for future toilet block)	N/A


ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2022/2023	2023/2024
	\$4,875,566.00	\$5,142,800.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2023	2023
	August	\$2,309,183.00	\$2,088,700.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2022/2023	2023/2024
	August	37	34

## ENVIRONMENTAL REPORT

Description	Updates
Schools National Tree Day	<p>Students from the <i>Hands on Learning</i> group at St Helens District High School planted over 100 native understory seedlings at the St Helens Dog Yards to provide more shelter and screening for dogs and their owners. Council supported the Hands on Learning group to design and plan the revegetation project and then implement it.</p> 
Larapuna Community Weekend	<p>The 2023 <i>larapuna Community Weekend</i> event of beach walks over four days during August was another success this year with Councils support. This year, the event was part of National Science Week and was supported by funding from Inspiring Tasmania. More than 100 walkers cleaned up 50km of coastline on the five big beach walks. They removed 46,000 sea spurge plants (an invasive beach weed) and 60kg of marine debris while enjoying the larapuna / Bay of Fires coastline between wukalina/Mt William National Park south to the Gardens.</p>  <p>As well as Council, partners with Wildcare Friends of larapuna Coast making the event possible include PWS, NRM North, Tasmanian Aboriginal Land Council, Bay of Fires Lodge, Lifes an Adventure, and Friends of Eddystone Point Lighthouse.</p>
Jubilee Trees Project	<p>Planting of ornamental street trees to commemorate Her Majesty The Queen's Platinum Jubilee has been done at St Marys, involving students participating in <i>A Week in the Life of Council</i> and is being organised for remaining trees at Mangana, Mathinna, Scamander, St Helens and Pyengana.</p>

	A commemorative planting event was held at Fingal in December last year. Council's project has received funding from the Australian Government's Planting Trees for The Queen's Jubilee Program.
Weed management	<p>Council and PWS staff undertook more weeding and seedling planting to continue implementation of their joint Weed Management Plan for Binalong Bay foreshore reserve. A new statewide project funded by the Weed Action Fund targeting the bridal creeper is starting up and will involve Break O'Day. Bridal creeper is one of our significant environmental weed threats, particularly in coastal areas.</p> <p>The Biosecurity Act 2019 has now replaced the Weed Management Act 1999 and as part of the transition Council's NRM Facilitator attended training provided by Biosecurity Tasmania to update Authorised Weed Officers on new regulatory procedures.</p>
Northern Tasmanian Alliance for Resilient Councils	<p>The northern regional council's partnership for Climate Change Action recently launched as the <i>Northern Tasmanian Alliance for Resilient Councils</i>.</p> <p>NTARC already has over \$1M of grant funding committed for projects to tackle Climate Change mitigation and adaptation priorities for local government and will also work at state and local levels for the climate resilience in the region.</p> 
NRM Committee	<p>The NRM Committee met in September at Scamander, where it inspected issues at the Scamander River mouth and discussed the <i>Scamander Coastal Hazards and Flood Risks Pathways Planning project</i>.</p> <p>The Committee identified several environmental considerations the project needs to keep in mind when it involves the community in learning about the complex flood and coastal hazard dynamics there (including with Climate Change), the risks they pose to values and assets, options for managing the risks and developing short- and long-term priorities to reduce them.</p>

### Recreational Water Quality

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

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

### Immunisations

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

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

#### Sharps Container Exchange Program as at 6 September 2023

Current Year	Previous Year
YTD 2023/2024	YTD 2022/2023
16	12

#### 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
PROPONENT	Council Officer
OFFICER	Development Services Coordinator
FILE REFERENCE	032\005\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That Council approve the use of the name "Archie Court" for the cul de sac currently un-named off Annabel Drive, St Helens (Subdivision Reference – DA266-2005)

**INTRODUCTION:**

The provision of official street names and property numbering is important to ensure quick and correct property identification for private, commercial and emergency purposes and enable connections to be made to reticulated service systems.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The Developer has completed the final stage of the subdivision and has requested the official name "Archie Court" for the cul de sac running north/south off Annabel Drive, St Helens approved under DA 266-2005 (see snippet below of approved subdivision plan).

A search of the Placenames Tasmania website has indicated that there are no other instances of "Archie" as a road name anywhere else in Tasmania.

Therefore the recommendation to Council is to approve the use of the name Archie Court as requested by the Developer.



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

##### Goal

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

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

N/A

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

Provide and erect street sign - approximately \$100.00

#### **VOTING REQUIREMENTS:**

Simple Majority

ACTION	DISCUSSION/DECISION
PROPONENT	Council
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	
ASSOCIATED REPORTS AND DOCUMENTS	Break O'Day Council Dog Management Policy 2018 (EP05)

**OFFICER'S RECOMMENDATION:**

Council consider providing off-lead dog exercise facilities at the St Marys as part of Council's review during 2023-2024 of the Break O'Day Council Dog Management Policy 2018 (EP05), including considering community views on locations proposed.

**INTRODUCTION:**

Review of the Break O'Day Council Dog Management Policy in 2023-24 provides an opportunity to address the lack of a Declared Exercise area and facilities for off-lead exercise of dogs in St Marys within the community.

**PREVIOUS COUNCIL CONSIDERATION:**

**03/23.9.1.049**      Moved: Clr J Drummond/ Seconded: Clr K Wright

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.

To provide acknowledgement and consider the submission from the St Marys Dog's Group for two dog exercise areas in St Marys.

That Council acknowledge the submission of the St Marys Dog group, of the preferred dog exercise areas, in St Marys; and consider including the proposed areas as part of the municipal Dog Management Policy.

**CARRIED UNANIMOUSLY**

In 2021 and 2022, Councillor Janet Drummond asked Questions without Notice regarding installation of a dog exercise facility at St Marys Sports Complex Council had committed to in 2019.

At its August 2020 Workshop, Council reviewed options for Dog Exercise Areas for Binalong Bay, St Marys and St Helens. It subsequently consulted the community on two options at Binalong Bay only, and after considering submissions determined not to progress with either.

**10/19.15.7.256**

Moved: Clr K Chapple/ Seconded: Clr G McGuinness

1. That Council, considering the community input on additional off-lead dog exercise areas for St Marys and St Helens, Declare these Exercise Areas under the Dog Control Act at the old St Marys railway station (7265 Esk Main Road), St Marys Sports Complex (2 Gray Road) and to extend the Exercise Area at St Helens Sports Complex (Young Street St.). Declaration of these areas under the Dog Control Act, wholly or in parts, is subject to the installation of safe dog exercise facilities being completed and reported to Council for confirmation.
2. Priorities for development of new dog parks in 2019-2020 are the eastern half of the proposed new dog park site at and the extension of the St Helens dog park at St Helens Sports Complex, to a minimal standard of facilities.

An amendment was moved:

**010/19.15.7.257**

Moved: Clr J McGiveron / Seconded: Clr M Osborne

1. That Council, considering the community input on additional off-lead dog exercise areas for St Marys and St Helens, Declare these Exercise Areas under the Dog Control Act at the old St Marys Sports Complex (2 Gray Road) and to extend the Exercise Area at St Helens Sports Complex (Young Street St.). Declaration of these areas under the Dog Control Act, wholly or in parts, is subject to the installation of safe dog exercise facilities being completed and reported to Council for confirmation.
2. Priorities for development of new dog parks in 2019-2020 are the eastern half of the proposed new dog park site at and the extension of the St Helens dog park at St Helens Sports Complex, to a minimal standard of facilities.
3. Council review the site constraints prior to confirming being suitable – Old St Marys Railway Station.

**CARRIED UNANIMOUSLY**

The amendment becomes the motion:

**CARRIED UNANIMOUSLY**

**12/18.15.5.314**

Moved: Clr J Drummond / Seconded: Clr K Wright

That Council remove Dora Point from the declared off lead areas.

**CARRIED UNANIMOUSLY**

1. That Council adopt the amended and revised Dog Management Policy 2018.
2. That Council declare the Declared Areas in the revised Dog Management Policy 2018, to apply for a period of six (6) years, in accordance with the Dog Control Act 2000.

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

Council at the last Dog Policy review looked at some options for a Declared Exercise Area (off-lead dog park) at St Marys. It proposed a small area on the Sports Grounds between the cricket nets and trotting track and after considering community submissions, committed to building the infrastructure and then formally declaring it. For various reasons installation of fences and water have not happened. Council also considered possibilities on land near the old railway station.

In the meantime, opportunities for dogs and their owners and responsible dog ownership have been the source of some concern in the St Marys community – for dog owners and non-owners and regarding exercising of dogs on the Sports Grounds, dogs off-lead there and in general, and owners not cleaning up after their dogs.

Council's Dog Management Policy is due for review during 2023-2024. The Dog Control Act 1999 requires Council to have a Policy and provides categories of Declared areas (including 'Exercise area') that it may declare. For both, the Act requires Council to seek and consider community submissions on its proposals before determining its Dog Management Policy or Declared areas.

There is limited Council and other public land in St Marys where Council could provide accessible, safe and affordable facilities for exercise of dogs' off lead. Ahead of identifying a preferred option or options for the review of the Dog Management Policy and community input, several potential options have been identified to consider further. These include:

- Open space in the area of the old railway station
- Public Reserve beside St Marys Rivulet near The Flat
- A small area on St Marys Sports Ground already planned for, but not built or declared.

Some factors to consider and balance are safety (public, dogs and their owners), reasonable dog exercise opportunity, others nearby, facilities (fences and water as a minimum), Council's financial and operational capacity and purposes.





## 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

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



*Key Focus Area:*

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

Break O Day Annual Plan 2023 – 2024

*Actions:*

Dog Management - Review Dog Management Policy collaboratively with Parks & Wildlife Service, interest groups and the community and continue implementation.

**LEGISLATION & POLICIES:**

*Break O'Day Council Dog Management Policy 2018 (EP05)*

*Dog Control Act 1999*

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

## POLICY NO EP05 DOG MANAGEMENT POLICY 2018

<b>DEPARTMENT:</b>	Development Services
<b>RESPONSIBLE OFFICER:</b>	Manager Infrastructure & Development Services
<b>LINK TO STRATEGIC PLAN:</b>	To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.
<b>STATUTORY AUTHORITY:</b>	Dog Control Act 2000
<b>OBJECTIVE:</b>	Council aims to achieve a balance between the reasonable expectations of dog owners and the community. Dogs and their owners shall have the freedom to enjoy all that the Break O'Day Municipality has to offer them, whilst the public amenity of community, parks, gardens and beaches is maintained and wildlife are not harmed.
<b>POLICY INFORMATION:</b>	Adopted 8 November 2010 – Minute No 11/10.14.3.284 Amended 9 November 2011 – Minute No 8/11.14.3.302 Amended 17 September 2012 – Minute No 09/12.14.8.250 Amended 17 June 2013 – Minute No 06/13.11.14.160 Amended 15 December 2014 – Minute No 12/14.14.5.370 Amended 17 December 2018 – Minute No 12/18.15.5.315 Corrected (map) 9 January 2019 - Minute No 12/18.15.5.315

### POLICY

#### 1 PREAMBLE

In the Break O'Day Municipality, the *Dog Control Act 2000* regulates the control and management of dogs. It requires Break O'Day Council develop and implement a policy on dog management in its municipal area and gives it certain powers in relation to the management of dogs.

Dogs are the valued companions of many residents and visitors, young and old and some keep one or more working dogs. All have legal and ethical responsibilities to their dogs and the community. However not everyone in Break O'Day values dogs the same. Community health, safety and enjoyment of urban life and the outdoors can be detrimentally affected by poor care and control of dogs.

Break O'Day is also home to a diverse range of native animals. Some of our wildlife can be harmed by dogs; unwittingly or carelessly, in play or through natural behaviours and hunter instincts. Our coasts in particular are the habitat for many native 'shorebirds'. Most of these coastal habitats are in reserves such as National Park and Conservation Area, which are managed primarily for the conservation of natural values by the Tasmanian Parks and Wildlife Service.

All of them face enough natural challenges to survival as it is; some migrate thousands of kilometres to feed and breed here. Because our beaches are so popular with people, many shorebirds face additional pressures which have reduced their numbers and pushed some species to the brink. Among other factors, disturbance and harm from dogs is a known factor of shorebird decline.

Dog management is an essential function of local government. The community's desire to maintain the amenity, sense of place and freedom of choice within the Municipality must be respected.

Through policy, Council can create guidelines and set boundaries to provide an equitable balance between people, dogs and wildlife. It is envisaged that this policy will provide for those who do not own dogs or may be adversely impacted by them, those who own a dog and need places for the enjoyment and exercise of their dog and for the native wildlife and natural values of the Municipality.

## 2 CODE RELATING TO RESPONSIBLE OWNERSHIP OF DOGS

### 2.1 Entitlements

- Individuals are entitled to own one or more dogs.
- The community is entitled to expect that dog owners will be responsible and not create a nuisance and responsible dog owners are entitled to the community's respect as a dog carer.
- Individuals and the community are entitled to be consulted on plans that are likely to affect enjoyment of their local area in relation to the management of animals.
- Council is entitled to expect that dog owners will be responsible and register their dogs.

### 2.2 Responsibilities

*Individuals are responsible for ensuring:*

- a) their dog is well fed and cared for;
- b) their dog is provided with adequate shelter from the elements;
- c) their dog is fully vaccinated;
- d) their dog is exercised in an appropriate manner;
- e) their dog is exercised, and in public areas in the designated locations;
- f) their dog is under effective control at all times, including when using off lead areas;
- g) their dog does not cause a nuisance to neighbours or the community;
- h) their dog is not a threat or menace to members of the community or other animals;
- i) they collect the faeces their dog drops promptly and dispose of them properly;
- j) they are aware of the rights and responsibilities for the care and exercise of dogs;
- k) compliance with all regulations under the *Dog Control Act 2000*, including this policy.

*Council is responsible for:*

- a) Ensuring that sufficient public consultation is carried out regarding any changes that may affect the community or dog owners;
- b) Fulfilling its obligations under the *Dog Control Act 2000*.
- c) Dealing with nuisances, complaints and non-compliance in a timely, fair and effective manner;
- d) Establishing dog access zones to provide accessible exercise areas for the reasonable needs of dogs and their owners and to protect public health and safety, natural values and amenity;
- e) Encouraging responsible dog ownership through education, awareness and enforcement and public bag dispensers for dog faeces.
- f) Supporting pensioners, guide dogs and early payment of registration with discounted fees.
- g) Undertaking regular reviews of this policy.

