



# COUNCIL MEETING MINUTES

Monday 17 July 2023  
Council Chambers, St Helens

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

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

## OPENING

*The Mayor welcomed Councillors, staff and community members and declared the meeting open at 10.01am.*

## 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.*

### 07/23.1.0 ATTENDANCE

#### 07/23.1.1 Present

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

#### 07/23.1.2 Apologies

Councillor Gary Barnes

### 07/23.1.3 Leave of Absence

Councillor Janet Drummond

### 07/23.1.4 Staff in Attendance

General Manager, John Brown  
Corporate Services Officer, Rebecca Wood  
Business Services Manager, Raoul Harper (*Item 1.0-17.5*)  
Corporate Services Coordinator, Angela Matthews (*Item 1.0-17.5*)  
Manager Community Services, Chris Hughes (*Item 1.0-17.5*)  
Executive Officer, Jayne Richardson (*Item 1.0-18.2*)  
Senior Town Planner, Deb Szekely (*Item 1.0-16.3*)  
NRM Officer, Polly Buchhorn (*Item 16.1-16.3*)  
Community Services Officer, Jenna Barr (*Item 1.0-17.5*)  
Planning officer, Alex McKinlay (*Item 1.0-6.3*)  
Planning consultant, Rebecca Green (*Item 1.0-6.3*)

### 07/23.2.0 PUBLIC QUESTION TIME

Four (4) people 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.*

### 04/23.2.1 Planning Application DA 276-2022 – Mr George Cerchez, Binalong Bay

My question is relating to Planning application DA 276-2022

Following advice that mediation would be possible, given by Alex McKinlay, a planning officer of Council, we would like Council to consider that we have been denied natural justice in relation to the above development application. The applicant took 5 weeks to respond to our representation, allowing insufficient time for us to examine and seek advice on the altered application before the preparation and need to publish the Council Meeting agenda.

My question to Council is that consideration of this Planning Application be delayed until the next Council Meeting to allow us sufficient time for consultation and consideration of the alterations to the development application.

**Reply:**

The General Manager responded at the meeting noting that as the question related to an item which was being dealt with at this meeting a response would occur as part of dealing with this item.

#### 04/23.2.2 Climate Change – Cllr Johnstone on behalf of Jo Trevelyan, Falmouth

In light of the fact and as reported by the Guardian on July 11<sup>th</sup>, 2023, that the first week of July was the world's hottest ever recorded and the UN says climate change is out of control, would this not be a good time for the Break O'Day council to declare a climate emergency?

#### Reply:

Council acknowledged in December 2019 that Climate Change is a serious concern for Break O'Day and it was taking action then and continues to in 2023.

Furthermore, because El Nino is predicted to return this summer would it not be prudent to consider climate change in all decisions and policies of the Council?

Polite notice, I consider this question so important that I am going to ask it every meeting until Break O'Day Council declares a climate emergency.

#### Reply:

Council's Strategic Plan 2017-2027 (Amended March 2022) includes Climate Change as a Key Focus Area which states we will *understand, address and evaluate the challenges of climate change in Break O'Day and develop and implement mitigation strategies.*

Council agrees that it is prudent to consider climate change in not just decisions and policies but also in the context of strategic planning activities such as Land Use Planning and Asset Management. Action and activities include; in June this year Council adopted a 2023 Climate Change Action Plan addressing priorities across all our roles and functions. We have also partnered with other Councils in the northern region last year to establish a Northern Climate Change Program partnership which will see several northern local government areas collaborating to take action across municipal boundaries. Climate Change as a Risk also features within Council's Risk Management Plan which is reviewed and updated on a regular basis. Climate Change impacts are increasingly being incorporated into Land Use Planning documents and it also features within our Asset Management Plan.

#### 07/23.3.0 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.*

Nil

## 07/23.4.0 CONFIRMATION OF MINUTES

### 07/23.4.1 Confirmation of Minutes – Council Meeting 26 June 2023

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 26 June 2023 be confirmed.

#### DISCUSSION:

Nil

#### COUNCIL DECISION:

**07/23.4.1.161** Moved: Clr V Oldham/ Seconded: Clr K Wright

That the minutes of the Council Meeting held on the 26 June 2023 be confirmed.

**CARRIED UNANIMOUSLY**

## 07/23.5.0 COUNCIL WORKSHOPS HELD SINCE 26 JUNE 2023 COUNCIL MEETING

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

- Review of Council Delegations
- Animal Control Report
- Review of the Banner Infrastructure Hire Policy – CB05
- Transfer assets used by Break O'Day SES Unit to Department of Police, Fire and Emergency Management (DPFEM)
- Lease of Public Land under S.178 Local Government Act – Elizabeth Street, Mangana
- Pending Development Application Updates
- NRM Committee Meeting Minutes 6 June 2023
- Local Government Association of Tasmania (LGAT) – General Meeting November 2023 - Call for Motions
- Tasmanian Housing Strategy Exposure Draft
- A Week in the Life of Break O'Day Council
- Fingal Youth Park
- EOI Break O'Day Aquatic Committee
- Future of Local Government Review



## 07/23.6.0 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.

### 07/23.6.1 DA 078-2023 Residential - Shipping Container

FILE REFERENCE	DA 078-2023
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#### OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for RESIDENTIAL - SHIPPING CONTAINER on land situated at 28 FRESHWATER STREET, BEAUMARIS described in Certificate of Title 155447/3 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	A01	Unify Design	April 2023
Floor Plan & Elevations	A02	Unify Design	April 2023

2. The shipping container is approved for non-habitable residential use only
3. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
4. 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.
5. 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.
6. 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.
7. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

#### ADVICE

1. 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 placement of placement of a 6.060m by 2.440m (14.7864m<sup>2</sup>) shipping container for residential purposes on the subject site at 28 Freshwater Street, Beaumaris. Submitted plans demonstrate that the proposed development will be serviced by an existing crossover and the installation of open drains along the lengths of the shipping container with subsequent stormwater being directed into an absorption trench.

