



COUNCIL MEETING MINUTES

Monday 18 December 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 December 2023

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

The Mayor welcomed Councillors and staff and declared the meeting open at 10.00am

ACKNOWLEDGEMENT OF COUNTRY

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

12/23.1.0 ATTENDANCE

12/23.1.1 Present

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

12/23.1.2 Apologies

12/23.1.3 Leave of Absence

12/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Bec Wood
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.5*)
Manager Community Services, Chris Hughes (*Item 1.0 – 17.6*)
Corporate Services Coordinator, Angela Matthews (*Item 1.0 – 17.6*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 16.2*)
Manager Business Services, Raoul Harper (*Item 1.0 – 18.5*)
Planning Officer, Alex McKinlay (*Item 1.0 – 6.1*)
Governance Officer, Molli Brown (*Item 1.0 – 17.6*)
Senior Town Planner, Deb Szekely (*Item 16.2*)

12/23.2.0 PUBLIC QUESTION TIME

One (1) person in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2015 the following questions were submitted in writing prior to the Council Meeting.

11/23.2.1 DA 041-2023 – Paul Hargrave

Mr Hargrave explained that he and his partner brought this property in part because of all the bushland and they love to be able to walk their dog through it and that they would both like to become active and engaged members of the local community. He asked is there anything he could assist Councillors with to help them make a decision supporting the building of a dwelling on their property.

Reply:

Mayor Tucker advised that Councillors do not respond to questions during the Council meeting and that the process means that he would receive a response within seven (7) days.

Mr Hargrave apologised and withdrew the question.

11/23.2.2 St Marys Community Hall – Councillor Carter OBO Bronwyn Zemanek

1. Could Council please update the community on the status of the request to review the pricing structure (with the goal of giving free access) for local community groups.

Reply:

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

Councillors met – apart from Clr Drummond who was on leave and they put forward the below motion which was carried by Council:

That policy CB07 be amended as follows:

- 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
- A new category is added:

Category E – Full Concession – eligible for 100% concession on full rate (ie. free venue hire) – 3 Month Trial Period

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.

The original motion did not support a review of the pricing structure (with the goal of giving free access) for local community groups.

2. Would Council consider delegating the management of the St Marys Community Hall to another community group for example Neighbourhood House?

Reply:

This would need to be a decision of Council in support of this request and other organisations such as Neighbourhood Houses would need to enter into an agreement with Council to manage the facility, which would include general maintenance, bookings etc, insurance and day to day running costs.

11/23.2.3 Gender Equality – Councillor Drummond OBO Barbara Longue

In light of numerous initiatives in the past to bring gender equality and gender equity into Break O’Day Council, what is currently being done to improve gender equality within Council and its employees and through programs Council sponsors?

Reply:

Break O’Day Council prides itself on being an equal opportunity employer, not just when it comes to gender. In our Equal Opportunities Policy (LG24) it states:

“It is the Break O’Day Council’s aim to ensure that there will be a fair and systematic approach to the treatment of all job applicants and employees, regardless of their sex, sexual orientation, marital status, age, race, ethnic origin or disability”.”

In regard to gender specifically, currently, the Council's workforce composition reflects a distribution of 44% female employees and 56% male employees, a pattern similarly mirrored in the composition of the Management team. We acknowledge that discrimination based on sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, pregnancy, and breastfeeding is prohibited by law.

Gender equality within Council extends beyond numerical representation, encompassing broader issues such as violence against women. We have included an article on our website under My Community News, which provides links to support, this information is also available in the Council office for all staff. We also offer all employees flexible working arrangements on a case by case basis to allow men and women to work from home if required.

Several Council policies align with these principles, reinforcing its commitment to fostering a culture of equality. Notable policies include LG13 Anti-Discrimination and Harassment Policy, LG24 Equal Opportunities Policy, and LG31 Recruitment and Selection Policy. These policies collectively aim to create a workplace environment that is free from discrimination and harassment, ensuring equal opportunities for all employees.

While the General Manager is uncertain about the specific initiatives referenced by Ms. Longue, the Council's existing policies underscore a commitment to the principles of gender equality and non-discrimination. The policies provide a framework for promoting a workplace culture that upholds these values, aligning with legal requirements and demonstrating a proactive approach to fostering an inclusive and equitable environment.

11/23.2.4 East Coast Veterinary Clinic – Councillor Drummond OBO Louise Keady

On 8 December 2023 The Mercury published an article regarding the potential closure of the East Coast Veterinary Clinic.

Noting that a meeting was held between Minister Palmer, Dr Byrne and Mayor Tucker, I would appreciate it if Mayor Tucker would provide an update for the community on this matter, including implications in regard to provision of Veterinary Services.

Reply:

The article published in the Mercury Newspaper on 8 December incorrectly stated that Mayor Mick Tucker had met with the Minister and the vet from East Coast Veterinary Clinic.

The Department of Premier and Cabinet wrote to Council on 8 December to advise us that this was an error on the Mercury journalist’s behalf. The Department had provided a statement to the journalist that Mayor had SPOKEN with the vet.

Mayor Tucker contacted the vet so he could understand the issues and how Council could support him. This resulted in the Mayor advocating for and facilitating a meeting between the Minister and the vet.

11/23.2.5 Recreational Trails Strategy – Councillor Drummond OBO Neill Capill

In the November 2023 Break O’Day Council (BODC) agenda publication, the Manager Community Services states “that no funding has been applied for in relation to the projects identified in the Recreational Trails Strategy”. I don’t recall if the ‘Rail Trail’ did ever appear in the Recreational Trails Strategy but if it didn’t, given the growing tourist interest in Rail Trails perhaps it should. I received in January of this year a letter from the BODC General Manager in which he stated, “the St Marys to Cornwall section had been identified as a project of high priority to seek funding for”. If the section is as the General Manager states why hasn’t the Manager Community Services applied for the funding required?

Reply:

To fund the rail trail project, as previously advised and stated above in the question, grant funding would be required to fund this project. Unfortunately in the last 12-18 months, grants have not been available to which we could submit an application for this project.