### 3 DOG MANAGEMENT ZONES – DECLARED AREAS

#### 3.1 Exercise Areas

Areas on provided on Council parks and reserves with access and facilities for the exercise and general recreation of dogs. Provide for the welfare and good care of dogs and their owners. These are off lead areas.

##### 3.1.1 St Helens Sports Recreation Grounds

At the corner of Eagle and Young Streets, access off Eagle Street.

Note: Fenced Exercise area facilities for Binalong Bay, St Marys, Scamander and other locations are being considered by Council according to need, suitable sites and budget provisions. They may be Declared by Council after necessary infrastructure is installed.

#### 3.2 Training Areas

Areas of Council parks and reserves where dogs may be trained subject to any specified conditions.

##### 3.2.1 St Helens Sports Recreation Grounds

Within the Exercise Area at corner of Eagle and Young Streets, access off Eagle Street.

#### 3.3 Restricted Areas

##### 3.3.1 Dog Off Lead (exercise) beaches

Areas where dogs are allowed off lead under escort by their owner or competent person and must remain under effective control. Dog controllers are to remain mindful of other people and wildlife in the area.

Beaches with sections available for dog off lead exercise are at:

- 3.3.1.1 Ansons Bay (Boronia Street)
- 3.3.1.2 Steiglitz (two)
- 3.3.1.3 Maurouard Beach
- 3.3.1.4 Ring Rock (Dianas Beach)
- 3.3.1.5 Beaumaris (south of Yarmouth Creek.)
- 3.3.1.6 Scamander (Byatt Court – Wrinklers and beach section south of river mouth)
- 3.3.1.7 Mariposa Beach
- 3.3.1.8 Four Mile Creek
- 3.3.1.9 Seymour

Dog 'Off Lead' beach zones are shown on the attached maps.

##### 3.3.2 Dog On Lead beaches

Coastline areas accessible to dogs provided they are on a lead at all times. These are shown as 'Dog on Lead' on the attached maps; to protect public health and safety and wildlife.



### 3.3.3 Beaches with seasonal and daily restrictions

- 3.3.3.1 Taylors Beach  
 Area: Full length of beach area  
 Restriction: Dogs prohibited from 1 October to 31 March, to protect wildlife. On lead at all other times.
- 3.3.3.2 Binalong Bay Beach  
 Area: Length of the beach and including Gants Lagoon mouth and spit, as far as the northern beach access at Lyall Road.  
 Restriction: Dogs prohibited from 1 October to 31 March for public health and safety and the protection of wildlife. On lead at all other times.
- 3.3.3.3 Maurouard Beach  
 Area: Northern section outside area designated for recreational vehicle use.  
 Restriction: Dogs prohibited from 1 October to 31 March to protect wildlife. On lead at all other times.
- 3.3.3.4 Scamander River mouth  
 Area: The northern bank, sand spit and shoals of the river mouth. Southern boundary is 50m from south bank as far as Dune Street stormwater drain and then a line due east.  
 Restriction: Dogs prohibited from 1 October to 31 March for public health and safety and the protection of wildlife (high significance, breeding area). On lead at all other times.
- 3.3.3.5 Denison Beach  
 Area: From Porch Rocks to Denison Rivulet.  
 Restriction: Dogs prohibited from 1 October to 31 March to protect wildlife. On lead at all other times.

Beaches Declared as 'Dog on Lead' and with seasonal and daily restrictions are shown on the attached maps.

### 3.3.4 Other Restricted Areas

Where dogs are restricted from entering

- During specified hours, days or seasons or at all; or
- During specified hours, days or seasons unless they are on a lead; and
- A person must not take a dog that is not a guide dog or hearing dog, into a restricted area other than in accordance with the declaration of restricted access zones.

Restricted areas in Break O'Day Municipality protect public amenity, health and safety, shorebirds and other wildlife and include:

- 3.3.4.1 St Helens Recreation Grounds  
 Area: All of the sports complex regardless of whether sport is being played, except for the Declared Dog Exercise and Training Areas on the corner of Eagle and Young Streets. (as shown on the attached maps.)

Restriction: Dogs are prohibited at all times, to protect public health and safety. At Council's discretion organised events involving dogs may be individually and conditionally allowed.

#### 3.3.4.2 On sports grounds and golf courses other than St Helens Recreation Ground

Area The playing fields and playing areas (regardless of whether sport is being played).

Restriction: Dogs are prohibited at all times (from playing fields and playing areas) to protect public health and safety, but may be taken elsewhere if on a lead at all times. At Council's discretion organised events involving dogs may be individually and conditionally allowed.

#### 3.3.4.3 St Helens Wharf

Area The loading area designated by Marine and Safety Tasmania. (as shown on the attached maps.)

Restriction: Dogs are prohibited at all times, to protect public health and safety and marine produce.

Note regarding 3.3.4.2: While dogs are restricted from being on playing fields and playing areas of these sports grounds and golf courses, they can access other parts of these parks, reserves and sports grounds, when kept on a lead.

### 3.4 Prohibited Areas

#### 3.4.1 Under the Dog Control Act 2000 Section 28 the following areas are prohibited areas.

- a) any grounds of a school, preschool, kindergarten, crèche or other place for the reception of children without the permission of a person in charge of the place; or
- b) any shopping centre or any shop; or
- c) the grounds of a public swimming pool; or
- d) any playing area of a sportsground on which sport is being played; or
- e) any area within 10 metres of a children's playground; or
- f) any area declared by a Council to be a prohibited area due the sensitive habitat of native wildlife.

#### 3.4.2 Declared Prohibited Areas

- a) Any National Park; or
- b) A coastal area with high wildlife values, such as shore and migratory bird values, shown on the attached maps; or
- c) An area defined from time to time by fencing and signs prohibiting dogs for temporary protection of birds and other wildlife.

## 4 FEE STRUCTURE

Council utilises the current Schedule of Fees and Charges as an additional method of promoting responsible dog ownership. Discounts are provided to those who make early payment.

## 5 APPLICATION

This policy applies to the Break O'Day local government area in its entirety.



## 6 REVIEW

This Policy will be reviewed every five (5) years 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.

## INDEX MAP

### Dog Management Zones

Break O'Day Dog Management Policy Dec. 2018

-  Dog Off Lead Area
-  Dog on Lead
-  Prohibited
-  Restricted
-  Restricted
-  Exercise Area
-  Training Area
-  Future exercise area

Refer to the Policy text for detail on conditions and terms applying to Restricted and other Declared dog management zones.

Coastline zones apply to shorelines and adjacent areas of public land.

To view dog management zones in detail see an online map using the link provided on Council's website: [www.bodc.tas.gov.au](http://www.bodc.tas.gov.au) or contact Council on (03) 6376 7900.

In addition:

Where unzoned, the Dog Control Act 2000 requires dogs are kept under 'effective control'.

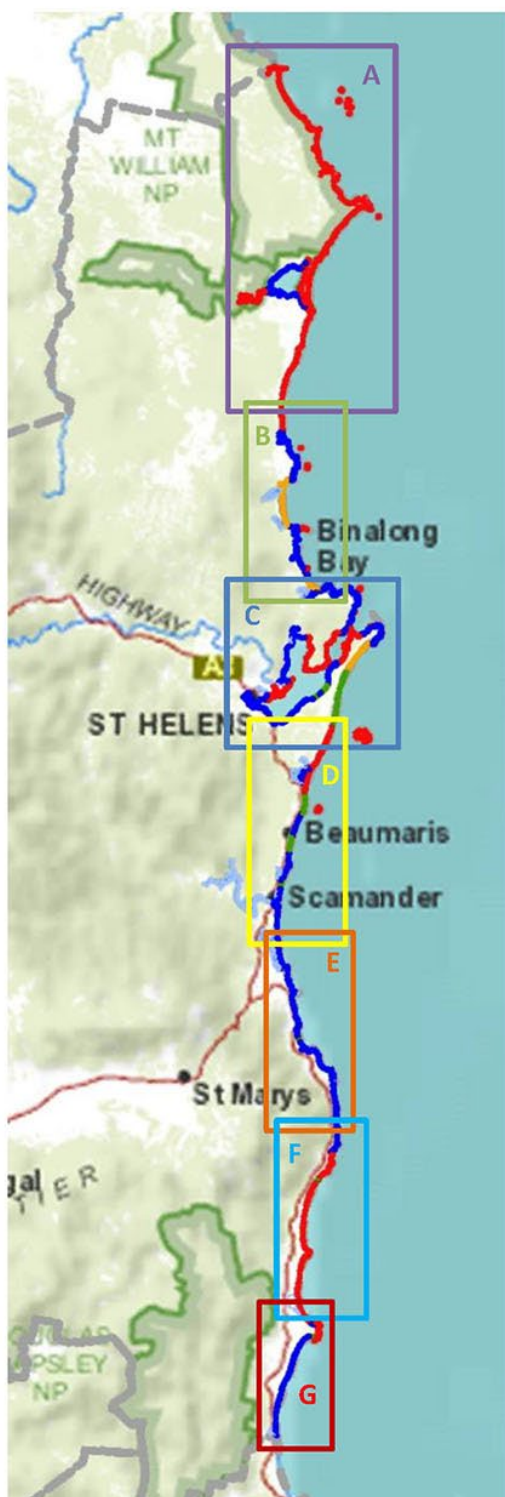
In National Parks and other Reserves further legislated conditions and controls apply.



Base image by TASMAP ([www.tasmap.tas.gov.au](http://www.tasmap.tas.gov.au))

Base data from theLIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)),

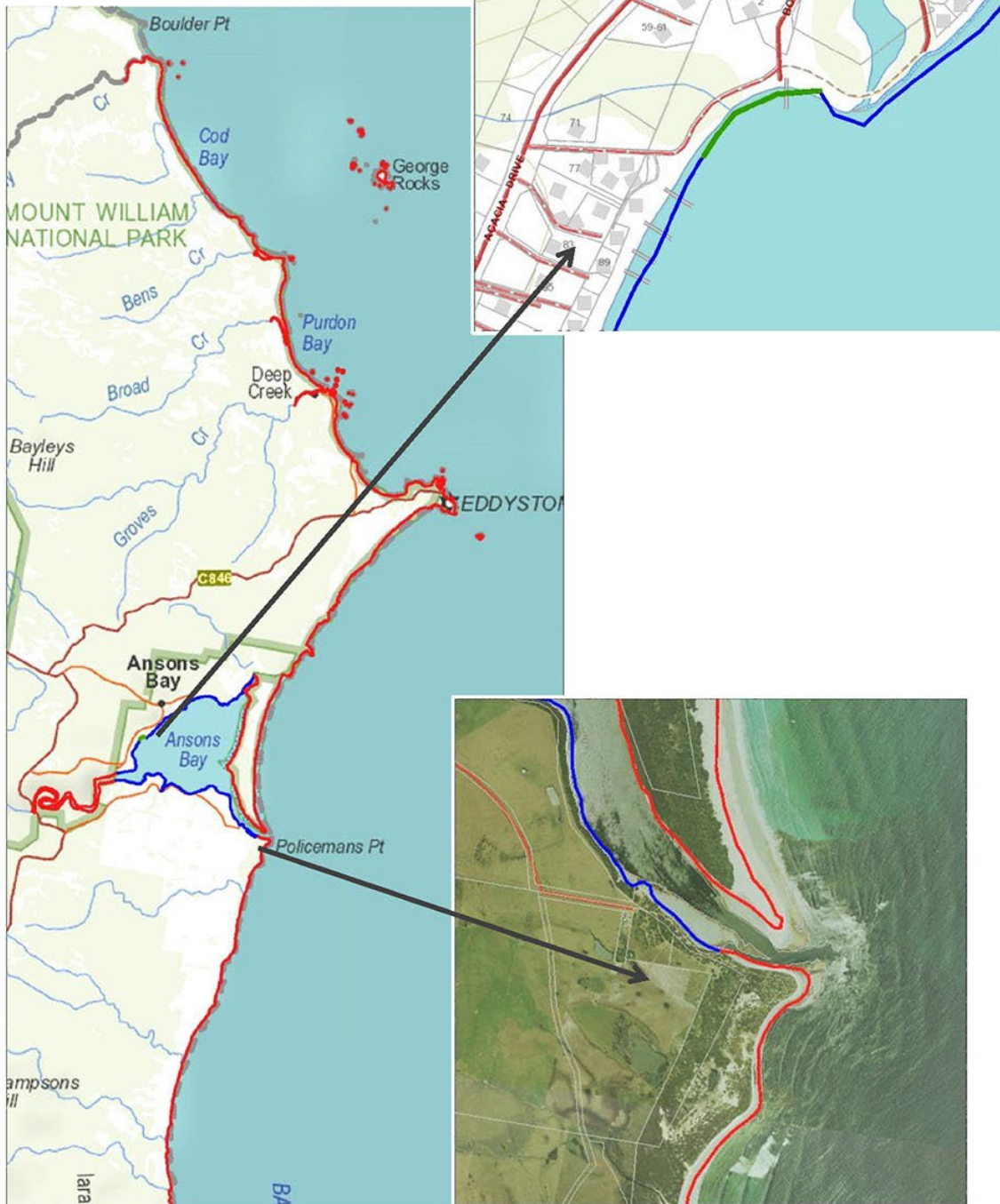
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#EP05 -Dog Management Policy

