



COUNCIL MEETING MINUTES

Monday 17 April 2023
Council Chambers, St Helens

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

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

The Mayor welcomed Councillors, staff and community members and declared the meeting open at 10.02am.

ACKNOWLEDGEMENT OF COUNTRY

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

04/23.1.0 ATTENDANCE

04/23.1.1 Present

Mayor Mick Tucker
Deputy Mayor Kristi Chapple
Councillor Gary Barnes
Councillor Ian Carter
Councillor Janet Drummond
Councillor Liz Johnstone (from 10:08am)
Councillor Barry LeFevre
Councillor Vaughan Oldham
Councillor Kylie Wright

04/23.1.2 Apologies

Nil

04/23.1.3 Leave of Absence

Nil

04/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Bec Wood
Manager Infrastructure and Development Services, David Jolly (1.0-17.2)
Manager Community Services, Chris Hughes (1.0-17.0)
Executive Officer, Jayne Richardson (1.0-18.2)
Corporate Services Coordinator, Angela Matthews (1.0-13.8)
Manager Business Services, Raoul Harper (1.0-13.8)
Development Services Coordinator, Jake Ihnen (1.0-16.3)
Planning Officer, Alex McKinlay (1.0-6.2)
Planning Officer, Kathryn Clausen (1.0-6.2)
NRM Facilitator, Polly Buchhorn (16.0-16.3)

04/23.2.0 PUBLIC QUESTION TIME

Three (3) people in the gallery.

04/23.2.1 Recycling – Clr J Drummond on behalf of Lesa Whittaker, St Helens

Our community has embraced recycling:

A) Where is the recycling processed?

Reply: Kerbside Co-mingled recyclables collected are transported to the JJ's Waste & Recycling Material Recovery Facility at Mowbray. Material types are separated, baled and shipped to processors in Melbourne, Malaysia and China.

B) What is produced from our recycling?

Reply:

- Aluminium – into aircraft and automobile parts, wires and cookware (due to its high thermal and electrical conductivity).
- Steel – reprocessed into new steel products.
- Cardboard – reprocessed into new cardboard and paper products.
- Paper – reprocessed into new products such as newspapers, office paper, packaging, pencils and egg cartons.
- PET Plastic – reprocessed into new plastic products such as soft drink bottles, plant pots and clothing.
- HDPE is granulated and recycled into milk bottles, plant pots and clothing.
- Mixed plastics are recycled into low pressure irrigation pipes.
- Glass is crushed and sold for incorporation as construction drainage, manufacture of pavers, bricks and retaining wall blocks and is used as landfill cover material.

04/23.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr M Tucker declared an interest in Agenda Item 04/23.17.4 – 2023 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

04/23.4.0 CONFIRMATION OF MINUTES

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

OFFICER'S RECOMMENDATION:

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

DISCUSSION:

Nil

COUNCIL DECISION:

04/23.4.1.072 Moved: Clr K Wright/ Seconded: Clr B LeFevre

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

CARRIED UNANIMOUSLY

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

04/23.5.1 Workshop 3 April 2023

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

- Fraud and Corruption Control Policy and Plan
- Financial Management Strategy 2023/2030
- Review of Policy LG 40 - Rates and Charges Policy
- Whistle Blower Policy
- Fees and Charges 2023-2024
- Long Term Financial Plan Review
- Animal Control Report – March 2023
- Policy Review – AM20 Water Refill Station Policy
- Potential Projects: Local Roads & Community Infrastructure Program – Phase 4
- Reconciliation Action Plan
- Review of the Community Facility Hire Policy – CB07
- Wellbeing Project
- Request for Sponsorship- Suncoast Pony and Riding Club
- St Marys – Local Township Plan
- Ansons Bay – Local Township Plan
- Scamander – Local Township Plan
- Falmouth – Local Township Plan
- Binalong Bay – Local Township Plan

- St Helens – Local Township Plan
- Pending Development Application Updates
- Tasmanian Planning System Reforms
- Land Use Studies Review
- Draft Municipal By-Law & Regulatory Impact Statement
- Appointment of Break O'Day Council Natural Resource Management Committee Representative.
- NRM – Committee Meeting Minutes 7 March 2023. 270
- Discussion paper – Merit-based recruitment in councils
- Discussion paper – Addressing Councillor Misconduct

04/23.6.0 PLANNING AUTHORITY

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

Councillor Johnstone joined the meeting at 10.08am

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

FILE REFERENCE	DA 305-2022
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - MULTIPLE DWELLINGS (2 DWELLINGS) on land situated at 14 HEATHER PLACE, ST HELENS described in Certificate of Title 142222/7 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page Proposed Units	A000 Rev 01	CBM Sustainable Design	30/11/2022
Proposed Site Plan 1	A101 Rev 04	CBM Sustainable Design	16/02/2023
Concept Site Services	A102 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles A	A103 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles B	A104 Rev 01	CBM Sustainable Design	15/02/2023
Ground Floor Plan	A201 Rev 06	CBM Sustainable Design	16/02/2023
First Floor Plan	A202 Rev 05	CBM Sustainable Design	15/02/2022
Elevations Unit 1	A301 Rev 03	CBM Sustainable Design	15/02/2023
Elevations Unit 2	A302 Rev 03	CBM Sustainable Design	15/02/2023
Site Elevations	A303 Rev 03	CBM Sustainable Design	15/02/2023
Site Stormwater Drainage Plan	A801 Rev 02	CBM Sustainable Design	15/02/2023
Shadow Diagrams	A702 Rev 02	CBM Sustainable Design	15/02/2023
Letter from CBM Sustainable Design Pty Ltd containing Flood Information prepared by Hydrodynamica	24012023	CBM Sustainable Design	Received by Council on 24/01/2023

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2022/01958-BODC** as attached to this permit.
3. The proposed new crossover from the kerb to the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.

