



COUNCIL MEETING MINUTES

Monday 16 January 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
16 January 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 members of the community 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.

01/23.1.0 ATTENDANCE

01/23.1.1 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

01/23.1.2 Apologies

Nil

This subject is not just dealing with people with a disability but for all people to safely move from the footpath onto the road intersection and back onto the footpath.

I do hope that the whole of Council will see the need for proper crossovers long the Scamander Avenue.

REPLY

Crossovers exist along Scamander Avenue. Council will review the locations of these crossovers and examine upgrading older crossovers to current standard in a future budget.

01/23.2.3 “Lone Tree” at Binalong Bay – Mrs A Thomas, Cornwall

As Councillors would be aware, the “lone tree” at Binalong Bay was lost in 2022. It was internationally renowned in the world of photography as a “go to” location.

In the world of Photography, this tree ranked highly as a subject. It was the reason many photographers would seek out and go to Binalong Bay and the Bay of Fires. Binalong has many beautiful spots, the Bay of Fires is full of them. This particular tree was iconic and important to tourism locally.

Is it at all possible, to replant another she oak in its place?

REPLY

The request will be referred to the Parks and Wildlife Service for their response/action.

01/23.3.0 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 K Chapple declared an interest in Agenda Item 01/23.18.4 – Tender - Contract 030/001/139 Bulk Waste Transport Service.

01/23.4.0 CONFIRMATION OF MINUTES

01/23.4.1 Confirmation of Minutes – Council Meeting 19 December 2022

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 19 December 2022 be confirmed.

DISCUSSION:

- Clr Johnstone requested an amendment to the minutes in relation to agenda item number 12/22.15.2 – Policy AM21 – Single Use Plastics Policy as her vote was not noted correctly and she actually voted against this item.

COUNCIL DECISION:

01/23.4.1.001 Moved: Clr K Chapple / Seconded: Clr V Oldham

That the minutes of the Council Meeting held on the 19 December 2022 be confirmed with Clr Johnstone’s amendment with regard to agenda item 12/22.15.2.

CARRIED UNANIMOUSLY

01/23.5.0 COUNCIL WORKSHOPS HELD SINCE 19 DECEMBER 2022 COUNCIL MEETING

No workshops have been held since 19 December 2022.

01/23.6.0 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.

- Clr Chapple stated that she has concerns as to where legally as a Council we stand if we approve this with a covenant on it. What position would it put Council in if it were challenged. Mayor Tucker stated that a covenant has no legal standing with the planning scheme, is this correct? The Senior Town Planner stated yes, it is a matter between the parties of that covenant, we have sought legal advice and we can't enforce the covenants as a Planning Authority, the applicant will have other legal steps to follow to be able to bring their application to fruition, it is a legal matter to the parties of the covenant. We have brought it to their attention in the advice section but we need to progress as per the Planning Authority.
- Clr Johnstone stated that she feels the same as nearly everyone else, if we support this is the Council setting a precedent? Clr Johnstone's other concern is that in this case there is the drainage issue and the proximity to the sensitive bay area, she would like to look at this with a more precautionary approach.
- Mayor Tucker stated that we are operating as the Planning Authority and we have received qualified advice.
- Clr Wright stated that we need to be able to consider other things as well as the Planning Scheme. The size of the lot is of concern.
- Clr Drummond stated in relation to the drainage that as this has been operating already she is concerned that the capacity of this property would not cope with an increased level of activity on this very small block, it may push the drainage to more than it can cope with.
- Mayor Tucker stated that the biggest concern around the table is with the drainage but the qualified advice states that it is sufficient.
- The Planning Officer stated that when reviewing the file there have been no issues recorded with the existing system such as complaints, etc. The existing system was deemed to be functioning and in good order. There is a condition on the permit which restricts the number of people on the property to four (4) and this is no more than a residential property and in his opinion this is more than adequate. The Senior Town Planner stated that the original dwelling was approved as a residential property for up to four (4) people.
- *The original motion was put and lost. The General Manager provided advice regarding the voting and advised that a decision is required for a "Refusal" as the "Approval" was lost technically under the Planning Authority this is deemed that no decision has been made. A decision for "Refusal" must also include the grounds for the refusal by Councillors.*
- Clr Drummond asked, do we have time and space to go back to the proponent to see if the previous approval for the drainage is still sufficient.
- The General Manager stated that we have been advised that there are seven (7) days left on the clock for this application and a request for an extension of time would need to be requested if Council were to revisit this application at a future Council Meeting.
- The General Manager advised that if the applicant does not approve an extension of time the General Manager will need to exercise a delegation to make a decision and the decision will be made on qualified advice from the Planning Scheme.
- Clr Drummond stated that she just wants to be sure that the drainage is adequate for the use.
- Clr Johnstone stated that she thinks that by putting forward the request to go back to the proponent we are doing this as a show of good will and it will show that we are trying to come to a position that will allow them to continue doing what they are doing.