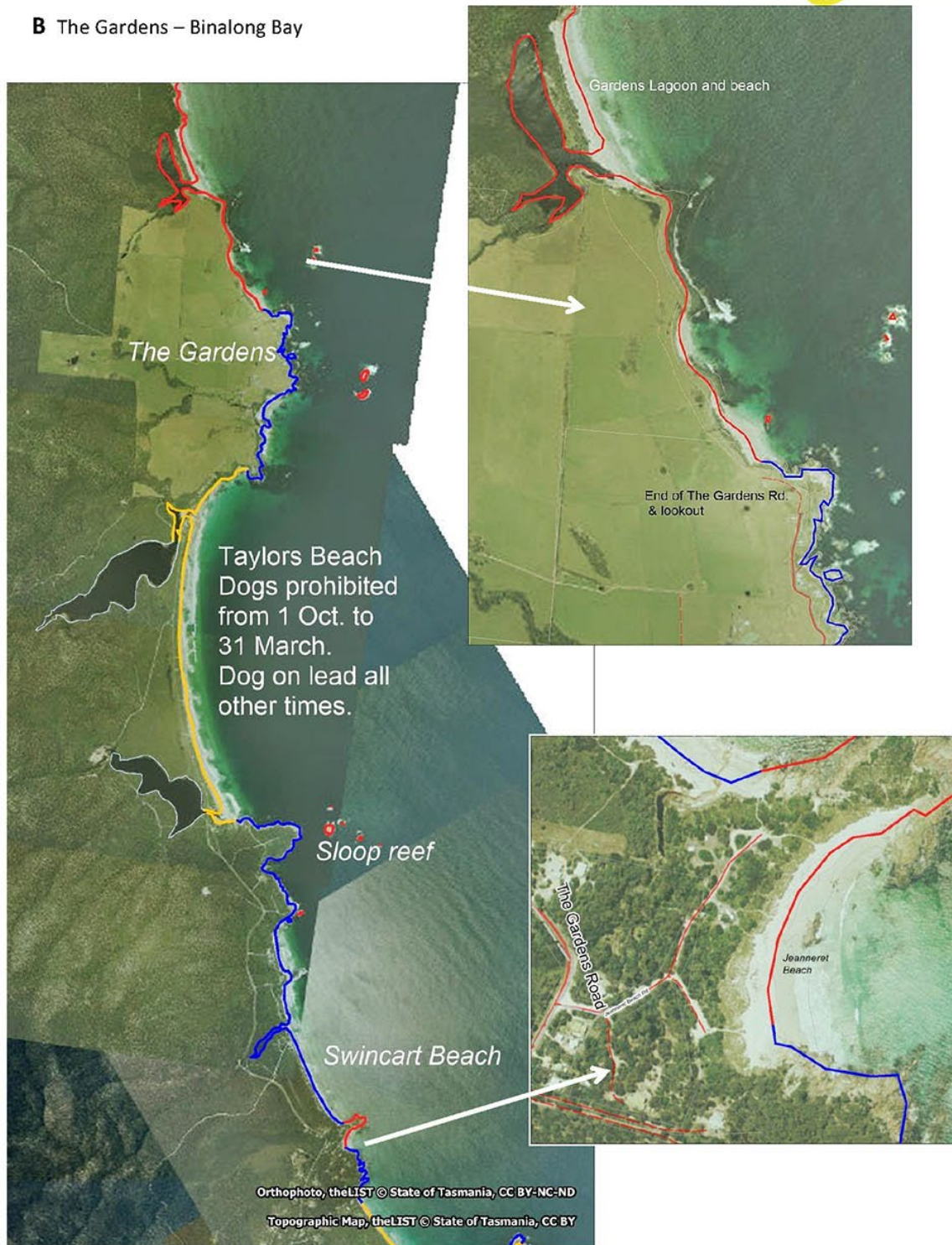
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**A** wukalina/Mt William  
Ansons Bay/Irapuna  
Bay of Fires