## DISCUSSION:

- The Planning officer advised the following;
  - The application is for a proposed shipping container on a vacant lot.
  - The submitted plans demonstrated that the site is currently serviced by an existing crossover and an open drain will be constructed around the container for the collection of stormwater.
  - The application notes that this is for temporary storage until a new dwelling can be constructed.
  - Five (5) representations were received and these have all been responded to in the planning report. In particular it was noted that the covenants mentioned in the representations are not relevant for the assessment of the planning application.
  - The application is recommended for approval with conditions.
- Councillor Wright noted that this has been applied for as temporary and asked; do we stipulate a time limit on what is temporary? The planning officer advised that we do not stipulate a time limit.
- The Senior Planning Officer clarified that it has been assessed as being permanent not temporary.
- Mayor Tucker asked if the assessment would differ in any way or if the conditions would change? The Senior Planning officer advised that it would be the same.
- Councillor Chapple clarified that anything in relation to covenants will become a civil matter. The Senior Planning Officer advised that is correct.

## COUNCIL DECISION:

**07/23.6.1.162**      Moved: Clr K Wright/ 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 - SHIPPING CONTAINER on land situated at 28 FRESHWATER STREET, BEAUMARIS described in Certificate of Title 155447/3 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.

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	A01	Unify Design	April 2023
Floor Plan & Elevations	A02	Unify Design	April 2023

2. The shipping container is approved for non-habitable residential use only
3. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
4. 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.
5. 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.
6. 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.
7. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

#### **ADVICE**

1. 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**

### **07/23.6.2            DA 108-2023 Development of St Helens Police Station**

<b>FILE REFERENCE</b>	DA 108-2023
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#### **OFFICER'S RECOMMENDATION:**

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the

application for **Emergency Services – Police Station** on land situated at **2 Annie Street, St Helens** described in Certificate of Title CT 173142/2 be **APPROVED** subject to the following conditions:

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

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan, Ground Floor Plan, Mezzanine Plan, Elevations, Sections	Drawing No: P00-01, P10-01 to P10-02, P20-01 to P20-02, P30-01 to P30-01	HBV Architects	2/6/2023 (P00-01) May 2023
Civil Services Plans	Project No: 220388LO, Drawing No: C01 & C02	JMG Engineers & Planners	09/05/2023 (Rev: DA4)
Mechanical Services Plans	Project No: 220388LO, Drawing No: M01 & M02	JMG Engineers & Planners	09/05/2023 (Rev: P2)
Schematic Landscape Plan		Lange Design	27 April 2023 (Issue B)
Traffic Impact Assessment		Hubble Traffic	1 May 2023
Planning Report		All Urban Planning Pty Ltd	10 May 2023

2. Landscaping must be undertaken generally in accordance with the Schematic Landscape Plan provided by Lange Design, 27 April 2023 including and all perimeter fencing prior to any use of the development.
3. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2023/00612-BODC** as attached to this permit.
4. Storm water from the new development is to be collected and securely piped to an approved point of discharge to Council’s underground storm water reticulation so as to ensure that flooding, erosion and nuisance are avoided. Design and construction shall be to the satisfaction of Council’s Engineer.

A suitable stormwater connection must be provided by the developer (subdivider of the land in this instance) to connect to Manhole D1.1 as shown on JMG Drawing 220388LO-C01-DA4. Plumbing design for this building development must be accompanied by a report from a competent practicing engineering hydrologist which certifies compliance with all relevant requirements of ARR2016(as amended) including climate change allowance, and AS 3500.3., to ensure that runoff from impervious surfaces does not exceed the capacity of the stormwater connection. Landscaping shall provide overflow paths for 1:100 AEP stormwater events to avoid any contraventions of the Urban Drainage Act.

5. The applicant must ensure that external plant and mechanical equipment are located and/or designed to avoid interruption to the amenity of adjoining residential properties.
6. a) The areas shown to be set aside for General vehicle access and car parking must be:
  - i) completed before the use of the development;

- ii) provided in accordance with Australian Standard AS 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking and to the satisfaction of Council’s General Manager;
  - iii) 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;
  - iv) surfaced with an impervious surface and drained to Council’s stormwater drainage system;
  - v) Line-marked to indicate each space to the satisfaction of the Council.
8. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.
9. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with the requirements of Council’s Works Manager. The construction of the vehicular crossovers will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be sealed and must be financed by the applicant.
10. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
11. No works are to commence on the crossover(s) / stormwater connection until a permit to undertake works in the road reservation has been issued by Council’s Works Manager for the crossover/ stormwater connection.
12. 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 stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
13. Exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 “Control of the obtrusive effects of outdoor lighting” such that no direct light is emitted outside the boundaries of the subject land.
14. Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.
15. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

## ADVICE

1. *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 Manager Works and Infrastructure.*
2. *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
3. *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
4. *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.*
5. *Activities associated with construction works are not to be performed outside the permissible time frame listed:  
Monday-Friday 7am to 6pm  
Saturday 9am to 6pm  
Sunday and public holidays 10am to 6pm*

## INTRODUCTION:

Application is made seeking approval for use and development of land at 2 Annie Street, St Helens CT 173142/2 for a new police station which involves:

- 1447m<sup>2</sup> police station building with office and meeting spaces as well as amenities and operations areas, boat storage shed, vehicle compound and 7 space secure carpark for police vehicles;
- An additional 22 car parking spaces for staff and visitors in addition to the 7 compound spaces (a total of 29 parking spaces including 1 accessible space);
- New 6m wide access from Annie Street;
- 2.4m high Colorbond fence along the side and rear boundaries of the approved Lot 1 of DA 297-2022;
- 2 x "Tasmania Police" signs including a wall sign on the northern elevation and a ground based sign on the Annie Street front boundary;
- Associated landscaping.

Emergency Services use class in the Community Purpose Zone is a permitted use, under Table 17.2 of the *Break O'Day Interim Planning Scheme 2013*.

## DISCUSSION:

- The Consultant Town Planner advised the following:
  - The application is for a 1447m<sup>2</sup> station building which includes a boat shed.
  - There will be 29 parking spaces provided including one (1) accessible parking space.