- The General Manager stated that we can seek an extension of time but if we do not get it a decision would still need to be made and as mentioned previously he would need to exercise his delegation. The General Manager stated that he would like to know with clarity is the waste water the only basis for refusal?
- The Development Services Coordinator stated that from a building and plumbing perspective there is the ability to take action to fix or replace any system that fails if evidence is provided to support the system failure.
- The General Manager advised that the existing system received its completion certificate in 2013.
- Mayor Tucker stated that even though it is not directly related to this planning item currently being considered he suggested that from these discussions maybe it is an opportunity to put a motion to the Local Government Association of Tasmania (LGAT) regarding the Planning Authority that the clock stops over the Christmas period to allow sufficient time for assessments, reports etc to be undertaken and prepared. The Development Services Coordinator and appropriate staff will draft a motion and present to a Council Workshop for consideration.

The original Recommendation for approval was moved again:

- Clr Oldham stated that he would support this as long as any issues that arise are acted on straight away
- Clr Barnes stated that he agreed.
- Clr Johnstone stated that she would like to understand the checks and balances in regards to drainage etc. The Development Services Coordinator stated that proactive inspections are not conducted however the compliance and operation of the systems is checked by Council once Council has been made aware of any concerns and consider whether there is an environmental nuisance.
- Clr Wright stated that she has the same concerns as Clr Johnstone.
- The Development Services Coordinator stated that if the problem is serious Council can cease the occupation of the property.
- Clr Drummond reiterated that she would have liked further information as she doesn't know enough about the drainage.

COUNCIL DECISION:

01/23.6.1.002 Moved: Clr K Chapple / Seconded: Clr J Drummond

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 ADDITIONAL USE TO INCLUDE SHORT-TERM ACCOMMODATION on land situated at 19 MELALEUCA STREET, ANSONS BAY described in Certificate of Title 45134/50 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A01	Daniel & Rachel Kirkwood	21/11/2022
Floor Plan	A02	Daniel & Rachel Kirkwood	21/11/2022

2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. A maximum occupancy limit of 4 persons shall be applied to the Visitor Accommodation Use.

ADVICE

1. It is recommended that professional advice is obtained in relation to the restrictive covenants associated with 19 Melaleuca Street, Ansons Bay, specifically restrictive covenant no. 2 'Not to carry on or permit or suffer to be carried on any part of the said lot any trade or business'.
2. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
3. This permit allows for the dual Residential Use and Visitor Accommodation Use of the existing dwelling at CT 160007/2, 19 Melaleuca Street, Ansons Bay.

FOR Clr K Chapple, Clr B LeFevre, Clr M Tucker

AGAINST Clr L Johnstone, Clr K Wright, Clr J Drummond

LOST

Clr I Carter, Clr G Barnes and Clr V Oldham abstained

The original recommendation was moved again:

01/23.6.1.003 Moved: Clr V Oldham / Seconded: Clr G Barnes

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 ADDITIONAL USE TO INCLUDE SHORT-TERM ACCOMMODATION on land situated at 19 MELALEUCA STREET, ANSONS BAY described in Certificate of Title 45134/50 be APPROVED subject to the following conditions:

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3. This permit allows for the dual Residential Use and Visitor Accommodation Use of the existing dwelling at CT 160007/2, 19 Melaleuca Street, Ansons Bay.