11/23.2.6 St Marys Railyard – Councillor Drummond OBO Neill Capill

A few weeks ago BODC filled in and grassed over the engine turnaround situated within the St Marys Railyard. The railyard had permanent heritage listing and aerial photographs clearly show the engine turnaround pit as part of that. The ‘pit’ was part of people’s ability to ‘read’ the industrial history and heritage of St Marys. Could you please tell me who at the Heritage Council gave permission to BODC to act as it has.

Reply:

The Turntable site was filled in to reduce Councils exposure to risk due to immediate public safety concerns raised with Council, subsequent to a motor vehicle incident. The site has been subject to both environmental elements, unrestricted public access and interference resulting in the heritage values being diminished. Council is working closely with Heritage Tasmania with the intent of undertaking and completing the following works:

1. Retention and protection of all surviving site features *insitu*;
2. The placement of a hard landscaped border with central reference, of equivalent stone blocks or paving with defined surface treatment, of gravel or turf, or other device to mark and maintain a visible reference to the turntable footprint; and
3. Interpretation/signage to explain the site history and function to that part of the St Marys Railyard.

11/23.2.7

Short Term Deposit – Councillor Drummond OBO Neill Capill

In the short term deposit account I noted there is currently \$18 million. Would Council please identify what the deposit consists of i.e. is this rates, grants or other?

Reply:

Council has a number of cash investment accounts.

The sums invested, maturation date and projected returns are listed in the Corporate Services report to Council monthly. The Profit and Loss Statement and Statement of Cash Flows provides detail as to funds received from rates, grants and other sources of revenue.

The cash investment accounts are a combination of all revenue sources, these are invested and mature throughout the year to fund the ongoing operational delivery of services and capital works. More information on the financial management of Council can be found at:

<https://www.bodc.tas.gov.au/wp-content/uploads/2018/06/BODC-Financial-Management-Strategy-2023-2033-FINAL.pdf>

12/23.3.0

DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Councillor Barnes declared a non-pecuniary interest in Agenda Item 23.17.6 – The lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing.

12/23.4.0

CONFIRMATION OF MINUTES

12/23.4.1

Confirmation of Minutes – Council Meeting 20 November 2023

OFFICER'S RECOMMENDATION:

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

DISCUSSION:

Nil

COUNCIL DECISION:

12/23.4.1.262

Moved: Clr B LeFevre / Seconded: Clr K Chapple

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

CARRIED UNANIMOUSLY

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

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

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

12/23.6.0 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.

12/23.6.1 DA 041-2023 Residential – Construction of a Dwelling, Carport & Shed

| | |
|-----------------------|-----------|
| FILE REFERENCE | DA 041-23 |
|-----------------------|-----------|

OFFICER’S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED

RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED on land situated at 333 DAVIS GULLY ROAD, FOUR MILE CREEK described in Certificate of Title 136167/2 be APPROVED subject to the following conditions:

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

| Approved Plans / Documents | | | |
|---|----------------------------|--|--------------|
| Plan / Document Name | Reference Number | Prepared By | Dated |
| Site Plan | A-1500 | JC | 05/04/2023 |
| Detailed Site plan | A-1501 | JC | 05/04/2023 |
| Lower Ground Floor Plan | A-2000 | JC | 05/04/2023 |
| Ground Floor Plan | A-2001 | JC | 05/04/2023 |
| Mezzanine Floor Plan | A-2002 | JC | 05/04/2023 |
| Roof Plan | A-2003 | JC | 05/04/2023 |
| Western Elevation | A-3000 | JC | 05/04/2023 |
| Southern Elevation | A-3001 | JC | 05/04/2023 |
| Eastern Elevation | A-3002 | JC | 05/04/2023 |
| Northern Elevation | A-3003 | JC | 05/04/2023 |
| Section | A-4000 | JC | 05/04/2023 |
| Shed Plan and Elevations | A-7000 | JC | 05/04/2023 |
| 333 Davis Gully Road Traffic Impact Assessment | Nil | Midson Pty Ltd | May 2023 |
| Provisional Site Classification & On-site Wastewater Disposal Design 333 Davis Gully Road, Four Mile Creek | Reference No. GL23217Ac | Geoton | 20/07/2023 |
| Preliminary Natural Values Assessment | Nil | Mulcahy Planning and Property Services | 20/10/2023 |

2. The shed is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. The crossover must be constructed in accordance with standard drawings TSD-RO3-v3 & TSD-R04-v3.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.

6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
7. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
8. Compliance with State (Tasmanian Threatened Species Protection Act 1995) and National Threatened Species Protection Laws (Environment Protection and Biodiversity Conservation Act 1999) is required at all times during the development.
9. The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. It is a requirement that a permit to 'take' small-leafed glycine (*Glycine microphylla*), a threatened species, will need to be obtained from the Department of Natural Resources and Environment (NRE) prior to works being undertaken for the proposed driveway. This is required as it was identified within the preliminary natural values assessment prepared by Mulchay Planning and Property Services, that the proposed driveway is likely to impact upon the threatened flora species known as small-leafed glycine.
12. To ensure that the proposed development is sympathetic to the natural values of the subject site, a Wedge-Tailed Eagle Nest Survey by a suitably qualified person and a response to management issues it raised, is required to be submitted to Council for review prior to the issuing of a building permit. This is required to ensure that the intended development site will not contribute towards adversely impacting upon Wedge-Tailed Eagles which are listed as a threatened species under the Tasmanian Threatened Species Protection Act 1995 and also listed as an endangered Tasmanian subspecies under the Environment Protection and Biodiversity Conservation Act 1999.
13. If there are any existing large tree limbs, logs or stumps present on the development site, both an assessment and advice is to be sought from a suitably qualified ecologist on protecting suitable habitat of the Giant Blind Velvet Worm (*Leucopatus anophthalmus*) is to be submitted to Council for review. This is required to ensure that the intended development will not adversely impact the Blind Velvet Worm, which is listed as an endangered species under the Tasmanian Threatened Species Protection Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
14. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
15. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water*