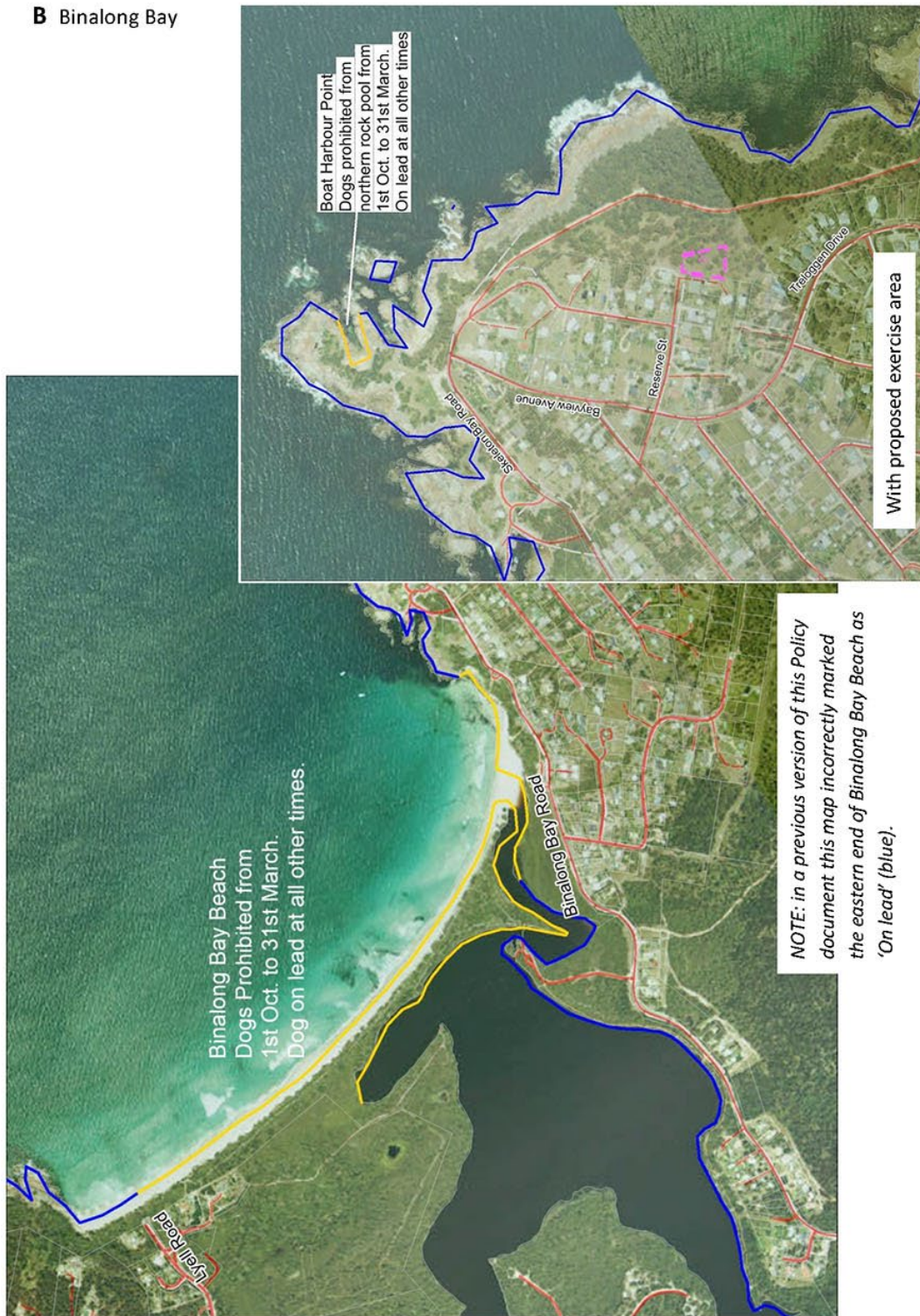


**B The Gardens – Binalong Bay**

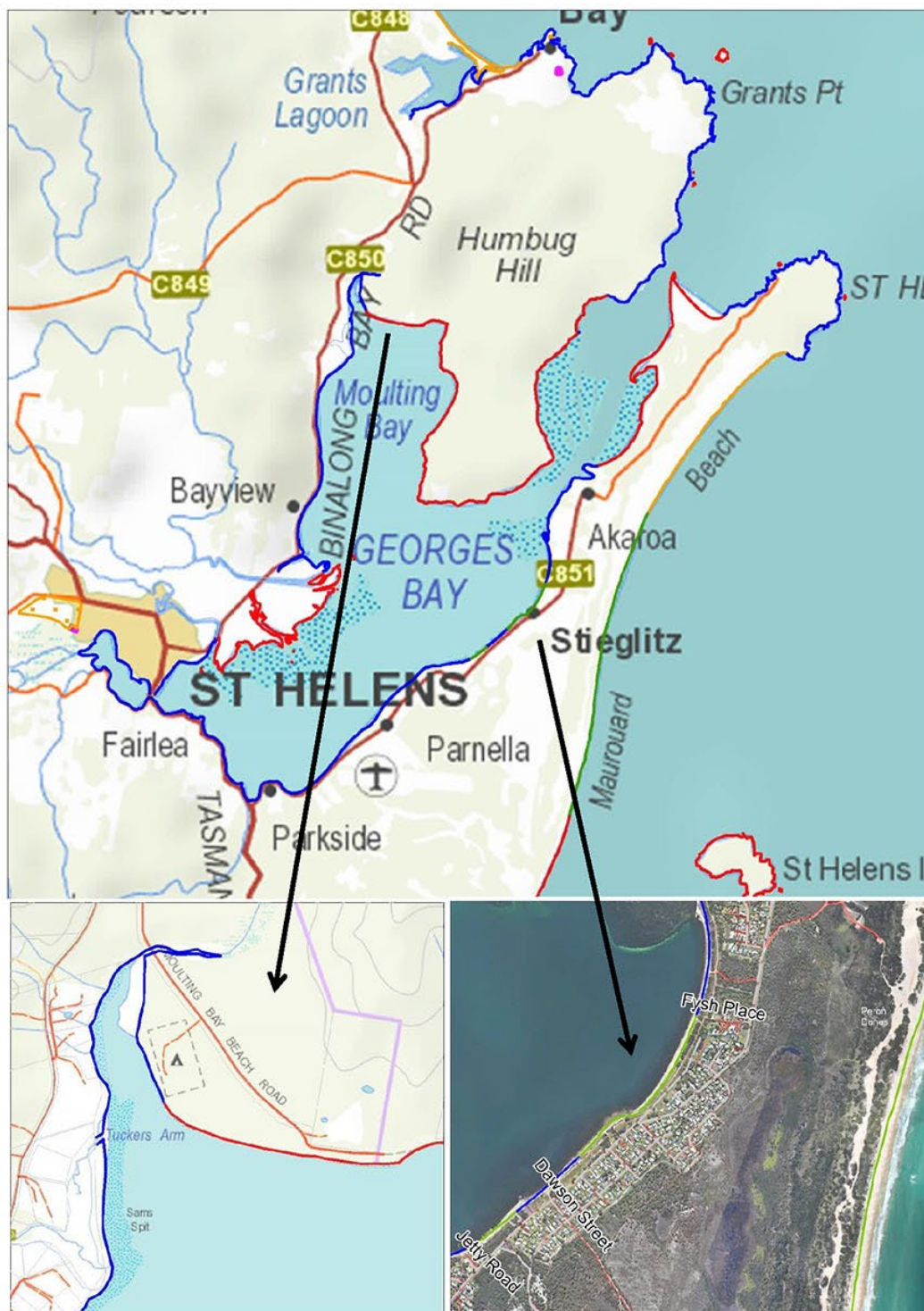




**B Binalong Bay**



C Georges Bay & St Helens Point

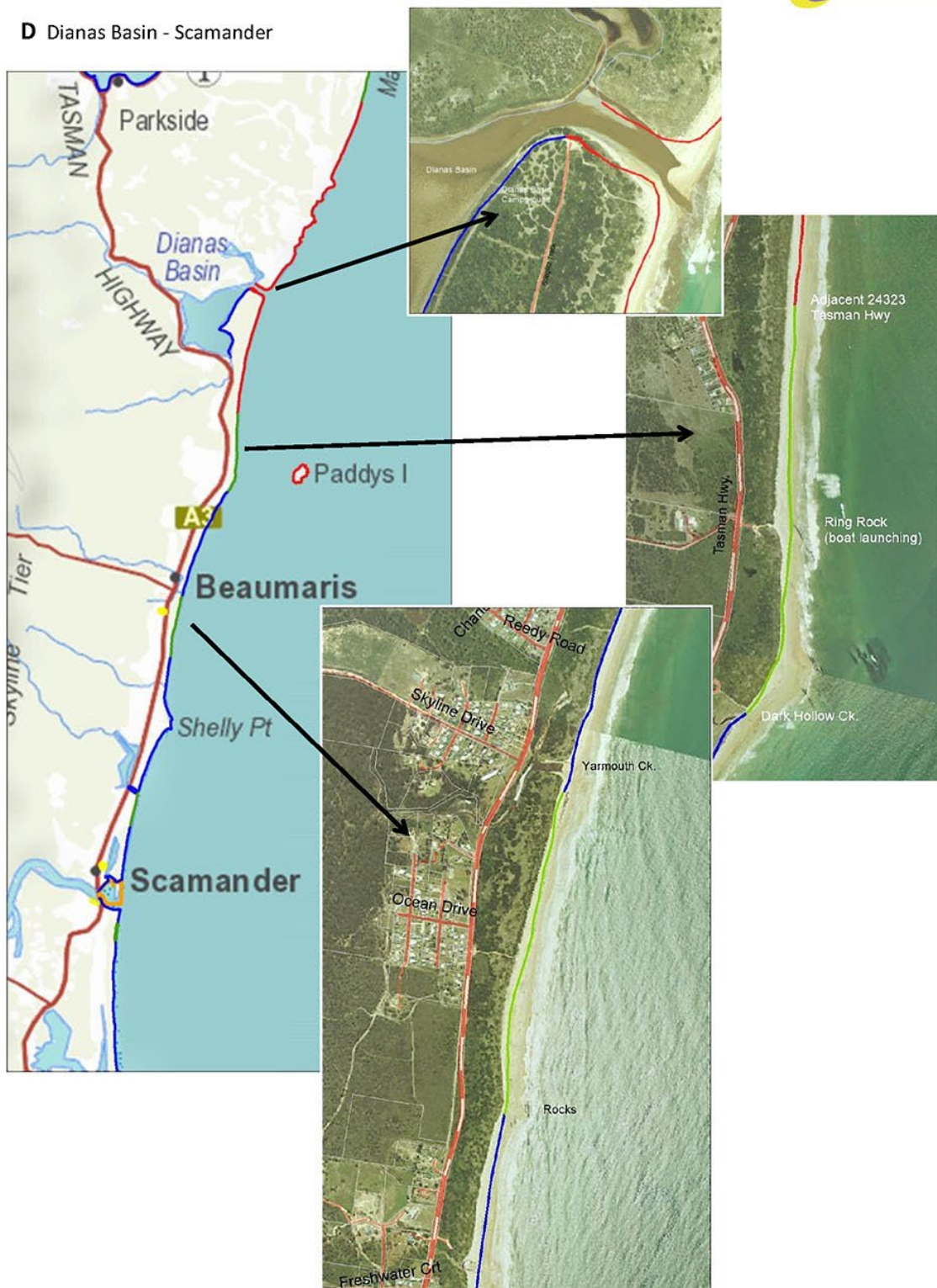




**C St Helens**

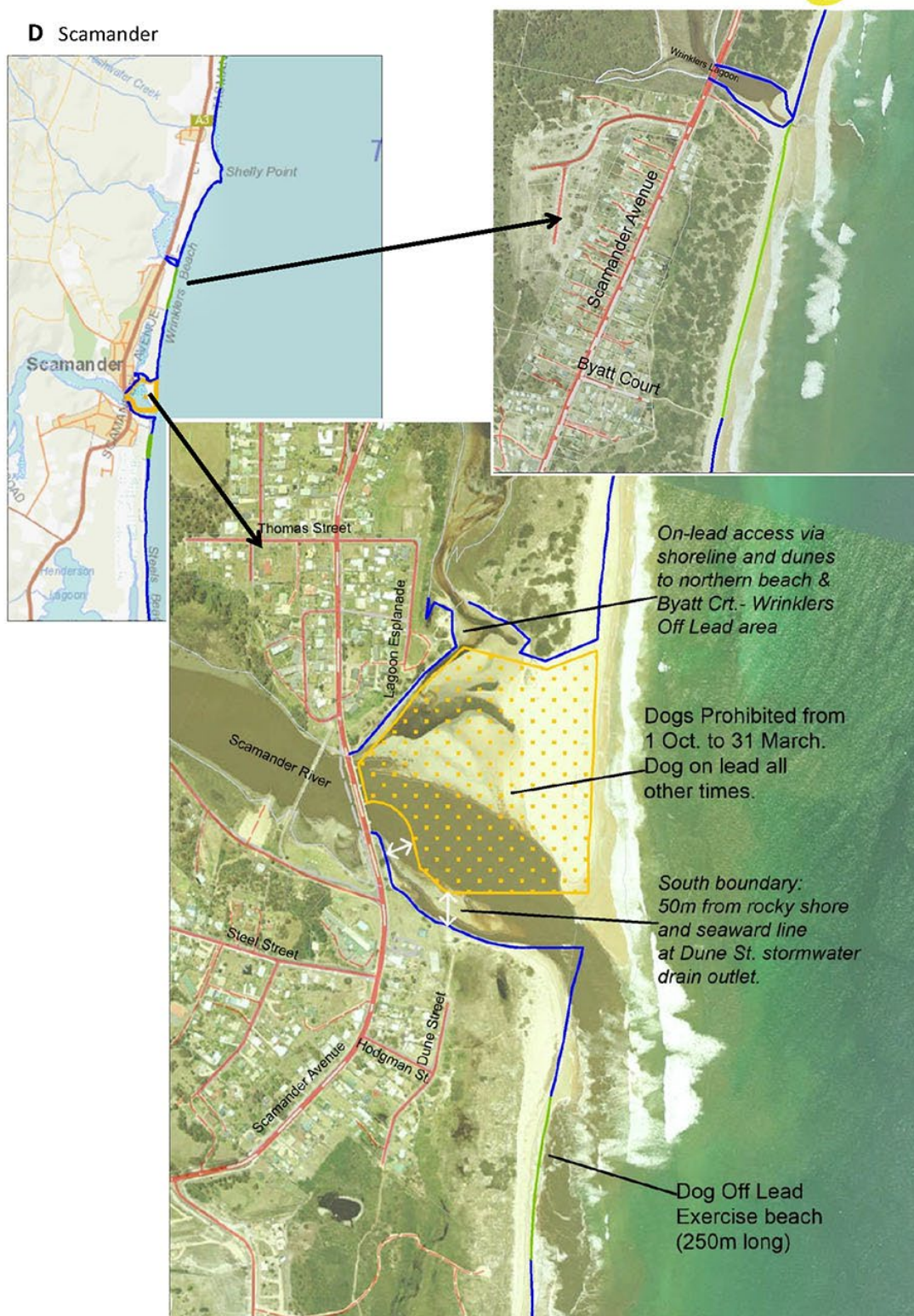


**D** Dianas Basin - Scamander

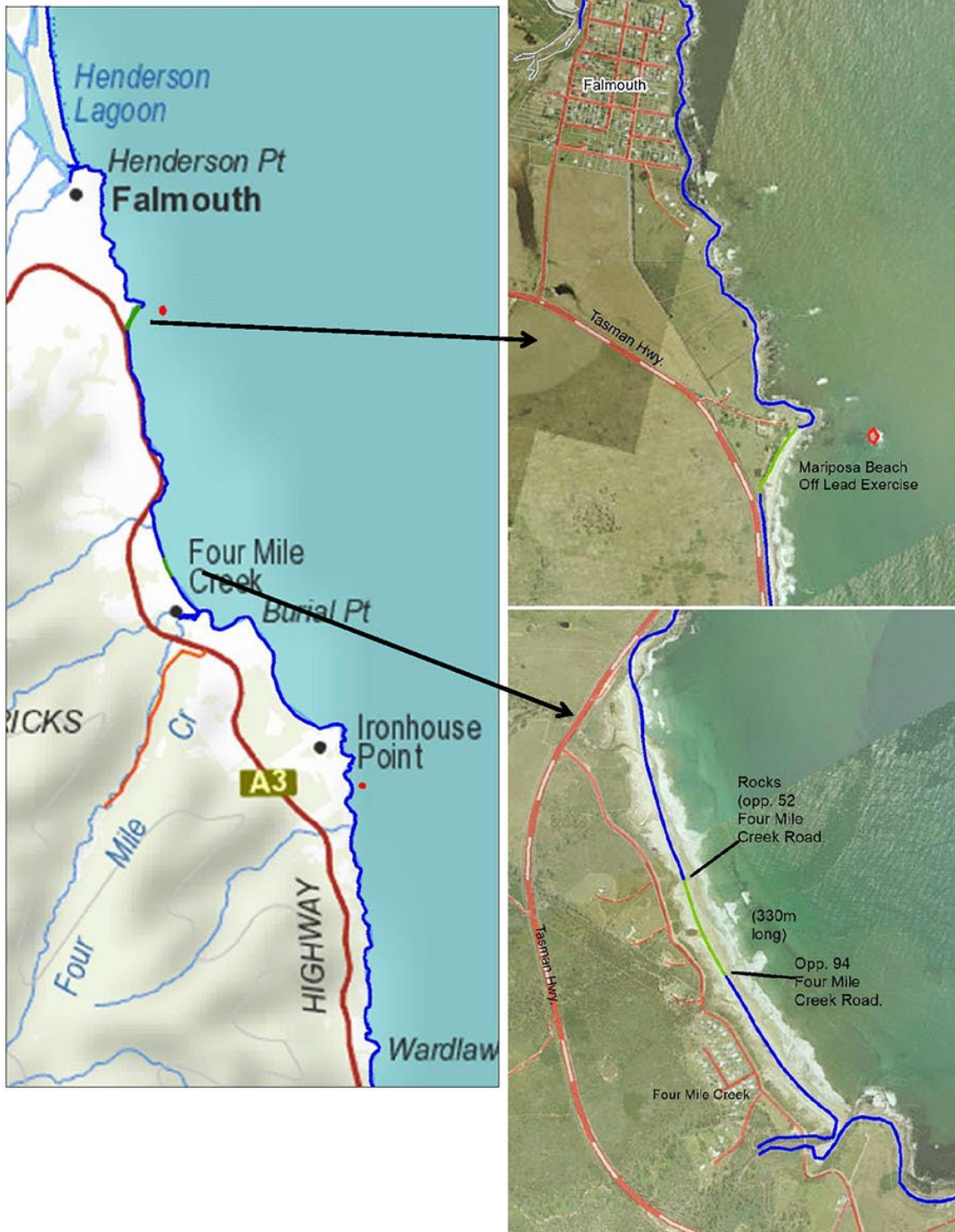




**D Scamander**

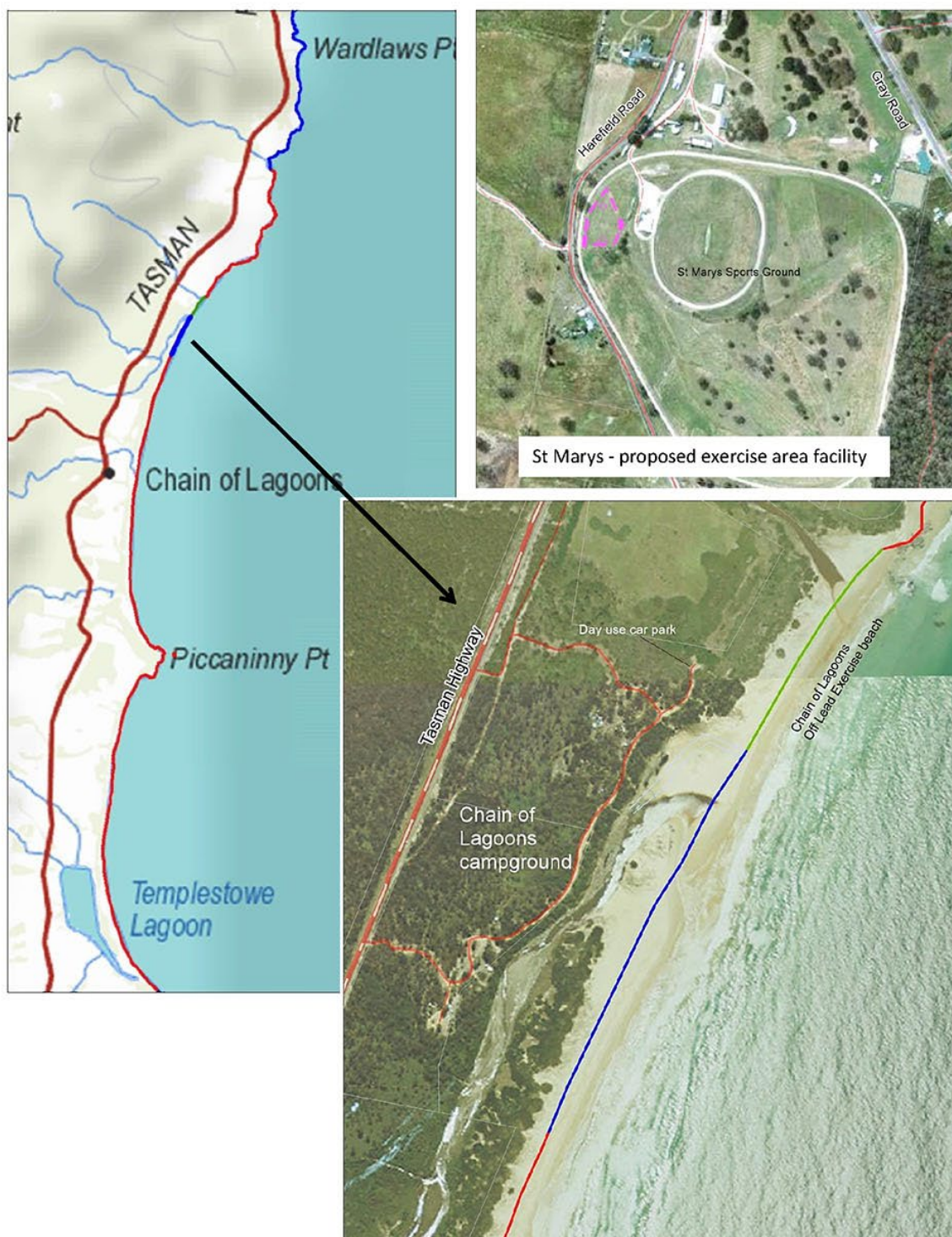


**E** Scamander/Falmouth/Wardlaws Point

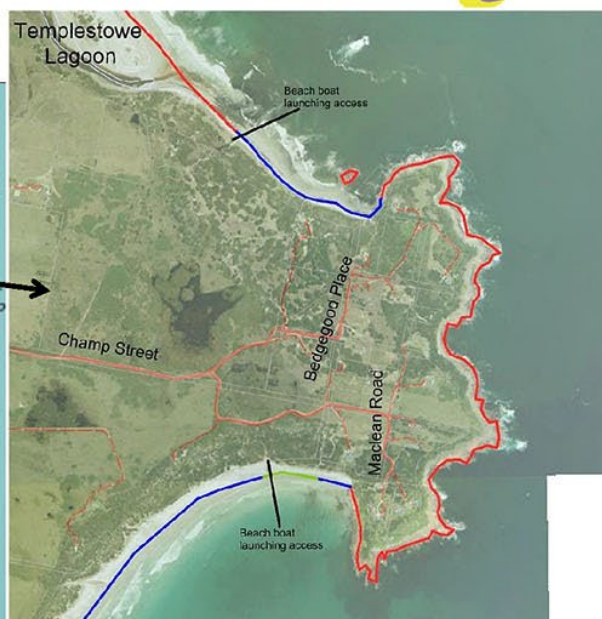




**F** Chain of Lagoons to Templestowe Beach - and St Marys



**G** Seymour - Denison Rivulet





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

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

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

**PREVIOUS COUNCIL CONSIDERATION:**

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

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

24.08.2023	<b>St Marys</b>	– St Marys Sports Centre, meeting with President and Council Liaison for their committee to discuss the five Year capital Improvement plan which they have and our joint arrangements for maintenance of the building and areas adjacent to the golf course.
25.08.2023	<b>St Helens</b>	– East Coast Tourism Tasmania, quarterly meeting with CEO Grace Keath
28.08.2023	<b>Launceston</b>	– Northern Tasmania Alliance for Resilient Councils. Official launch of this important Climate Change initiative involving the 8 Councils in the northern region.
28.08.2023	<b>MS Teams</b>	– Future of Local Government Review with Glamorgan Spring Bay Council hearing.
29.08.2023	<b>St Helens</b>	– Scamander Sports Complex, meeting with President Sally Faulkner and Sheridan van Asch to discuss the draft Master Plan they are preparing and Grant Funding Opportunities. Further information will be coming to Council as this progresses.
30.08.2023	<b>St Marys</b>	– St Marys GP and Community Health Centre, Community meeting hosted by the Minister for Health, Guy Barnett.