- The development will require a new six (6) metre wide access from Annie Street and will include a 2.4 metre high colourbond fence for the side and rear boundaries.
  - The Emergency Services use class is permitted within the Community purpose zone.
  - Two (2) representations were received. One was in favour of the development and the other raised concerns about foliage, construction dust, light and traffic. All concerns have been addressed in the planning report.
- Councillor LeFevre fully supports the application with the extensive conditions listed and said it is fantastic for the police and our local community.
  - Councillor Chapple agreed and said it is much needed.
  - Councillor Johnstone asked if we can make sure that residents who are going to be impacted are advised that construction is going to occur. The Consultant Town Planner advised that this is not something for Council to undertake but is something that the proponent may choose to do as a good will gesture.

### COUNCIL DECISION:

**07/23.6.2.163**      Moved: Clr B LeFevre/ Seconded: Clr K Chapple

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Council Interim Planning Scheme 2013* that the application for **Emergency Services – Police Station** on land situated at **2 Annie Street, St Helens** described in Certificate of Title CT 173142/2 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, Ground Floor Plan, Mezzanine Plan, Elevations, Sections	Drawing No: P00-01, P10-01 to P10-02, P20-01 to P20-02, P30-01 to P30-01	HBV Architects	2/6/2023 (P00-01) May 2023
Civil Services Plans	Project No: 220388LO, Drawing No: C01 & C02	JMG Engineers & Planners	09/05/2023 (Rev: DA4)
Mechanical Services Plans	Project No: 220388LO, Drawing No: M01 & M02	JMG Engineers & Planners	09/05/2023 (Rev: P2)
Schematic Landscape Plan		Lange Design	27 April 2023 (Issue B)
Traffic Impact Assessment		Hubble Traffic	1 May 2023
Planning Report		All Urban Planning Pty Ltd	10 May 2023

2. Landscaping must be undertaken generally in accordance with the Schematic Landscape Plan provided by Lange Design, 27 April 2023 including and all perimeter fencing prior to any use of the development.



3. All works must be in accordance with the conditions of the amended Submission to Planning Authority Notice by TasWater, TWDA **2023/00612-BODC (dated 11.07.2023)** as attached to this permit.
4. Storm water from the new development is to be collected and securely piped to an approved point of discharge to Council's underground storm water reticulation so as to ensure that flooding, erosion and nuisance are avoided. Design and construction shall be to the satisfaction of Council's Engineer.

A suitable stormwater connection must be provided by the developer (subdivider of the land in this instance) to connect to Manhole D1.1 as shown on JMG Drawing 220388LO-C01-DA4. Plumbing design for this building development must be accompanied by a report from a competent practicing engineering hydrologist which certifies compliance with all relevant requirements of ARR2016(as amended) including climate change allowance, and AS 3500.3., to ensure that runoff from impervious surfaces does not exceed the capacity of the stormwater connection. Landscaping shall provide overflow paths for 1:100 AEP stormwater events to avoid any contraventions of the Urban Drainage Act.

5. The applicant must ensure that external plant and mechanical equipment are located and/or designed to avoid interruption to the amenity of adjoining residential properties.
6. a) The areas shown to be set aside for General vehicle access and car parking must be:
  - i) completed before the use of the development;
  - ii) provided in accordance with Australian Standard AS 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking and to the satisfaction of Council's General Manager;
  - iii) 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;
  - iv) surfaced with an impervious surface and drained to Council's stormwater drainage system;
  - v) Line-marked to indicate each space to the satisfaction of the Council.
16. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.
17. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with the requirements of Council's Works Manager. The construction of the vehicular crossovers will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be sealed and must be financed by the applicant.
18. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
19. No works are to commence on the crossover(s) / stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Manager for the crossover/ stormwater connection.



20. 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_for_Soil_and_Water_Management.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 stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
21. Exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.
22. Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.
23. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

#### **ADVICE**

1. *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 Manager Works and Infrastructure.*
2. *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
3. *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
4. *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.*
5. *Activities associated with construction works are not to be performed outside the permissible time frame listed:  
Monday-Friday 7am to 6pm  
Saturday 9am to 6pm  
Sunday and public holidays 10am to 6pm*

#### **CARRIED UNANIMOUSLY**

<b>FILE REFERENCE</b>	DA 276-2022
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**OFFICER'S RECOMMENDATION:**

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

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

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	DA701 - DA04	Zuri Creative Studio	05/07/2023
Ground Floor Plan	DA710 - DA02	Zuri Creative Studio	06/10/2022
First Floor Plan	DA711 - DA03	Zuri Creative Studio	05/07/2023
Roof Plan	DA712 - DA02	Zuri Creative Studio	06/10/2022
Elevations 01	DA720 - DA02	Zuri Creative Studio	06/10/2022
Elevations 02	DA721 - DA02	Zuri Creative Studio	06/10/2022
Solar Study	DA731 - DA03	Zuri Creative Studio	05/07/2023
5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty <sup>o</sup>	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

2. The garage is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - c. drained in a manner that will not cause stormwater nuisance.
  - d.
4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.

7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed driveway must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. In order to address the lack of detail provided within the site plan (dimensions) contained in the submitted report prepared by Geoton (Reference No. GL23090Ab) and in the absence of a completed risk assessment required for Performance Criteria P3 as per section 3.1 of the Director's Guidelines for On-site Wastewater Management Systems, a boundary setback consistent with AS 1547 Appendix R is to apply.
12. A representative of the designer associated with the report prepared by Geoton (Reference No. GL23090Ab) is to inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design plan and required boundary setbacks and is not compromised by site constraints prior to any works on site.
13. The existing septic tank and trench system serving 5 Bay View Avenue, Binalong Bay must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of a building permit.
14. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
15. 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.
16. 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.
17. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

## ADVICE

1. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal

site survey is required to determine the level of impact and the appropriate mitigation procedures.

2. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

## **INTRODUCTION:**

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

## **DISCUSSION:**

- The planning officer advised the following:
  - The application is for the proposed construction of dwelling additions and alterations along with a garage, deck and a second crossover.
  - As part of the application the existing waste water system is to be replaced.
  - Stormwater from the roof of the dwelling will be collected in three tanks with overflow to be disposed of into a new kerb connection point.
  - An additional garden water tank will be installed for the driveway and forecourt areas with any overflow directed to an dispersion trench.
  - The onsite waste water report was referred to the Environmental Health Officer and due to a lack of detail in the report extensive conditions have been applied.
  - The addition of the extra tank and dispersion trench was reviewed by the Development Services Coordinator and deemed suitable.
  - Four (4) representations were received which raised concerns about setbacks, the second storey affecting privacy, the impact of solar access to adjoining properties due to overshadowing, the removal of vegetation for the construction of new tanks and the purpose of the brick wall at the end of the balcony. The proposed rainwater tank location was also raised as a concern.
  - In response to the representations, the applicant provided amended plans to attempt to resolve some of these issues including moving the 4<sup>th</sup> tank closer to the dwelling, providing shadow diagrams and using frosted glass for the ensuite window.

- The General Manager noted the public question asking to defer the item to the next Council meeting and asked the Senior Planning Officer to clarify the time frame for this.
- The Senior Planning officer said the current extension of time takes us through to the preparation of the Minutes, seven days after the meeting, any additional extension of time would need to be approved by the applicant.
- Mayor Tucker asked Councillors for a mover and seconder but got no responses. The General Manager advised that this would mean no decision has been made and then asked if there is a motion to refuse the application and under what grounds would it be refused.
- Mayor Tucker asked would anyone like to move a motion of refusal.
- Councillor Johnstone advised that she is happy to move the motion so that the application can be discussed even though she doesn't support it. Councillor Wright said she will second the motion on the same grounds.
- Councillor Johnstone noted the public question and feels it was not enough time for them to have a conversation with the proponents and would like to see additional time for this. Councillor Wright agreed.
- Mayor Tucker advised that we potentially may have the opportunity for the Senior Town Planner to request an extension but it may not get approved.
- Councillor LeFevre said he was contacted by a representor who outlined their concerns about not getting enough information back, they wanted mediation and felt that there was lack of information from the applicant coming back to them. Councillor LeFevre added that when you read the application there seems to be a lack of detail. Our duty as Councillors is to go to the rules and regulations but he is not satisfied that people have had time to respond to this.
- Mayor Tucker if it is possible for the Council to request formally at the meeting to contact the applicant for an extension of time to allow due diligence and mediation to occur.
- A procedural motion was put forward to defer the decision so the Senior Town Planner could contact the applicant and ask for an additional extension of time which could then be considered later in the meeting.
- Councillors returned as a planning authority to be advised by the Senior Planning Officer that the applicant had agreed to an additional extension of time.
- With this new information an amended motion was put forward to reconsider the application at the next Council meeting on 21 August 2023.

## COUNCIL DECISION:

**07/23.6.3.164**      Moved: Clr L Johnstone / Seconded: Clr K Wright

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

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

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	DA701 - DA04	Zuri Creative Studio	05/07/2023
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5 Bay View Avenue Stormwater Report	Project Number 22.196	6ty <sup>o</sup>	05/07/2023
On-Site Wastewater Disposal Assessment and Design	Reference No. GL23090Ab	GEOTON	08/03/2023

2. The garage is approved for non-habitable residential use only.
3. The areas shown to be set aside for vehicle access and car parking must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - c. drained in a manner that will not cause stormwater nuisance.
4. All roof drainage must be connected to existing water storage tanks and overflow directed to the kerb which requires a new connection to be made in accordance with standard drawing TSD-SW29-v3.
5. The new crossover must be constructed in accordance with standard drawing TSD-R09-v3.
6. An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection and/or the crossover.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. All runoff from the proposed driveway must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
9. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
10. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
11. In order to address the lack of detail provided within the site plan (dimensions) contained in the submitted report prepared by Geoton (Reference No. GL23090Ab) and in the absence of

a completed risk assessment required for Performance Criteria P3 as per section 3.1 of the Director's Guidelines for On-site Wastewater Management Systems, a boundary setback consistent with AS 1547 Appendix R is to apply.

12. A representative of the designer associated with the report prepared by Geoton (Reference No. GL23090Ab) is to inspect the construction of the absorption area and provide to Council certification that the absorption area has been constructed strictly in accordance with the approved design plan and required boundary setbacks and is not compromised by site constraints prior to any works on site.
13. The existing septic tank and trench system serving 5 Bay View Avenue, Binalong Bay must be demolished, treated with lime and backfilled. A report by a suitably qualified practitioner in relation to the required work is to be obtained before the issue of a building permit.
14. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
15. 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.
16. 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.
17. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

## ADVICE

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

## Procedural motion:

**07/23.6.3.165**      Moved: Clr K Chapple / Seconded: Clr V Oldham

That Council defer this item to contact the applicant and come back to this meeting again as a planning authority.



## 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.*

### 07/23.7.0 COUNCIL MEETING ACTIONS

#### 07/23.7.1 Outstanding Matters

The report was received.

### 07/23.8.0 PETITIONS

Nil.

### 07/23.9.0 NOTICES OF MOTION

Nil.

### 07/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

### 07/23.11.0 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

### 07/23.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

#### 07/23.12.1 Mayor's Communications for Period Ending 17 July 2023

28.06.2023	<b>Launceston</b>	– MTB event and Dragon Trail meeting with George Town Council
30.06.2023	<b>Hobart</b>	– Local Government Association of Tasmania (LGAT) – Annual General Meeting



03.07.2023	<b>St Helens</b>	– Council Workshop
06.07.2023	<b>Hobart</b>	– LGAT and Office of Local Government - Recruitment and Performance Management of General Managers
14.07.2023	<b>Bicheno</b>	– Future of Local Government Review meeting with Glamorgan Spring Bay Council Mayor and General Manager.
17.07.2023	<b>St Helens</b>	– Council Meeting

## 07/23.12.2 Councillor’s Reports for Period Ending 17 July 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

Councillor Chapple advised that a meeting was held on July 4 and it was really good to have Sheridan attend regarding community responses to the proposed Local Government changes.