Management, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilized (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

16. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
17. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
18. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
19. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
20. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

INTRODUCTION:

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

DISCUSSION:

- The Planning Officer advised the following:
 - The application is for a dwelling, carport and shed, and also includes the provision of internal driveway access and an onsite waste water system.
 - The application is discretionary on 12 selection criteria.
 - Three (3) representations were received and they were predominantly concerned with the environmental impact of the development. There were also some concerns raised about erosion and the onsite waste water system.
 - The applicant provided a natural values letter responding to the environmental concerns and this has informed a number of the conditions. There are also conditions which address erosion concerns

- Councillor LeFevre indicated his support for the development and noted the 20 conditions and very extensive report.
- Councillor Chapple agreed with Councillor LeFevre and asked what the assurances are on these conditions and wants to make sure we monitor these.
- The Planning officer advised that as part of the conditions the applicants would forward on all permits or reports they receive particularly with condition twelve regarding wedge tailed eagles.
- Councillor Drummond agreed it is comprehensive assessment but also has concerns regarding compliance. She also noted that the report states it is a preliminary natural values assessment and feels we may need to go one step further and obtain a more comprehensive study. She also asked what would happen if mature tree roots are damaged during the process of building the development?
- The Planning Officer noted that condition eight (8) requires that they must comply with State and National threatened species law at all times. With regards to trees he advised that what has been shown on the site plan are the inner and outer clearance zones. In the outer zone trees four metres and above will be retained where possible. Condition 14 also states that vegetation cannot be removed outside what is necessary for development. He also noted that the priority habitat overlay does not apply to the development site itself.

COUNCIL DECISION:

12/23.4.1.263 Moved: Clr B LeFevre / Seconded: Clr K Chapple

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED

RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED on land situated at 333 DAVIS GULLY ROAD, FOUR MILE CREEK described in Certificate of Title 136167/2 be APPROVED subject to the following conditions:

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

| Approved Plans / Documents | | | |
|-----------------------------------|-------------------------|--------------------|--------------|
| Plan / Document Name | Reference Number | Prepared By | Dated |
| Site Plan | A-1500 | JC | 05/04/2023 |
| Detailed Site plan | A-1501 | JC | 05/04/2023 |
| Lower Ground Floor Plan | A-2000 | JC | 05/04/2023 |
| Ground Floor Plan | A-2001 | JC | 05/04/2023 |
| Mezzanine Floor Plan | A-2002 | JC | 05/04/2023 |
| Roof Plan | A-2003 | JC | 05/04/2023 |
| Western Elevation | A-3000 | JC | 05/04/2023 |
| Southern Elevation | A-3001 | JC | 05/04/2023 |
| Eastern Elevation | A-3002 | JC | 05/04/2023 |
| Northern Elevation | A-3003 | JC | 05/04/2023 |

| | | | |
|---|----------------------------|--|------------|
| Section | A-4000 | JC | 05/04/2023 |
| Shed Plan and Elevations | A-7000 | JC | 05/04/2023 |
| 333 Davis Gully Road Traffic Impact Assessment | Nil | Midson Pty Ltd | May 2023 |
| Provisional Site Classification & On-site Wastewater Disposal Design 333 Davis Gully Road, Four Mile Creek | Reference No. GL23217Ac | Geoton | 20/07/2023 |
| Preliminary Natural Values Assessment | Nil | Mulcahy Planning and Property Services | 20/10/2023 |

2. The shed is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - d. completed before the use of the development;
 - e. 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;
 - f. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. The crossover must be constructed in accordance with standard drawings TSD-RO3-v3 & TSD-R04-v3.
5. An application must be submitted to obtain a Works Permit prior to undertaking any work on the crossover.
6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
7. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
8. Compliance with State (Tasmanian Threatened Species Protection Act 1995) and National Threatened Species Protection Laws (Environment Protection and Biodiversity Conservation Act 1999) is required at all times during the development.
9. The access and driveway is to be designed and constructed in accordance with a bushfire hazard management plan which ensures that specific consideration is given to retainment of any threatened flora and fauna species. This design is to be provided to the satisfaction of council prior to building approval.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. It is a requirement that a permit to 'take' small-leafed glycine (*Glycine microphylla*), a threatened species, will need to be obtained from the Department of Natural Resources and Environment (NRE) prior to works being undertaken for the proposed driveway. This is required as it was identified within the preliminary natural values assessment prepared by

Mulchay Planning and Property Services, that the proposed driveway is likely to impact upon the threatened flora species known as small-leafed glycine.

12. To ensure that the proposed development is sympathetic to the natural values of the subject site, a Wedge-Tailed Eagle Nest Survey by a suitably qualified person and a response to management issues it raised, is required to be submitted to Council for review prior to the issuing of a building permit. This is required to ensure that the intended development site will not contribute towards adversely impacting upon Wedge-Tailed Eagles which are listed as a threatened species under the Tasmanian Threatened Species Protection Act 1995 and also listed as an endangered Tasmanian subspecies under the Environment Protection and Biodiversity Conservation Act 1999.
13. If there are any existing large tree limbs, logs or stumps present on the development site, both an assessment and advice is to be sought from a suitably qualified ecologist on protecting suitable habitat of the Giant Blind Velvet Worm (*Leucopatus anophthalmus*) is to be submitted to Council for review. This is required to ensure that the intended development will not adversely impact the Blind Velvet Worm, which is listed as an endangered species under the Tasmanian Threatened Species Protection Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
14. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
15. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilized (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
16. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
17. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
18. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
19. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.

20. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

CARRIED UNANIMOUSLY

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.

12/23.7.0 COUNCIL MEETING ACTIONS

12/23.7.1 Outstanding Matters

Councillor Carter requested an update regarding the Online Access Centres Strategy.

Reply:

The General Manager advises that the Minister has still not responded to the letter and a further follow up would be sent which will be copied to Hon John Tucker MP who will no doubt follow this up with the Minister.