4. The existing entire crossover section for numbers 12 and 14 Heather Place is to be removed. The section adjacent to number 14 Heather Place is to be made redundant and re-instated to kerb and gutter. A new footpath is to be laid and the nature strip re-instated. The crossover to number 12 Heather Place is to be re-laid. The cost of all works will be the responsibility of the Applicant.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossovers, footpath and nature strip.
6. The balcony privacy screening on the deck of Unit 2 is to be extended in length along the eastern side so that the unscreened section achieves a three (3) metre separation distance to the eastern (side) boundary. This condition is required to further limit the potential overlooking of number 12 Heather Place and ensure that performance criteria 10.4.6 P1 is able to be satisfied.
7. The upper level main bedroom window of Unit 1 is to be constructed with double glazing. This condition is required to mitigate potential noise from the adjacent vehicle turning area and ensure that performance criteria 10.4.6 P3 is able to be satisfied.
8. The upper level wet area windows on the western elevation of Units 1 and 2 are to be constructed with obscure glazing.
9. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
10. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
11. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
12. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
13. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

14. Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Mon-Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

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

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

DISCUSSION:

- The Planning Officer advised the following:
 - The application is for two (2) dwellings in the General Residential zone, they are two (2) bedroom, two (2) storey dwellings with new driveway access to be constructed and one dedicated visitor parking space to be provided.
 - The application is discretionary on eight (8) items and all of these are addressed in the report. It is recommended for approval with conditions.
 - Two representations were received with main concerns raised being the privacy of adjoining and overshadowing of adjoining properties, that the development is out of character with the established character in the street, that there is insufficient drainage and that the designs may limit the type of occupants given that they are two (2) storeys. The conditions of approval address these concerns and the applicant has agreed to provide obscure glazing on the upper windows overlooking 16 Heather Place.
- Councillor Wright asked if the applicants are putting in stormwater storage tanks. The Planning Officer advised that no it will go straight into Council infrastructure and this has been approved, with conditions, by the Works Department. Councillor Wright is concerned that this is not a requirement.
- Councillor Drummond raised concerns regarding the loss of light and the shading diagrams on page 37 and also about the privacy issues, she noted she was glad to see conditions six (6) and eight (8) to help with privacy but is still concerned regarding light. The Planning Officer advised that all the setbacks of the building on the western side, where the concerns are, meet the acceptable solutions so it becomes difficult to reconcile. Yes there will definitely be overshadowing but because the building envelope meets the acceptable solution on that site it means they have an acceptable level of impact. Councillor Drummond asked if the representors were spoken to about what steps have been taken to help with this. The Planning Officer said no there hasn't been any mediation on that matter.
- Councillor Drummond raised concerns about allowing buildings in flood prone areas – should there be a more cautionary approach instead of only known flood levels. The Planning Officer advised that at the building application stage it will be ensured it is raised 300mm above the known flood level. Councillor Johnstone noted that flooding is a concern with buildings being built on potential flood plains as we know that sea levels are rising.

COUNCIL DECISION:**04/23.6.1.073**Moved: Clr I Carter/ Seconded: Clr B LeFevre

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - MULTIPLE DWELLINGS (2 DWELLINGS) on land situated at 14 HEATHER PLACE, ST HELENS described in Certificate of Title 142222/7 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page Proposed Units	A000 Rev 01	CBM Sustainable Design	30/11/2022
Proposed Site Plan 1	A101 Rev 04	CBM Sustainable Design	16/02/2023
Concept Site Services	A102 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles A	A103 Rev 02	CBM Sustainable Design	15/02/2023
Car Turning Circles B	A104 Rev 01	CBM Sustainable Design	15/02/2023
Ground Floor Plan	A201 Rev 06	CBM Sustainable Design	16/02/2023
First Floor Plan	A202 Rev 05	CBM Sustainable Design	15/02/2022
Elevations Unit 1	A301 Rev 03	CBM Sustainable Design	15/02/2023
Elevations Unit 2	A302 Rev 03	CBM Sustainable Design	15/02/2023
Site Elevations	A303 Rev 03	CBM Sustainable Design	15/02/2023
Site Stormwater Drainage Plan	A801 Rev 02	CBM Sustainable Design	15/02/2023
Shadow Diagrams	A702 Rev 02	CBM Sustainable Design	15/02/2023
Letter from CBM Sustainable Design Pty Ltd containing Flood Information prepared by Hydrodynamica	24012023	CBM Sustainable Design	Received by Council on 24/01/2023

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2022/01958-BODC** as attached to this permit.
3. The proposed new crossover from the kerb to the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.
4. The existing entire crossover section for numbers 12 and 14 Heather Place is to be removed. The section adjacent to number 14 Heather Place is to be made redundant and re-instated to kerb and gutter. A new footpath is to be laid and the nature strip re-instated. The crossover to number 12 Heather Place is to be re-laid. The cost of all works will be the responsibility of the Applicant.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossovers, footpath and nature strip.

6. The balcony privacy screening on the deck of Unit 2 is to be extended in length along the eastern side so that the unscreened section achieves a three (3) metre separation distance to the eastern (side) boundary. This condition is required to further limit the potential overlooking of number 12 Heather Place and ensure that performance criteria 10.4.6 P1 is able to be satisfied.
7. The upper level main bedroom window of Unit 1 is to be constructed with double glazing. This condition is required to mitigate potential noise from the adjacent vehicle turning area and ensure that performance criteria 10.4.6 P3 is able to be satisfied.
8. The upper level wet area windows on the western elevation of Units 1 and 2 are to be constructed with obscure glazing.
9. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
10. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
11. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
12. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
13. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

14. Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Mon-Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

FOR Clr B LeFevre, Clr V Oldham, Clr K Wright, Clr I Carter, Clr J Drummond, Clr G Barnes, Clr K Chapple, Clr M Tucker

AGAINST Clr L Johnstone

CARRIED

FILE REFERENCE	DA 250-2022
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - CONSTRUCTION OF DWELLING, DECKS & CARPORT on land situated at 40 TRELOGGEN DRIVE, BINALONG BAY described in Certificate of Title 199954/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Layout ID 02	Jiri Lev	12/02/2023
Floor Plan – First Floor	Layout ID 03	Jiri Lev	12/02/2023
Floor Plan – Upper Ground Floor	Layout ID 04	Jiri Lev	12/02/2023
Floor Plan – Lower Ground Floor	Layout ID 05	Jiri Lev	12/02/2023
Elevation – East	Layout ID 06	Jiri Lev	12/02/2023
Elevation – North	Layout ID 07	Jiri Lev	12/02/2023
Elevation – West	Layout ID 08	Jiri Lev	12/02/2023
Elevation – South	Layout ID 09	Jiri Lev	12/02/2023
Site and Soil Elevation (Onsite Wastewater Report)	Job # 21014	Seam Environmental	03/11/2021
Stormwater Report	GL23004Ab	GEOTON	23/01/2023

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction.
 - c. stormwater from the concrete driveway must be directed into the Stormwater Tank with subsequent overflow being disposed into the Detention Trench shown within the submitted stormwater report prepared by GEOTON.
3. The vehicle crossover from the carriageway to the property boundary must be **upgraded** and maintained in general accordance with the vehicular crossing requirements of Council's Manager Infrastructure and Development Services. The crossover from the road to the property boundary already exists included the culvert. However, it's very overgrown and therefore will need to be upgraded (concrete or asphalt) and must be financed by the applicant.