Other items discussed included:

- The receipt of a letter from Council regarding the request to seal Ansons Bay Road/North Ansons Bay Road and a commitment to seek further responses
- Concerns regarding fuel reduction burns in the Mount Pearson area
- The upcoming Great Eastern Wine Weekend and other events coming up in September and October
- Expressing thanks to Council regarding the Cecilia Streetscape upgrade
- The upcoming AGM scheduled for September 5 2023

### NRM Special Committee – Clr Liz Johnstone

The next meeting is scheduled for September 5 and will include a site visit to the Scamander River. She noted that the NRM Special Committee would like Council to consider supporting people to go to landcare conference.

### East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

The next meeting has been scheduled for August. He noted he was pleased to see the visitor numbers for the Visitor information Centre as they are the best we have seen in years.

### Mental Health Action Group – Clr Barry LeFevre

Nil

### Disability Access Committee – Clr Janet Drummond

Nil

### Bay of Fires Master Plan Steering Committee – Clr Ian Carter

No funding commitment has been received at this time.

## 07/23.13.0 BUSINESS AND CORPORATE SERVICES

### 07/23.13.1 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:

- The Manager Business Services advised the following:
  - It has been a very busy time for the department with the end of financial year.
  - Rates notices were sent out last week.
  - The Auditors are currently in contact with Council Officers.
  - Council's investment portfolio continues to be staggered and we are now starting to get some very high interest rates.

#### COUNCIL DECISION:

07/23.13.1.166 Moved: Clr B LeFevre/ Seconded: Clr I Carter

That the report be received.

**CARRIED UNANIMOUSLY**

### 07/23.13.2 Monthly Financial Report

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

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

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

#### INTRODUCTION:

Presented to Council are the monthly financial statements.

#### DISCUSSION:

- The Manager Business Services advised the following:
  - That these are preliminary figures for the end of financial year, these are not final and financial statements will be presented later in the year.
  - There is a difference of \$2.4million in grants which was due to 100% of the 2023-2024 Financial Assistance Grants being paid in advance.
  - Interest and investment income is up due to interest rates.
  - Public open space contributions are also up by \$68,000.
  - The sale and disposal of assets was well below budget as some plant and equipment needed to be written off.
  - Election costs were far higher than expected.
- Councillor LeFevre noted the prepaid Financial Assistance Grants and asked if there are restrictions on what we can do with that money in the short term. The Business Services Manager advised that there wasn't and we invest it until needed.
- Councillor Johnstone noted that we don't have final end of year figures yet, and asked is there a timeframe for this. The Manager Business Services said they will be completed once the audit process is done, usually around October but this is dependent on the Tasmanian Audit Office.
- Mayor Tucker noted that the grants were prepaid to assist during Covid and said this should get back to normal as it makes it difficult to prepare budgets. The Manager Business Services agreed and said it can skew figures quite dramatically.

#### COUNCIL DECISION:

**07/23.13.2.167**      Moved: Clr B LeFevre/ Seconded: Clr K Chapple

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

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

**CARRIED UNANIMOUSLY**

**07/23.13.3**      **Visitor Information Centre Report**

<b>FILE REFERENCE</b>	040\028\002\
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#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

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

#### DISCUSSION:

- The Manager Business Services advised the following:
  - We have had the biggest visitor numbers for June since recording started in 2007. For these numbers to still be this high it really does show this face to face connection, instead of just getting online, really works.
  - The centre is not just focusing on tourism but all visitors to the area.
  - The Visitor Information Centre also incorporates the History Room, the curator has now documented the Fingal Valley Voice and it is available online.
- Councillor Johnstone called in to the centre recently to ask about the location of the Stamper in the Blue Tier, she said the staff member was wonderful and said people are asking about walks and areas to ride a bike that are not specifically for mountain bikes. She said it was a very welcoming environment.
- Councillor Oldham said he had also heard comments about people looking for walks and regular bike trails.

#### COUNCIL DECISION:

**07/23.13.3.168**      Moved: Clr L Johnstone/ Seconded: Clr K Chapple

That the report be received.

**CARRIED UNANIMOUSLY**

#### 07/23.13.4      Review of Council Delegations

FILE REFERENCE	014\002\010\
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#### OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2023.

#### INTRODUCTION:

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

## DISCUSSION:

- The Corporate Services Coordinator advised that the delegations are a document developed so that Council can delegate to officers to make decisions so they don't need to come to a Council meeting. This is our annual review done with legal advice and in line with the Local Government Association of Tasmania requirements.

## COUNCIL DECISION:

**07/23.13.4.169**      Moved: Clr K Chapple / Seconded: Clr B LeFevre

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2023.

**CARRIED UNANIMOUSLY**

## 07/23.14.0      WORKS AND INFRASTRUCTURE

### 07/23.14.1      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 General Manager advised that this is an update on what has been happening in relation to capital works activities with a focus on winding up activities for the end of the financial year.
- Councillor Johnstone asked if routine track maintenance is done by staff. The General Manager said yes we have two staff members and a trainee who maintain the trails.

## COUNCIL DECISION:

**07/23.14.1.170**      Moved: Clr K Chapple/ Seconded: Clr K Wright

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**07/23.14.2          Animal Control Report**

<b>FILE REFERENCE</b>	003\003\018\
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**OFFICER’S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

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

**DISCUSSION:**

Nil

**COUNCIL DECISION:**

**07/23.14.2.171**          Moved: Clr I Carter/ Seconded: Clr K Wright

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**07/23.15.0          COMMUNITY DEVELOPMENT**

**07/23.15.1          Community Services Report**

<b>FILE REFERENCE</b>	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 matters which are being dealt with by the Community Services Department.

**DISCUSSION:**

- The Community Services Manager advised that the Break O’Day Municipal Emergency Management Plan has been signed off and is now available on the Council website. She also

noted that we have received a quote for a Reconciliation Action Plan and this will come to Council for discussion at the next workshop.

