



COUNCIL MEETING MINUTES

Monday 20 November 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
20 November 2023

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

11/23.1.0 ATTENDANCE

11/23.1.1 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

11/23.1.2 Apologies

Nil

11/23.1.3 Leave of Absence

11/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Rebecca Wood
Executive Officer, Jayne Richardson (*Item 1.0-18.4*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0-18.4*)
Manager Business Services, Raoul Harper (*Item 1.0-17.4*)
Development Services Coordinator, Jake Ihnen (*Item 1.0-18.3*)
Senior Town planner, Deb Szekely (*Item 11.0-18.3*)

11/23.2.0 PUBLIC QUESTION TIME

Nil 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.

11/23.2.1 St Marys Township - Rob Alexander, St Marys

1. Will Council commit to tidying up the Main Road entry into town from the St Marys Pass end. The road can look untidy particularly around the noticeboard. Can we engage with State Roads and request more regular maintenance on the roadsides?

Reply:

Council will forward this matter to the Department of State Growth as the road authority for their attention and follow-up.

2. Will there be a path constructed from Irish Town Road to Grey Mare's Tail lookout carpark? I believe this was discussed during the Recreational Trails Strategy community discussions. This would be a great addition for both those living in our community and those who are visiting our community

Reply:

The provision of a pathway between Irish Town Road and the Grey Mares Tail has not been included in the Council's capital works program. This could be considered as a potential future project by the Council and through discussions with the Department of State Growth, who manage the road containment. The Grey Mares Tail walk was identified in the Recreational Trails Strategy as an existing walk under the management of the Parks and Wildlife Service. This walk is part of the St Marys Pass State Reserve and was identified as a local trail. In the survey that was

undertaken as part of the community engagement, it was indicated that two (2) community members would like to see a walking trail along the highway from St Marys to Grey Mares Tail.

11/23.3.0 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

11/23.4.0 CONFIRMATION OF MINUTES

11/23.4.1 Confirmation of Minutes – Council Meeting 16 October 2023

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 16 October 2023 be confirmed.

DISCUSSION:

Nil

COUNCIL DECISION:

11/23.4.1.247 Moved: Clr K Chapple/ Seconded: Clr V Oldham

That the minutes of the Council Meeting held on the 16 October 2023 be confirmed.

CARRIED UNANIMOUSLY

11/23.5.0 COUNCIL WORKSHOPS HELD SINCE 16 OCTOBER 2023 COUNCIL MEETING

There was a Workshop held on Wednesday 8 November 2023 and the following items were listed for discussion.

- Audit Panel Meeting Minutes – 16 October 2023
- Break O’Day Digital Transformation
- Animal Control Report

- Proposed Environmental Health By-Law
- Outside St Helens Court lighting upgrade
- Draft Land Use Planning and Approval (Development Assessment Panel) Amendment Bill 2023
- Scamander Golf Club
- Councillors role in Community Engagement
- 2023-2024 Annual Plan Quarterly Review
- Tasmania Fire and Emergency Service Bill
- Development Application Guidelines – Cllr Ian Carter
- Replacement of heritage trees in St Helens– Deputy Mayor K Chapple
- Discuss main streetscapes and developing a plan for our townships that provide drought resistance, colour and themes etc. – Deputy Mayor K Chapple

11/23.6.0 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.

Nil

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.

11/23.7.0 COUNCIL MEETING ACTIONS

11/23.7.1 Outstanding Matters

The report was received.

- Councillor Carter asked if we have timeframe for the item about the Online Access Centres so we can conduct community consultation regarding what we need in a community hub. The General Manager advised that we have tried to get a response from the State Government regarding this but there has been silence, we will keep pushing for a response.
- Councillor Johnstone suggested we should follow up with a letter and asked do they have an obligation to respond within a period of time? The General Manager advised that they do not have a customer service charter so we need to keep chasing them for a response. He noted they have very little accountability for a timely response.

11/23.8.0 PETITIONS

Nil.

11/23.9.0 NOTICES OF MOTION

Nil

11/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

11/23.11.0 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.

