



COUNCIL MEETING MINUTES

Monday 16 October 2023
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
16 October 2023

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

The Mayor welcomed Councillors, staff and members of the public 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.

10/23.1.0 ATTENDANCE

10/23.1.1 Present

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

10/23.1.2 Apologies

Councillor Ian Carter
Councillor Kylie Wright

10/23.1.3 Leave of Absence

Nil

10/23.1.4 Staff in Attendance

General Manager, John Brown
Corporate Officer, Rebecca Wood
Manager Infrastructure and Development Services, David Jolly (Item 1.0 – 18.4)
Manager Community Services, Chris Hughes (Item 1.0 – 15.3)
Executive Officer, Jayne Richardson (Item 1.0 – 18.4)
Manager Business Services, Raoul Harper (Item 1.0 - 18.4)
Development Services Coordinator, Jake Ihnen (Item 1.0 – 18.4)
NRM Facilitator, Polly Buchhorn (Item 15.3 - 16.3)
Mental Health and Wellbeing Coordinator, Leah page (Item 14.2 – 15.2)
Governance Officer, Molli Brown (Item

10/23.2.0 PUBLIC QUESTION TIME

Two (2) 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.

10/23.2.1 Request for Free Green Waste to start early – Heather and Chris Donaldson, Scamander

Hello Mayor, GM and Councillors

We are concerned that many people are waiting for free green waste at the tip sites before they begin clearing their blocks and backyards. November is too long to wait... we could be in real bush fire strife before then.

Is it possible to bring forward that free waste date, to now if possible, so that everyone gets serious about making our municipality safe?

Last week's fires were a very scary warning.

Regards,
Heather and Chris Donaldson, Scamander.

Reply:

The suggestion has merit and requires time to consider. The free green Waste period commences on 1 November which is two weeks away so implementing the suggested change would have minimal effect. However it has been noted and Deputy Mayor Chapple has advised you of her intention to bring forward to Council this request for a review.

Question 1.

I would ask that the Council re negotiate with Parks and Wildlife the maintenance of the Northern side of the Scamander river.

I was rather surprised at the feeble reply from Council from the August minutes and I now ask that the Council again meet with Parks and Wildlife to allow Council to take over the mowing of the area because Fiona Steel (met her the day she was inspecting the area) from the department told myself and my husband that they do NOT do mowing and this area, once a wilderness is now well maintained (by Dexter French) for tourists and the locals to fish and to launch their canoes and kayaks.

The number of people utilising this area is on the rise and with a very hot summer on the horizon it is so important to keep the area mowed and free from snakes which would be seen easily on a well kept area.

I am positive it would take the maintenance staff only 15-20 minutes if it was part of their mowing regime.

The reply, mentioned in the minutes, that “the Town Maintenance team would monitor the condition of the area and assist with maintenance of the grassed area”.

This has to change to Council taking over this area.

Reply:

Council officers have commenced a process with the Department of Natural Resources and Environment of taking a lease over the area that includes the maintenance of the existing cleared area. Given past experience with this agency this will take several months and in the meantime Council will undertake maintenance activities of this area.

Question 2.

I would ask Council to review the cross over project and to “ACTION” this request ASAP.

Jason (From Beaumaris) in his motorised wheelchair cannot safely get on or off the footpath or travel on the area which has pavers because it affects his neck (he is awaiting an operation to fuse a section of his vertebrae).

My biggest concern is he is traveling on the highway (without even a flag to show where he is) rather than the designated pathways. He does say the concrete and bitumen areas are all good to and from

Scamander to Beaumaris. The area through the bushland near Campbell street and the BP Service Station cannot be accessed either because of tree roots and uneven gravel paths.

I do ask that Council give greater consideration to this project when funding is available. I cannot understand why monies were not put in the budget for this financial year knowing that this information has been given to Council on two occasions.

Reply:

The “Scamander Avenue – Pedestrian Footpath Improvements” project was approved as a Local Roads and Community Infrastructure Program – Phase 4 project at \$70,000. This will see the upgrade of the pedestrian footpath crossovers at road junctions and sections of unformed footpath along Scamander Avenue along a segment length of 600 metres from Wattle Drive to Campbell Street to enable disability access and generally improve accessibility to community facilities and areas. Works are scheduled to commence in February 2024.

Question 3.

Campbell street and Coach Road lead up to the sports Complex and Mrs Challis on her motorised wheelchair does not have a footpath to travel safely on. Mrs Challis is on the road to reach the Complex.

This could be included in the Footpath Crossover Project.

Residents can be and are the “eyes and ears” for problems in the community.

Reply:

The provision of a footpath to the sports complex is a separate project that requires its own budget and planning. The project may be considered by the Council for inclusion in the 2024-2025 capital budget, with potential funding by the Council or sourced externally.

The current funding allocation for the “Scamander Avenue – Pedestrian Footpath Improvements” project, is specifically dedicated to improving the pedestrian footpath crossovers at road junctions and sections of unformed footpath along Scamander Avenue.

10/23.3.0 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

10/23.4.0 CONFIRMATION OF MINUTES

10/23.4.1 Confirmation of Minutes – Council Meeting 18 September 2023

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 September 2023 be confirmed.