4. No works are to commence on the crossover upgrade until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover
5. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
12. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

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

INTRODUCTION:

The applicant is seeking approval for the development of a Single Dwelling and associated Decks and Carport for residential purposes on the subject site at 40 Treloggen Drive, Binalong Bay.

Submitted plans demonstrate that the proposed development is further intended to be serviced by the provision of an internal driveway, installation of an onsite wastewater system and the installation of a stormwater tank with subsequent overflow being directed into an onsite stormwater detention trench.

DISCUSSION:

- The Planning Officer advised the following:
 - The application is for the construction of a dwelling and associated decks and carport.
 - The key feature associated with the site is the relatively steep slope.
 - The proposed building will have a height of 11 metres which is above the acceptable solution for height in the low density residential zone.
 - The application has been assessed against 12 performance criteria and was discretionary on two (2) items including parking and onsite waste water. The Environmental Health Officer was satisfied with the waste water report.
 - One representation was received regarding visitor accommodation, onsite waste water, concerns regarding visual impact and privacy. These have been sufficiently addressed in the scheme response. The applicant responded to the representation last week and they said the development is consistent in size and scale to other properties in the area.
 - The application is recommended for approval subject to conditions.
- Councillor Drummond noted concerns regarding the building height and density and believes it will have a significant visual impact from Dora Point Road. She feels that Treloggen Drive should not be the only road used to assess the visual impact. The Planning Officer advised that residents will largely use Treloggen Drive for their access and that Dora Point Road is a Parks and Wildlife Services road so Treloggen Drive was primarily used for the assessment.

COUNCIL DECISION:

04/23.6.2.074 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - CONSTRUCTION OF DWELLING, DECKS & CARPORT on land situated at 40 TRELOGGEN DRIVE, BINALONG BAY described in Certificate of Title 199954/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Layout ID 02	Jiri Lev	12/02/2023

Floor Plan – First Floor	Layout ID 03	Jiri Lev	12/02/2023
Floor Plan – Upper Ground Floor	Layout ID 04	Jiri Lev	12/02/2023
Floor Plan – Lower Ground Floor	Layout ID 05	Jiri Lev	12/02/2023
Elevation – East	Layout ID 06	Jiri Lev	12/02/2023
Elevation – North	Layout ID 07	Jiri Lev	12/02/2023
Elevation – West	Layout ID 08	Jiri Lev	12/02/2023
Elevation – South	Layout ID 09	Jiri Lev	12/02/2023
Site and Soil Elevation (Onsite Wastewater Report)	Job # 21014	Seam Environmental	03/11/2021
Stormwater Report	GL23004Ab	GEOTON	23/01/2023

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction.
 - c. stormwater from the concrete driveway must be directed into the Stormwater Tank with subsequent overflow being disposed into the Detention Trench shown within the submitted stormwater report prepared by GEOTON.
3. The vehicle crossover from the carriageway to the property boundary must be **upgraded** and maintained in general accordance with the vehicular crossing requirements of Council’s Manager Infrastructure and Development Services. The crossover from the road to the property boundary already exists included the culvert. However, it’s very overgrown and therefore will need to be upgraded (concrete or asphalt) and must be financed by the applicant.
4. No works are to commence on the crossover upgrade until a permit to undertake works in the road reservation has been issued by Council’s Works Operations Manager for the crossover
5. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council’s *Plumbing Permit Authority*.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.

11. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
12. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

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

FOR Clr B LeFevre, Clr V Oldham, Clr K Wright, Clr I Carter, Clr G Barnes, Clr K Chapple, Clr M Tucker

AGAINST Clr L Johnstone, Clr J Drummond

CARRIED

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

04/23.7.0 COUNCIL MEETING ACTIONS

04/23.7.1 Outstanding Matters

- Councillor Drummond asked if there is an update on future aquatic facility investigation. The General Manager advised there is an update in the General Manager's report at today's meeting.

04/23.8.0 PETITIONS

Nil.

04/23.9.0 NOTICES OF MOTION

Nil

04/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

04/23.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

04/23.11.1 Clr J Drummond

Can we revisit and discuss what is going to happen to the current Fingal Valley Neighbourhood House gym when the new evacuation centre is completed, and the gym moved?

Reply: The General Manager advised that the Council decision was that the original building would be demolished for construction of the new building.

Under Council Meeting Procedures, the Local Government (Meeting Procedures) Regulations 2005 (the Regulations) provide a uniform and comprehensive set of rules for the conduct of Council meetings. Regulation. 8 provides that "For an ordinary meeting, the agenda and associated documents are to be made available at least four days beforehand."

Reply:

The General Manager advised that the Council Meeting Agenda was published on the Tuesday as it is normally done as Council officers had come in to finalise the Agenda even though it was a public holiday and he thanked officers for doing this.

The General Manager advises that the *Local Government (Meeting Procedures) Regulations 2015* Regulation 8 refers to ‘days’ which are normal days which includes weekends. Publishing the Agenda on a Tuesday is five (5) days before the Meeting.

Can we revisit the proposed footpath in Falmouth and have further community consultation about how this might look. I have had suggestions that seating would need to be placed along the walk and also could it be designed as a sensory walk or similar.

Reply:

The project largely involves the rehabilitation of an existing footpath with some extension proposed. Seating can be provided in locations where the community would like to see this occur and it would be appreciated if these suggestions could come forward from the community. The project has been approved and funded as part of the Local Roads and Community Infrastructure program. Changes to create a sensory walk or something similar would involve cancellation of the current project and the existing funding may very well be lost.

04/23.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

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

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

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

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

St Helens and Districts Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple

The most recent meeting was held on March 21 2023 and there was no quorum, the next meeting will be is expected to be around May 21 2023.