11/23.11.1 Request to reduce the speed limit between St Helens and Beaumaris – Clr K Wright

Due to concerns over another accident on Tasman Hwy in Dianas basin , I am asking council to please consider approaching State Government to reduce the speed limit between St Helens and Beaumaris to 80 km per hour. This section of road is considered dangerous by many local and visitors.

I understand There has been at least 4 accidents on that section of road within the past couple of years, with at least one fatality of a woman within the past 12 months. Perhaps we need to seek some “black spot” funding for this section of road.

Reply:

We will write to the Department of State Growth, the authority responsible for the Tasman Highway. The letter will express Clr Wright’s concerns about the specific road segment and accident history. We will request the Department to give consideration to reducing the sign-posted speed limit, revise advisory speed warning signage and to review the current alignment of the carriageway.

11/23.11.2 Request to make a time to discuss the Council amalgamations – Clr J Drummond

Can we make time to talk about amalgamations? I have been asked by the community what Council’s position is.

Reply:

- Mayor Tucker advised that Council has always supported a boundary adjustment with Glamorgan Spring Bay Council which will lead to the creation of a northern East Coast Council. He noted that this has always been Council’s position. He reiterated that Council needs to undertake further investigations to make sure we have the most up to date information available for consideration. This information needs to be collected before we start engaging with the community.
- Councillor Wright asked when Sorell Council was brought into the conversation.
- Mayor Tucker said that Sorell had been part of the conversation from the beginning.
- The General Manager advised that he would be discussing this as part of the General Managers Report. He did note that the media had incorrectly reported on the review.
- Councillor Johnstone said she would like to have a discussion about this at our workshop and asked about how we proceed from here.
- The General Manager advised that it will go to the December workshop and additional information will be coming which will be shared with Councillors. The submission is not due until the end of February so it can also be discussed at the February workshop. We have three months to work our way through this report, if we can do this in existing meeting we will.
- Councillor Wright noted that there is an expectation from the community that we need to ask them instead of just telling them what is going to happen.
- The General Manager said that In July we did extensive engagement to find out what the community wanted and that report was included in our submission. Now we need detail for Councillors and the community to make an informed decision.

1/23.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

11/23.12.1 Mayor’s Communications for Period Ending 20 November 2023

18.10.2023	St Helens	– Judging of School Christmas Artwork competition
01 - 02. 11.2023	Devonport	– Local Government Association of Tasmania (LGAT) –General Meeting and Annual Conference
08.11.2023	St Helens	– Council Workshop
09.11.2023	St Helens	– Break O’Day Municipal Emergency Management Committee Meeting
13.11.2023	St Helens	– Meeting with Geoff Mountney
16.11.2023	St Helens	– Future of Local Government Review Report
17.11.2023	St Helens	– Australian Local Government Association Board Meeting
20.11.2023	St Helens	– Council Meeting

11/23.12.2 Councillor’s Reports for Period Ending 20 November 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.

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

- Councillor Chapple advised that the Chamber of Commerce had their first meeting just before the November workshop. The next meeting will be held on the March 5 2024.

NRM Special Committee – Clr Janet Drummond

- Councillor Drummond noted that the NRM Committee has been quite busy. There have also been meetings for staff and Councillors regarding climate change mitigation, a meeting was held at Scamander regarding the Scamander river mouth and a shorebird meeting was attended by Councillor Carter. The next meeting is scheduled to be held on December 6 2023.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Councillor LeFevre advised the following:
 - The next meeting of the East Coast Tourism Board will be Monday 27th November in St Helens.
 - The Board will be reviewing the Rules of Association and formulating a sponsorship agreement.
 - Parks have informed us that the Friendly Beach’s day use area and camp ground will be closed for the summer due to the damage done by the recent fire.
 - It was terrific to note that 17 East Coast businesses were finalists in the Tasmania Tourism Awards. All eight (8) businesses who received coaching from East Coast Tasmania Tourism were selected as finalists.
 - Congratulations to all the finalists and especially the two Gold Award winners, two Silver and one Bronze.