12/23.8.0 PETITIONS

12/23.8.1 Upper Esk Road Access Petition

| | |
|----------------|--------------|
| FILE REFERENCE | 011\034\006\ |
|----------------|--------------|

OFFICER'S RECOMMENDATION:

That Council receive the petition

INTRODUCTION:

The petition was received by mail on 30 November 2023.

The petition has 31 signatories.

The petition in full is included following this report.

The main points of the petition are:

- October 2022 floods saw the destruction of a bridge crossing on to Cokers Road which Council consequently closed
- Old Roses Tier Road was badly damaged and washed out and it was consequently closed.
- Community in the area are now concerned that without access provided by these two routes, they only have one road in and out of the area if a bush fire was to occur.

- No roadside slashing has occurred in the Sandhurst Road area along Upper Esk Road to the South Esk River which they believe could exacerbate a fire in the area

DISCUSSION:

- The General Manager advised that we received this in the form of a petition rather than a request and a response has been prepared by Council Officers.
- Councillor Carter noted the view that people have decided to live there of their own choice but he wondered how many people chose to live there before the deterioration of the assets. The petitioners were clear in their view that Sustainable Timber Tasmania (STT) bridge repair would be the most viable solution, if this is the case then can Council help ratepayers with their concerns.
- The Manager Infrastructure and Development Services advised that STT make decisions about their own assets, we can write to STT about this and point out that the bridge does provide a connection for local residents but outside of that we have no control over the road and the bridge. He did question if residents would want to be driving through Coach road in a bushfire situation.
- Councillor Drummond noted that when she was at Mathinna she was approached by a number of residents with the same concerns and would like to see a letter written.

COUNCIL DECISION:

12/23.4.1.264 Moved: Clr K Chapple/ Seconded: Clr K Wright

That Council receive the petition

CARRIED UNANIMOUSLY

12/23.9.0 **NOTICES OF MOTION**

12/23.9.1 **Indigenous name for St Patricks Head – Clr J Drummond**

MOTION:

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

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

SUBMISSION IN SUPPORT OF MOTION:

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

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

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

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



DISCUSSION:

- Councillor Drummond said that this motion is in regards to Break O’Day Council supporting the Indigenous name of St Patricks Head, it is mainly about us providing interpretive signage. She advised that the Department of Natural Resources and Environment have done the hard work finding the history and this would be a positive way for Council to move forward towards Reconciliation.

COUNCIL DECISION:

12/23.4.1.265 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:

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

CARRIED UNANIMOUSLY

Mayor Tucker vacated the Chair at 10:23am and Councillor Chapple took over as chair of the meeting.

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

MOTION:

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

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

SUBMISSION IN SUPPORT OF MOTION:

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

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

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

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

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

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

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

- d. SARAH’s President, and/or nominated representative, will assist the Yellow Ribbon Council with advice regarding the planning and community promotion of Council’s National Road Safety Week initiatives.*
- e. With Vision Zero as SARAH’s foundation, SARAH’s President, and/or nominated representative, will assist the Yellow Ribbon Council to protect its own community by identifying major issues that are preventing better outcomes under the Safe System (ie. Safe Roads, Safe Speeds, Safe People and Safe Vehicles).*
- f. Once the Yellow Ribbon Council’s hierarchy of major issues is identified and agreed, SARAH will support a strategic approach to assist the Yellow Ribbon Council in raising the profile of the major issue/s with the relevant Commonwealth, State or Territory bureaucracy. If agreed by the parties, such issue/s may also form the basis of media releases, including joint media releases.*
- g. On request, and as per Clause 1.13, SARAH’s President will provide an annual Complimentary Speaking Engagement to support the Yellow Ribbon Council’s NRSW activities. Alternatively, and at the sole discretion of the Yellow Ribbon Council, the Speaking Engagement may be used for any other road safety initiative of the Yellow Ribbon Council.*

DISCUSSION:

- Mayor Tucker referred to the presentation provided by Peter Fraser and felt that Council should be part of this opportunity as it was very good. Clr Wright supports the motion and has had a number of people approach her regarding road safety since a serious accident at Dianas Basin recently and feels the speed limit needs to drop to 80.

COUNCIL DECISION:

12/23.4.1.266 Moved: Clr M Tucker / 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:

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

CARRIED UNANIMOUSLY

Mayor Tucker resumed the role of chair of the meeting at 10:25am.

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

MOTION:

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

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

SUBMISSION IN SUPPORT OF MOTION:

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

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

Just a few ideas that might be considered include a theme of the boat plantings throughout the main street of St Helens and carry these forward to other townships with something suitable to use a planters that is recognisable for the town. St Helens is a seaside harbour town; why not use the boats as a recognisable planter theme? Why not create a few more of these to create a theme, there are a few more location that could have a boat planter with native plantings around it? Why not compliment the native grass and plants with the burst of colour around the boats, replace the need

to mow (outside United St Helens). Are there native plants that are colourful, easy to prune and low maintenance that we can also use?

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

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

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

DISCUSSION:

- Councillor Chapple asked that Council develop a community parks/landscape plan for the townships. One of the key parts of this would be to determine how this fits into bigger plans for our townships and how we can plan for funding and grant opportunities.
- Councillor Drummond said she would not be supportive of exotic plantings, she said that moving forward with the climate changes we are experiencing, exotic plants are nutrient and water hungry and it would not be responsible for us to plant these. She suggested natives that have colour as an alternative.
- Councillor Chapple said as part of the report then if it was decided that natives would be the better option then she would support that. She indicated that she would rather focus on natives but would like colour and drought resistance.
- Councillor Johnstone said she has the same concern as Councillor Drummond and reflected that she has only natives in her own garden and the colours are stunning. She also noted that this would be a really great educational opportunity for our community planting gardens that there is a lot of colour in natives.