NRM Special Committee – Clr Janet Drummond

The next meeting is scheduled for May 23 2023.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

The next meeting is scheduled for May 2 2023.

Mental Health Action Group – Clr Barry LeFevre

An email has been sent to all Councillors regarding the funding of the community barbeque events.

Disability Access Committee – Clr Janet Drummond

The next meeting is scheduled for tomorrow, 18 April 2023.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

Nil

04/23.13.0 BUSINESS AND CORPORATE SERVICES

04/23.13.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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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.

DISCUSSION:

- Councillor Chapple asked what a 132 certificate is. The Manager Business Services advised that the department performs property searches on a couple of different matters and this is one of those.

COUNCIL DECISION:

04/23.13.1.075 Moved: Clr G Barnes/ Seconded: Clr I Carter

That the report be received.

CARRIED UNANIMOUSLY

04/23.13.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

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

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Business Services advised that operating grants are up on budget due to carry forward from the previous financial year and that additional notes have been provided on the reports.

COUNCIL DECISION:

04/23.13.2.076 Moved: Clr K Wright/ Seconded: Clr J Drummond

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

3. Profit and Loss Statement
4. Capital Works 2022-2023

CARRIED UNANIMOUSLY

04/23.13.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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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.

DISCUSSION:

- The Manager Business Services advised that the numbers continue to show that visitation is going very well in the municipality. The history room noted a failing hard drive and this was

looked at last week as a lot of our catalogue is stored on the hard drive. He also noted that the face to face approach continues to be very well received.

- Councillor Johnstone said the centre is great and also commented on the stitchers meeting at Portland Hall last week and noted that the face to face involvement at the event was well received.

COUNCIL DECISION:

04/23.13.3.077

Moved: Clr L Johnstone/ Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

04/23.13.4

Fraud and Corruption Control Policy and Plan

FILE REFERENCE
018\005\004\

OFFICER'S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services advised that having reviewed the previous policy, this is a significant update on where we were and now meets the current standards. The audit office has been very clear that having a well considered policy and plan is very important for Local Government. Fraud and corruption costs the Australian economy 3 billion dollars per year but it is unknown how much of this relates to the Local Government area.
- Councillor Drummond thanked the Manager Business Services for the preparation of the document and asked will this require a fraud and corruption officer appointed or will it be absorbed into an existing position. The Manager Business Services said yes they will be appointed from existing resources.

COUNCIL DECISION:

04/23.13.4.078

Moved: Clr B LeFevre/ Seconded: Clr K Wright

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

CARRIED UNANIMOUSLY

FILE REFERENCE

018\036\003\

OFFICER'S RECOMMENDATION:

That Council endorse the 2023-2030 Financial Management Strategy.

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services advised the following:
 - That this is a very significant document for the financial sustainability of the Council itself and has been prepared according to the relevant legislation.
 - That this document is key to long term financial stability of the municipality as a whole and is not about what Council spends on individual projects.
 - This is a guiding document rather than something that dictates the future direction of the Council itself.
 - The key objective of the Long Term Financial Management plan is to move financial sustainability to a position of financial comfort which means that Council has an ongoing and underlying financial surplus and will assist in the growth of the population and the local economy.
 - The strategy aims to move away from an annual budget focus to a long term financial planning process and noted what this will mean.
 - The strategy includes a series of principles that Council will abide by when making financial decisions. The principles are then underpinned by a series of directives which are detailed in the strategy.
- Councillor Wright asked the following regarding directive three (3), what exactly do you have in mind with that, it is about trying to maximise returns for the community from the land in the area. The Manager Business Services advised that there is nothing on the table at the moment, it is about being open to this as a possibility.
- Councillor Drummond asked the following question about directive four (4), should we wait until the Future of Local Government Review is complete before talking about boundary adjustments. The Manager Business Services advised that we are pre-empting that this could be part of the future and this Council has been very open to boundary adjustments in the past.
- Councillor Chapple asked would this take into account conversations about specific township boundaries such as the St Helens township boundaries or are we talking about the boundary of the municipality. The Manager Business Services advised we are looking at a higher level than

specific townships. Councillor Drummond pointed out that the discussions around boundary adjustments were spoken about with previous Councils and wanted to clarify if this is the case for the new Council.

- Councillor Johnstone said they would like more clarity about unlocking other state land for commercial activities and would not be comfortable with commercial activities taking place on common land. What other state land could this refer to? The Manager Business Services advised that state land includes Sustainable Timber Tasmania land and a lot of other agencies which own land in Tasmania which are used in a certain way but there may be options for the community to ask for it to be used in another way. The General Manager said it could also be unallocated Crown Land which could be used for something like housing.
- The Manager Business Services reiterated that this document supports the delivery of Council’s community vision and provides the finances to deliver on it.
- Councillor Drummond thanked the Manager Business Services for the document and wondered if we would be able to share the financial management principles with our community so they understand why we make the decisions we make. The General Manager advised that the document will be on our website.

COUNCIL DECISION:

04/23.13.5.079 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That Council endorse the 2023-2030 Financial Management Strategy.

CARRIED UNANIMOUSLY

04/23.13.6 **Review of Policy LG40 - Rates and Charges Policy**

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

OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

Section 86B(4) of the LGA 1993 requires that:
A Council must review its rates and charges policy -

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

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

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

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

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

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

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

DISCUSSION:

- The Manager Business Services advised the following:
 - That our rates and charges policy must be reviewed every four years.
 - The review has been done in accordance with the Act and sets out the important facts such as that rates are a tax and that the value of the property indicates a capacity to pay. The policy references what is required to be included from the Act as well as references to our strategic plan and annual plan.
 - One key policy which needs to be noted is that Council should explore the application of a stormwater charge and noted that there are many Councils in Tasmania which now charge for this. It is a service we provide and one of the most expensive assets we have in the ground and are a very important component of our works program. At this stage it says we will explore as a significant amount of work would need to be done before this charge is levied.
 - The dates of rate instalments have altered slightly to allow easier transacting.
 - That the minimum general rate charged by Break O'Day is relatively low compared to a lot of other Councils and applies to no more than 35% of properties. In Break O'Day a significant amount of vacant land has this rate applied but just because land is vacant does not mean that owners don't have the capacity to pay. Some owners of vacant land hold onto land as an investment opportunity and when we look at equity when charging rates this is an area we should explore more.
- Councillor Drummond asked how many properties we have at the minimum rate and what percentage this equates to? The Manager Business Services said we would be at 35% and it would require some modelling to be done. He also noted that some Councils have a fixed rate per property and avoid using a minimum general rate altogether.