DISCUSSION:

Nil

COUNCIL DECISION:

10/23.4.1.229 Moved: Clr L Johnstone/ Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 18 September 2023 be confirmed.

CARRIED UNANIMOUSLY

10/23.4.2 Confirmation of Minutes – Special Council Meeting 2 October 2023

OFFICER’S RECOMMENDATION:

That the minutes of the Special Council Meeting held on the 2 October 2023 be confirmed.

DISCUSSION:

Nil

COUNCIL DECISION:

10/23.4.2.230 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the minutes of the Special Council Meeting held on the 2 October 2023 be confirmed.

CARRIED UNANIMOUSLY

10/23.5.0 COUNCIL WORKSHOPS HELD SINCE 18 September 2023

There was a Workshop held on Monday 2 October 2023 and the following items were listed for discussion.

- Animal Control Report
- Transport Services - Road Management Legislation Review
- Helicopter Joy Flights Proposal
- Pending Development Application Updates
- Concept Strategy: Scamander – Beaumaris Structure Plan
- Tasmanian Sustainability Strategy – Consultation
- Local Government Association of Tasmania (LGAT) – Motions for Discussion at November General Meeting
- Ansons Bay Road Upgrade
- Next State Election
- Land Use Planning Reforms – Mayor M Tucker

10/23.6.0 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.

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.

10/23.7.0 COUNCIL MEETING ACTIONS

10/23.7.1 Outstanding Matters

The report was received.

- Councillor Johnstone asked how are we going with the Single Use Plastics Policy. The Manager Community Services advised that as part of the hiring process everyone is made aware of that, we have also provided information about where others can purchase appropriate products from. Councillor Johnstone clarified that there is no time frame. The Manager Community Services advised that there is no time frame and that this is about education.
- Councillor Johnstone asked about the communication support for off road vehicles. She noted that, on the weekend, off road vehicles did damage to Mariposa Beach, how do we monitor this? The General Manager advised that we would advise the Parks and Wildlife Service as it is their responsibility.
- Councillor Johnstone asked if there is anything more that we can do? The General Manager advised that we can try and inform the community about appropriate practice but we have no authority to address the situation.
- Councillor Drummond noted the item regarding dog exercise areas for St Marys and asked can we communicate to the community that this will be done as part of the dog policy review. The General Manager advised yes we can.
- Councillor Drummond asked if the Reconciliation Tasmania action will be completed in 2023 or 2024. The General Manager advised that it has always been scheduled for 2024 due to their existing workload. Councillor Drummond asked if the date could be updated please.
- Councillor Drummond noted the action to review the Community Facilities Hire Policy and asked for a copy of the minutes from the meeting to be provided. The Manager Community Services will forward the minutes.
- Councillor Drummond asked where we are up to with the St Helens Sports Complex. The Manager Community Services advised that the brief is in the planning stages only and no money has been allocated for this in the current financial year.
- Councillor Drummond noted the Single Use Plastics Policy, she said Ruth Miller asked if there were going to be any workshops as this had been discussed with groups. The Manager Community Services said we have had considerable email contact with groups but we have never discussed holding workshops.

- Councillor Drummond asked when the live Streaming of Council meetings is scheduled to occur. The General Manager advised that we are still waiting on equipment to arrive and then we can schedule the installation.

10/23.8.0 PETITIONS

Nil

10/23.9.0 NOTICES OF MOTION

10/23.9.1 Sealing of Ansons Bay Road - Clr Le Fevre

MOTION:

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

The Break O’Day Council investigate sealing of the Ansons Bay Road utilizing Federal and State Grants leading to the completion of the Great Eastern Drive

SUBMISSION IN SUPPORT OF MOTION:

Council in recent years has received presentations regarding sealing of the Anson’s Bay Road. The presentations have a common theme; sealing of the road would be of significant benefit to Tourism, potentially create agricultural opportunities and improve safety for the road users.

The Ansons Bay Road seems to at present the missing link in the Great Eastern Drive along Tasmania’s East Coast. Too often, we hear of tourists who would like to visit the area but cannot because they are not allowed to drive hire vehicles on dirt roads. A quality-sealed road would potentially increase visitations significantly and ensure greater safety of travel. As part of the Great Eastern Drive, the road would become part of the State network thus ensuring continuity and quality. Sealing the road would enable dairies to be established as milk tankers would be allowed to move to and fro plus other agricultural opportunities would become more economically viable. Creating a sealed road would not only make travel safer and quicker for locals but would also increase the viability of workers from Break O’Day actually living at Ansons Bay.

In seeking a report, I acknowledge how busy the Council staff are. In writing, this notice of motion my intent is asking for an initial report to be completed, which would then hopefully lead to Council, on behalf of ratepayers, committing funds and resources to producing a high-level report, which can be used as the foundation for seeking funding for the project.

In summary, the Ansons Bay Road should be sealed resulting in a road of State significance and providing an opportunity for all to use and profit from.