COUNCIL DECISION:

12/23.4.1.267 Moved: Clr K Chapple / Seconded: Clr B LeFevre

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

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

CARRIED UNANIMOUSLY

12/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

12/23.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

Nil

12/23.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

12/23.12.1 Mayor's Communications for Period Ending 18 December 2023

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

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

Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple

Nil

NRM Special Committee – Clr Janet Drummond

- Councillor Drummond advised that a meeting was held approximately two (2) weeks ago and included guests at the meeting who will potentially become members. This included a new community member and new Indigenous member.
- The meeting included a presentation about the Lower Georges River,
- Councillor Johnstone indicated that they also had a presentation on deer which are problematic in the area. She advised that the State Government has put funding towards this and she feels that we need to be very much across this.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Councillor LeFevre advised the following:
 - The East Coast Tasmania Tourism meeting was held at St Helens on 27 November 2023. Reports and updates were provided from the Funding Diversification, Marketing and Rules Of Association committees.
 - The Tourism Coaching program was highly successful with 6 participants qualifying as finalists for the State Awards.
 - The Media Communication policy was discussed and updated at the meeting.
 - A Tourism Tasmania representative attended the meeting as an observer.
 - ECTT has written to the Government with a list of priorities, which include;
 - East Coast Positive Impact Plan
 - Upgrades to the Great Eastern Drive
 - Reinstate Visitor Information Centres throughout the East Coast
 - Support the continuation of funding for the South Eastern Regional Development Association jobs hub initiative.
 - Cycle safety-funding for cycle lanes, amenities and signage.

Mental Health Action Group – Clr Barry LeFevre

Nil

Access and Inclusion Advisory Committee – Clr Janet Drummond

- Councillor Drummond advised that two events were held for the International Day of People with Disability.

- The first event was held on 30 November in St Helens, this was an art event with approximately forty people present. It was a very positive event.
- The second was held on 1 December in St Marys, this included a presentation on bushfire preparedness with a particular focus on vulnerable people and approximately 16 people attended the event. The feedback from TFS was that everyone was very engaged.
- Both these events were held at private homes and Councillor Drummond thanked the property owners for allowing the community into their homes.
- Councillor Drummond noted that she attended the Health and Social Services Network meeting at the Council Office.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

Nil

12/23.13.0 BUSINESS AND CORPORATE SERVICES

12/23.13.1 Corporate Services Department Report

| | |
|-----------------------|--------------|
| FILE REFERENCE | 018\018\001\ |
|-----------------------|--------------|

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:

- The Manager Business Services advised the following:
 - Everything is fairly stable at the moment
 - Investment portfolio had \$3.5 million reinvested at 5.47% in November.
 - There are a few more outstanding rates this year than in previous years and we will monitor this as the rest of the year goes on.
- Councillor Drummond again requested an organisational structure. The General Manager said he wasn’t aware of the request and will distribute this once an update to the document has been completed.

COUNCIL DECISION:

12/23.4.1.268 Moved: Clr G Barnes/ Seconded: Clr I Carter

That the report be received.

CARRIED UNANIMOUSLY

12/23.13.2 Monthly Financial Report

| | |
|-----------------------|--------------|
| FILE REFERENCE | 018\018\001\ |
|-----------------------|--------------|

OFFICER'S RECOMMENDATION:

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

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Business Services noted that user fees are down on budget and this is primarily due to caravan licences not having gone out yet due to the new By-Law. These will be sent out in January.

COUNCIL DECISION:

12/23.4.1.269 Moved: Clr K Wright / Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

12/23.13.3 Visitor Information Centre Report

| | |
|-----------------------|--------------|
| FILE REFERENCE | 040\028\002\ |
|-----------------------|--------------|

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 noted that the Tin Dragon and Chinese Experience projector was replaced outside budget recently and there now appears to be other significant electrical problems which are also unbudgeted. He noted that we will work with contractors in the new year to try to resolve this problem, unfortunately it is unlikely that the movie will be displayed in January. He also noted that we may need to review the movie experience and would like to get the Curator's thoughts on this.
- Councillor LeFevre asked why were the years 2014 and 2015 were so high for visitor numbers?
- Mayor Tucker said it highlights how important the Visitor Information Centre is when you have 110 people walking through the door each day.
- Councillor LeFevre said East Coast Tasmania Tourism clearly recognises the need for face to face interaction as well as online. Councillor Chapple noted that it has also been mentioned at the Chamber of Commerce meetings.

COUNCIL DECISION:

12/23.4.1.270 Moved: Clr B LeFevre/ Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

12/23.14.0 **WORKS AND INFRASTRUCTURE**

12/23.14.1 **Works and Infrastructure Report**

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|-----------------------|--------------|
| FILE REFERENCE | 014\002\001\ |
|-----------------------|--------------|

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised the following:
 - There is a discrepancy in relation to recyclable materials for this financial year compared to the same time in the previous financial year.

- This has been raised with JJs Waste and they are currently reviewing how it is being weighed. We will follow this up with them in January.
 - Capital Works are being done on North Ansons Bay Road including sealing an intersection and resheeting.
 - We secured low dust generating gravels from Dorset for areas where residents live close to the road.
- Councillor Drummond said within the community she has been asked about the use of weedkiller. She asked could we publicise the no spray zones we have? She also asked why are we relying so heavily on chemicals particularly near streams? Feedback was requested on how the steam wand is being used as it was specifically purchased for sensitive areas.

COUNCIL DECISION:

12/23.4.1.271 Moved: Clr K Wright/ Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

12/23.14.2 **Animal Control Report**

| | |
|-----------------------|--------------|
| FILE REFERENCE | 003\003\018\ |
|-----------------------|--------------|

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 a big focus area this month is contacting the 109 people who still have pending dog registrations and so we should start to see that pending number reduce.

COUNCIL DECISION:

12/23.4.1.272 Moved: Clr B LeFevre/ Seconded: Clr L Johnstone

That the report be received.