31.08.2023	<b>St Helens</b>	– Minister Roger Jaensch and Speaker Mark Shelton MP, a very positive meeting that discussed a range of matters relating to the Minister’s portfolio as well as the local area.
04.09.2023	<b>St Helens</b>	– Council Workshop.
07.09.2023	<b>Devonport</b>	– Local Government Professionals 2023 Annual Conference.
08.09.2023	<b>Westbury</b>	– Northern Council GMs meeting and Northern Tasmania Waste Management Group Committee meeting.

#### **Meetings & Events Not Yet Attended:**

15.09.2023	<b>Devonport</b>	– Regional Jobs Hub Community of Policy and Practice
18.09.2023	<b>St Helens</b>	– Council Meeting

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included Jason Unwin, Andrew MacGregor, Pearce Robinson (Big 4 Holiday Park).

#### **Brief Updates:**

##### **East Coast Tasmania Tourism (ECTT)**

The General Manager and Executive Officer met with the CEO Grace Keath for a scheduled quarterly meeting, which discussed a range of matters, key points to note, are:

- Some changes at the Board level with potentially two Directors finishing at the Annual General Meeting (AGM); the Chairperson role is being advertised due to the Rules of Association.
- Event scheduling and development is a focus with actions going to be taken to strengthen and highlight existing events happening in Break O’Day.
- The ECTT Board will be meeting in the Break O’Day area later this year and it would be a good opportunity for Council to provide a presentation on what we are pursuing in relation to the St Marys Pass.
- The Tourism Industry Council of Tasmania are becoming a lot more proactive on tourism matters outside Hobart under the new CEO Amy Hills.
- Worker accommodation continues to be a significant issue along the coast and there is interest from private sector developers in relation to this opportunity.

##### **St Marys GP and Community Health Centre**

The recent announcement by Dr Cyril Latt that he was resigning from his role with the Tasmanian Health Service and ceasing his general practice at St Marys later this year has removed part of the uncertainty about medical services in the Fingal Valley. In the interim, the Tasmanian Health Services have entered into an agreement with Ochre Medical to cover the After Hours and Inpatient Care for the Health Centre until things gradually fall into place, which temporarily resolves part of the problem. The private practice of Dr Latt is his own business to deal with and that is something that he will be working on over the next few months, potentially selling his practice to another GP.

The whole situation at the St Marys Community Health Centre and the Emergency/After Hours and Inpatient Care service delivery is quite complicated and from my close involvement in recent months, it was clear that it was not sustainable with the current service delivery arrangements for either Dr Latt or the Tasmanian Health Service.

Dr Latt will be sorely missed by his many patients, staff at the Community Health Centre and the community in general. For over 16 years, Cyril has worked tirelessly looking after us putting his patients' first and working unbelievably long hours and for weeks at a time without a break. The opportunity to have a break and spend time with his family is something that should have always been available to him but his dedication as the local GP came first in many instances.

### **Minister Roger Jaensch & Speaker Mark Shelton Meeting**

Mayor Tucker and the General Manager recently met with the Minister and Speaker of the House to discuss a range of matters relating to the Minister's portfolio and local matters of interest.

Key matters discussed included:

- Northern Tasmanian Alliance for Resilient Councils (NTARC) and Climate Change – the need for the State Government to work closely with Local Government on a co-design process with a joint working group.
- St Helens School Future Major Upgrade or Relocation – highlighted Council's State Budget submission in which we noted that periodically schools go through a major upgrade and rather than just doing an upgrade of the current school, they look at options to go to a greenfield site.
- St Marys Early Learning Centre – noted the condition of the existing Childcare Centre at St Marys and talked about the wide-ranging support within the community for a new facility co-located with the St Marys District High School. Also noted the lack of available childcare is a significant barrier to employment
- Burns Bay Carpark – expressed frustrations at the fact this project has been worked on for many years with many delays but noted that we seem to have a pathway forward. The progress is slow though but seems to be moving now. The Aboriginal Heritage sensitivities of the area were discussed, as was the need for the State Government to provide additional funding for the project to complete construction.
- Bay of Fires Master Plan – advised we were extremely disappointed that State Government refused to top up the funding and that this was about being proactive to avoid a Freycinet situation. Council's support for the project was discussed and we argued that the State Government has responsibility to effectively manage this area into the future but it needs to be planned. The T30 Visitor Strategy has a number of key recommendations about the effective management of Parks & Reserve lands and this decision is in complete conflict with this situation.
- Strategic Regional Partnership – noted the recent announcement and the lack of detail which had been forthcoming.
- Housing – the importance of addressing all housing needs along the coast including developing a Housing Needs Analysis for the East Coast. Also discussed community housing projects such as the proposal at Fingal and the attitudes which are being displayed by the community against community housing.
- Regional Jobs Hub – the importance of this Network to regional Tasmania and the role it plays in unlocking the labour market and addressing barriers to employment. The provision of ongoing funding was discussed and the links into youth, education and training on a number of levels was highlighted.

This was a very positive and lengthy meeting, which can be seen from the points covered above. The first five dot points related directly to the Minister's portfolio responsibilities.

### Regional Strategic Partnership

A few days prior to the last Council Meeting, the Premier announced via a Media Release that a Strategic Regional Partnership would be developed with Councils along the East Coast. The intent of the Partnership according to the media release is to "focus on practical solutions that address regional needs and growth, and bring together key decision makers from all levels of government, business, community and industry in the region". Information in relation to how this process will progress has not been received from the State Government, which means the General Manager is unable to enlighten Council any further on this matter at this stage.

### Communications Report

TOPIC	ACTIVITY	PROGRESS
<b>GENERAL COMMS</b>	BODC Newsletter	Sent out 2 weeks ago. Included stories on: <ul style="list-style-type: none"> <li>• WITLOC Recap featuring student article</li> <li>• Irapuna weekend success</li> <li>• Shorebird nesting season</li> </ul>
	FAQ New ByLaw	Developed FAQ for the new Bylaw which will be uploaded to the website once Bylaw is advertised
<b>Social Media</b>	Tasmanian Fire Service	Notifications on fuel reduction burnings in the area.
	St Helens Neighbourhood House	Undergoing changes with Councillor Gary Barnes appointed Acting General Manager for the time being.
	Local Government Association of Tasmania	Grant funding for Children and Young People to increase recreational and social options.
	A Week in the Life of Council (WITLOC)	Student posters uploaded for community to read about what they learnt from their time at Council.
	Community forum at St Marys	Discussion around health care needs and the Community Health Centre.
	Break O'Day Seniors Week	Free bus trip and lunch available for seniors in the area.
	Grant Writing Workshop	How to apply for grants and other funding.
	Binalong Bay Toilets and BBQ closed	TasNetworks power outage.
	Parks and Wildlife	Information on Shorebird nesting season.
	Drought Ready Tasmania	Sessions to discuss Tasmania's regional drought risk and resilience study.
	Upcoming Courses	Upcoming hospitality courses to apply for.
	NBN Fixed Wireless Upgrades	Upgrades in the area has started to improve NBN network in Break O'Day.

<b>EMAIL DATABASES</b>	Continuing to develop	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.
	Fuel Reduction Burns, Scamander and ST Helens	<ul style="list-style-type: none"> <li>• Notifications of TFS and PWS Fuel reduction burns sent out to relevant Township databases.</li> </ul>

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

<b>NAME/DETAILS</b>	<b>DESCRIPTION OF USE OF DELEGATION</b>	<b>DESCRIPTION</b>	<b>DELEGATION NO / ACT</b>
24 Medeas Cove Esplanade, St Helens 203-2022	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
158-164 Scamander Avenue, Scamander 075-2021	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager

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

<b>DATE</b>	<b>DOCUMENT</b>	<b>ADDRESS</b>	<b>PID OR DA</b>
01.08.2023	337 Certificate	7380 Esk Main Road, St Marys	1975248
01.08.2023	337 Certificate	141 Riverview Road (CT185302/15), Scamander	3374024
02.08.2023	337 Certificate	1 Felmingham Street, Binalong Bay	6796556
02.08.2023	337 Certificate	1 Rock Street, Akaroa	2057553
02.08.2023	337 Certificate	Annabel Drive (CT185214/32, CT185214/33), St Helens	9806680
03.08.2023	337 Certificate	1/71 Tully Street, St Helens	2131151
03.08.2023	337 Certificate	6 Mill Court (CT185331/4), St Helens	9693295
03.08.2023	337 Certificate	9 William Street, Cornwall	6400363
03.08.2023	337 Certificate	11 Cooper Street, Seymour	6406597
07.08.2023	337 Certificate	Annabel Drive (CT185214/30), St Helens	9806680
09.08.2023	337 Certificate	Annabel Drive (CT185214/34), St Helens	9806680
09.08.2023	337 Certificate	Annabel Drive (CT185214/25), St Helens	9806680
09.08.2023	337 Certificate	Annabel Drive (CT185214/36), St Helens	9806680
09.08.2023	337 Certificate	Tasman Highway (CT185524/5), Scamander	9340250
09.08.2023	337 Certificate	Tasman Highway (CT185524/9), Scamander	9340250
10.08.2023	337 Certificate	8 Georges Bay Esplanade, St Helens	6794171
10.08.2023	337 Certificate	Tasman Highway (CT185524/10), Scamander	9340250
16.08.2023	337 Certificate	141 Riverview Road (CT185302/17), Scamander	3374024
16.08.2023	337 Certificate	1 Manley Street, Fingal	6411599
21.08.2023	337 Certificate	Lottah Road (CT231536/1), Goulds Country	3383238
25.08.2023	337 Certificate	Annabel Drive (CT185214/26, CT185214/27), St Helens	9806680
28.08.2023	337 Certificate	141 Riverview Road (CT185302/18), Scamander	3374024



29.08.2023	337 Certificate	91 St Helens Point Road, Stieglitz	6790074
30.08.2023	337 Certificate	139 Acacia Drive, Ansons Bay	7701766

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

Nil

#### **LEGISLATION / STRATEGIC PLAN & POLICIES:**

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

##### Goal

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

##### Strategy

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

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

N/A

#### **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	Anna Williams, Economic Development Officer
<b>FILE REFERENCE</b>	011\029\002\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Break O'Day Tourism Development Strategy 2012-2017

**OFFICER'S RECOMMENDATION:**

That Council remove the Break O'Day Tourism Development Strategy as a strategic document of Council (including removal from website) noting that the future Economic Development Strategy shall consider the Tourism Industry as part of its purview.

**INTRODUCTION:**

The Break O'Day Tourism Development Strategy 2012-2017 was created as a part of the Municipal Plan and before the establishment of the Regional Tourism Organisation (East Coast Tourism Tasmania). Due to its age, several new strategies have rendered the Tourism Strategy outdated. However, it is recommended that given the tourism industry will be reviewed by the upcoming Economic Development Strategy, no further updates or renewal of the Break O'Day Tourism Strategy be made.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The Strategy was developed at a time when the influence of the tourism industry was not as great as it is today. The role of the Council within the Tourism Strategy was to develop tourism via three main goals:

1. Destination Management
2. Destination Development
3. Destination Marketing

There have been numerous strategic documents and organisations created since its inception that would bring about significant changes to the current Tourism Strategy. This list is not exhaustive but includes:

- Break O'Day Recreational Trails Strategy
- THRIVE 2030 (Federal Visitor Economy Strategy) (released late 2022)
- 2030 Visitor Economy Tasmania (released August 2023)
- East Coast Sustainable Tourism Plan
- East Coast Destination Management Plan 2022-2025
- Regional Tourism Organisation (East Coast Tasmania Tourism)

- Tasmanian Planning Scheme and Break O’Day Local Provisions Schedule Transition

In addition, the Tourism Development Strategy needs to update its key pillar actions, including marketing the region. These actions are not the Council's responsibility. However, certain actions, such as providing adequate resources and support to the Visitor Information Centre, are still crucial.

An update on the goals and strategies is detailed below.