DISCUSSION:

Nil

COUNCIL DECISION:

10/23.9.1.231 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

The Break O'Day Council investigate sealing of the Ansons Bay Road utilizing Federal and State Grants leading to the completion of the Great Eastern Drive

CARRIED UNANIMOUSLY

10/23.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

10/23.11.0 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.

10/23.11.1 Speed monitoring in Falmouth – Councillor Johnstone

Is it possible for us to put in two of the things that measure the count of cars and their speed on Franks Street and Morrison Street. Since the sealing of the road people are driving very fast up there, faster than the 40 km/h that has been allocated there. When you come up Frank Street from the entrance of Falmouth it does say 40 area zone but as soon as you turn right there is nothing. The speed that people are going up to Saltwater is very fast. People travelling on Morrison Street and turning into Frank Street and not looking left is also very fast. Is it possible for council to put two of those things, because I know Council has a responsibility for those roads, on those streets for a period of time?

Reply:

Traffic counters will be setup at Falmouth to record traffic movements on Morrison and Franks Street for a period of 14 days.

The sign-posted speed limit is enforceable under law. Should residents have concerns about speeding issues these should be reported to Tasmania Police.

10/23.11.2 Off Road Vehicles – Councillor Johnstone

What are our responsibilities around off road/4WD driving on beaches and how can we educate people?

Reply:

Council has no responsibilities for managing off road vehicles on the Break O’Day coastline. (A possible exception is where Council leases some town foreshores from the state government.) However, Council’s NRM Committee recently considered increasing problems from recreational off road vehicle (ORV) use after inspecting the issues on St Helens Point. Council subsequently decided to support efforts by the Parks and Wildlife Service, private landholders and the Police to address ORV issues using its communications with the Break O’Day community and recreational ORV users.

10/23.11.3 Colour of Telecommunications Towers – Councillor Drummond

Is Council able to address in its Planning Scheme the colouring of telecommunication towers that are being erected in the municipality?

Residents have shown me the green colours that are being used in and around Melbourne, this might be preferable in our municipality as the towers often sit against natural bushland settings and would be less obvious to the eye.

Example:



Reply:

The Interim Scheme did not have specific provisions for Telecommunications Towers, instead the discretion often occurred within the Use Table dependent on the zone or due to height of the structure. The Development Standards contained within the scheme was often where discretions occurred due to building height. In these instances the performance criteria required the development to demonstrate that the building was unobtrusive, complemented the character of the surrounds and there were no unreasonable occurrences of overshadowing or overlooking which was generally not relevant. Similarly for the Rural Resource Zone the use was discretionary however the use standards addressed visual appearance of the use. Past practice was to utilize existing provisions to address amenity and visual impact. The requirement for certain colours or finishes was really dependent on the location of the development. Difficulties arise when specifying a colour due to the variations that exist. Instead conditions often state as an example:

“Ensure the colour of the monopole harmonises with the colours of adjacent rural / bushland vegetation and should include natural tones of green, grey and brown”. Alternatively, factory grey has been utilized.

The Tasmanian Planning Scheme now incorporates the Telecommunications Code and causes all applications to be discretionary within the development standards. The performance criteria addresses visual amenity and also introduces the concept for ‘best practice methods’ to reduce the visual impact of the facilities or conceal the facilities within the surrounding natural or built environment. The issue of ‘colour’ or finish to the monopole or lattice structure can be considered within these provisions however as mentioned above colour definition can be problematic and an earthy green in one location may not suit another location. Development Services will need to become familiar with what exactly ‘best practice methods’ includes by considering each application on its own merits.

10/23.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

10/23.12.1 Mayor’s Communications for Period Ending 16 October 2023

20.09.2023	St Leonards	– NTDC Regional Collaboration Forum.
24.09.2023	St Helens	– Official opening of the new lights and fencing at the St Helens football ground.
02.10.2023	St Helens	– Council Workshop
04.10.2023	Hobart	– LGAT Mayor’s Workshop
05.10.2023	St Marys	– Meeting with John Tucker MP and Lara Alexander MP
11.10.2023	St Helens	– Tasmanian Community Fund Meeting
16.10.2023	St Helens	– Council Meeting

10/23.12.2 Councillor’s Reports for Period Ending 16 October 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 the next Chamber of Commerce meeting will take place on Tuesday 7 November 2023.

NRM Special Committee – Clr Janet Drummond

Nil

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Councillor LeFevre advised that the next meeting is scheduled for 18 October 2023.
- Eight (8) East Coast businesses are in the running for State Tourism Awards.