COUNCIL DECISION:

04/23.13.6.80 Moved: Clr B LeFevre/ Seconded: Clr K Wright

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

CARRIED UNANIMOUSLY

04/23.13.7 **Whistle Blower Policy**

FILE REFERENCE	018\005\004\
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OFFICER'S RECOMMENDATION:

That Council adopt the Whistle Blower Policy.

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services advised the following:
 - That this policy relates to the Public Interest Disclosure Act of 2002 and the audit office has been keen to see every Council have a whistle blower policy.
 - That the audit panel has affirmed that this should come to Council for consideration and adoption.
 - That the policy embeds a very clear process for those who have concerns to lodge complaint.
- Councillor Drummond said she thinks this is a very good initiative and a very strong way to protect the business of the Council.

COUNCIL DECISION:

04/23.13.7.81 Moved: Clr Drummond/ Seconded: Clr Johnstone

That Council adopt the Whistle Blower Policy.

CARRIED UNANIMOUSLY

04/23.13.8 **Fees and Charges 2023-2024**

FILE REFERENCE	018\017\004\
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OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services advised that Council is required to adopt a Schedule of Fees and Charges for the financial year ahead and these have been put forward after discussion with each department manager about how much it costs to provides these services. As per the Financial Management Strategy all fees and charges were adjusted as a minimum by the CPI in March 2023.
- Councillor Wright brought up not for profit groups and said she feels hall fees could be much less for groups who genuinely are not trying to make a profit from using the hall. The Manager Business Services said he does not disagree but we have a cost to deliver these services and a decision not to charge not for profits needs to be a decision by Council.

Councillor Johnstone noted that under animal control we have dog fees but do we have cat fees because there are lots of cats around, if we do not have a fee why not? The General Manager advised that cat fees require a legislative basis and that the cat management provisions are still evolving. This may be something we are able to charge in the future but if we do this then we will also have to provide cat management.

COUNCIL DECISION:

04/23.13.8.82 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

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

CARRIED UNANIMOUSLY

04/23.14.0 WORKS AND INFRASTRUCTURE

04/23.14.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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OFFICER’S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services highlighted the following:
 - The Cecilia Street streetscape project which started today has had a slight change due to the difficulty getting a concrete additive to achieve the correct colouring so instead it will be done in charcoal decorative concrete like that outside other business such as the newsagency. We are under a timeline to have this work completed so the paths need to be completed within the next fortnight.
 - That we have been doing a lot of work to remediate flood damage to roads but there is a delay to work starting on North Forest Lodge road and those following for three weeks due to contractor availability.
- Councillor Drummond said it is good to see that overall our landfill is going down and recycling is going up.
- Councillor Wright noted that Wynyard is not charging people at the tip but they include tip fees within rates and asked could this be an option. Mayor Tucker said this would need to be workshopped.
- Councillor LeFevre noted the number of people using our assets over Easter and congratulated everyone on the condition of our footpaths, jetties, etc.

COUNCIL DECISION:

04/23.14.1.83 Moved: Clr K Wright/ Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

04/23.14.2 **Animal Control Report**

FILE REFERENCE	003\003\018\
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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.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that the focus for the next six (6) week period is on outstanding kennel licence applications, they are not straight forward and will take time to sort through.

COUNCIL DECISION:

04/23.14.2.84 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

04/23.14.3 **Policy Review – AM20 Water Refill Station Policy**

FILE REFERENCE	002\024\003\
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OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

The Manager Infrastructure and Development Services advised that this policy review contains only minor grammatical corrections.

COUNCIL DECISION:

04/23.14.3.85 Moved: Clr J Drummond/ Seconded: Clr K Wright

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

CARRIED UNANIMOUSLY

04/23.15.0 **COMMUNITY DEVELOPMENT**

04/23.15.1 **Community Services Report**

FILE REFERENCE	011\034\006\
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OFFICER’S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised the following:
 - That activities are still on the rise which is unusual for this time of year but is good for the community.
 - The Dragon Trail event will now take place every second year so will not be back until 2025. This is so they can attract more international visitors.
- Councillor Carter asked about the community grants program, specifically the St Helens Online Access Centre request for funds, he would like the Online Access Centre decision to be reviewed again. The General Manager advised this would need to be a new report and cannot be considered as part of this item.

COUNCIL DECISION:

04/23.15.1.86 Moved: Clr L Johnstone/ Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

04/23.15.2 Reconciliation Action Plan

FILE REFERENCE	011\002\002\
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OFFICER'S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that she is seeking Council’s permission to get a quote from Reconciliation Tasmania and that the cost of the plan be incorporated into the 2023-24 budget.
- Councillor Johnstone said she is very pleased to see Council moving forward with this.
- Councillor Drummond said she is grateful the Manager Community Services is bringing this back and in light of discussions around the Voice is happy that Council may be more proactive in this area.
- Councillor LeFevre noted that in previous discussions 2-3 years ago we were being proactive but the fees involved were very exorbitant. Councillor Drummond said from memory she thinks the quote was \$15000 but does not feel that was enormous sum of money to facilitate this process.

COUNCIL DECISION:

04/23.15.2.87 Moved: Clr J Drummond/ Seconded: Clr L Johnstone

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

CARRIED UNANIMOUSLY

04/23.15.3 **Review of the Community Facility Hire Policy – CB07**

FILE REFERENCE	002\024\004\
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OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

Council recently received two requests to waive all fees for the hire of the St Marys Hall for a trial period of three months for a new activity. BL noted difficulty in setting this policy to begin with. JD can we organise remote conferencing to help make this more viable. CH could be done through ms teams

DISCUSSION:

- The Manager Community Services advised that we need three Councillors be nominated to work with community services staff to review the policy.

- Five Councillors including Councillors Drummond, Oldham, Johnstone, Carter and Wright all indicated they would like to be part of this committee.
- The Manager Community Services said there will be a meeting within the next two weeks if possible.
- It was suggested that the committee incorporate all five Councillors that volunteered.