Mental Health Action Group – Clr Barry LeFevre

Nil

Access and Inclusion Advisory Committee – Clr Janet Drummond

- Councillor Drummond advised that a meeting was held on November 13 and the planning for two events has been finalised for the International Day of people with a disability. One event will be held at St Helens and one at St Marys.
- The committee is in the process of reviewing their policy document. Once ready the new document will go out for community consultation.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

Nil

11/23.13.0 BUSINESS AND CORPORATE SERVICES

11/23.13.1 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 highlighted the upgrade of the property management system and the overview of the digital transformation journey in his report.
- Councillor Johnstone referred to the costs section of the report on page 27, and asked what they may look like? The Manager Business Services advised that at this stage we are unaware of exactly what the costs savings will be, but he said that it will create more efficiencies and noted this journey will never end.
- The General Manager said our costs will change for example there could be software costs but there will also be savings in hardware costs. He noted that here will be other efficiencies which will free up staff resources to be redeployed into service delivery.
- Councillor Drummond asked about the Digital Transformation Journey video from a staff meeting which was to be sent out to Councillors. The General Manager advised that this has been uploaded to the hub due to size.

COUNCIL DECISION:

11/23.13.1.248. Moved: Clr B LeFevre/ Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

11/23.13.2 Monthly Financial Report

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

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

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

Nil

COUNCIL DECISION:

11/23.13.2.249. Moved: Clr K Chapple/ Seconded: Clr V Oldham

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

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

CARRIED UNANIMOUSLY

11/23.13.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services said the report continues to show they are doing very well. He noted the door count was slightly below the level it was last year.
- Councillor Drummond requested that the dates of the volunteer meeting be sent out to Councillors please as she would like to attend a meeting.
- Councillor Carter noted the award that the History Room received.

COUNCIL DECISION:

11/23.13.3.250. Moved: Clr K Chapple/ Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

11/23.13.4 **Audit Panel Meeting Minutes – 16 October 2023**

FILE REFERENCE	018\005\024\
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OFFICER’S RECOMMENDATION:

That Council receive the minutes of the Audit Panel meeting of the 16 October 2023.

INTRODUCTION:

The Council Audit Panel meets every three (3) months and the minutes of each meeting are provided to Council.

DISCUSSION:

- The Manager Business Services advised that the Audit Panel reviewed the Annual Plan and the Long Term Strategic Asset Management Plan

COUNCIL DECISION:

11/23.13.4.251. Moved: Clr K Chapple/ Seconded: Clr V Oldham

That Council receive the minutes of the Audit Panel meeting of the 16 October 2023.

CARRIED UNANIMOUSLY

11/23.14.0 **WORKS AND INFRASTRUCTURE**

11/23.14.1 **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 Business Services advised the following:
 - We are getting to the end of the flood relief work, including current works on Upper Scamander Road, waiting on assessment about eagles before completing remediation works on the Mountain Bike Trails and a final bit of work on Mathinna Road.
 - Traffic was measured in Falmouth after a request from Councillor Johnstone and a report will be provided. He noted that the results showed 90% of traffic complies with the speed limit and the maximum speed that was recorded over that period was 59kph.
- Councillor Drummond raised concerns from community members about Periwinkle coming from St Marys Pass into the town of St Marys. She asked can we ask State Growth to maintain their road reserves?
- Councillor Johnstone said thank you for the monitoring in Falmouth, she said she saw it there the next day after asking the question, but did state that she did not know how accurate they were. The Manager Infrastructure and Development Services advised that they are very accurate and get left out there for a few weeks as people tend to deliberately slow down at the start.

COUNCIL DECISION:

11/23.14.1.252 Moved: Clr B LeFevre/ Seconded: Clr L Johnstone

That the report be received by Council.

CARRIED UNANIMOUSLY

11/23.14.2 **Animal Control Report**

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER’S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that there has been a very severe dog attack on a courier and the courier was hospitalised as a result of the attack. We have been working with police on this matter and investigations are continuing.
- Councillor Drummond said we did talk about fact sheet for residents on reporting and confidentiality and noted that the sooner we can do that the better. The General Manager advised that it was discussed that it would go into the next newsletter which goes out in approximately one week.