Mental Health Action Group – Clr Barry LeFevre

Nil

Access and Inclusion Advisory Committee – Clr Janet Drummond

- Councillor Drummond advised that a meeting was held last week and they are planning two events for the International Day of People Living with a Disability on December 4, 2023.
 1. St Helens arts and crafts morning
 2. St Marys open garden facility
- Mel from East Coast Tasmania Tourism attended the meeting to advise how they are working towards access and inclusion and how they can work with the committee on this.
- The committee is currently in the process of reviewing its strategic document.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

Nil

10/23.13.0 BUSINESS AND CORPORATE SERVICES

10/23.13.1 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:
 - o We have completed the annual audit process through the Tasmanian Audit Office so work to complete the Annual Report can now be done.
 - o The process of upgrading the property management system has started, our current system PropertyWise is no longer supported and we are now moving to CouncilWise. The migration of data will be starting this week and should be ready to go for the next rates instalment notice.
 - o The investment portfolio is listed for Councillors information and it was noted that rates are going up and down a little at the moment.
- Councillor Johnstone asked about the Annual Report and asked if this is available after the end of the calendar year. The Manager Business Services advised that we have an audit process to follow and now this has been completed complete we begin to move very quickly to complete the report. The General Manager further advised that we work back from the Annual General Meeting which must be held by the 15 December each year. The Annual Report has three elements; Finance, the Annual Plan and our statutory requirements. This report is usually out for comment by early November.
- Councillor Drummond said looking at remissions and discounts, is the higher amount reflective of new dwellings or is it something else. The Manager Business Services said he will have to take this question on notice.

COUNCIL DECISION:

10/23.13.1.232 Moved: Clr B LeFevre / Seconded: Clr L Johnstone

That the report be received.

CARRIED UNANIMOUSLY

10/23.13.2 **Monthly Financial Report**

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

That the following reports for the month ending 30 September 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 highlighted the following:
 - o The budget to date variance, this is the opportunity for Councillors to view if there are any anomalies or whether the budget is tracking well. Key for us is that operating grants are down on budget, this relates to the fact that the Federal Assistance Grants were prepaid in the last financial year. This started with Covid and at some point this will have an impact on our financials.
 - o Our cash position is very strong, if there is a point where we don't get prepaid we will be able to absorb this change.
 - o The Capital works program is starting to ramp up.
- Councillor Drummond asked what are we doing at Portland Hall and the Scamander Sports Complex at the moment. The Manager Business Services took the question on notice and advised that he is happy for Councillors to send these questions through prior to the meeting.
- Councillor Johnstone clarified how can we be down \$640,000 even though we get it before the financial year starts and asked if we assume we are going to get it early again. The Manager Business Services said we can't assume anything and he just wanted to bring it to the attention of Councillors.
- The Manager Business Services explained this process to Councillors.
- Councillor Johnstone asked if this also relates to Capital grants. The Business Manager explained that Capital Grants relate to funds like the Black Summer Bushfire Grants that have a specific Capital project.
- The Manager Business Services suggested sitting down with Councillors to explain the process of looking at the end of year financials, he noted that this is the first time some Councillors will have seen these.

COUNCIL DECISION:

10/23.13.2.233 Moved: Clr L Johnstone/ Seconded: Clr G Barnes

That the following reports for the month ending 30 September 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

10/23.13.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Business Services advised that the Visitor Information Centre continues to break records almost every month and visitor numbers are very high again.
- Councillor LeFevre said that for months we've been hearing about records being broken, and asked should we put this in the Coastal Column and/or the council newsletter to advertise this and give everyone their due credit. He noted that our figures are impressive at East Coast Tasmania Tourism meetings and they inspire Glamorgan-Spring Bay to try and achieve this as well.
- The Manager Business Services also noted that our sales at the Visitor Information Centre are well in excess of what we budgeted.

COUNCIL DECISION:

10/23.13.3.234 Moved: Clr V Oldham / Seconded: Clr G Barnes

That the report be received.

CARRIED UNANIMOUSLY

10/23.14.0 WORKS AND INFRASTRUCTURE

10/23.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised the following:
 - o We are spending a lot of time wrapping up the remedial works from the October 2022 floods. We are currently working on Upper Scamander Road, then there are a couple of sealed roads to complete in November with finalisation of the repairs to Mountain Bike Trails by Christmas.
 - o The Local Roads and Community Infrastructure Program phase 4 projects nominated by Council were approved. The projects include:
 1. Alexander Street, Cornwall
 2. The junction upgrade of Georges Bay Esplanade and Cecilia
 3. St Columba Falls Road shoulder widening from the Tasman Highway to the cheese factory
 4. Scamander Avenue pedestrian footpath improvements
 5. Gray Road, St Marys pathway extension from the school to the recreation ground
 6. Ansons Bay road sealing, the next 1200 metres heading North
 7. Sealing of the access road from the Tasman Highway to Champ Street in Seymour.
- Councillor Johnstone asked if Mountain Bike Trail maintenance is increased around school holidays and prior to Christmas. The Manager Infrastructure and Development Services said the work on the trails he referred to was in relation to flood damage in October 2022, he advised that while these trails are open there are a couple of areas which have some structural damage which needs to be fixed to remain stable. Routine maintenance of the trails is usually around removing trees, wear and tear, weeding and keeping vegetation back.
- Councillor Drummond said it seems like our general waste is going in the wrong direction and so is recycling and asked can we do something about education for this. The General Manager advised that general waste and recycling are both down, the situation with general waste may be due to winter being quieter this year than usual. Recyclables being down is not what we want.
- The Manager Infrastructure and Development Services said we do have variation across the year, when it is compared to numbers over the last five years he is not concerned at this stage. The Manager Infrastructure and Development Services expects 750-800 tonnes of recycling this year.
- Councillor Drummond asked about the contamination rate and if it is going down. The Manager Infrastructure and Development Services said we haven't measured this recently but one of the strategies of the Northern Tasmanian Waste management Group is to measure this again and use it to inform education processes.