COUNCIL DECISION:

04/23.15.3.88 Moved: Clr J Drummond/ Seconded: Clr K Wright

That Council nominate Councillors Drummond, Oldham, Johnstone, Carter, Wright to work with Community Services staff to review Policy CB07 – Section 2 – Hirer Categories & Concessions.

CARRIED UNANIMOUSLY

04/23.15.4 **Request for Sponsorship – Suncoast Pony and Riding Club**

FILE REFERENCE	018\019\001\
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OFFICER’S RECOMMENDATION:

1. That Council provide \$500 to assist the Suncoast Pony and Riding Club with their event, which is being held on 20 May, 2023.
2. If this is to become an annual event, that Council include the sum of \$500 in any future budgets for this event as Council sponsorship.

INTRODUCTION:

Council has received a written request to assist the Suncoast Pony and Riding Club with funding to help them with their event.

DISCUSSION:

- The Manager Community Services received a request for \$500 for this event. As this may become an annual event this to be added to annual list.

COUNCIL DECISION:

04/23.15.4.89 Moved: Clr J Drummond / Seconded: Clr K Chapple

1. That Council provide \$500 to assist the Suncoast Pony and Riding Club with their event, which is being held on 20 May, 2023.
2. If this is to become an annual event, that Council include the sum of \$500 in any future budgets for this event as Council sponsorship.

CARRIED UNANIMOUSLY

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council receive the St Marys Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Marys community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the St Marys community can work with Council on projects.

DISCUSSION:

- The Manager Community Services sought Councillors endorsement of the draft plan so we can seek community feedback for items that have been proposed. She noted that this was a very well attended community engagement session.
- Councillor Carter noted this his comments are not specific to St Marys but raised concerns that a range of our community is not represented in our town plans. He feels that at the moment we would be rubber stamping something that we do not have consensus on from the community.
- Councillor Drummond has similar concerns to Councillor Carter as we only heard from 42 residents from 748 in St Marys. She suggested that invites could be sent out with rates notices. She also asked can we change the name from township plan as people think it is about planning.
- The Manager Community Services advised that when conducting community engagement recently with Mangana residents, the invite was posted to every ratepayer but still only 16 people showed up. Councillor Wright was concerned about rates notices and noted that it would only go to rate payers but wouldn’t reach renters. Mayor Tucker noted that if you send it out with rates notices a lot of people may not remember by the time it comes up.
- Councillor Carter agreed that every effort is made but history is now showing us that no matter what we do we still have contention. He said he understands the frustration but we need to do better, we should not be accepting that they just did not come. The General Manager advised that, in relation to trying to get consensus, these plans are designed to be a guide and you may never get consensus. He noted that we make every effort to get everyone involved but may never get a consensus on some of these things and if there is an item within a plan which is contentious then we go to a secondary engagement process.
- Councillor Drummond clarified that she is not critical of the work done by officers but wants to think about how do we reach the most people possible. The Manager Community Services asked Councillors to please provide contact details for these people so we can make sure they are on our email database. Councillor Carter said he has difficulty with that as the town plans

have a shape of bias based on the people to attend them and we need to make sure we have a balanced perspective.

COUNCIL DECISION:

04/23.15.5.90 Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That Council receive the St Marys Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Marys community for comment.

CARRIED UNANIMOUSLY

04/23.15.6 **Ansons Bay – Local Township Plan**

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council receive the Ansons Bay Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Ansons Bay community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Ansons Bay community can work with Council on projects.

DISCUSSION:

- The Manager Services advised that this was another very well attended event and asked for Council endorsement of the draft plan to go back to the community for feedback.
- Councillor Chapple went to Ansons Bay recently and the community are very excited about seeing the draft plan.
- The Manager Community Services noted that they have already been able to implement weather event emails and it has made a big difference to the community.

COUNCIL DECISION:

04/23.15.6.91 Moved: Clr K Chapple/ Seconded: Clr I Carter

That Council receive the Ansons Bay Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Ansons Bay community for comment.

CARRIED UNANIMOUSLY

04/23.15.7 **Scamander – Local Township Plan**

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council adopt the second Scamander Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Scamander community can work with Council on projects.

DISCUSSION:

- The Manager Community Services advised this plan has been out for community feedback and is now up for adoption.
- Councillor Carter had feedback from an individual who notes there is inconsistency within the wording and would like there to be more clarification about the use of the word esplanade as there are two esplanades in Scamander. The Manager Community Services advised there is only one esplanade recorded in the Land Information System Tasmania and this is the esplanade being referred to.

COUNCIL DECISION:

04/23.15.7.92 Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Council adopt the second Scamander Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

04/23.15.8 **Falmouth – Local Township Plan**

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council adopt the second Falmouth Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Falmouth community can work with Council on projects.

DISCUSSION:

- The Manager Community Services advised this is up for adoption by Council after receiving community feedback. This plan was amended after the workshop to say we will work with the community to further investigate the proposed foreshore trail.
- Councillor Johnstone questioned the number of attendees as nine and asked if that was a typo as there was more than nine (9) community members at the session when she attended. The Manager Community Services said some attendees refused to sign in for their own reasons which means we can't include them in the figures. Councillor Drummond indicated that some people want to have a level of anonymity. The Manager Community Services advised that we do blind copy people into community emails to ensure anonymity. Councillor Johnstone asked if we could do a head count as well.
- The General Manager advised that as well as emails we also use newsletters, radio and a range of other options including social media. In relation to the Falmouth plan, when we did a secondary engagement process for road sealing in Falmouth which lead to 49%/51% outcome Council still ultimately needs to make a decision. The foreshore trail is not our project, it is a community project but Council is going to help facilitate some of the discussions about this them.
- Councillor Johnstone said she thinks Council is doing a great job being part of the conversation around the foreshore walk which is on Parks and Wildlife Services land.

COUNCIL DECISION:

04/23.15.8.93 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That Council adopt the second Falmouth Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

Mayor Tucker left the room at 12.41pm.

04/23.15.9 **Binalong Bay – Local Township Plan**

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council adopt the second Binalong Bay Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the Binalong Bay community can work with Council on projects.

DISCUSSION:

- The Manager Community Services advised this plan has been out for community engagement and now ready for Council to adopt.

COUNCIL DECISION:

04/23.15.9.94 Moved: Clr B LeFevre/ Seconded: Clr K Wright

That Council adopt the second Binalong Bay Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

04/23.15.10 **St Helens – Local Township Plan**

FILE REFERENCE	002\017\016\
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OFFICER’S RECOMMENDATION:

That Council receive the St Helens Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Helens community for comment.