Goal	Strategies	Update
Destination Management	Form stronger and more effective industry and stakeholder partnerships	The Council has an excellent working relationship with ECTT and the Destination Action Plan Group.
	Maintain all year-round visitor access to the municipality	Council continues to advocate for the improvement of the St Mary’s Pass which was identified as a no. 1 concern with all stakeholders.
	Undertake an emergency communication plan	Councils have a municipal emergency management plan as part of a state-wide program. Tasmania is now transitioning to a state-wide centralised ‘Tas Alert’ system. The Council then disseminates this information and updates it on our social media platforms.
	Introduce tourism awareness and education program	Nothing on file to demonstrate this was delivered. This is a strategy that is no longer considered a responsibility of solely Council to deliver due to ECTT creation.
	Provide industry communication and support	The development of the ECTT provides an ‘Industry Support Officer’ alongside networking events. No longer a responsibility of the Council. However, the Council’s support of ECTT is required to deliver this function.
	Strengthen quality visitor experiences	Visitor stay has extended in BOD since the strategy’s inception. Tourism spending has also increased.
Destination Development	Ensure a well-resourced and effectively managed Visitor Information Centre (VIC) positioned in an optimal location	Achieved, though the location has been subject to review and discussion in the past.
	Investigate opportunities for seasonal events	An activity of this strategy was to create an ‘events strategy’ which has not been achieved. The council actively supports events, such as George Festival, within the Community Department.  It has been a common talking point with businesses that not more events are created. Bicheno Beams is

		an excellent example of a community-run event that has a significant economic impact. It is expected that the economic development strategy shall highlight this as an opportunity. The Councils needs to consider their role in 'initiating' or 'supporting' events.
	Create an Infrastructure Development Plan and Investment Prospectus	<p>Investment prospectus has been delivered and is continually updated.</p> <p>The Infrastructure Plan has not been delivered. However, the Economic Development Strategy shall look at key assets (and regeneration) that benefit all. This may result in a similar outcome.</p>
	Enhance visitor experiences	All stated activities were achieved. This includes, the delivery of the Georges May multi-user track, improvement of the jetty's along Georges Bay, and capitalise on nature-based assets (MTB) (although further work in 'trails/walks/waterfall tracks' could be explored.
	Establish authentic 'green' credentials	Greater understanding and actions by the Break O'Day Council are required in this space. Exploring how to communicate the 'green' initiatives of Break O'Day Council to the community and visitors, and encouraging them to adopt sustainable practices, is still a work in progress. This will be addressed as part of the Economic Development Strategy. This shall be particularly relevant for our region given Tourism Tasmania's research, which found people see Tasmania next to only New Zealand as the world's most sustainable destination and that 76% of travellers wish to travel more sustainably in the future.
	Improve traffic management in St Helens	The Council has endeavoured to improve pedestrian movement along the main street of St Helens. However, traffic management during peak periods has been a concern long term.
	Undertake a caravan and RV impact study	<p>An impact study has not been conducted, however, the Council has endeavoured to address this issue via the Bay of Fires Master Plan. Further, the 2030 Visitor Economy Tasmania strategy (released August 2023) has announced the intention of Tourism Tasmania to <i>'develop an approach to carrying capacity, considering cumulative impacts, limits and thresholds and investigate options to manage impacts and growth'</i></p> <p>This is particularly relevant given the new Spirit of Tasmania's increased size.</p>

	Maintain awareness of potential National Park development	No recent discussions with PWS and the State have been made on the potential development of the BODC and BOF National Parks.
Destination Marketing	Build a comprehensive and integrated approach to marketing of the region	As stated in the Strategy, the marketing of the region was envisaged to be handed over to ECTT upon its inception. This is no longer a responsibility of the Council. A facilitator and support role is more appropriate.
	Enrich local tourism data	The Council receives visitation numbers and feedback from the VIC. The Tasmanian Visitor Survey data also allows Council to see how many people visited key areas in the municipality, including St Columba Falls and Binalong Bay.
	Establish East Coast brand	Not delivered, however, this action is part of the proposed ECTT 'Positive Impact Tourism Plan'. This is an important activity that must be developed by the community.

Updating the strategy would require significant Council investment and it is recommended that Council do not engage in renewing a Tourism Strategy. This is due to a variety of factors including:

- The future Economic Development Strategy shall consider the tourism industry as part of its purview.
- The significant financial contribution the Council has made to the tourism industry, including Visitor Information Centre and East Coast Tasmania Tourism funding.
- The East Coast Tasmania Tourism Organisation is in the process of sourcing funding to conduct a 'Positive Impact Tourism Plan'. This Plan shall be delivered based on extensive community consultation and collaboration with the Council. It should also support and reflect the future Economic Development Strategy.

The East Coast Tasmania Tourism 'Positive Impact Tourism Plan' shall create a framework for responsible future tourism growth. It will embrace community engagement and adopt the values and principles of 'regenerative tourism' (or a similar notion). The plan aims to achieve a resilient tourism industry that the local community, tourism industry, and primary stakeholders can embrace, collaborate and co-design.

Therefore, it is recommended that no further action be taken to renew the existing Tourism Development Strategy.

## **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.

*Key Focus Area:*

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

**LEGISLATION & POLICIES:**

N/A

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority





# **Break O'Day Tourism Development Strategy 2012–2017**





## Acknowledgements

We would like to acknowledge all those who participated in the development of Break O'Day Tourism Development Strategy through the consultation process; representatives from State and Local Government, stakeholder organisations, individual tourism operators in the BODC region and members of the community.

Specifically we would like to acknowledge the input from the Break O'Day Council and the Tourism Advisory Committee.

Break O'Day Council – Des Jennings and Chris Hughes

The Tourism Advisory Committee:

Mr Reon Johns

Mayor Sarah Schmerl

Peter Troode

Rocky Carosi

Lyndall Healy

Mary Knowles

Chris Dewar

Colin Lester

Lisieux Afeaki

(together with Des Jennings and Chris Hughes).

Images used within this document are supplied courtesy of the Break O'Day Council, Peter Troode, Roz MacAllan and Adam Saddler.

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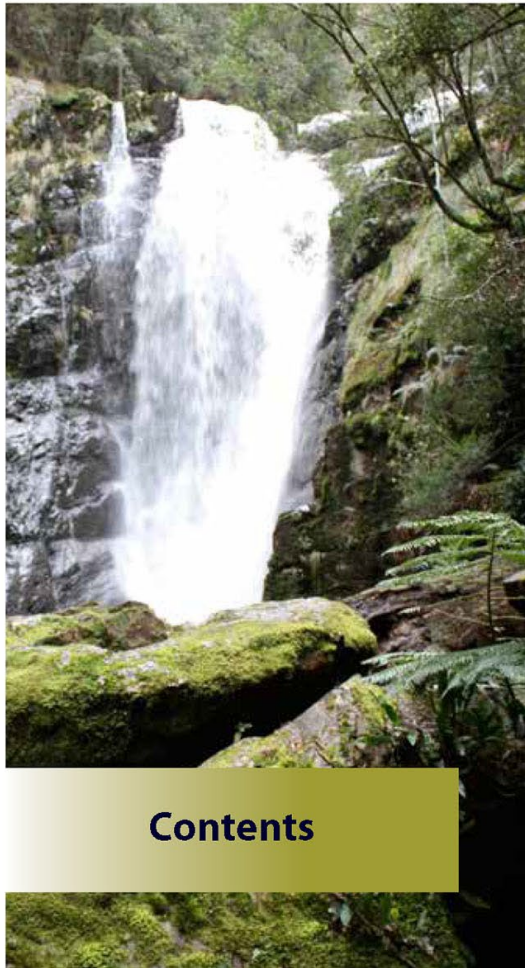
Thank you for your interest and your valuable contributions to this project.

**Adam Saddler**  
CONSULTING

**Sarah Lebski**  
**Associates**  
Tourism Consultancy

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## Introduction

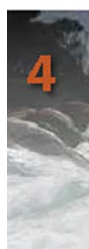
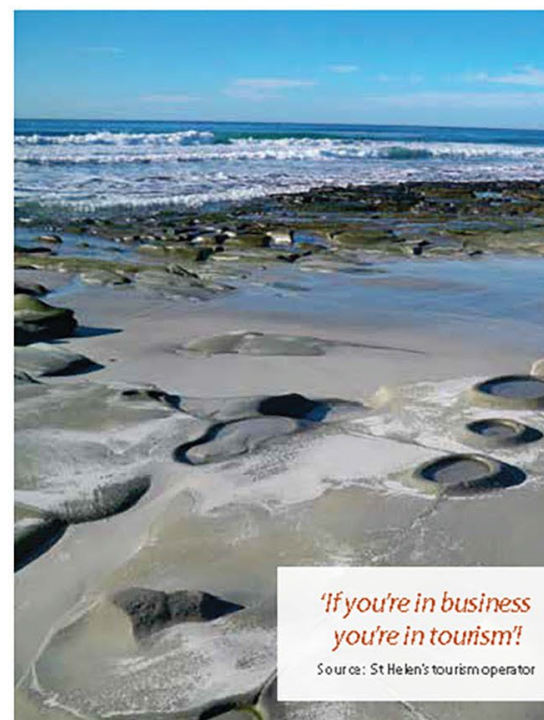
Break O'Day is one of the most diverse municipalities in Tasmania, best encapsulated in the Council's tagline, 'from the mountains to the sea'. It has natural wilderness, long stretches of pristine coastline, a relaxed lifestyle, first-class fishing and a mild climate. With an area of 3,809 square kilometres, Break O'Day is one of the largest local government areas in Tasmania and has a population of approximately 6,000. Break O'Day includes the township of St Helens (population 1,800) which is the administrative centre of the municipality and Tasmania's largest fishing port. The principal industries in the municipality are tourism, mining, forestry, agriculture, fishing and aquaculture.

The municipality's major entry point is through the Greater Esk region – the 'Valleys of Adventure'. The region is surrounded by the Ben Lomond and Douglas Apsley National Parks, magnificent waterfalls, forest walks, prolific wildlife and scenic farmland intersected by beautiful, gin-clear rivers and streams. In contrast, townships like Mathinna and Fingal at the region's northern end, are known for their mining history – and their spectacular views of Stacks Bluff and the Ben Lomond mountain range.

As the Esk Highway winds its way through St Marys Pass, a breathtaking, coastal vista suddenly appears and a pastoral landscape blends into the blue waters and white sand for which the East Coast is well known. The small, seaside settlements of Scamander and Beaumaris lead the way to St Helens – Tasmania's game fishing capital and gateway to the magnificent and internationally-acclaimed, Bay of Fires.

The marked differences in the history and topography of this area may be viewed as both an opportunity and a challenge from a tourism perspective. Clearly, local government boundaries were established for other reasons, but they often result in a seemingly disparate collection of visitor experiences without a strong and consistent brand.

The following Tourism Development Strategy will provide the framework through which the municipality's tourism industry can effectively address its current issues and provide a blueprint for the future.



## Tourism Strategy Context

Tourism is considered critical to the future of the region and with the population more than doubling during the summer holiday season, it requires strategic consideration. However, tourism at a local level must be viewed within a broader context and based on an understanding of the significant issues affecting the industry in Tasmania and elsewhere. Many issues that impact on travel, relate to events that occur well beyond the host communities.

It is widely acknowledged that the tourism industry is under considerable pressure Australia-wide, with a slowing Tasmanian market reflecting the situation in other States and Territories. Regional dispersal is also declining and the effect is already being felt in local economies across Tasmania. There is a fresh urgency to address our competitive position in an environment that is highly volatile.

The Tasmanian tourism industry is in a state of flux as significant structural changes occur at a State and regional level. Given the Regional Tourism Review (Tourism Tasmania/KPMG 2010), Tourism Tasmania's recent shift to an industry-led, regional tourism model, and the impending establishment of several new Regional Tourism Organisations (RTOs), including the East Coast, it is timely that the Break O'Day Council (BODC) seeks to advance a tourism strategy in consultation with the community and stakeholders. Similarly the Launceston Strategic Tourism Plan and the Dorset Tourism Strategy are currently under development and both have the capacity to influence visitation to the Break O'Day (BOD) municipality.

Locally, a recently revitalised tourism sub-group formed under the St. Helens Chamber of Commerce and an increasingly active Greater Esk Tourism Association, suggest an engaged and participatory way forward for industry development and support.

As these changes - and their repercussions - begin to take effect, the BOD Tourism Development Strategy will ensure that the municipality is well positioned to take immediate advantage of new opportunities based on agreed, strategic priorities and an Action Plan.







## Tourism Strategy Context

continued

The Break O'Day Tourism Development Strategy was developed within a national and State policy context. Specifically the Strategy is aligned to the National Long-Term Tourism Strategy (NLTTs), including Tourism 2020, the State's Economic Development Plan and Tourism Tasmania's Strategic Plan 2010-2013.

### National Long -Term Tourism Strategy

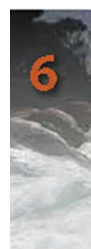
The purpose of the NLTTs is to increase the supply and quality of the Australian tourism product and make the industry more resilient and competitive. The NLTTs's first implementation phase has involved a coordinated national approach to identify the weaknesses in the industry's supply-side through nine working groups, established under the Australian Standing Committee on Tourism.

This phase has delivered:

- A policy framework better able to address barriers to industry growth
- An operating environment for industry more conducive to growth;
- Practical assistance for individual businesses.

The NLTTs specifically identifies nine strategies; the following four are directly aligned to the BODC Tourism Development Strategy:

- Excellence in product and service delivery
- Strengthening our competitiveness with industry and product development
- Responding to challenges
- Labour and skills development.







## Tourism Strategy Context

continued

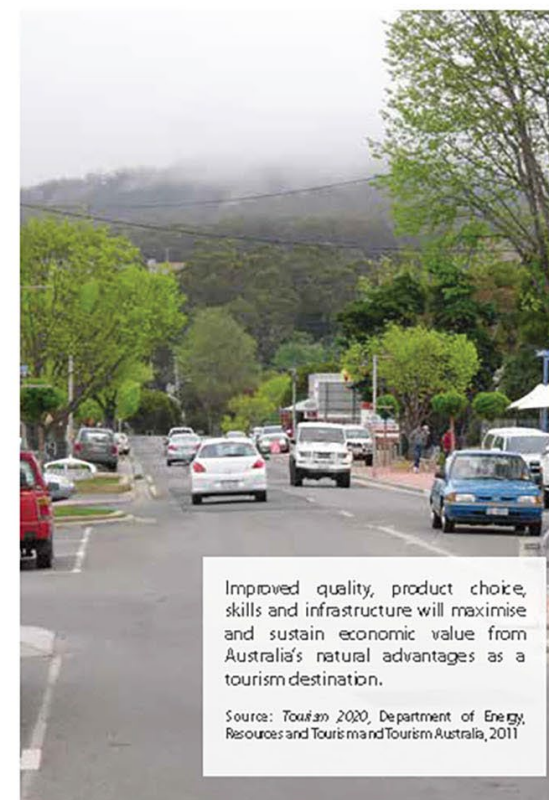
### Tourism 2020

Tourism 2020 marks a further milestone in Australian tourism policy. It represents an integration of the long term focus, research and collaboration commenced under the National Long-Term Tourism Strategy with the growth aspirations of the 2020 Tourism Industry Potential report.

The updated Tourism 2020 has six strategic areas. These new strategic areas build on the day-to-day work undertaken by industry and across government in building the tourism brand, converting demand into visitation, developing tourism product, and contributing towards a more globally competitive tourism industry. The six strategic areas are:

1. Grow demand from Asia
2. Build competitive digital capability
3. Encourage investment and implement the regulatory reform agenda
4. Ensure tourism transport environment supports growth
5. Increase supply of labour, skills and Indigenous participation
6. Build industry resilience, productivity and quality.