COUNCIL DECISION:

10/23.14.1.235 Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

10/23.14.2 Animal Control Report

FILE REFERENCE	003\003\018\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- Councillor Drummond asked if we are going to increase the beach patrols during shorebird breeding season? The Manager Infrastructure and Development Services advised that there is grant funding available this year through NRM North for increasing patrols and we are going through that process at the moment.
- Councillor Drummond asked are we going to look at increasing funding for the Animal Control Officer as the number of issues seems to be increasing. The General Manager said this would be a budget discussion, but noted that if we increase funding we also need to check the availability of the Animal Control Officer. He noted that we already have extra patrols over busy season.
- Councillor Johnstone noted that normally this is always about dogs, but she is constantly seeing cats roaming and they do a lot of damage in bird habitat. She feels that this is a space we are not doing enough work in and would like to understand more about it and what we can do in this situation.
- Councillor Drummond said coming from the NRM perspective doesn't this prove to be difficult due to Cat Management legislation. She noted that we were working on a process to start cat containment and then this legislation came out.
- The General Manager said Cat Management legislation is very different to the Dog Control Act. He advised that we could organise Council's NRM Facilitator to discuss this at a Council workshop. He noted that we would need a significant funding increase to do cat management.

- Councillor Drummond said we need to look at two elements, domestic cats and how they are maintained and also feral cats.

COUNCIL DECISION:

10/23.14.2.236 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

Meeting adjourned at 10.55am

Meeting resumed at 11.23am

10/23.14.3 Transport Services - Road Management Legislation Review

FILE REFERENCE	039\004\022\
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OFFICER'S RECOMMENDATION:

That Council provide a submission to the legislative review based on the comments received from Councillors and key matters identified by Council officers.

INTRODUCTION:

This report aims to provide the Council with an overview of the Tasmanian Government's Road Management Legislation Review and to gather feedback from the Councillors for integration into a unified response to the Department of State Growth.

DISCUSSION:

- The Manager Infrastructure and Development Services advised the following;
 - o Under the Victorian framework, there is more onus on Local Government in terms of responsibility of safety and maintenance.
 - o We are currently governed by at least four (4) Acts in relation to roads. The central Act is the Roads and Jetties Act which is originally from 1935 although has been changed many times over the years.
 - o There is a lot of merit in having a single Act instead of the four (4) we have now. Sometimes it is difficult to make a decision due to dealing with the wording of different Acts.
 - o This was discussed at the workshop and we as a Council can make comments and provide them to the Department of State Growth. We have provided Councillors with a template to provide their responses so we can consolidate them with the

recommendations of Council Officers. We will make a submission based on this feedback

- Topics which Council Officers have considered include cattle on roads and the jurisdiction of roads, in particular State Highways and what we are responsible for (bits on the side of the road).
- Councillor LeFevre said to pass the pub test the four (4) Acts should be amalgamated to one but he thinks that ultimately the Minister should be held responsible, he believes that with the Minister being part of the Government, the average person is always able to contact them. He noted that he would like to see the Department of Main Roads (DMR) brought back in, due to the appalling standard of State roads.
- Councillor Drummond said of the four (4) current Acts, one has so many repeals it is quite empty, she believes it should be just one (1) Act. She noted that she is concerned about liability and said that Council should not be liable for things that aren't really our responsibility.
- Councillor Drummond asked if Councillors will get to see the report before it is submitted. The Manager Infrastructure and Development Services will have a report to Councillors two weeks from today for any final comments and by November 3 this will need to be submitted to State Growth.
- Councillor Oldham agreed with Councillor LeFevre that roads have deteriorated since it has been contracted out instead of having the DMR.
- Mayor Tucker said he is most concerned regarding the Heavy Vehicles Motor Tax. He would like to see a push for a total review of this system. He noted that Local Government has been receiving \$1.5 million for years and this has not even been indexed to CPI, this means that our rate base are having to pick up some of the costs. These vehicles are heavier and larger than they were when this was introduced and our roads are not designed for that.

COUNCIL DECISION:

10/23.14.3.237 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That Council provide a submission to the legislative review based on the comments received from Councillors and key matters identified by Council officers.

CARRIED UNANIMOUSLY

10/23.15.0 **COMMUNITY DEVELOPMENT**

10/23.15.1 **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 the following:
 - o Community Grants will open at the end of this week or early next week and so will the Australia Day Awards nominations.
 - o The issue with the St Marys Projector, which was raised at the workshop, has been investigated and we are looking at keeping this in a locked box as people keep fiddling with it. The cables hanging down are very old and will be disconnected but we do not know exactly what they are connected to.
 - o The projector equipment at St Marys is not compatible with apple products and BODRA had already been advised of this.
- Mayor Tucker said thank you to the Mental Health and Wellbeing Coordinator and the team working with her for all the work done behind the scenes for the Wellbeing Festival. The Mental Health and Wellbeing Coordinator gave a big shout out to Council staff that help make it happen, but also to all the people in the community who contribute to this and spend all day at the Festival because it wouldn't happen without them.
- Councillor Drummond asked about the Fingal Valley tourism marketing campaign in the Community Event Funding list. The Manager Community Services advised that we are working with them to try and get it up and running again.