- Councillor Chapple commented that the Get in to Gear Learner Driver program is now going to be available in Fingal as well, she said this is fantastic.

#### COUNCIL DECISION:

**07/23.15.1.172**      Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That the report be received.

#### CARRIED UNANIMOUSLY

**07/23.15.2**              **Review of the Banner Infrastructure Hire Policy – CB05**

FILE REFERENCE	002\024\004\
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#### OFFICER'S RECOMMENDATION:

That Policy CB05 be amended as follows:

1. Change the name of the Policy from Banner Pole Hire Policy to Banner Infrastructure Hire Policy;
2. Include the Cecilia Street banner infrastructure within the policy; and
3. An indemnity clause that if a banner is damaged it is not the responsibility of Break O'Day Council.

#### INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review.

#### DISCUSSION:

Nil

#### COUNCIL DECISION:

**07/23.15.2.173**      Moved: Clr K Wright/ Seconded: Clr K Chapple

That Policy CB05 be amended as follows:

1. Change the name of the Policy from Banner Pole Hire Policy to Banner Infrastructure Hire Policy;
2. Include the Cecilia Street banner infrastructure within the policy; and
3. An indemnity clause that if a banner is damaged it is not the responsibility of Break O'Day Council.

**CARRIED UNANIMOUSLY**

**07/23.15.3**                      **Transfer assets used by Break O’Day SES Unit to Department of Police, Fire and Emergency Management (DPFEM)**

<b>FILE REFERENCE</b>	004\011\005\
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**OFFICER’S RECOMMENDATION:**

1. That Council approve the transfer of ownership of the following vehicles to the Department of Police, Fire and Emergency Management (DPFEM) which are currently owned by Break O’Day Council:
  - Canter Rigid Truck
  - Car trailer
  - Holden Rodeo Utility
  - Mario Box Trailer
2. That Council does not transfer the funds received through an insurance claim from a vehicle owned by Break O’Day Council which was used by the SES Unit, that was written off in the sum of \$9,541.82 (ex GST) to the Department of Police, Fire and Emergency Management (DPFEM).
3. That Council consider not entering into any further Memorandum of Understandings (MOU) once the current MOU expires on 30 June 2024.

**INTRODUCTION:**

In the past Council has provided vehicles to assist the local volunteer SES Units to undertake their duties in relation to road crash rescue and any other emergency events.

**DISCUSSION:**

- The Manager Community Services advised that this is in regard to the new Fire Act coming into place which includes the transfer of assets. We are transferring these assets early and noting that Council should not enter into a new Memorandum of Understandings in 2024-2025 until the new Fire Act is finalised.

**COUNCIL DECISION:**

**07/23.15.3.174**                      Moved: Clr B LeFevre/ Seconded: Clr I Carter

1. That Council approve the transfer of ownership of the following vehicles to the Department of Police, Fire and Emergency Management (DPFEM) which are currently owned by Break O’Day Council:
  - Canter Rigid Truck
  - Car trailer
  - Holden Rodeo Utility



- Mario Box Trailer
2. That Council does not transfer the funds received through an insurance claim from a vehicle owned by Break O’Day Council which was used by the SES Unit, that was written off in the sum of \$9,541.82 (ex GST) to the Department of Police, Fire and Emergency Management (DPFEM).
  3. That Council consider not entering into any further Memorandum of Understandings (MOU) once the current MOU expires on 30 June 2024.

**CARRIED UNANIMOUSLY**

**07/23.15.4 Lease of Public Land under S.178 Local Government Act – Elizabeth Street, Mangana**

<b>FILE REFERENCE</b>	038\004\001\
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**OFFICER’S RECOMMENDATION:**

That in making this resolution, Council has considered all objections lodged against this lease and that Council under Section 178 of the *Local Government Act 1993* authorise the General Manager to lease part of Certificate of Title Volume 203723 Folio 5 being land situate in Elizabeth Street, Mangana for the purpose of the construction of a small cell mobile tower.

**INTRODUCTION:**

Council was successful in obtaining funding through the Black Summer Bushfire Recovery Fund and one of the projects that was successful was the installation of a small cell mobile tower at Mangana. Telstra have requested that they enter into a lease arrangement with Council on the land, which the small cell mobile tower is located.

**DISCUSSION:**

- The Manager Community Services advised that this is part of the Black Summer Bushfire Recovery funding for a small cell Telstra tower. Telstra would like to lease this small portion of land. We are now ready to proceed to the next step and advised the representor to the proposal will have 14 days to lodge an appeal to Council’s decision.

**COUNCIL DECISION:**

**07/23.15.4.175** Moved: Clr B LeFevre/ Seconded: Clr I Carter

That in making this resolution, Council has considered all objections lodged against this lease and that Council under Section 178 of the *Local Government Act 1993* authorise the General Manager to lease part of Certificate of Title Volume 203723 Folio 5 being land situate in Elizabeth Street, Mangana for the purpose of the construction of a small cell mobile tower.

**CARRIED UNANIMOUSLY**

## 07/23.16.0 DEVELOPMENT SERVICES

### 07/23.16.1 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 matters which have been dealt with by the Development Services Department since the previous Council meeting.

#### DISCUSSION:

- The General Manager advised that:
  - PlanBuild is progressing with implementation and is dependent on the Local Provisions Schedule coming into play.
  - There is ongoing consultation for the Strata Title Policy.
  - Late last week we received notification in relation to the Local Provisions Schedule.
- The Senior Town Planner spoke to Councillors about the Local Provisions Schedule and advised the following;
  - We have been instructed to modify it and this has to be done within 28 days.
  - We have also been instructed to do some substantial modifications.
  - The decision was 178 pages so analysis needs to be done and a summary will be provided to Councillors.
- Councillor Chapple asked given the 28 day timeframe, does this need to come back to a Council meeting. The Senior Town Planner advised no because they are directions from the Tasmanian Planning Commission.

#### COUNCIL DECISION:

**07/23.16.1.176**      Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

### 07/23.16.2 Sponsor Community to Attend Landcare Conference

FILE REFERENCE	017\010\002\
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## OFFICER'S RECOMMENDATION:

That Council support new and existing environmental volunteers in the Break O'Day community to attend the *Tasmanian Community Landcare Conference 2023* by providing ticket bursaries with Landcare Tasmania to the value of \$1040 and that recipients be determined by the General Manager.