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

01/23.6.2 DA 206-2022 – Construction of Dwelling, Deck, Ancillary Dwelling and Shed – 16 Seaview Avenue, Beaumaris

FILE REFERENCE	DA 206-2022
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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 CONSTRUCTION OF DWELLING & DECK, ANCILLARY DWELLING & SHED on land situated at 16 SEAVIEW AVENUE, BEAUMARIS described in Certificate of Title 141398/3 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	PD22135 -01	Prime Design	9/11/2022
Part Site Plan	PD22135 -02	Prime Design	9/11/2022
Part Site Drainage Plan	PD22135 -03	Prime Design	9/11/2022
Floor Plan (Ancillary Dwelling & Shed)	PD22135 -06	Prime Design	9/11/2022
Elevations (Ancillary Dwelling & Shed)	PD22135 -07 & PD22135 -08	Prime Design	9/11/2022
Floor Plan (Dwelling)	PD22135 -30	Prime Design	9/11/2022
Elevations (Dwelling)	PD22135 -32 & PD22135 -33	Prime Design	9/11/2022
Soil & Wastewater Report	GL22441Ab	Geoton	15/08/2022
Onsite Stormwater Assessment Report	Not provided	Hydrodynamica	4/11/2022

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 storm water nuisance.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. The balance of the lot must be managed in accordance with the land and site management plan.
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. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.

15. 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 & deck and ancillary dwelling & shed for the subject site at 16 Seaview Avenue, Beaumaris. The submitted plans demonstrate that the subject site will be serviced by an existing crossover, a new driveway, provision of two parking spaces within the proposed shed including two additional parking in front of the shed, installation of stormwater infrastructure to enable onsite disposal for both building structures (i.e. Dwelling & Deck and Ancillary Dwelling & Shed), installation of onsite wastewater management infrastructure to service both building structures (i.e. Dwelling & Deck and Ancillary Dwelling & Shed), a 10,000L tank for firefighting purposes, two 25,000L rainwater tanks for domestic use with one located along the western side of the ancillary dwelling & shed structure and the other tank located along the northern side of the proposed dwelling.

DISCUSSION:

- Clr LeFevre stated that he supports the Officer's Recommendation noting the conditions and the extensive report.
- Clr Carter stated that he agrees with Clr LeFevre.
- Clr Wright asked in relation to the survey done for flora and fauna, she was asking because she has reason to believe there is more flora and native species in the area, was this a desktop report. The Planning Officer stated that they did do an onsite visit as well as desktop.
- Clr Johnstone stated that she understands this is quite a large area and she thought there were building envelopes as she is concerned with vegetation being removed. There is high quality biodiversity in those areas – this is a concern.
- Clr LeFevre stated that he is fully supportive and pleased with the setback issue

COUNCIL DECISION:

01/23.6.2.004 Moved: Clr B LeFevre / Seconded: Clr I Carter

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 CONSTRUCTION OF DWELLING & DECK, ANCILLARY DWELLING & SHED on land situated at 16 SEAVIEW AVENUE, BEAUMARIS described in Certificate of Title 141398/3 be APPROVED subject to the following conditions:

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

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Site Plan	PD22135 -01	Prime Design	9/11/2022
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Part Site Drainage Plan	PD22135 -03	Prime Design	9/11/2022
Floor Plan (Ancillary Dwelling & Shed)	PD22135 -06	Prime Design	9/11/2022
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Floor Plan (Dwelling)	PD22135 -30	Prime Design	9/11/2022
Elevations (Dwelling)	PD22135 -32 & PD22135 -33	Prime Design	9/11/2022
Soil & Wastewater Report	GL22441Ab	Geoton	15/08/2022
Onsite Stormwater Assessment Report	Not provided	Hydrodynamica	4/11/2022

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 storm water nuisance.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. The balance of the lot must be managed in accordance with the land and site management plan.

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. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
15. 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

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.

*Meeting adjourned for morning tea at 11.10am
Meeting resumed at 11.24am*

01/23.7.0 COUNCIL MEETING ACTIONS

01/23.7.1 Outstanding Matters

The report was received.

01/23.8.0 PETITIONS

Nil.

01/23.9.0 NOTICES OF MOTION

Nil.

01/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

01/23.10.1 Water Refill Stations – Clr J Drummond

Water refill stations Adopted 16 March 2020 – Minute No 03/20.13.3.42
Single use plastic Adopted 21 February 2022 – Minute No 02/22.16.3.35

Pertaining to water refill stations and single use plastic policies.

Can we include in the budget consideration for the upcoming year, a discussion about budgets and a plan for rolling out at least one water refill station in each of the townships in the municipality. This could commence with the larger communities and move over time to the smaller communities where there would be less demand.

This would support the single use plastic policy which was adopted last year and is being rolled out from January 2023, by providing water refill stations, and encouraging residents and visitors to move away from plastic water bottles to a more sustainable mode of carrying water with them.