COUNCIL DECISION:

10/23.15.1.238 Moved: Clr K Chapple / Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

10/23.15.2 **Youth Strategy 2023**

FILE REFERENCE	011\028\002\
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OFFICER'S RECOMMENDATION:

That Council change the Annual Plan *Action 5.1.1.2 Youth Strategy - Co-Design a Youth Strategy with community for Break O'Day* in our Annual Plan to, *Co-design a shared vision for supporting youth in Break O'Day with youth stakeholders that facilitates working together towards a shared vision.*

INTRODUCTION:

Council Officers developed a roadmap towards co-designing a youth strategy and have met with youth stakeholders to progress this activity but have not been able to make timely progress. More resources are required to do the work safely, and meaningfully.

DISCUSSION:

- The Mental Health and Wellbeing Coordinator advised the following:
 - o This recommendation is about moving away from trying to develop a youth strategy at this point in time, instead focusing on a vision or commitment with community organisations and stakeholders about how we are going to work with youth.
 - o What we are hearing from stakeholders is that we need a better understanding of shared goals.
 - o We don't want to have lots of different groups trying to directly approach youth.
- Councillor Johnstone said that this is the type of thing we don't measure about the wellness of our community, but it tells us a lot about our community. She said this is a great way forward.

COUNCIL DECISION:

10/23.15.2.239 Moved: Clr L Johnstone/ Seconded: Clr B LeFevre

That Council change the Annual Plan *Action 5.1.1.2 Youth Strategy - Co-Design a Youth Strategy with community for Break O'Day* in our Annual Plan to, *Co-design a shared vision for supporting youth in Break O'Day with youth stakeholders that facilitates working together towards a shared vision.*

CARRIED UNANIMOUSLY

10/23.15.3 **Waiver of Fees for Hire of Portland Hall – Free2B Girls**

FILE REFERENCE	004\005\006\
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OFFICER'S RECOMMENDATION:

That Council waive the hire fees associated with hiring the St Helens Portland Hall to the value of \$70.00 in support of the Free 2B Girls to hold a "Glow Party" which will be held on 8 December 2023.

A \$25.00 non-waiveable admin fee is still applicable

INTRODUCTION:

At the August Council workshop, Free2B Girls attended to give a youth update, at this short presentation one (1) of the girls enquired about how the group would go about requesting to use Council facilities at no charge.

DISCUSSION:

- The Manager Community Services that Council has received a request to fully waive the hire fees for this event at Portland Hall.

COUNCIL DECISION:

10/23.15.3.240 Moved: Clr J Drummond/ Seconded: Clr K Chapple

That Council waive the hire fees associated with hiring the St Helens Portland Hall to the value of \$70.00 in support of the Free 2B Girls to hold a "Glow Party" which will be held on 8 December 2023.

A \$25.00 non-waiveable admin fee is still applicable

CARRIED UNANIMOUSLY

10/23.16.0 **DEVELOPMENT SERVICES**

10/23.16.1 **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 provided an update in relation to the community consultation for the proposed Environmental Health By Law. He advised that we received

eight (8) formal written pieces of feedback, these were mainly supportive and most concerns were around cats and dogs. He noted that he will provide Councillors with a report regarding this.

- The NRM Facilitator advises that we are involved with the Regional Cat Management Group and Strategy, although not a lot has been happening in this area yet. A lot has been happening around Launceston and Tamar. He will prepare an item for the Council Workshop to provide Councillors information about what we can do with regards to cats.
- The Development Services Coordinator noted that he has included a section in the monthly report to provide an update on strategic projects.
- Councillor Drummond asked in regards to St Marys Indoor Recreation Facility, when will the existing structure will be demolished. The Development Services Coordinator advised that the football club rooms requires a decision of Council today and if approved will move fairly quickly. The exhibition building will not be removed until the completion of the new building and relocation of the gym to the new building.
- Councillor Johnstone asked about the East Coast Climate Change Workshop that is mentioned in the environmental report and asked if we know when this might be? The NRM Facilitator advised that this will occur next month. He advised that it is a statewide project with one workshop focused on Council staff and then a second session in the afternoon for elected members, we are are trying to extend these to include key stakeholders.

COUNCIL DECISION:

10/23.16.1.241 Moved: Clr K Chapple/ Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

10/23.16.2 Public Open Space Contributions Policy

FILE REFERENCE	09/1740
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OFFICER'S RECOMMENDATION:

Public Open Space Contributions Policy AM02 be amended to recognise that the Break O'Day Council has transitioned from the Break O'Day Interim Planning Scheme 2013 to the Tasmanian Planning Scheme, including the Break O'Day Local Provisions Schedule.

The amendment removes references to the Interim Scheme.

INTRODUCTION:

The Public Open Space Contributions Policy AM02 was adopted 19 March 2012 and underwent its third amendment on 21 February 2022 (Minute No 02/22.16.3.35).