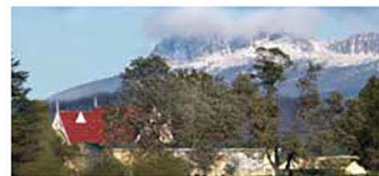
The BODC Tourism Development Strategy and the initial Action Plan strongly aligns with strategic areas 3, 5 and 6 above.



Improved quality, product choice, skills and infrastructure will maximise and sustain economic value from Australia's natural advantages as a tourism destination.

Source: Tourism 2020, Department of Energy, Resources and Tourism and Tourism Australia, 2011





## Tourism Strategy Context

continued

### Tasmanian Economic Development Plan

The Tasmanian Economic Development Plan (EDP) released in 2011, clearly identifies tourism as a key component to grow the Tasmanian economy. The EDP acknowledges the importance of tourism to the State and its significant contribution to income generation, employment and investment, particularly in regional areas.

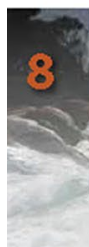
The EDP tourism objectives are in the following areas: infrastructure; skills; business enabling environment; investment attraction and facilitation; trade promotion; and business development services.

Integrated within the EDP is the Tourism Tasmania's Strategic Plan 2010-2013. Tourism Tasmania has evolved its goals, priorities and strategies to consolidate a more integrated approach to working with partners and stakeholders. The five goals identified are:

1. Maximise Tasmania's tourism potential
2. Drive demand for Tasmania
3. Foster the supply of tourism products and experiences to drive success into the future
4. Enhance industry's competitive position with market-leading research and analysis
5. Be a highly effective organisation.

The BODC Tourism Development Strategy strongly aligns with the current State strategies that relate to tourism.

These key strategies must be consulted as part of the development of future action plans, to ensure an appropriate context and framework for the decision-making process.





## Tourism Strategy Context

continued

The Strategy will also form an integral part of the proposed Municipal Management Plan (MMP) which is the centerpiece for a new Partnership Agreement between the Council and the State Government (May 2011).

The MMP may include other related and complementary elements – eg. an Urban Design Framework, an Economic Development Strategy, a (St Helens) Airstrip Feasibility Study, an Arts and Cultural Strategy, Community Infrastructure and Design Guidelines and a Coast Park Concept Plan (PWS). The MMP will be developed in late 2012.

For the Strategy to achieve success in both its development and implementation, the Council has identified three key areas that it should address:

- Partnership with industry
- Community support
- Innovation.

It is also acknowledged that the Council has a major role in this process. It will need to develop effective, resilient alliances and partnerships with the industry to create ownership of the Strategy, and support for its direction and implementation. This will be required at a local, regional and State level.

The BODC acknowledges the importance of tourism to the region in its Strategic Plan 2011–2015, particularly as an economic enabler.

### BODC Strategic Plan 2011–2015

The Strategic Plan identifies five key goal areas and the strategies for each goal provide more detail about what is to be achieved, including performance measures. The goal areas identified are as follows:

1. Community building
2. Environment and planning
3. Leadership and governance
4. Economic development
5. Asset management.







## Approach

Within the goal area of Economic Development, tourism is addressed through the following Strategy, activities and measures of success.

Ultimately, the approach has led to the key deliverable, a BOD Tourism Development Strategy that represents best practice destination management planning, is inclusive of industry and community views, incorporates relevant data and provides a practical, achievable and highly relevant plan for action.

1. Project initiation
2. Review and research
3. Consultation.

### 1. Project Initiation

A Tourism Advisory Committee, consisting of representatives from the Council, Greater Esk Tourism Association and the tourism sub-group of the St Helens Chamber of Commerce, was established to guide the development of the Strategy. This group was actively engaged at the project initiation meeting and throughout the Strategy's progression. The Advisory Committee guided the project through input into the methodology, timelines, reporting procedures, research material collation and the identification of key stakeholders.

### 2. Review and research

A review and research stage was undertaken to ensure the Tourism Development Strategy provides confidence to existing tourism industry stakeholders, potential investors, local communities and the Council, as well as being integrated with broader regional and State development and policies.

A suite of relevant documentation was reviewed and assessed; stage two also included analysis of existing data, visitation, broader issues and impacts, together with significant trends and opportunities in Tasmanian tourism applicable to the municipality. It also informed the consultation stage as well as the overall development of the Strategy.

The 'review and research' phase is summarised in an accompanying background document. (See Supporting documentation 1: Review & Research)





## Approach

continued

### 3. Consultation

The industry and community consultation for the development of the BOD Tourism Development Strategy was undertaken through the following methods:

- Regular Tourism Advisory Committee meetings
- Community meetings at St Helens and St Marys
- Face-to-face interviews with State Government agencies, regional authorities and key stakeholders, including tourism operators in the municipality
- An industry/community survey distributed to over 350 recipients
- A review of the BODC Strategic Planning Process, Community Feedback (Dec. 2010).

A full consultation report is provided an accompanying background document. (See Supporting documentation 2: Consultation)





## Current Tourism Environment

Nationally, research suggests that some key trends are impacting on the tourism industry:

- The high value of the Australian dollar is encouraging more outbound travel, which is also perceived as better value for money
- The growth of low cost carriers into and from South East Asia
- Increasing fuel costs are impacting severely on the airline industry
- A lack of consumer confidence due to economic uncertainty
- Changing travel patterns where consumers are choosing major population centres, rather than regional areas
- Australians are accumulating annual leave, rather than using it
- Tighter fiscal policies from the State and Federal Government
- Continuing pressure on discretionary expenditure driven by the retail sector.

In general terms, international visitation has weakened and the domestic market – the largest holiday segment – has slowed considerably.

One of the most important shifts in leisure travel is related to the recent increase in outbound air capacity to Asia, where Australians can now enjoy 'shorter, cheaper, closer' destinations. While some tourism operators tend to view other local businesses as their competition, in reality, it is more likely to be an affordable 5-star resort in Bali, packaged with Jetstar. The attractiveness of outbound Asian travel has been underscored by Qantas' recent announcement of a new airline to cater for this market.



All indicators suggest Australia's tourism industry is still underperforming when compared to its potential, and compared to other Australian industries. Furthermore, key measures suggest possible further falls in tourism productivity... primarily based on lower tourism revenue.

Source: State of the Industry 2011, p.32  
Dept. of Resources, Energy & Tourism & Tourism Australia

Image courtesy of Roz MacAllan



## Current Tourism Environment

continued

Tasmania has been performing better than its mainland counterparts. The State's most significant market – interstate visitors – has remained steady, although the latest data is less optimistic with regard to holiday visitors and there is no room for complacency. There is a concerted push for our competitors to increase expenditure and actively look for differentiation.

The issue of regional dispersal is of concern Australia-wide. While some areas around Tasmania are reporting a downturn, recent TVS data indicates that the average length of stay is around 9.0 nights, which suggests that our island remains a touring destination. Visitor travel patterns are not evenly spread around the State, however Northern Tasmania is performing relatively well. The State's extraordinarily high repeat visitation of 76% (interstate) augers well for outlying areas and any additional travel on the Spirit of Tasmania may prove a positive, as Spirit passengers tend to stay longer. Both Jetstar and Virgin Blue are increasing capacity into Northern Tasmania for the summer season.

Note: The increase in repeat visitation corresponds with a 11% increase in the VFR market.

The North East Trail provides another road to St Helens and surrounds. It is one of Tasmania's less popular touring routes. Visitation has been relatively static in recent years, although there has been a healthy increase in the total number of holiday nights spent on the Trail since 2008. Barnbougle and Lost Farm are major attractors but their impact on travel to Break O'Day is unknown.



## Current Tourism Environment

continued

### Break O'Day municipality

The East Coast is one of the State's most popular visitor destinations, however its impact on St Helens and surrounding areas is unknown. There are multiple entry and exit points throughout the region and it's currently impossible to determine specific travel patterns. While Tasmanians are particularly attracted to East Coast beaches, fishing and water sports, there are many choices along the way. On the positive side, recent interstate research supports the view that coastal experiences are a significant motivator for potential mainland visitors to Tasmania.

The North East Trail provides another road into the BOD municipality. It is one of Tasmania's less popular touring routes. Visitation has been relatively static in recent years, although there has been a healthy increase in the total number of holiday nights spent on the Trail since 2008. Barnbougle and Lost Farm are major attractors and a revitalized Trail of the Tin Dragon offers good potential, but none of these experiences are measurable in terms of their ability to drive visitors further afield.

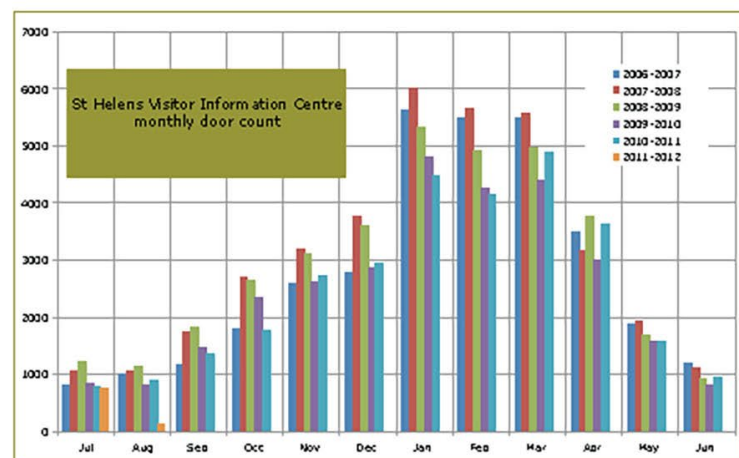
Generally, there is a scarcity of visitor data which is specific to the Break O'Day area. St Helens is the only township included in the Tasmanian Visitor Survey; the Parks and Wildlife Service has limited data regarding the relevant National Parks and camping sites and there is no information regarding visitation through the Esk Valley. It is imperative that local tourism operators collect and share visitor data and trends to build a richer, more effective market profile for the area.

The table and graph included on this page provide some indicative information regarding visitation.



Total visitors to St Helens – Total leisure/total nights				
YTD	Total visitors	Overnight visitors	Total nights	Average stay
March 2008	139,400	56,200	120,100	2.1
March 2009	148,300	67,700	123,500	1.8
March 2010	145,400	69,100	123,700	1.8
March 2011	137,900	64,500	148,000	2.2

Source: TVS



Source: BODC

Note: 2011-2012 (July & August figures only available)





## The Strategy

### Structure

Best practice Destination Management Planning (DMP) has guided the development of the Strategy.

DMP has emerged nationally and internationally as a management system that provides the tools to produce a sustainable and competitive visitor destination. It is organised around defined visitor destinations, each with its own natural and unique tourism assets and specific management, development and marketing needs. It is represented in the diagram opposite.

Both the Strategy and the accompanying Action Plan reflect DMP approach. The Action Plan is aligned to the Council's budget cycle, which will enable the Council and industry to review, update and ensure the relevancy of the forward planned activities. It is envisaged that this will occur annually, in the last quarter of the financial year.

It is also anticipated that the structure of the Strategy will allow the proposed East Coast RTO to adopt and integrate its direction and actions into a broader regional approach.



Source: KPMG Destination Management Overview 2010



## Vision

The goal of the BOD Tourism Development Strategy is to provide a coordinated, collaborative and sustainable approach to tourism that maximises the economic, social, cultural and environmental benefits whilst maintaining the uniqueness of people and place.







## Goals

The BOD Tourism Development Strategy will unite all stakeholders in an agreed common vision for tourism. The Strategy provides a framework for the strategic goals that will underpin a successful tourism industry in the municipality:

- **Management**  
To provide leadership through open and transparent governance
- **Development**  
To develop a strong, vibrant, collaborative and sustainable tourism industry
- **Marketing**  
To maintain market share for the region and increase yield.

## Key Strategic Enablers

To achieve the vision, the following 'enablers' underpin the development of the Strategy and its associated priorities and actions. Strategic enablers are identified as key areas that will need to be in place to ensure the sustainable growth of the tourism industry. It must be noted that some of the identified enablers are currently lacking in the municipality's tourism environment and therefore have been incorporated in the Action Plan for development.

Strategic Enabler	Rationale
Access - road, sea and air	Access is critical to the region and the maintenance of access routes, both directly and indirectly through lobbying access/infrastructure owners to ensure year-round visitation, must be addressed by all tourism stakeholders. In the case of natural events that result in the closure of access points, a quick response to tourism markets is essential.
Strategic alliances	Recognising that tourism is one of the region's economic drivers, greater cooperation is needed between Council, St Helens Chamber of Commerce tourism sub-group, Greater Esk Tourism, relevant RTOs and the State Government (Tourism Tasmania) to leverage respective development and promotional activities. Formalisation of these alliances is a logical first step.
Positive community	<ul style="list-style-type: none"> <li>Develop a 'host community' attitude that supports tourism through:                             <ul style="list-style-type: none"> <li>promotion of a greater awareness of the economic, social, cultural and environmental values and benefits of tourism</li> <li>the preservation of local lifestyles and values</li> <li>infrastructure development that meets the needs of local residents whilst supporting tourism growth.</li> </ul> </li> </ul>
Infrastructure and investment policy and planning	<ul style="list-style-type: none"> <li>Encourage an environmentally and socially sustainable approach to the development of the destination that ensures:                             <ul style="list-style-type: none"> <li>the protection and preservation of natural resources</li> <li>tourism development that enhances the area's competitive advantages, that is distinctive, market-led and builds on the region's existing strengths</li> <li>the region's brand is protected.</li> </ul> </li> </ul>
Events Development Strategy	A broader events strategy, including community, tourism and non-tourism businesses, is needed to increase visitation, build community pride and potentially attract investment and economic return. An events strategy will identify hero events, funding mechanisms, coordination processes and priority actions.
Brand development	The tourism industry should lead the development of a holistic brand story and authentic identity for the region. This brand is essential in creating new and positive messages to secure visitation, investment and a stronger workforce.



## Strategic Priorities

In keeping with the sustainable regional tourism destination framework, the following strategic priorities have been identified and activities to achieve them are articulated in the Action Plan.

### Destination Management

**Strategic Priority** – develop an integrated approach to tourism governance that is transparent and inclusive of Council, industry and other strategic partners.