COUNCIL DECISION:

11/23.14.2.253. Moved: Clr V Oldham/ Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

11/23.15.0 COMMUNITY DEVELOPMENT

11/23.15.1 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 activities which are being dealt with by the Community Services Department.

DISCUSSION:

- The Manager Community Services advised of a correction in the report and said the community bushfire session is this Thursday the 23rd November. Councillors were asked to promote this as it is very important for the community.
- Councillor Drummond asked what is Collins Entertainment that is listed on the foreshore for December. The Manager Community Services advised that this will be rides for young people.
- Councillor Drummond asked if the Break O’Day Christmas Festivities Committee includes St Marys. The Manager Community Services said yes it includes the whole municipality with representatives from St Marys and Fingal along with St Helens, Scamander and Beaumaris.
- Councillor Johnstone thanked the Manager Community Services for organising the bushfire ready neighbourhood session.
- Councillor Chapple asked will they be talking about access for trucks, a lot of people are not aware of access requirements for trucks because if it is not suitable they will not come in. The Manager Community services to ask for this information to be included in the session.
- The Manager Community Services noted that Tasmania Police took on board the need for electronic sign boards in case of emergency. It has been placed in the care of Tasmania Police so that we do not have any concerns regarding whose road it is.

COUNCIL DECISION:

11/23.15.1.254. Moved: Clr J Drummond/ Seconded: Clr G Barnes

That the report be received.

CARRIED UNANIMOUSLY

11/23.16.0 DEVELOPMENT SERVICES

11/23.16.1 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 activities which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

- The Development Services Coordinator advised that they are working on completing the By-Law process and trying to finalise two (2) tenders.
- Councillor Drummond said with regards to the St Marys Recreation Building, can we have one name for that building as it is referred to in two different ways and is creating confusion in the community. The Development Services Coordinator advised that the official title is the St Marys Indoor and Evacuation Centre and he will ensure it is referred to as this in all future communication.

COUNCIL DECISION:

11/23.16.1.255. Moved: Clr I Carter/ Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

11/23.16.2 **Draft Land Use Planning and Approval (Development Assessment Panel) Amendment Bill 2023**

FILE REFERENCE	23/5310
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OFFICER’S RECOMMENDATION:

The proposed draft submission, with any required amendment by the Break O’Day Council, be forwarded to the State Planning Office and a copy sent to the Local Government Association of Tasmania in response to their request for comment on the Position Paper – DAP Framework.

INTRODUCTION:

In July 2023, the State Government advised of its intention to develop legislation to allow certain development applications to be determined by independent Development Assessment Panels (DAPs). The reasoning behind this approach by the State Government was reported as intending to take the politics out of planning by providing an alternate approval pathway and this was mainly directed at complex or contentious development applications.

“Minister for Planning, Michael Ferguson, said this will ensure that politics is taken out of planning decisions and much needed projects are properly assessed and approved where appropriate in a timely way.”

Press release by Michael Ferguson, Minister for Infrastructure and Transport, 19 October 2023.

The State Government has now released a Position Paper that proposes a framework that provides an alternative legislative pathway for certain development applications. Those identified development applications utilising the alternative pathway, are proposed to be determined by an

independent Development Assessment Panel. The State Government is seeking comment on the proposal prior to the consultation period closing 5pm on Thursday 30 November 2023.

The Break O’Day Council, as a planning authority, is directly affected by the proposal. The attached submission is proposed to be sent to the State Planning Office as a response by the Break O’Day Council.