I see this as a matter of urgency as we adopted the water refill station policy in 2020 and to date, I believe, have just one station that has been established in Scamander. The St Marys Community Space remains without a water refill station even though budget was allocated for this to be put into place. This would assist our community in transitioning from disposable water bottles and reduce the amount of plastic being sent out in our recycling trucks.

REPLY

A budget allocation could be considered by the Council on an annual basis for the provision of at least one water refill station in each of the townships in the municipality.

There are three water stations being installed this financial year with TasWater supporting the initiative with a contribution of \$10,000 for the purchase of equipment. The equipment was ordered in mid-2022 and just received in January 2023. Filling stations will be placed at the following locations during February 2023:

- Scamander Foreshore – near toilet block as a replacement to the old unit.
- St Marys Community Space – a wall mounted unit outside the new toilet block.
- St Helens – Bendigo Community Stadium – wall mounted inside the stadium building.

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.

01/23.11.1 Helicopter Joy Rides – Clr K Wright

1. When was this decision/arrangement to permit helicopter landing area on the foreshore made?
2. What financial benefit does the Council receive from this (Lease? Licence?) arrangement?
3. What Benefit-Cost assessment was conducted by the Council before agreeing to this activity?
4. Why is it that residents were not notified or consulted on this commercial activity on publicly owned/managed land even though very likely to have a significant adverse impact on persons residing under the flight routes?

REPLY

Periodically Council receives requests to undertake a temporary activity on land under its control and these are considered on their merits. Council permission to operate the business within a designated area located at the St Helens Foreshore and permission granted on 2 November 2022.

The request was considered by Councils Development Services Coordinator who provided advice confirming that the temporary use of the land for this purposes was considered to be an exempt use and therefore did not require a planning permit for this activity. The exempt use rights can be found under Table 5.1 of the Break O Day Interim Planning Scheme.

There was no financial benefit to Council.

A Benefit-Cost assessment is not a process that would be applied to a request such as this.

Council's Community Engagement Strategy is focussed on projects or issues of significant community interest and this request was in line with activities which have occurred previously with minimal impact. The flight path that affected residents in the Gardens area was not identified by the operator when the application was made. Upon receiving the complaint from a local resident, Council's Manager Infrastructure and Development Services immediately contacted the Company involved and the operator was asked not to fly in the vicinity of the residential area where you reside and to comply with the minimum altitude requirements set by CASA. We understand that this resulted in no more flights in close proximity to your residence.

01/23.11.2 Single Use Plastics Policy – Clr J Drummond

I have been approached by numerous members of the community regarding this policy. Communication has fallen down somewhere, and the stall holders at the St Marys Market did not learn of this policy until December 2022, despite it being adopted in February 2022.

All stall holders and organisers who have contacted me are supportive of the policy, however, they need more time to transition away from their current packaging supplies, and to use up existing costs. The idea of the policy was not to create an unfair financial burden on small operators.

1. Will Council review the policy with a view to providing some extra time to transition to this new policy?
2. Secondly, is there a way that perhaps an “expert” in this field can attend a market and either present a workshop or just look at the packing that is being used and suggest alternative forms of packaging.

REPLY

This item will be discussed at the February Council workshop after Council received correspondence from members of the St Marys Market seeking additional information in relation to the policy.

01/23.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

01/23.12.1 Mayor’s Communications for Period Ending 16 January 2023

20.12.2022	St Helens	– Athletic Club Meeting
22.12.2022	MS Teams	– Local Government Association of Tasmania General Management Committee – Learning Framework Governance
03.01.2023	St Helens	– Athletic Club Meeting
09.01.2023	St Helens	– Oceania Orienteering Championships Carnival
09.01.2023	MS Teams	– Flood Recovery Advisory Group – Meeting with State Recovery Advisor Craig Limkin
16.01.2023	St Helens	– Council Meeting

01/23.12.2 Councillor’s Reports for Period Ending 16 January 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 last meeting was held on the 20 December and there was good attendance.
- They asked for information regarding different rating models and have requested a response from Council.
- The Chamber has concerns with regards to affordable housing for workforce.
- Concerns were raised with regards to the medical services issues at St Marys.
- Cllr Chapple provided a copy of Councils Welcome Pack for new residents to the area for their information.
- Discussion took place regarding businesses getting involved and reviving the St Helens Christmas Parade.
- Next meeting 21 February.

NRM Special Committee – Clr Janet Drummond

- Next meeting 7 March.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- The local Destination Action Plan (DAP) Group are working on a networking group with ECTT.