CARRIED UNANIMOUSLY

12/23.14.3 Trial of Green Waste –Fee free days at the Ansons Bay WTS

| | |
|----------------|--------------|
| FILE REFERENCE | 033\046\001\ |
|----------------|--------------|

OFFICER'S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised the following:
 - o He received a request from the Ansons Bay Community Group regarding free green waste days at Ansons Bay Waste Transfer Station.
 - o They believe that this not being provided has lead to green waste dumping in the bush.
 - o Because we get very little green waste at Ansons Bay compared to our other Waste Transfer Stations so it is incinerated.
 - o Recommended a trial of free green waste between now and February and will use this to inform the policy update due in April.

COUNCIL DECISION:

12/23.4.1.273 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

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

CARRIED UNANIMOUSLY

12/23.15.0 COMMUNITY DEVELOPMENT

12/23.15.1 Community Services Report

| | |
|----------------|--------------|
| FILE REFERENCE | 011\034\006\ |
|----------------|--------------|

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.

DISCUSSION:

- The Manager Community Services asked Councillors to promote Australia Day nominations as we are down on nominations this year.
- Councillor LeFevre asked why we have two (2) separate events listed for Australia Day. The Manager Community Services said we never know if both events will go ahead each year so we leave the funds allocated just in case.

COUNCIL DECISION:

12/23.4.1.274 Moved: Clr B LeFevre/ Seconded: Clr G Barnes

That the report be received.

CARRIED UNANIMOUSLY

12/23.15.2 **CB09 - Interim Safeguarding Children and Young People Policy**

| | |
|-----------------------|--------------|
| FILE REFERENCE | 002\024\002\ |
|-----------------------|--------------|

OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that this policy impacts all of us and comes into force on 1 January 2024. She noted that we will also be developing a procedure which will sit alongside the policy and will contain templates to use for reporting etc.
- Councillor Drummond asked can we go into this more in depth in a workshop so everyone fully understands it. The Manager Community Services said there are training modules which should have been made available by now but unfortunately they are not, we will continue to work on this as it is legislated and impacts everyone including volunteers. She will send link to all Councillors for information that is available.
- Councillor Johnstone followed up potentially using a workshop to go through it. The Manager Community Services reiterated that she will send the link and asked Councillors to look at the link before January. She noted that this relates to historical events as well not just future events. The General Manager advised that some online workshops have been offered by the Department of Premier and Cabinet, they are approximately 1.5 hours long. He said he would prefer that Councillors use that as it will take a lot of resources to prepare new information. The Manager Community Services will also provide the link for this training to Councillors.
- Councillor Drummond said she was asking that The Manager of Community Services take Councillors through the information on the website as there is so much information available and that she would like to do this as a group.

COUNCIL DECISION:

12/23.4.1.275 Moved: Clr K Chapple / Seconded: Clr K Wright

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

CARRIED UNANIMOUSLY

12/23.16.0 DEVELOPMENT SERVICES

12/23.16.1 Development Services Report

| | |
|-----------------------|--------------|
| FILE REFERENCE | 031\013\003\ |
|-----------------------|--------------|

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.

DISCUSSION:

- The Development Services Coordinator advised that they have had a couple of big wins at the end of this year:
 - The tenders have been signed for St Marys Indoor and Evacuation Centre and the Community Shed at Fingal. St Marys demolition has already started.
 - The new Environmental Health By-Law was gazetted last week and is yet to be tabled in Parliament, this is expected to happen in March 2024 and does not affect implementation. Caravan licences will be rolled out in the new year and will only be charged pro rata.

COUNCIL DECISION:

12/23.4.1.277 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

Meeting adjourned at 10.57am.

Meeting resumed at 11.25am.

12/23.16.2 Draft Amendments – Break O’Day Local Provisions Schedule

| | |
|----------------|----------|
| FILE REFERENCE | 23/13730 |
|----------------|----------|

OFFICER’S RECOMMENDATION:

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

INTRODUCTION:

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

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

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

DISCUSSION:

- The Senior Town Planner advised the following:

- Council was directed to exhibit the substantial modifications to the Local Provisions Schedule, this took place from 9 October to 7 November 2023.
 - There are six (6) draft amendments which affected 73 titles across the municipality (including road reserves).
 - During the exhibition period we received five (5) representations and as the Planning Authority we are required to formally consider the representations.
 - The representations were considered and no modifications to the draft amendments have been recommended.
- Mayor Tucker clarified that the first representation was not a true representation. The Senior Town Planner said we are just saying we received it and we considered it.
 - Councillor Drummond clarified that these amendments were provided to us by the Tasmanian Planning Commission (TPC) so does this mean we are or are not accepting the amendments? The Senior Town Planner reviewed the process followed to date and noted that because they were substantial and there was likely to be a public interest that we had to exhibit them. She also advised that this means we are accepting the substantial modifications that have been given to us by the TPC.

COUNCIL DECISION:

12/23.4.1.278 Moved: Clr K Wright/ Seconded: Clr K Chapple

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

CARRIED UNANIMOUSLY

12/23.17.0 **GOVERNANCE**

12/23.17.1 **General Manager’s Report**

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| 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 matters which are being dealt with by the General Manager and with other Council Officers where required.

DISCUSSION:

- The General Manager advised the following:
- That in relation to the Strategic Regional Partnership, he was anticipating receiving a letter from the State Government to formally move forward this process last week but this has still not been received yet. Resources have now been allocated to the project and we should see progress in the first three (3) months of next year.
- Noted the meetings with the Royal Flying Doctor Service and they will be doing an upgrade on the aircraft as the current model is no longer being made. The larger aircraft will have increased operational requirements for the aerodrome.

COUNCIL DECISION:

12/23.4.1.279 Moved: Clr G Barnes / Seconded: Clr K Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

12/23.17.2 **Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report Jul-Sept 2023**

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|-----------------------|--------------|
| FILE REFERENCE | 039\011\003\ |
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OFFICER'S RECOMMENDATION:

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

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised that we are required to consider the progress report from NTDC and this has been provided for Councillors information.