DISCUSSION:

- The Senior Town Planner advised the following:
 - This is in regards to the State Government proposal to introduce Development Assessment Panels, mainly for contentious planning items.
 - A response has been prepared for the State Government which mainly looks at issues surrounding the timeframes to respond that we have been given. The response also includes our thoughts about how matters of state interest should be handled.
 - It is recommended that the attached letter be forwarded to the State Government and a copy sent to the Local Government Association of Tasmania.
- Councillor Drummond said the letter which has been prepared is excellent and noted that it encapsulates what was raised at the workshop. She said that asking for an extension but still clearly articulating that we want to be part of the discussion was excellent. Councillor Johnstone agreed, and said Council Officers took into consideration what Councillors had put forward.
- Mayor Tucker said we have since received an extension. Councillor Drummond asked what was the extension. Mayor Tucker advised four weeks but was not sure if this has been publicised yet.
- Councillor Drummond reiterated that four weeks is not enough, this is a very important document for our community.

COUNCIL DECISION:

11/23.16.2.256. Moved: Clr L Johnstone / Seconded: Clr K Chapple

The proposed draft submission, with any required amendment by the Break O’Day Council, be forwarded to the State Planning Office and a copy sent to the Local Government Association of Tasmania in response to their request for comment on the Position Paper – DAP Framework.

CARRIED UNANIMOUSLY

11/23.16.3 **Proposed Environmental Health By-Law**

FILE REFERENCE	008\004\009\
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OFFICER’S RECOMMENDATION:

1. In accordance with section 159 of the *Local Government Act 1993* (LGA), Council consider all submissions made in relation to the proposed Environmental Health By Law;
2. That Council resolve by absolute majority to:
 - a. adopt the recommended alterations to the proposed by-law as outlined in this report and the draft by-law attached; and
 - b. Authorise the affixing of the Council's Common Seal to the Break O' Day Council Environmental Health By-Law No.1 of 2023, as attachment 3 to the agenda of 20/11/2023, and its subsequent certification by the General Manager and a legal practitioner.

INTRODUCTION:

Council has provided previous endorsement to proceed with the office of local government certification including seeking of community submissions.

The certification was provided by the Office of Local Government and the advertising period for the By-Law was held between 13 September and 6 October 2023.

Seven (7) submissions were received and the report provides Council with the officers recommended actions in relation to the submissions.

DISCUSSION:

- The Development Services Coordinator advised the following:
 - Copies of the following have been provided to Councillors; submissions received, the draft By-Law with track changes, the final version of the By-Law and the Regulatory Impact Statement.
 - The By-Law was advertised from 13th September to 6th October and we received seven submissions.
 - The submissions have been summarised and responses provided for Councillors.
 - We have included an option to apply to the General Manager for additional poultry in special circumstances and there have been some administrative changes following the legal review.
 - We have now introduced penalty units into the By-Law.
 - None of these alterations have substantially changed the purpose of the By-Law and it is recommended for final endorsement.
- Councillor Carter noted that Council Officers have done an extremely good job on this.
- Councillor Drummond noted that she still has concerns regarding the community concerns which have been raised about cats and dogs. She also has concerns about the number of poultry for people who have existing poultry and if this will be enforced retrospectively. She did acknowledge that she understands it will only be enforced if complaints are made.
- Mayor Tucker noted concerns regarding the placement of wheelie bins on the footpath. This is particularly concerning in Scamander where motorised wheelchairs users have to go onto the road because people are putting their bins on the footpath. He noted that an education campaign is needed for the community. The Development Services Coordinator said that

moving forward these issues are considered when new subdivision applications are received but for existing properties this is mainly about education.

- Councillor Drummond agreed that this is a concern and said this has also been raised with the Access and Inclusion Committee.

COUNCIL DECISION:

11/23.16.3.257. Moved: Clr B LeFevre/ Seconded: Clr L Johnstone

1. In accordance with section 159 of the *Local Government Act 1993* (LGA), Council consider all submissions made in relation to the proposed Environmental Health By Law;
2. That Council resolve by absolute majority to:
 - a. adopt the recommended alterations to the proposed by-law as outlined in this report and the draft by-law attached; and
 - b. Authorise the affixing of the Council's Common Seal to the Break O' Day Council Environmental Health By-Law No.1 of 2023, as attachment 3 to the agenda of 20/11/2023, and its subsequent certification by the General Manager and a legal practitioner.