Mental Health Action Group – Clr Barry LeFevre

- All on track at the moment, the outreach program is ramping up and Clr LeFevre has been approached to help out with BBQs in Bicheno, Fingal and Mathinna.

Disability Access Committee – Clr Janet Drummond

- No meeting – next meeting 14 February.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

- Meeting scheduled for February.

01/23.13.0 BUSINESS AND CORPORATE SERVICES

01/23.13.1 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:

No discussion took place on this item.

COUNCIL DECISION:

01/23.13.1.005 Moved: Clr B LeFevre / Seconded: Clr I Carter

That the report be received.

CARRIED UNANIMOUSLY

01/23.13.2 Monthly Financial Report

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

That the following reports for the month ending 31 December 2022 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 Business Services Manager advised that we are now basically half way through the year and notes are provided for information on the Profit & Loss Statements.

COUNCIL DECISION:

01/23.13.2.006 Moved: Clr K Wright / Seconded: Clr J Drummond

That the following reports for the month ending 31 December 2022 be received:

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

CARRIED UNANIMOUSLY

01/23.13.3 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:

- Clr LeFevre stated that he loves these reports and he was wondering if it is possible in the future to summarise the report and put it in the monthly newsletter and he would also share with the East Coast Tasmania Tourism (ECTT). They need to get all the accolades that they deserve.
- The Business Services Manager advised that a new projector installed at History Room and it looks excellent.

COUNCIL DECISION:

01/23.13.3.007 Moved: Clr B LeFevre / Seconded: Clr L Johnstone

That the report be received.

CARRIED UNANIMOUSLY

01/23.13.4 Upgrade Cricket Pitch Surface and Relocation of Cricket Practice Nets – St Helens Sports Complex

FILE REFERENCE	08/22.9.1.160
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OFFICER'S RECOMMENDATION:

That Council allocate \$23,000 from "Small Projects" in the existing Capital Works Budget across to "Capital Works Project: St Helens Cricket Facilities- upgrade" to complete the project.

INTRODUCTION:

The purpose of this report is to provide Council with updated costings relating to the Upgrade of the Cricket Pitch Surface and Relocation of Cricket Practice Nets - St Helens Sports Complex project and a recommendation to reallocate funds to complete the works.

DISCUSSION:

- Clr Chapple stated that when this motion come forward there was also mention with regards to the Master Plan for that area and possibly waiting to see what would happen up there. How does this effect any possible changes for this area. The Business Services Manager stated that the reality is the Master Plan for the Sporting Complex is still under development which may take some time to get to with regards to what will happen in that area and the cricket nets are in disrepair and need replacing.
- Clr Carter stated that he believes the cricket rate of participation has been diminishing and this will help to try and grow this again.

COUNCIL DECISION:

01/23.13.4.008

Moved: Clr B LeFevre / Seconded: Clr J Drummond

That Council allocate \$23,000 from “Small Projects” in the existing Capital Works Budget across to “Capital Works Project: St Helens Cricket Facilities- upgrade” to complete the project.

CARRIED UNANIMOUSLY

01/23.13.5 Housing Crisis Action

FILE REFERENCE	08/22.9.2.161
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OFFICER’S RECOMMENDATION:

That the report is received for information and discussion.

INTRODUCTION:

The purpose of this report is to provide a response to the motion past by Council at its August 2022 meeting.

DISCUSSION:

- Clr Drummond stated that the newsletter was very well received and she was very pleased. People are grateful that Council is looking at this issue.

COUNCIL DECISION:

01/23.13.5.009

Moved: Clr J Drummond / Seconded: Clr K Wright

That the report is received for information and discussion.

CARRIED UNANIMOUSLY

01/23.14.0 WORKS AND INFRASTRUCTURE

01/23.14.1 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 is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

DISCUSSION:

- The Manager Infrastructure and Development Services stated that they are busy working with local contractors to commence works on flood damage repairs. Works will commence soon on the landslip areas at St Columba Falls Road and Forest Lodge Road.

COUNCIL DECISION:

01/23.14.1.010 Moved: Clr I Carter / Seconded: Clr V Oldham

That the report be received by Council.

CARRIED UNANIMOUSLY

01/23.15.0 **COMMUNITY DEVELOPMENT**

01/23.15.1 **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 that they are busy with events which is great.
- The Manager Community Services advised that a group will form in February to look at bringing back the St Helens Christmas Parade. Clr Chapple asked, is this volunteers or business run. The Manager Community Services stated that it is volunteers and Council will work with them.