## INTRODUCTION:

Landcare Tasmania is seeking sponsors for its biennial Tasmanian Community Landcare Conference.

## DISCUSSION:

- The NRM Facilitator said he felt Council can offer some support to our community volunteers in this space. He has indicated in his report the priorities for selection with the decision to be made by the General Manager as it will be time sensitive.
- Councillor Johnstone clarified that the General Manager will make the decision. The General Manager advised that the Tasmanian Landcare Group will oversee and collate the applications before he makes a decision.

## COUNCIL DECISION:

**07/23.16.2.177**      Moved: Clr K Wright/ Seconded: Clr I Carter

That Council support new and existing environmental volunteers in the Break O'Day community to attend the *Tasmanian Community Landcare Conference 2023* by providing ticket bursaries with Landcare Tasmania to the value of \$1040 and that recipients be determined by the General Manager.

**CARRIED UNANIMOUSLY**

**07/23.16.3**      **NRM Committee Meeting Minutes 6 June 2023**

<b>FILE REFERENCE</b>	010\028\003\
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## OFFICER'S RECOMMENDATION:

That Council receive the Minutes of the NRM Committee Meeting held on 6 June 2023 and consider any matters for further Council attention.

## INTRODUCTION:

The Break O'Day NRM Special Committee met on 6 June 2023 at the Child and Family Learning Centre, St Helens.

## DISCUSSION:

- The NRM Facilitator advised that the main items discussed were starting the process to develop a new five year Break O’Day Environment and NRM Action Plan and looking at the angasi oyster reefs in Georges Bay.
- Councillor Johnstone noted that the site visits and expert talks are a great addition to these meetings and are extremely helpful. Councillor Wright agreed.

**COUNCIL DECISION:**

**07/23.16.3.178**                      Moved: Clr L Johnstone/ Seconded: Clr K Wright

That Council receive the Minutes of the NRM Committee Meeting held on 6 June 2023 and consider any matters for further Council attention.

**CARRIED UNANIMOUSLY**

**07/23.17.0**                      **GOVERNANCE**

**07/23.17.1**                      **General Manager’s Report**

<b>FILE REFERENCE</b>	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 noted that the meeting scheduled for July 13 regarding the Tasmanian Housing Strategy has been deferred to this coming Friday.

**COUNCIL DECISION:**

**07/23.17.1.179**                      Moved: Clr B LeFevre/ Seconded: Clr I Carter

That the General Manager’s report be received.

**CARRIED UNANIMOUSLY**

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

That Council endorse the submission on the *Future of Local Government Review – Stage 2 Interim Report* based on the feedback provided at the Council meeting.

**INTRODUCTION:**

The Future of Local Government Review entered the third phase of activity following the release by the Local Government Board of its *Stage 2 Interim Report* of the Review. Through discussions with Council over the last few months, Council's approach in its submission to this report has been developed resulting in the attached draft Submission for consideration.

The formal consultation period on the Report is open until 2 August 2023 and the Submission will need to be finalised based on the comments from Council at the meeting.

**DISCUSSION:**

- The General Manager noted the following;
  - An announcement was made by the Minister on the weekend that amalgamations would not be forced. It will be interesting to see whether anything actually happens but we need to proceed with the process and make a submission.
  - The draft submission is based on Councillor's views and based on the knowledge that Council has regarding what might be logical for the Break O'Day area.
  - This response is about the Interim Report and different proposed scenarios. We have endeavoured to show that the connection they identified between Break O'Day and Dorset, George Town and Flinders is not correct and that detailed consideration should be given to an East Coast Council.
  - We have specifically avoided identifying a southern boundary until further investigation has been done.
  - The General Manager reiterated that some of the key information in the scenarios provided was incorrect.
  - We need to provide the submission by August 2 which means that it will need to be finalised prior to the next council meeting.
  - Community engagement is ongoing and will be part of the submission as an Appendix. We are running this as close to the date as we can to maximise community involvement.
- Councillor Wright said she thinks the work that has gone into this is well thought out.
- Councillor Chapple said it summarises very well everybody's opinions and commended the level of work.
- Councillor LeFevre said we have stayed ahead and been really proactive, but that he didn't like last night's announcement. At the beginning we had concerns regarding if anything would

happen and would this be a waste of money, he feels they have now given Councils permission to say no.

- Mayor Tucker said the announcement by the Minister was to try to relieve fear mongering and stop politicisation. He said they have now opened up a pathway forward for stronger engagement, more goodwill and more faith in the process. He also noted that they have recognised that the State Government will be responsible for transition costs. This has helped to settle staff fears regarding Local Government jobs and they have made it very clear that they want the community to be engaged and have a voice.
- Councillor LeFevre said that the big positive from this will be that when this comes up again in 5-10 years time we will have additional information.
- Councillor Chapple said it is disappointing that it seems like we are backpedalling. Such a waste of time, money and resources. Councillor Wright agreed and acknowledged all the work involved.
- The General Manager acknowledged that it is very disappointing but not entirely unexpected, the Australian Services Union has been talking about mass job losses which is not going to happen. There will be no less roads to maintain or areas of grass to mow; the same number of development applications will still need handling, transactional activities will not change and but there will possibly be a loss of management positions.
- Councillor Wright suggested that with less Councils and less requirement to fill jobs, it means you might get more expertise for some roles.
- The General Manager advised that the focus on conversations at the moment is mainly around boundaries.
- Mayor Tucker said our Council has always been supportive of being able to do better and work for the best interest of our community. He hopes we can continue down that path.
- Councillor Johnstone acknowledged all the work of staff, she feels it is very useful and appreciates that we have engaged with the community. Whatever the outcome she is proud that our Council is going out to our community and giving opportunities for them to engage.
- Councillor Oldham said regardless of the outcome not everything has been lost.
- Councillor Johnstone noted the Mayor's passion and optimism has been fantastic and thinks this has been great for the broader Tasmanian community to engage.
- The General Manager advised that if Councillors have any further comments on this we need to receive them by next Wednesday.