INTRODUCTION:

The purpose of the township plan is to provide a framework for how members of the St Helens community can work with Council on projects.

DISCUSSION:

- The Manager Community Services asked Council to support the draft plan to be put out for community feedback.

COUNCIL DECISION:

04/23.15.10.95 Moved: Clr K Wright/ Seconded: Clr V Oldham

That Council receive the St Helens Township Plan 2022 – 2025 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the St Helens community for comment.

CARRIED UNANIMOUSLY

04/23.16.0 **DEVELOPMENT SERVICES**

04/23.16.1 **Development Services Report**

FILE REFERENCE	031\013\003\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Development Services Coordinator noted the following:
 - That planning approvals are still fairly low so they are focusing on some policy work.
 - The lighting at St Helens Sports Complex football ground has been turned on.
 - Acknowledged the NRM Facilitator for his work on the Binalong Bay Foreshore weed management plan which has now commenced.
 - The water quality testing program is now complete.
- Councillor Johnstone said she is really happy to see us taking cuttings from the local area for the Binalong Bay Foreshore.
- Councillor Chapple said the football ground lights are great.

COUNCIL DECISION:

04/23.16.1.96 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

Mayor Tucker returned to the room at 12.44pm.

04/23.16.2 **NRM – Committee Meeting Minutes 7 March 2023**

FILE REFERENCE	010\028\003\
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OFFICER'S RECOMMENDATION:

That Council receive the Minutes of the NRM Committee Meeting held on 7 March 2023 and consider items from the Committee for further Council attention, including the Committee's recommendation of priorities to include in Council's 2023-2024 Annual Plan and budget.

INTRODUCTION:

The Break O'Day NRM Special Committee met on 7 March 2023, with a field trip to St Helens Point area, followed by a regular meeting in the Council Chambers, St Helens.

DISCUSSION:

- The NRM Facilitator advised that the Committee met for a field trip prior to the meeting on March 7. He highlighted that the Committee would be reviewing the NRM priorities for the new financial year.

COUNCIL DECISION:

04/23.16.2.97 Moved: Clr L Johnstone/ Seconded: Clr K Wright

That Council receive the Minutes of the NRM Committee Meeting held on 7 March 2023 and consider items from the Committee for further Council attention, including the Committee’s recommendation of priorities to include in Council’s 2023-2024 Annual Plan and budget.

CARRIED UNANIMOUSLY

04/23.16.3 **Appointment of Break O’Day Council Natural Resource Management Committee Representative.**

FILE REFERENCE	010\028\003\
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OFFICER’S RECOMMENDATION:

That Council appoint Mrs Anne Bennet to its Natural Resource Management (NRM) Committee, as a new member representing the Education sector.

INTRODUCTION:

The Charter for Council’s NRM Committee provides for appointment of an Education sector representative.

DISCUSSION:

- The NRM Facilitator advised that at the March Committee meeting a recommendation was made that Anne Bennet be appointed to the committee to represent the education sector.

COUNCIL DECISION:

04/23.16.3.98 Moved: Clr K Chapple/ Seconded: Clr I Carter

That Council appoint Mrs Anne Bennet to its Natural Resource Management (NRM) Committee, as a new member representing the Education sector.

CARRIED UNANIMOUSLY

04/23.17.0 GOVERNANCE

04/23.17.1 General Manager's Report

FILE REFERENCE	002\012\001\
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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.

DISCUSSION:

- The General Manager advised that he and our Engineer have met with State Growth to discuss feasible options for an alternative route to St Marys Pass. Council's Engineer found one route which was feasible with the main issue being the degree of slope on the road. State Growth will do a very high level examination of the feasibility. The alternative route does not bypass St Marys Township.
- Councillor Drummond referred to page 493 and asked what is a greenfield approach. The General Manager said it means there is no existing road so it would be a whole new approach.
- The General Manager advised that the Future of Local Government Review report is due to be released on Wednesday April 19.
- The General Manager advised that the aquatic facility investigation process about to be kicked off. Councillor Carter asked if this should be put off until after people see their rates. The General Manager advised that we need to start the process to look at the initial feasibility analysis.
- Councillor Drummond said that she understands that the old hospital site Covid clinic is closing and would like to explore other potential options. The General Manager said he has already asked the question a month ago but received no response and we may need to go through a local MP to get a response.

COUNCIL DECISION:

04/23.17.1.99 Moved: Clr K Wright/ Seconded: Clr G Barnes

That the General Manager's report be received.

CARRIED UNANIMOUSLY

04/23.17.2 Discussion paper – Merit-Based Recruitment in Councils

FILE REFERENCE	008\009\001
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OFFICER'S RECOMMENDATION:

For discussion.

INTRODUCTION:

The Office of Local Government has released two discussion papers regarding councillor misconduct and merit-based recruitment in councils and is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.

DISCUSSION:

- Mayor Tucker noted that we have had some absolutely appalling issues come forward since the last Council election with General Managers leaving their jobs due to the actions of elected Councillors. He highlighted the need to be very firm on this decision.
- The General Manager advised that the focus of the paper is on reinstating the merit principle in the Local Government Act. He noted that merit is part of every aspect of recruitment but we also need to consider organisational fit, sometimes this can be important as they may be better than the very best person on paper. He is suggesting the need to consider both and not only be merit based.
- The General Manager noted that this paper is based on an investigation into one Council and how some recruitment decisions were made. It is important that correct processes are followed.
- The General Manager noted that he has included the recommendation that they use a Ministerial order approach instead of changing the Act.
- Mayor Tucker said he believes that we need to challenge some of these prescriptive fixes. He noted that it is not just about ticking the governance boxes but is also about someone who is willing to be a part of the community and be on local Boards to help further the community.
- Councillor Wright said she feels it should go to a workshop for further discussion. The General Manager advised that it went to the last workshop and feedback needs to be submitted before the next workshop.
- Councillor Johnstone said in section two (2) they are proposing that every single time a General Manager's contract comes up for renewal are they talking about legislating that it would have to go to market at this time. The General Manager advised that it is not clear so we need further clarification. Councillor Johnstone asked how long are the contracts. The General Manager advised they can be up to five years but can be less. The General Manager said we are raising the point that it needs to be explicit and be clear about what they intend. Councillor Drummond said she thinks asking for clarity is fine but thinking back to when working in a federally funded position that at the end of a five year contract the position must be advertised.
- Councillor Johnstone clarified that what we are trying to do here is seek to understand clarity and what is missing and we are not actually making a recommendation. The General Manager said yes we are seeking clarification and noted that the discussion paper is poorly written. Councillor Drummond said that is absolutely appropriate to request clarification.