COUNCIL DECISION:

01/23.15.1.011 Moved: Clr K Chapple / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

01/23.16.0 DEVELOPMENT SERVICES

01/23.16.1 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 issues which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

- The Development Services Coordinator stated that there has been a decline in Planning Applications, it will be interesting to see how this year progresses.
- The Development Services Coordinator stated that we are awaiting a decision regarding timeframes following the submitting of the Local Provisions Schedule (LPS).
- Clr Drummond asked, what is the projected timeframe for the Evacuation Centre in St Marys. The Development Services Coordinator advised that the drawings are due by the end of February and tender hopefully March/April and then construction to be completed by the end of the calendar year. Clr Drummond asked, when will demolition occur of old Exhibition Centre. The Development Services Coordinator advised that this would not happen until the new centre has been constructed and everything moved over but we will look at how we approach this as there may be timber, building materials of interest to members of the community.

COUNCIL DECISION:

01/23.16.1.012 Moved: Clr J Drummond / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

01/23.17.0 GOVERNANCE

01/23.17.1 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 commented in relation to St Marys Pass – we have a meeting with the Department of State Growth for later in March regarding the work which has been done on potential alternate routes. The General Manager also stated that the initial response to the business community regarding financial support was not very satisfactory and he has gone back and asked why it was not the same as the situation with Paradise Gorge.
- Clr Drummond asked, has there been anything further regarding the medical centre at St Marys and Dr Latt. The General Manager stated that he understands that the State Government have tried to make contact but we will continue to pursue the issues that are there.
- Clr LeFevre asked, has there been an update on the old Hospital site as people have been commenting about the nice shaded area on the corner of Cecilia Street that would be nice for people to be able to use. The General Manager stated that at the moment it is still tied up with the Covid Clinic situation but we will continue to follow up.

COUNCIL DECISION:

01/23.17.1.013 Moved: Clr V Oldham / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

01/23.17.2 2022 Local Government Elections Feedback

FILE REFERENCE	22/25192
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OFFICER'S RECOMMENDATION:

That Council provide feedback to the 2022 Local Government Elections review process based on the discussion at the Council Meeting.

INTRODUCTION:

The Tasmanian Government is undertaking a review of the 2022 Local Government Elections following the introduction of compulsory voting seeking feedback on improvements which can increase the effectiveness of the electoral system for future elections. Any necessary legislative change will be introduced in 2023 to give effect to the outcomes.

DISCUSSION:

Discussion took place regarding the process for the 2022 Local Government elections and the processes/resources required for the first compulsory election, the following matters were discussed and were agreed to be included for consideration:

- Opportunity for an online portal of some sort to enable absentee/mainlanders or even overseas ratepayers as well as those who may be travelling and have no access to their postal vote papers and/or those who wish to use this method;
- It was agreed that postal vote should also continue to be used;
- The level of Council resources used in this election was huge, possibly the State could provide funding/support/something for assistance for electoral officers during the voting period onsite at Councils;
- Some enquiries received by us were in relation to wanting to access voting papers for other Councils as people were out of area;
- Access to mailing address information for those on the House of Assembly electoral roll as a considerable amount of enquiries by phone and in person were from people enquiring as to what their mailing address is and the electoral roll provided to Council only includes their residential address information. This could reduce Council staff having to refer people to the Tasmanian Electoral Commission.

COUNCIL DECISION:

01/23.17.2.014 Moved: Clr K Wright / Seconded: Clr K Chapple

That Council provide feedback to the 2022 Local Government Elections review process based on the discussion at the Council Meeting.

CARRIED UNANIMOUSLY

01/23.17.3 **Future of Local Government Review**

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

For discussion only.

INTRODUCTION:

The Tasmanian Government has instructed the Local Government Board to undertake a review into the future of Local Government in Tasmania. The end goal is to deliver a local government sector that can meet the challenges and opportunities that Tasmanians will face in the coming decades. The Board has now released an Options Paper seeking feedback which needs to be received by 19 February 2023.

DISCUSSION:

The General Manager advised that the questions are included in agenda and we will finalise a draft submission at the February workshop.