CARRIED UNANIMOUSLY

11/23.17.0 GOVERNANCE

11/23.17.1 General Manager's Report

FILE REFERENCE	002\012\001\
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OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised the following regarding the Future of Local Government Review Process:
 - The report has been delivered and we have until the end of February to respond to the report.

- The Council submission focused on the creation of an East Coast Council with the Southern boundary open for discussion. The Board have followed this but had to include some sort of line on the map in the report.
 - They have mapped out a time frame and outlined how this will move forward.
 - The Board is looking between mid 2024 and mid 2025 to go through a process which does involve substantial community engagement.
 - They have suggested community working groups and clear expectations for extensive consultation and engagement before going to an elector poll.
 - Mandated services have been included in the report, this is for a range of areas including IT.
 - They have advised that they are going to pick up work on the new Local Government Act and are aiming to have it prepared by the end of 2024.
 - They have suggested a Strategic Planning framework, proposing a plan which goes for four (4) years and is developed at the start of a new Council term. He wondered why a strategic plan would be for four (4) years when they usually have a longer window. When looking at it more closely, what they are talking about is essentially a corporate plan with inward focusing activities.
 - A Performance Reporting system has been included and also some information regarding asset management and depreciation.
 - This will be listed for the December Council workshop for initial conversation with Councillors. We will be guided by Council on this about how much effort and resources they would like us to put into this.
- Councillor LeFevre noted that the General Manager won an award at the Local Government Association of Tasmania conference.
 - Councillor Drummond noted that the amount of work going into the Future of Local Government Review is huge and is glad that it will be included in the December workshop.
 - Councillor Drummond noted that there is an item here around the deer scan app to report signs of feral deer in the municipality. She noted that she has seen some deer in St Marys while on a morning walk and asked if the feral scan the same app as she could not find deer scan app. The Executive Officer to look into this.
 - Mayor Tucker said, with regards to the Future of Local Government Review paper, if we continue and lead the investigation into the potential East Coast Council they have put forward, the State Government has made it clear that they will be financially supporting the transition to quite some extent. He noted that this is the current State Government and this may not be the case in the future.
 - Councillor Johnstone raised her concerns about what has been reported in the media and noted the error in the report. She asked can we have this fixed? The General Manager said we can certainly mention it, it is at the end of the report in the community summary.
 - Councillor Drummond noted that she has been unable to read the full report yet, but did read the community report and agrees it should be changed and clarified. The General Manager noted that it is only small piece and the rest of the report is clear, the media is not helping.

COUNCIL DECISION:

11/23.17.1.258. Moved: Clr K Chapple / Seconded: Clr G Barnes

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

11/23.17.2 Council Meeting Dates and Workshop Dates for 2024

FILE REFERENCE	014\001\022\
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OFFICER’S RECOMMENDATION:

That the following dates and times be approved for Council Meetings and Workshops to be held in 2024.

INTRODUCTION:

It is necessary to determine Council meeting dates prior to the commencement of the New Year. The above dates are submitted for Council’s consideration.

DISCUSSION:

- Councillor Johnstone said she wondered about January and would like to try and have workshop in January. The General Manager advised that this is very difficult due to the Christmas break. He did note that we may need a special workshop for the Future of Local Government Review and this will be organised if necessary.

COUNCIL DECISION:

11/23.17.2.259. Moved: Clr L Johnstone / Seconded: Clr K Wright

That the following dates and times be approved for Council Meetings and Workshops to be held in 2024.

CARRIED UNANIMOUSLY

Meeting adjourned at 11:05am.

Meeting resumed at 11:13am.

11/23.17.3 2023-2024 Annual Plan Quarterly Review

FILE REFERENCE	002\036\002\
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OFFICER’S RECOMMENDATION:

That Council receive the Review as at 30 September 2023 of the 2023-2024 Break O’Day Council Annual Plan.

INTRODUCTION:

Council’s management team prepared the 2023 - 2024 Annual Plan based on discussions, which occurred through Council workshops and the normal budget/planning process. The Annual Plan was prepared to take into account broader factors which are impacting Council; and reflecting continuity of existing projects, and activities where this exists.