COUNCIL DECISION:

04/23.17.2.100

Moved: Clr B LeFevre / Seconded: Clr V Oldham

Council make a submission based on the comments being made.

CARRIED UNANIMOUSLY

04/23.17.3

Discussion Paper - Addressing Councillor Misconduct

FILE REFERENCE	039\004\018\
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OFFICER'S RECOMMENDATION:

For discussion.

INTRODUCTION:

The Office of Local Government has released two discussion papers regarding councillor misconduct and merit-based recruitment in councils and is seeking feedback from the local community, stakeholders, councils, council staff and elected representatives.

DISCUSSION:

- The General Manager advised the following:
 - There have been a few instances where behaviours have not met expectations within the community, one of these cases had a fairly high profile in the media.
 - In this case The Minister didn't really have what they needed to address the situation so this discussion paper is about two potential models moving forward.
 - The General Manager has suggested that in the situation where the conduct has led to criminal proceedings, why have another process, they have already had the opportunity for legal representation and to defend the charges.
- The General Manager noted that he feels that both option should be on the table moving forward.
- Councillor Wright said there should be safeguards to make sure that proper process is followed. From personal experience she feels that the process is not always followed. The General Manager said this is about mechanisms beyond the code of conduct provisions.
- Mayor Tucker advised that this was because of an issue on the North West coast and they still did not have enough power to sack that Councillor on the spot even though he had already been found guilty by a Magistrate. Councillor Drummond agreed with the Mayor that when you are at a high level end of the code of conduct and you go before a court for criminal behaviour that it should be instant dismissal. As leaders of the community who are in the public eye then behaviour should be exemplary.

COUNCIL DECISION:

04/23.17.3.101 Moved: Clr J Drummond/ Seconded: Clr K Wright

A submission be made based on the discussion.

CARRIED UNANIMOUSLY

Councillor Wright left the meeting at 2.17pm.

Mayor Tucker declared an Interest in the following item and left the meeting at 2:17pm. Clr Chapple took the Chair as Deputy Mayor.

04/23 17.4 2023 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

FILE REFERENCE	039\002\008\
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OFFICER’S RECOMMENDATION:

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission have called for nominations for President and Committee members of the General Management Committee of the Local Government Association of Tasmania (LGAT).

DISCUSSION:

- The General Manager advised that every two (2) years the Local Government Association of Tasmania (LGAT) goes through an election process for the General Management Committee (GMC) and President. He noted that Mayor Tucker has been on the GMC for four (4) years and has been Vice President for the last two (2) years and has indicated he would like to continue. Mayor Tucker has also been asked to consider standing for President.
- Councillor LeFevre supported the motion and said Mayor Tucker has a very strong work ethic, he is proactive and positive and he will represent small regional Councils because the other nominees are all from larger Councils. He also noted that Mayor Tucker has no political affiliations and speaks passionately for Break O’Day.
- Councillor Oldham supported the motion and said we need stronger representation wherever we can get it.
- Councillor Johnstone clarified: do we have to nominate someone to be on the GMC? The General Manager said you don’t have to, but nominees have to be nominated by a Council, this is also the same for the Presidency. He explained that after the nominations have been

received then ballot papers will be sent to all Councils, Councillors will then have the opportunity to consider how they would like to vote.

- Councillor Drummond asked about the ability to ask candidates questions via TEAMS. The Executive Officer will send a link for the nominee question sessions.
- Councillor Chapple liked the idea of making sure that we have rural representation and noted that all nominees put forward so far are from cities.
- Councillor Drummond clarified: if we nominate Mayor Tucker to the GMC and if we nominate him to the Position of President, is it then voted on by all Councils in Tasmania. The General Manager advised that for the position of President all Tasmanian Councils vote and for the GMC it will be voted on by the Northern Region Councils in the same size grouping.
- Councillor Johnstone asked does that mean that some local Councils won't have a representative on LGAT. The General Manager advised that all Councils have a LGAT representative but this is for the GMC which is like the executive committee of LGAT. He also noted that the President of the GMC is voted on by all Councils but Vice President is voted in by GMC members.
- Councillor Barnes said he thinks it would be great for Break O'Day Council with Mayor Tucker being on the GMC. Councillor LeFevre reiterated his support.
- Councillor Johnstone asked can we do two motions? One for the GMC and one for the Presidency.
- An amendment was moved by Councillor Johnstone.
- Councillor LeFevre highlighted that Mayor Tucker has been rung and asked by Mayors of other Councils to represent small Councils which is how this motion came about.

COUNCIL DECISION:

04/23.17.4.102

Moved: Clr LeFevre/ Seconded: Clr Oldham

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT) and as President of the Local Government Association of Tasmania.

An amendment was moved:

04/23.17.4.103

Moved: Clr L Johnstone / Seconded: Clr J Drummond

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

The amendment was put:

FOR Clr J Drummond, Clr L Johnstone

AGAINST Clr B LeFevre, Clr V Oldham, Clr I Carter, Clr G Barnes, Clr K Chapple

LOST

The original motion was put:

04/23.17.4.104

Moved: Clr LeFevre/ Seconded: Clr Oldham

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT) and as President of the Local Government Association of Tasmania.

FOR

Clr B LeFevre, Clr V Oldham, Clr I Carter, Clr G Barnes, Clr K Chapple

AGAINST

Clr J Drummond, Clr L Johnstone

CARRIED

Councillor Drummond left the room at 2.45pm.

Councillor Drummond returned to the room at 2.46pm.

Mayor Tucker returned to the meeting at 2:50pm and resumed the Chair.

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

IN CONFIDENCE

04/23.18.0 **CLOSED COUNCIL**

04/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 20 March 2023**

COUNCIL DECISION:

04/23.18.1.CC Moved: Clr K Chapple/ Seconded: Clr B LeFevre

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

CARRIED UNANIMOUSLY

04/23.18.2 **Outstanding Actions List for Closed Council**

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

Meeting closed at 2.51pm