COUNCIL DECISION:

12/23.4.1.280 Moved: Clr G Barnes/ Seconded: Clr K Chapple

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

CARRIED UNANIMOUSLY

12/23.17.3 Managing conflicts of interests of Councillors Framework Review

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

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

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised the following:
 - That earlier this morning additional information was sent to Councillors which came from the Office of Local Government, they have also extended the timeframe to 2 February 2024 so this can be further discussed at the January Council meeting.
 - The information provided does not seem to give much extra clarity about concerns which have been raised.
 - A number of items were highlighted in the General Manager's report and he is interested in Councillors thoughts. The discussion paper was shared with the opportunity to add comments.
- The General Manager noted previous comments made and those made by others in the sector, there are concerns about the disclosure of information and he questioned the necessity to declare assets which are outside the municipality. How does this impact on Council decisions? He feels this is a degree of overreach. He also noted concerns about restricting access to information, how do we redact it for the Councillor when then it is publicly available online.
- Councillor Wright asked how do you know if you have a conflict until you read the agenda?
- Councillor Carter said it seems we are reacting to the actions of only a few Councillors within the State.
- Mayor Tucker said he is very supportive of being transparent but is very concerned about the overreach, he said that Councillors are not recognised in the Constitution, we are only elected to represent and make decisions in our own local area. We do not have parliamentary privilege but are expected to disclose the same level of information. This may discourage people from

standing for Council as they have to declare too much. This could change the way community members decide whether to put their hand up to become elected members.

- Councillor Chapple said she understands there is a need for some Councils to improve, ours is already transparent. She believes the six (6) guiding principles should already be applied. She noted that this would allow a Mayor to overturn a Councillor's decision and require them to leave the room.
- Councillor Chapple said she also has concerns regarding sharing specific residential address information.
- Mayor Tucker said that all Councillors should think seriously about this and submit a response to the General Manager.
- The General Manager advised that this will be relisted for the January Council Meeting and he would like comments from Councillors before then.

COUNCIL DECISION:

12/23.4.1.281 Moved: Clr V Oldham/ Seconded: Clr B LeFevre

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

CARRIED UNANIMOUSLY

12/23.17.4 **Future of Local Government Review – Final Report**

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| FILE REFERENCE | 014\006\001\ |
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OFFICER'S RECOMMENDATION:

That the Report be received and Council consider the nature of its submission.

INTRODUCTION:

The Future of Local Government Review process has now entered the final stage with the Board having completed its work and submitted the Final report to the Minister for Local Government.

The formal consultation period on the Report is open until 29 February 2024 and the nature of Councils submission will need to be finalised over the next three months.

DISCUSSION:

- The General Manager noted the following:
- That this was discussed at workshop and we are providing a submission by the end of February in relation to this.

- A lot of the actions in the report will trigger further changes such as legislative changes. Do we want to put our effort into this piece or in the consultation process for change.
 - Recommended we put more resources into the consultation process.
 - Our submission will make it very clear that we support an investigation into an East Coast Council to enable and informed decision to be made.
- Councillor Johnstone acknowledged the extra workload for Council Officers throughout this process.
 - Mayor Tucker acknowledged and thanked all the Council employees who have contributed to this process.

COUNCIL DECISION:

12/23.4.1.282 Moved: Clr B LeFevre/ Seconded: Clr K Wright

That the Report be received and Council consider the nature of its submission.

CARRIED UNANIMOUSLY

12/23.17.5 **Review – LG01 – Elected Members Allowances and Support Policy**

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|-----------------------|--------------|
| FILE REFERENCE | 002\024\001\ |
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OFFICER’S RECOMMENDATION:

That Draft Policy LG01 – Councillors Allowances and Support Policy as amended, be adopted.

INTRODUCTION:

Council has a schedule for regular review of policies and this policy is due for review every four (4) years following a Council Election in line with Council’s Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

DISCUSSION:

- The General Manager advised the following:
 - This is about expenses and support for Councillors and noted a change in title to reflect this.
 - There are a few changes in the policy, this includes the language to make the terminology more consistent.
 - Part 2 about separate register of allowances and benefits paid has been deleted as this is kept within our accounting records.
 - The part referencing the ATO has been changed to reasonable expenses, at times it may be a little less or a little more than the ATO rate.

- In section 7, regarding attending seminars and conferences, all three paragraphs have been deleted and a new one written. This was done as some of this will be included in the Learning and Development policy.
- Councillor Drummond asked if it will be broken down into individual amounts such as professional development. The General Manager said this is not necessary.
- Councillor Drummond said she thinks it is important that the community sees when Councillors are attending training and further development. The General Manager said there will be a piece about this in the Learning and Development policy and will require an additional section in the Annual Report.

COUNCIL DECISION:

12/23.4.1.283 Moved: Clr J Drummond / Seconded: Clr I Carter

That Draft Policy LG01 – Councillors Allowances, Expenses and Support Policy as amended, be adopted.

CARRIED UNANIMOUSLY

Councillor Barnes left the room at 11.49am.

12/23.17.6 **The lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing**

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|-----------------------|-------------|
| FILE REFERENCE | 004\003\001 |
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OFFICER’S RECOMMENDATION:

That Council, by absolute majority:

1. Having:
 - a. Given notice of its intention to lease a portion of 29 Talbot Street, Fingal (“the property”) in accordance with section 178(4) of the Local Government Act 1993 (Tas);
 - b. Read and considered every objection lodged, as contained in attachment 1(Fingal Campaign Group), attachment 2 (Peter O’Malley) and a submission conveying support attachment 3 (Coral Brady) and summarised in the table as attachment 4; and
 - c. Received and considered qualified advice in the Council Officer’s report and recommendations, which includes analysis of the objections lodged,

Council:

- a. Determines that the lease of the property is not contrary to the public interest in that:
 - i. The community will not suffer undue hardship due to the loss of access to, and the use of, the property; and
 - ii. There is similar facility available to the users of the property; and

- b. Resolves to receive the General Manager’s recommendation to progress the lease of a portion of 29 Talbot Street, Fingal to the Centacare Evolve Housing.
2. Resolve pursuant to Section 178 (6) of the Act that Council provide notice in writing within 7 days after making a decision, advise all persons who lodged an objection of the decision and the right to appeal against that decision under section 178A.
3. If the General Manager does not receive an appeal under Section 178A, the General Manager may:
 - a. Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania (“Collateral Agreements”) to ensure Council’s interests are appropriately protected;
 - b. If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council’s solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

INTRODUCTION:

The Council officers progressed with the first item (1) from the September 2023 meeting recommendations (REF: 09/23.17.4). The Council received objections to the lease of land, which is detailed in the Officer’s report and attachments. The General Manager has, as outlined within Item 2 of the recommendations carried by Council within the September 2023 workshop (REF: 09/23.17.4), considered, acknowledged, and responded to the objections received as detailed in the Officer’s report and required by S178(6) of the Act.