DISCUSSION:

- The General Manager advised the following;
 - Progress is currently sitting at 24%.
 - Within the Community Goal Wellbeing is ahead of target as a lot of activity is focused in the first part of year for the Wellbeing Certificate course and the Wellbeing Festival. The Communication area is slightly behind due to a deferral of the website review.
 - Within the Economy Goal, Brand is only at 5 percent as it is scheduled to start early in 2024. Population has not started yet due to our resources being focused on housing at the moment. It is worth us having Dr Denny update our population figures as it can be important for decision making regarding housing, health services and the Future of Local Government Review.
 - Within the Environment Goal Appropriate Development is well ahead due to the completion of the Local Provisions Schedule.
 - Within the Infrastructure Goal, Towns will progress further with projects such as parking strategies. Roads and Streets are also behind as the review of the Transport Master Plan has not yet commenced.

Councillor Wright returned to the meeting at 11:16am.

COUNCIL DECISION:

11/23.17.3.260. Moved: Clr B LeFevre / Seconded: Clr G Barnes

That Council receive the Review as at 30 September 2023 of the 2023-2024 Break O’Day Council Annual Plan.

CARRIED UNANIMOUSLY

11/23.17.4 Tasmania Fire and Emergency Service Bill

OFFICER'S RECOMMENDATION:

That Council provide feedback to the draft *Tasmania Fire and Emergency Service Bill* based on the points identified below.

INTRODUCTION:

The Tasmanian Government has released the draft *Tasmania Fire and Emergency Service Bill* which amongst other things, establishes the Tasmanian Fire and Emergency Service (TFES). The Bill also includes a new funding model which is the focus of this discussion.

DISCUSSION:

- The General Manager advised the following:
 - The consultation phase for the initial options paper is due to finish shortly.
 - It has become quite complicated as the Minister has now established a working group to relook at everything.
 - Recommended that we submit a response based on the information that is currently available.
 - 15 points have been raised regarding concerns.
 - It is likely that there will be additional consultation in the future.
- Councillor Drummond said the points noted really capture the discussion that was had at workshop. She feels this is concerning for our residents and pleased that a working group has been established. She also asked how we would communicate to ratepayers that this is a State Government imposition and not from Council.
- The General Manager noted that the State Government already have land tax using AAV and as such they have a mechanism to raise this.
- Councillor Johnstone asked, in relation to the new working party, do we know the make up of the group? The General Manager said he believes the membership has not yet been finalised, he would expect that the Local Government Association of Tasmania would have a seat at the table along with Tasmania Fire Service and the State Emergency Service.

COUNCIL DECISION:

That Council provide feedback to the draft *Tasmania Fire and Emergency Service Bill* based on the points identified below.

11/23.17.4.261. Moved: Clr K Chapple / Seconded: Clr J Drummond

CARRIED UNANIMOUSLY

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

Moved: Clr J Drummond/ Seconded: Clr I Carter

IN CONFIDENCE

11/23.18.0 **CLOSED COUNCIL**

11/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 16 October 2023**

11/23.18.2 **Outstanding Actions List for Closed Council**

11/23.18.3 **Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015 - Parnella Holdings Pty Ltd Vs Tasmanian Planning Commission**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

11/23.17.3.CC. Moved: Clr J Drummond/ Seconded: Clr L Johnstone

That Council participate in the proceedings through the file of a Notice of Submission to the Court.

CARRIED UNANIMOUSLY

11/23.18.4 **Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015 – Purchase of replacement Grader**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

11/23.17.4.CC. Moved: Clr I Carter/ Seconded: Clr G Barnes

That Council approve the purchase of a Komatsu GD555-5 Motor Grader from Komatsu.

CARRIED UNANIMOUSLY

11/23.18.5 **Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015 - General Manager Review**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

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

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

Moved: Clr V Oldham/ Seconded: Clr B LeFevre

11/23.19.0 **MEETING CLOSED**

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

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MAYOR

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DATE