### Destination Development

**Strategic Priority** – ensure that development activities support the brand and encourage the growth of the tourism sector whilst protecting the local lifestyle and values, and the natural and built environment.

### Destination Marketing

**Strategic Priority** – develop a consumer-led approach to marketing that will also focus, engage and leverage the resources and efforts of the tourism industry and maximise the conversion of intent and interest to visitation.



## Action Plan Summary

Goals	<b>Management Governance/leadership</b> To provide leadership through open and transparent governance	<b>Development Industry/destination development</b> To develop a strong, vibrant, collaborative and sustainable tourism industry	<b>Marketing Visitation</b> To maintain market share for the region and increase yield
Strategies	<ul style="list-style-type: none"> <li>• Form stronger and more effective industry and stakeholder partnerships</li> <li>• Maintain all year round visitor access to the municipality</li> <li>• Undertake an emergency communication plan</li> <li>• Introduce tourism awareness and education program</li> <li>• Provide industry communication and support</li> <li>• Strengthen quality visitor experiences.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure a well resourced and effectively managed Visitor Information Centre (VIC) positioned in an optimal location</li> <li>• Investigate opportunities for seasonal events</li> <li>• Create an Infrastructure Development Plan and Investment Prospectus</li> <li>• Enhance visitor experiences</li> <li>• Establish authentic 'green' credentials</li> <li>• Improve traffic management in St Helens</li> <li>• Undertake a caravan and RV impact study</li> <li>• Maintain awareness of potential National Park development.</li> </ul>	<ul style="list-style-type: none"> <li>• Build a comprehensive and integrated approach to marketing of the region</li> <li>• Enrich local tourism data</li> <li>• Establish East Coast brand.</li> </ul>

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## Action Plan

The Action Plan reflects the inputs from consultation with Council, community and key stakeholders, together with the knowledge gleaned in the course of the Strategy development. As noted earlier, the Action Plan has been designed for review on a regular basis and therefore it doesn't represent a definitive list. It reflects the Strategic Priorities, the need for some 'quick wins', stakeholder capacity and a realistic understanding of available resources.

The initial timeframe for this Action Plan is 18 months, and thereafter it should be reviewed annually.



# Action Plan

continued



## Strategy Destination Management

**Strategic Priority** – develop an integrated approach to tourism governance that is transparent and inclusive of Council, industry and other strategic partners.

	Activities	Timing	Measures of Success	Responsibility
Form stronger and more effective industry and stakeholder partnerships	<b>East Coast Regional Tourism Organisation</b> Establish a Business Plan and partnership agreement prepared and signed by all parties	Within 2 months	Formal East Coast regional tourism partnership initiated and associated State level agreements in place	Tourism Tasmania/BODC/GSBC
	<b>Local Tourism Partnerships</b> Draft a tripartite agreement with St Helens Chamber of Commerce tourism subgroup, Greater Esk Tourism and Council Formalise Tourism Advisory Committee to become an official committee of Council	Within 2 months	Formal Council/industry agreement with roles and responsibilities clearly defined	BODC/SHCC/GET
Maintain all year round visitor access to the municipality  Note: This was the No.1 concern with all stakeholders	Plan and develop a local connector to the East Coast that supports/strengthens economic growth and tourism, social inclusion, and meets climate change challenges  Develop a strong business case with a 'quadruple' bottom line (social, environmental, economic and financial) for the preferred East Coast access scenario to lobby for support from State and Federal Government  Continue to lobby State Government on the importance of road access through St Marys Pass to tourism and other industries	Within 12 months      Ongoing	Business case prepared supporting the preferred East Coast access scenario  A robust and safe East Coast access route, funded and constructed  All lobbying opportunities taken by Council	BODC

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## Action Plan

continued

### Strategy Destination Management continued

**Strategic Priority** – develop an integrated approach to tourism governance that is transparent and inclusive of Council, industry and other strategic partners.



	Activities	Timing	Measures of Success	Responsibility
Undertake an emergency communication plan	Document a rapid response communication/ emergency plan that clearly identifies the roles and responsibilities of industry and Council to communicate around the State and elsewhere that in case of road closures, floods etc., the region is still open and accessible from different entry points	Within 3 months	Plan completed Effective and timely communication and information provided to all stakeholders and broader tourism information available on the access status of the region Impacts on visitation minimised	Tourism Tasmania/BODC/ GSBC
Introduce tourism awareness and education program	Develop a tourism awareness and education program focusing on the benefits of tourism to the region, its positive effect on other non-tourism specific businesses and the importance of becoming a visitor- friendly host community	Within 6 months	Program in place and being delivered Heightened appreciation and understanding throughout the community and business sector of the importance of tourism, including visitor needs and expectations	BODC
Provide industry communication and support  Note: Within industry there is much confusion relating to the role of Tourism Tasmania, Northern Tasmania Development and to a certain extent, the role of Council in the tourism industry	Tourism Tasmania to brief key BODC stakeholders on the agency's and industry's new structures and the impacts on roles and responsibilities in tourism  Actively engage with the newly-established East Coast RTO to communicate and incorporate BOD tourism issues, ideas and priorities	Within 3 months  Within 12-18 months	Tourism Tasmania briefing completed  Greater understanding of roles and responsibilities of the governing agencies and bodies within tourism	Tourism Tasmania/BODC
Strengthen quality visitor experiences	Use market research to develop resources for businesses to identify and provide high quality visitor services	Ongoing	Increased visitor satisfaction and extended stays resulting in higher yield	SHCC/GET/BODC

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# Action Plan

continued



## Strategy Destination Development

**Strategic Priority** – ensure that development activities support the brand and encourage the growth of the tourism sector, whilst protecting the local lifestyle and values, and the natural and built environment.

	Activities	Timing	Measures of Success	Responsibility
Ensure a well resourced and effectively managed Visitor Information Centre (VIC) positioned in an optimal location	Develop a VIC business plan, including recommendation for re-location Explore the establishment and appointment of a VIC coordinator Develop an industry awareness program for VIC volunteers particularly to build local knowledge of visitor experiences	Within 12 months	Business plan completed and adopted Necessity for a VIC coordinator assessed Awareness program completed and adopted	BODC
Investigate opportunities for seasonal events	Develop an events strategy that highlights community celebrations that will also appeal to visitors and build on the local asset base. The events strategy may include: <ul style="list-style-type: none"> <li>• An events criteria and evaluation process</li> <li>• An Events Support Program ie. budget allocations, funding mechanisms and selection process</li> <li>• Need for an events coordinator</li> <li>• Partnership development/sponsorship</li> <li>• Analysis of potential economic impacts and others regarding new and existing events</li> <li>• Mobile event staging equipment</li> <li>• Overall sustainability issues</li> </ul> Volunteer engagement and acknowledgement	Within 12 months	A vibrant and diverse events program that connects, engages and enriches the community and promotes visitation in the shoulder and winter seasons Funding allocated and processes in place for selection Enhanced sustainability of events	BODC/SHCC/GET

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# Action Plan

continued



## Strategy Destination Development continued

**Strategic Priority** – ensure that development activities support the brand and encourage the growth of the tourism sector whilst protecting the local lifestyle and values, and the natural and built environment.

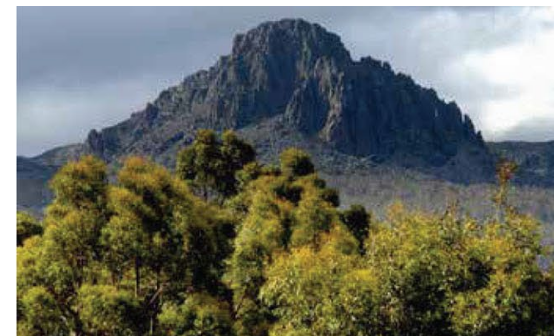
	Activities	Timing	Measures of Success	Responsibility
Create an infrastructure Development Plan and Investment Prospectus	<ul style="list-style-type: none"> <li>Undertake an audit and needs analysis of tourism infrastructure within the municipality and prepare brief</li> <li>Analyse recommendations and identify projects and funding for further development</li> <li>Include product and experience audit to identify potential gap in the existing infrastructure</li> <li>Develop investment prospectus</li> </ul>	Within 12 months	<ul style="list-style-type: none"> <li>Improved and integrated investment attraction and asset management procedures</li> <li>Prospectus developed and put into market place</li> <li>Investment realised</li> </ul>	BODC
Enhance visitor experiences	<ul style="list-style-type: none"> <li>Completion of the St Helens boardwalk</li> <li>Identify funding sources to complete the boardwalk to the first jetty on St Helens Point Road</li> <li>Capitalise on existing nature-based assets, eg. trails, walks, waterfall tracks and drives and explore the development needs and promotional opportunities</li> <li>Ensure access roads into the Blue Tier are maintained and open all year round as this is a critical for visitation</li> </ul>	<ul style="list-style-type: none"> <li>Within 12-18 months</li> <li>Within 18 months</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced visitor experience and interpretation</li> <li>Year-round access to nature-based attractions</li> <li>New experiences to promote extended stays and increased yield</li> </ul>	<ul style="list-style-type: none"> <li>BODC</li> <li>BODC /FT</li> </ul>

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## Action Plan

continued



### Strategy Destination Development continued

**Strategic Priority** – ensure that development activities support the brand and encourage the growth of the tourism sector whilst protecting the local lifestyle and values, and the natural and built environment.

	Activities	Timing	Measures of Success	Responsibility
Establish authentic 'green' credentials	Identify existing or planned projects that will enhance the environmental reputation of the destination Identify support/programs /accreditation/ funding which can be acquired to ensure implementation of projects	Within 18 months	Positioning the municipality as a leader in environmental sustainability	BODC
Improve traffic management in St Helens	Consult with local businesses and DIER on the logistics of implementing such a management program Develop a 'visitor-friendly' Traffic Management Plan	Within 12-18 months	Improved traffic access and visitor/ pedestrian safety	BODC/DIER
Undertake a caravan and RV impact study	Undertake a comprehensive analysis of the positive and negative impacts of 'free camping' on the municipality and in a broader regional context	TBA	Analysis completed, information disseminated and recommendations endorsed	ECRTO
Maintain awareness of potential National Park development	Maintain a watching brief on the potential development of the BODC and BOF National Parks	Ongoing	All stakeholders progressively informed	BODC

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# Action Plan

continued



## Strategy Destination Marketing

**Strategic Priority** – develop a consumer-led approach to marketing that will also focus, engage and leverage the resources and efforts of the tourism industry and maximise the conversion of intent and interest to visitation.

	Activities	Timing	Measures of Success	Responsibility
Build a comprehensive and integrated approach to marketing of the region  Note: It is envisaged the ECRTD will also undertake significant marketing	Develop a marketing plan that embraces both social and traditional media and is driven by brand. The Marketing Plan should consider various activities including: <ul style="list-style-type: none"> <li>• Market analysis</li> <li>• Travel shows</li> <li>• Niche marketing including 'responsible tourism', intrastate breaks and group travel</li> <li>• Nature-based tourism</li> <li>• Promotional materials</li> <li>• Media and public relations</li> </ul>	Completed by July 2012	Marketing Plan in place and implementation underway	SHCC/GET/BODC
Enrich local tourism data	Establish a range of data collection sources, and collate, analyse and disseminate learnings. This may include: <ul style="list-style-type: none"> <li>• A regular, locally-based visitor survey conducted by operators and the Visitor Centre</li> <li>• In-house data from industry operators</li> </ul> Lobby Tourism Tasmania for greater coverage of BOD in TVS	Ongoing	Data collection sources established, collated, analysed and information disseminate to industry	SHCC/GET/BODC
Establish East Coast brand	Working with the newly established East Coast RTO as the lead, develop a brand position for the East Coast region	On commencement of ECRTD	Key attributes of the BOD region are included in the regional brand	East Coast RTO/ SHCC/GET/ BODC

Note: Future activities are to be explored in the annual review of the Action Plan.



<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	Anna Williams, Economic Development Officer
<b>FILE REFERENCE</b>	038\004\006\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Nil

**OFFICER'S RECOMMENDATION:**

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.

**INTRODUCTION:**

Council officers have received legal advice, as advised in the February 2023 meeting, in order to continue the housing project at 29 Talbot Street, Fingal. The officer's recommendations have ensured that the Council meets the requirements of Section 178 of the Local Government Act 1993 ("the Act"). An absolute majority is required.

**PREVIOUS COUNCIL CONSIDERATION:**
**02/23.18.4 – 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**

**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:**

Council officers have obtained the necessary legal advice to safeguard Council's position on the project and address the requirements of Section 178 of the Local Government Act 1993. As such, an absolute majority is required to lease the portion of 29 Talbot Street, Fingal (detailed in Figure 1) to Centacare Evolve Housing for a lease term that does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years).



**Figure 1. Indicative plan of the proposed portion of 29 Talbot Street, Fingal to be leased.**

If an absolute majority is achieved, the Council is required to publish that intention on at least two separate occasions in The Examiner, display a copy of the notice on any boundary of the public land that abuts a highway, and 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.

It is the recommendation that the Council authorises the General Manager to consider any objection received pursuant to Section 178 (6) of the Act and report to a future Council meeting. If no objections are received, it is recommended that the General Manager seek legal advice in relation to the terms and conditions of any tripartite agreement and mortgage that is required by Homes Tasmania. Furthermore, if the tripartite agreement and mortgage are satisfactory, the General Manager shall undertake any necessary negotiations associated with the preparation and finalisation of the written lease (prepared by the 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. It is recommended that the General Manager sign the lease document on behalf of the 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.

###### *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.

##### Break O Day Annual Plan 2023 – 2024

###### *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:**

N/A

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

N/A

#### **VOTING REQUIREMENTS:**

Absolute Majority

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.*

# IN CONFIDENCE

**09/23.18.0**      **CLOSED COUNCIL**

**09/23.18.1**      **Confirmation of Closed Council Minutes – Council Meeting 21 August 2023**

**09/23.18.3**      **Closed Council Item Pursuant to Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – 2023/2024 Bituminous Surfacing Program**

**09/23.18.4**      **Closed Council Item Pursuant to Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – Purchase of Twin Drum Compaction/Pavement Roller**

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