#### **COUNCIL DECISION:**

**07/23.17.2.180**      Moved: Clr K Wright/ Seconded: Clr K Chapple

That Council endorse the submission on the *Future of Local Government Review – Stage 2 Interim Report* based on the feedback provided at the Council meeting.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	039\002\008\
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**OFFICER'S RECOMMENDATION:**

For discussion and consideration.

**INTRODUCTION:**

The Call for Motions has been advertised for the General Meeting of the Association to be held on 1 November 2023.

**DISCUSSION:**

- The General Manager advised that the one raised so far is to do with the resourcing level of Parks and Wildlife Services (PWS) and Crown Land Services.
- Councillor LeFevre said there should be a review of PWS and Crown Land Services which then leads to a major increase in resources. He noted the delays caused by the lack of resources as well as the extra costs associated with this.
- Mayor Tucker said they failed to review their Departments effectively as per the recommendation from the Premier's Economic and Social Recovery Advisory Council Report.

**COUNCIL DECISION:**

**07/23.17.3.181**      Moved: Clr B LeFevre/ Seconded: Clr K Chapple

Council to submit a motion to the Local Government Association of Tasmania regarding a review of Parks and Wildlife Services and Crown Land Services including resourcing levels.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	040\049\002\
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**OFFICER'S RECOMMENDATION:**

That Council endorse the Memorandum of Understanding with East Coast Tasmania Tourism for the period 1 July 2023 to 30 June 2025

**INTRODUCTION:**

In 2020, Council entered into a Memorandum of Understanding (MoU) with East Coast Tasmania Tourism (ECTT), which detailed the relationship expectations between the two organisations and

underpinned the funding arrangements aligning them to the funding received through Tourism Tasmania. A new MoU has been developed which reflects the future focus of ECTT and details Council's expectations for the next two years.

#### DISCUSSION:

- The General Manager advised that the purpose of the MoU is to guide the relationship between Council and East Coast Tasmania Tourism (ECTT). An MoU has just expired and this is a new one for the next two years. This document was developed by identifying nine (9) priorities that Council will like to focus on.
- Councillor Johnstone asked if the \$60,000 we are providing is an increase on previous years? The General Manager said no it is the same as previous years.
- Councillor Carter asked about the requirement for quarterly meetings with Council Officers and half yearly presentations to Council. The General Manager advised said we included this as we have previously had with communication, he noted that any worthwhile items discussed at the meeting with Council Officers will be included in the General Manager's report.
- Councillor LeFevre said it is great that the distribution of ECTT staff is now more evenly distributed along the east coast.

#### COUNCIL DECISION:

**07/23.17.4.182**      Moved: Clr K Wright/ Seconded: Clr K Chapple

That Council endorse the Memorandum of Understanding with East Coast Tasmania Tourism for the period 1 July 2023 to 30 June 2025

**CARRIED UNANIMOUSLY**

#### **07/23.17.5**      **Break O Day Aquatic Committee – Representatives Appointment**

<b>FILE REFERENCE</b>	004\020\001\
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#### OFFICER'S RECOMMENDATION:

That Council appoint the following representatives to the Break O' Day Aquatic Committee:

1. Representatives from the community, <Person 1> and <Person 2>
2. Representative from the health sector, <Person 3>
3. Representatives from Council, <Councillor 1> and <Councillor 2>
4. Representative from East Coast Aquatic and Wellbeing Committee, <Person4>

That Council agree to the East Coast Aquatic and Wellbeing Committee's request for a second representative on the Committee and that <Person 5> be appointed.

#### INTRODUCTION:



In order to ensure that community voice was loud and strong and that they were with us every step of this project's journey, Council decided to establish a Break O'Day Aquatic Facility working group.

Expressions of interest for the project opened in May and closed on 2 June. 13 submissions were received with one being withdrawn. This leaves us with:

- 8 x applications from the Community
- 2 x application from the Health sector
- 2x East Coast Aquatic and Wellbeing Committee

#### DISCUSSION:

- The General Manager advised that Councillors have provided their thoughts regarding this committee and have reached a consensus.

#### COUNCIL DECISION:

**07/23.17.5.183**      Moved: Clr K Wright/ Seconded: Clr B LeFevre

That Council appoint the following representatives to the Break O'Day Aquatic Committee:

1. Representatives from the community, Elise Frost and Tim Gowans and Christine Treloggen
2. Representative from the health sector, Sally Faulkner
3. Representatives from Council, Councillor Carter and Councillor Johnstone and Councillor Drummond
4. Representative from East Coast Aquatic and Wellbeing Committee, Peter Tonkin

That Council agree to the East Coast Aquatic and Wellbeing Committee's request for a second representative on the Committee and that Fiona Gray be appointed.

**CARRIED UNANIMOUSLY**

## 07/23.6.0      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.*

### 07/23.6.3      DA 276-2022 Residential - Construction of Dwelling Additions & Alterations, Garage, Deck and Additional Crossover

<b>FILE REFERENCE</b>	DA 276-2022
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The General Manager advised that an extension of time had been granted that would enable Council to consider this item at the August Council Meeting

**07/23.6.3.184**      Moved: Clr K Chapple / Seconded: Clr I Carter

That Council defer consideration of this item until the Council Meeting of 21 August 2023.

**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.*

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

Moved: Clr B LeFevre/ Seconded: Clr I Carter

**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

- 07/23.18.0      **CLOSED COUNCIL**
- 07/23.18.1      **Confirmation of Closed Council Minutes – Council Meeting 26 June 2023**
- 01/23.18.2      **Outstanding Actions List for Closed Council**
  
- 01/23.18.3      **General Manager Review - Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

**TO BE PUBLISHED IN THE PUBLIC MINUTES:**

Due to the Personal nature of this item, nothing will be recorded in the Public Minutes.

**CARRIED UNANIMOUSLY**

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.25pm.

.....  
**MAYOR**

.....  
**DATE**