DISCUSSION:

- The Development Services Coordinator advised that this is a very straight forward amendment to the terminology. This amendment will remove all references to the Interim Planning Scheme.

COUNCIL DECISION:

10/23.15.2.242 Moved: Clr B LeFevre / Seconded: Clr K Chapple

Public Open Space Contributions Policy AM02 be amended to recognise that the Break O’Day Council has transitioned from the Break O’Day Interim Planning Scheme 2013 to the Tasmanian Planning Scheme, including the Break O’Day Local Provisions Schedule.

The amendment removes references to the Interim Scheme.

CARRIED UNANIMOUSLY

10/23.16.3 **Tasmanian Sustainability Strategy – Ratify Submission**

FILE REFERENCE	017\023\002\
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OFFICER’S RECOMMENDATION:

Council ratify the submission to the Tasmanian Government on development of its Tasmanian Sustainability Strategy.

INTRODUCTION:

A submission has been made to the Tasmanian Government’s current consultation for development of a state ‘sustainability strategy’. Submissions were due on 6 October, before Council’s Meeting.

DISCUSSION:

- The NRM Facilitator advised that this is to ratify that this submission has already been sent noting the discussion at the previous council workshop.

COUNCIL DECISION:

10/23.15.3.243 Moved: Clr L Johnstone / Seconded: Clr J Drummond

Council ratify the submission to the Tasmanian Government on development of its Tasmanian Sustainability Strategy.

CARRIED UNANIMOUSLY

10/23.17.0 GOVERNANCE

10/23.17.1 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 noted the following:
 - o That a meeting with representatives of the Scamander River Golf Club occurred and they are wanting to establish separate facilities at the Scamander Complex. This will be brought to a Council Workshop for discussion.
 - o A meeting was held last week regarding worker accommodation. The Department of Premier and Cabinet did not make it to the meeting but ultimately we need to look at the broader housing situation along the coast so any solution in this space will take some time.
 - o That he has concerns regarding the implementation of the Child and Youth Safe Organisations Framework. He noted that his biggest concern is that it places a significant responsibility on Local Government to deal with this, including supporting community organisation to implement it. He is concerned that this could be seen as another piece of red tape for organisations and they may abandon activities due to this.
 - o The Framework commences on commences January 1 2024 and we are only now receiving information with three (3) months to go.
- Councillor Barnes advised that Neighbourhood Houses have been given until July 1 2024.
- Mayor Tucker said he is very concerned that little sports groups and associations will walk away and that the Framework won't be compatible for little associations. He also noted that Council can only control what happens on Council land if it is a Council event.

- Councillor Barnes noted that the resourcing to help get community groups compliant is going to be very significant.
- Councillor Drummond said she understands why they are doing it but it is extraordinarily onerous on community groups.
- Mayor Tucker said Council has to be responsible for events that run on our land, but if a community organisation is using Council facilities and it is not a Council event, they are responsible.
- The General Manager reiterated that the responsibility is being put on Local Government to support community groups to implement the Framework. He advised that we need to address this now and we have to be careful providing guidance to groups as there are legal liabilities as well.
- Mayor Tucker was concerned that no one has considered to costs and resources for Council to do this.
- The General Manager advised that we don't have any spare capacity in Community Services or anyone else in the organisation to do this. He also noted that there is no consistency in the information provided to Local Government.
- Mayor Tucker said this has been pushed down with no resources or funding to do this. We all support the safety of children but Councils are being punished by having to implement State Government legislation with no resources. He was also concerned that people in these community groups are put in the position of being personally liable.
- Councillor Chapple asked where to now as a Council? The General Manager advised that Council Officers will deal with our operations to start with, then beyond that we will do what we can to help others.

COUNCIL DECISION:

10/23.17.1.244 Moved: Clr B LeFevre/ Seconded: Clr G Barnes

That the General Manager's report be received.

CARRIED UNANIMOUSLY

10/23.17.2 **2022-2023 Annual Plan Review**

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

That Council receive the Review as at 30 June 2023 of the 2022-2023 Break O'Day Council Annual Plan.

INTRODUCTION:

Council’s management team prepared the 2022 - 2023 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 the matters identified during the recent Strategic Plan review process; broader factors which are impacting Council; and reflecting continuity of existing projects, and activities where this exists.

DISCUSSION:

- The General Manager advised that this summary forms part of our Annual Report and we sat at roughly 90% completion for the year. This is slightly lower than we hoped due to strategies that we wanted to complete internally but didn’t have enough resources available to complete. This has now been addressed through budget allocations to have this work completed externally.
- Councillor Drummond noted the Arts and Cultural Strategy goal and asked can we communicate to interested parties what is happening. The General Manager advised that he will speak to the Community Services Manager about what communication has already happened in this space.
- Councillor Drummond asked where we are up to with the Housing Strategy. The General Manager advised that this was delayed due to resourcing.

COUNCIL DECISION:

10/23.17.2.245 Moved: Clr G Barnes / Seconded: Clr J Drummond

That Council receive the Review as at 30 June 2023 of the 2022-2023 Break O’Day Council Annual Plan.