Section 4 – The General Manager highlighted the items where he would like Councillors comments:

Prioritising wellbeing and statutory functions – Council services or infrastructure:

- The General Manager stated that the key thing for him is what is “significant” needs to be clear definition around this as it is quite subjective.
- The General Manager stated that the notion of community impact assessment seems logical – whole of life assessments.
- Clr LeFevre stated it would be dangerous to mandate it is another lay of red tape.
- The General Manager stated that the concept is sound but need more clarification.
- Mayor Tucker stated that he would be the same as Clr LeFevre and would be concerned if we don't have the detail.

Review number of Councillors representation and remuneration:

- Clr LeFevre stated that looking through the lens regarding what is good for the Municipality in the future he thinks five (5) Councillors and double remuneration; eg three (3) Councillors \$25,000, Mayor \$55,000 and Deputy Mayor \$35,000 – this could become more viable for younger people to get more involved and take a day off work to represent the communities. Clr Wright stated that she thinks the reduction would reduce the representation across the area.
- Clr Drummond stated that she gets asked questions around the old Ward system – if it was to be reduced to five (5) Councillors we might not get cross representation but if you have a ward system you could. Clr Drummond suggested that maybe remuneration should be paid by the State Government as we are a level of Government so should the burden be on Local Government. She also agreed that there should be better remuneration but is this something the Council can wear.
- Mayor Tucker stated that he supports that no Council should have an even number of Councillors. He thinks that we are all popularly elected and represent the whole of Break O'Day.
- Clr Wright stated that the ward system could limit good people being involved.
- Clr Johnstone stated that she thinks it would be good to continue to have nine (9) Councillors and agrees with Mayor Tucker with who we represent (the whole of Break O'Day).
- Clr Chapple stated that she has a few concerns regarding the number of Councillors as well as reviewing boundaries. If this is being done together we could have less Councillors representing larger areas – the fact they are looking at both is a concern.

- The General Manager stated that we can put some caveats around not reducing numbers if making larger Councils etc, and that we don't support the ward system as well as no even numbers of Councillors on Council.

Planning Authority – referrals, complex planning applications eg projects of state significance:

- Clr Drummond raised the issue of definitions again, in particular in this section regarding “complex”, “major” etc. The General Manager stated that within the options paper on page 21 it talks about high value, Council projects with a direct interest, etc – this is purely around decision-making. The General Manager suggested that Councillors start thinking about this.
- Clr LeFevre stated that maybe there needs to be scope for having an independent group for significant matters within the Municipal area. Clr Wright stated that she thinks we need to have some degree of input as she would not like to see all decisions being made by an outside source. The General Manager stated that in that context there would be some sort of referral process to get elected members views.
- Clr Johnstone stated that she needs to know more about “complex” – all agreed.

The General Manager advised that he will develop a response to the questions as well as the other key point which is under structural reform and three (3) potential pathways. The General Manager stated that his gut feel is somewhere around the hybrid model in some form. There is a lot to look at as well as drawing off previous submissions as well.

Councillors need to provide comments to the Executive Assistant as soon as possible to enable the draft report to be prepared.

*Mayor left the meeting at 12.56pm and the Deputy Mayor took the Chair
Mayor returned to the meeting at 12.58pm and resumed the Chair*

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

Moved: Clr L Johnstone / Seconded: Clr K Wright

CARRIED UNANIMOUSLY

IN CONFIDENCE

01/23.18.0 **CLOSED COUNCIL**

01/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 19 December 2022**

Clr G Barnes left the meeting at 1.00pm

01/23.18.2 **Outstanding Actions List for Closed Council**

Clr G Barnes returned to the meeting at 1.02pm

01/23.18.3 **Tender – Contract 030/001/140 Bridge 1605 Replacement - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

FILE REFERENCE	030\001\140\
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COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

01/23.18.3.CC Moved: Clr B LeFevre / Seconded: Clr J Drummond

That Council award Contract 030/001/140 “Bridge 1605 Replacement – Design & Construct Contract” to TASMARINE CONSTRUCTION (TMC).

CARRIED UNANIMOUSLY

Clr K Chapple left the meeting at 1.03pm

01/23.18.4 **Tender – Contract 030/001/139 Bulk Waste Transport Service - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

01/23.18.4.CC Moved: Clr B LeFevre / Seconded: Clr V Oldham

That Council award Contract 030/001/139 “Bulk Waste Transport Service Contract” to QUBE PORTS.

CARRIED UNANIMOUSLY

Clr K Chapple returned to the meeting at 1.05pm

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

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 1.07pm.

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MAYOR

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DATE