The General Manager recommends that the Council proceed with the leasing of a portion of 29 Talbot Street, Fingal, to Centacare Evolve Housing.

DISCUSSION:

- The General Manager advised the following:
 - The land at 29 Talbot Street, Fingal was advertised for lease as required. This included two (2) advertisements in The Examiner, advertising on the property boundary and advertising on the Council website.
 - At the conclusion of advertising we received two (2) objections and one (1) submission in support.
 - The report prepared by Council Officers has been reviewed by Solicitors.
 - Noted that in section 178A of the Act that there are only two (2) grounds for consideration of an appeal By TasCAT. From that point of view, when looking at public use of the land we’ve been unable to discern any use of this public land so the proposed development will not impede public use of the land. We have also considered the fact that the land is within a very short distance of the Fingal Recreation Ground and also the Fingal Park, these sites both have public toilets and recreational infrastructure. The land at 29 Talbot Street, Fingal is only grass and trees.

- The second objection from the Fingal Campaign Group did not contain any signatures, we wrote to all people listed confirming their endorsement of the submission and all but two have responded.
- That this decision requires an Absolute Majority.

COUNCIL DECISION:

12/23.4.1.284 Moved: Clr J Drummond / Seconded: Clr B LeFevre

That Council, by absolute majority:

4. Having:
 - a. Given notice of its intention to lease a portion of 29 Talbot Street, Fingal (“the property”) in accordance with section 178(4) of the Local Government Act 1993 (Tas);
 - b. Read and considered every objection lodged, as contained in attachment 1 (Fingal Campaign Group), attachment 2 (Peter O’Malley) and a submission conveying support attachment 3 (Coral Brady) and summarised in the table as attachment 4; and
 - c. Received and considered qualified advice in the Council Officer’s report and recommendations, which includes analysis of the objections lodged,

Council:

- c. Determines that the lease of the property is not contrary to the public interest in that:
 - i. The community will not suffer undue hardship due to the loss of access to, and the use of, the property; and
 - ii. There is similar facility available to the users of the property; and
 - d. Resolves to receive the General Manager’s recommendation to progress the lease of a portion of 29 Talbot Street, Fingal to the Centacare Evolve Housing.
5. Resolve pursuant to Section 178 (6) of the Act that Council provide notice in writing within 7 days after making a decision, advise all persons who lodged an objection of the decision and the right to appeal against that decision under section 178A.
6. If the General Manager does not receive an appeal under Section 178A, the General Manager may:
 - a. Seek legal advice in relation to the terms and conditions of any Tripartite agreement and mortgage required by Homes Tasmania (“Collateral Agreements”) to ensure Council’s interests are appropriately protected;
 - b. If satisfied that Council should proceed with the Collateral Agreements undertake any necessary negotiations associated with the preparation and finalisation of the written lease (as prepared by Council’s solicitors) ensuring that any lease term does not exceed a period of 10 years (and the total period of any combined optional terms does not exceed 30 years) and to sign that lease document on behalf of Council.

CARRIED UNANIMOUSLY

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

Moved: Clr K Chapple/ Seconded: Clr J Drummond

Councillor Barnes entered the room at 11.55am

IN CONFIDENCE

- 12/23.18.0** **CLOSED COUNCIL**
- 12/23.18.1** **Confirmation of Closed Council Minutes – Council Meeting 20 November 2023**
- 12/23.18.2** **Outstanding Actions List for Closed Council**
- 12/23.18.3** **Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 - Cecilia Street (Streetscape Project) – Upgrade of Georges Bay Esplanade/Cecilia Street junction**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

12/23.4.1.CC Moved: Clr B LeFevre/ Seconded: Clr I Carter

That Council approves the General Manager to finalise negotiations with PGH TAS PROPERTY PTY LTD for the purchase of 68 square meters of land at 2 Cecilia Street, St Helens that is required for the purpose of upgrading the Georges Bay Esplanade/Cecilia Street road junction.

That Council approves the General Manager to subsequently execute an Acquisition Deed with PGH TAS PROPERTY PTY LTD after finalising negotiations for the required land area.

That Council commit to an increased 2023-2024 Capital budget estimate of \$37,500 from \$30,000 to progress this activity and subsequently addressed in the budget update process in February 2024.

CARRIED UNANIMOUSLY

12/23.18.4 Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 - Direct Deed – City Of Launceston Recyclable MRF Operation Contract No CD 06122018

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

12/23.4.1.CC Moved: Clr J Drummond / Seconded: Clr K Chapple

That Council approves the General Manager to enter a Direct Deed (City of Launceston Recyclable MRF Operation Contract No CD 06122018) with Veolia Environmental Services (Australia) Pty Ltd to enable Break O’Day Council to access the benefits of this contract.

CARRIED UNANIMOUSLY

12/23.18.5 Closed Council Item Pursuant to Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015 Tender – Pump Track - Flagstaff Trailhead, St Helens

TO BE PUBLISHED IN THE PUBLIC MINUTES:

12/23.4.1.CC Moved: Clr I Carter/ Seconded: Clr K Chapple

That Council award Contract 030\001\147 Pump Track – Flagstaff Trail Head, St Helens to World Trail.

CARRIED UNANIMOUSLY

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

Moved: Clr K Chapple / Seconded: Clr B LeFevre

12/23.19.0 MEETING CLOSED

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.20pm.

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MAYOR

.....
DATE