CARRIED UNANIMOUSLY

10/23.17.3 **State Election Priorities**

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

It is recommended that the following priorities form the basis of Council’s lobbying activities for the next State Election

1. St Marys Pass – a commitment to funding a replacement of the St Marys Pass within the next five (5) years
2. Bay of Fires Master Plan – funding of \$125,000 towards the cost of preparing this Plan
3. Georges Bay Foreshore Track – Parnella Linkage, funding of \$1Million to assist with securing Federal Government funding for the balance of the project

4. St Helens District High School investigation of replacement & upgrading options
5. St Marys Childcare Centre – co-located on Education Department property
6. St Marys Community Health Centre – commitment to maintaining a 24/7 operation for emergency presentations and In-patient services as well as expanding allied health and strengthening general practice delivery

INTRODUCTION:

The State Election is scheduled to be held on or before 28 June 2025 however, speculation continues to mount that the election is anticipated to occur fairly soon. Given this situation, it is important that Council consider what might be the priority projects that we will lobby for during this period.

DISCUSSION:

- The General Manager advised that six (6) priorities have been identified based on what Council previously identified for state budget priorities.
- Councillor Chapple clarified about the St Marys Childcare Centre, is this just looking at the centre itself and not about the running/operation of the centre. The General Manager advised that this is about a purpose built facility rather than just a converted house. He noted that he will provide a copy of the submission/plans for this to Councillors.
- Councillor Chapple asked how are we going to address staffing issues. The General Manager advised that this is something Break O'Day Employment Connect work quite closely with providers around to ensure that local training is provided. Hopefully by the time the new centre is built the labour market might look a little different.
- Councillor Drummond noted that St Marys Childcare Centre already has seven (7) families on the waiting list.

COUNCIL DECISION:

10/23.17.3.246 Moved: Clr G Barnes / Seconded: Clr B LeFevre

That the following priorities form the basis of Council's lobbying activities for the next State Election

1. St Marys Pass – a commitment to funding a replacement of the St Marys Pass within the next five (5) years
2. Bay of Fires Master Plan – funding of \$125,000 towards the cost of preparing this Plan
3. Georges Bay Foreshore Track – Parnella Linkage, funding of \$1Million to assist with securing Federal Government funding for the balance of the project
4. St Helens District High School investigation of replacement & upgrading options
5. St Marys Childcare Centre – co-located on Education Department property
6. St Marys Community Health Centre – commitment to maintaining a 24/7 operation for emergency presentations and In-patient services as well as expanding allied health and strengthening general practice delivery

CARRIED UNANIMOUSLY

10/23.17.4 Office Closure – Christmas to New Year

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

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12.30pm on Friday 22 December 2023 and reopen on Tuesday 2 January 2024.

INTRODUCTION:

Christmas Eve falls on a Sunday this year and consideration needs to be given to the closure period for the Council Office and Works Depot.

DISCUSSION:

- The General Manager advised that there has been a bit of discussion around this. He noted two (2) issues with having with having the staff Christmas break up on the last day and a Friday. Firstly that we have half of the Works Teams on RDO and secondly that there is usually a big list of things to get done on the last day. He would like to leave this a little bit flexible as to when we have that function.

COUNCIL DECISION:

10/23.17.4.247 Moved: Clr G Barnes / Seconded: Clr K Chapple

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12.30pm on Friday 22 December 2023 and reopen on Tuesday 2 January 2024.

CARRIED UNANIMOUSLY

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

Moved: Clr K Chapple/ Seconded: Clr J Drummond

IN CONFIDENCE

10/23.18.0 **CLOSED COUNCIL**

10/23.18.1 **Confirmation of Closed Council Minutes – Council Meeting 18 September 2023**

10/23.18.2 **Outstanding Actions List for Closed Council**

10/23.18.3 **Demolition of Existing Building & Construction of New Indoor & Evacuation Centre**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

10/23.18.3.248 Moved: Clr K Chapple / Seconded: Clr V Oldham

1. That Council appoint Moorey Constructions as the preferred Tenderer at a price to be negotiated through the identification of cost saving opportunities.
2. That Council make an allocation of \$450,000 towards the construction cost of the project through the Budget Review process.
3. That Council communicates with the facility users and wider community regarding changes we have made to the specification of works.

CARRIED

FOR Councillor Johnstone, Councillor Oldham, Councillor Drummond, Councillor Barnes, Councillor Chapple, Councillor Tucker

AGAINST Councillor LeFevre

Clr Barnes declared a potential interest in this item and left the room at 12:25pm

10/23.18.4 **Fingal Community Shed**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

Clr Barnes declared a potential interest in this item and left the room at 12:25pm

10/23.18.4.249 Moved: Clr J Drummond/ Seconded: Clr K Chapple

1. That Council appoint Moorey Constructions as the preferred Tenderer at a price to be negotiated.
2. That Council provide an allocation of \$80,000 towards the cost of construction through the Budget review process.

CARRIED UNANIMOUSLY

Council Barnes returned to the room at 12.30pm.

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

Moved: Clr J Drummond / Seconded: Clr K Chapple

CARRIED UNANIMOUSLY

10/23.18.5 Meeting Closed

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.30pm.

.....
MAYOR

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DATE