



COUNCIL MEETING MINUTES

Monday 16 August 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
16 August 2021

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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 to welcomed Councillors, members of the public and staff and declare 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.

08/21.1.0 ATTENDANCE

08/21.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM
Councillor Lesa Whittaker
Councillor Kylie Wright

08/21.1.2 Apologies

Councillor Kristi Chapple

08/21.1.3 Leave of Absence

Nil

08/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 16.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.6*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.6*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 17.5*)
Senior Town Planner, Deb Szekely (*Item 1.0 – 7.1*)
Planning Consultant, Rebecca Green (*Item 1.0 – 6.3*)

08/21.2.0 PUBLIC QUESTION TIME

One (1) person in the gallery.

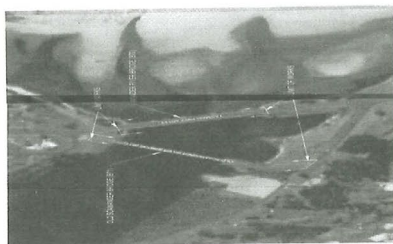
In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2015 the following questions were submitted in writing prior to the Council Meeting.

08/21.2.1 Scamander - Mrs S French AM, Scamander

Firstly let me say thank you for the drain in Wattle Avenue being repaired and for the appropriate behaviour of the rubbish truck driver retrieving the blue and red container from the northern part of the bridge (as he stated “I have taken it before it could be stolen”)

1. Has the Break O’Day Councils elected members taken the time to visit the outcomes of the changes of the Scamander Bridge and the river approaches?
2. Has the Council determined where the rubbish bin will be placed on the northern side of the bridge? At the end of the barrier in Wattle Avenue perhaps?
3. Has Council determined when the street sign for Wattle Avenue will be re-installed?
4. Does Council intend to fence off the playground area in Scamander? (It is the only one without a fence even the Four Mile Creek is fenced off). The playground is very closed to the river and to a busy parking area.
5. Does the Break O’Day Council have regular trips around its Municipality to view areas of concern, raised by its ratepayers?

6. The northern and southern approaches to the Scamander River have been cleaned, covered in soil and looking neat. My question, however, is will grass seed be planted (soil which I understand was from the Council). It needs to germinate and have a chance to grow before summer in readiness for the many visitors and fishers who will want to park and fish from these areas. A barrier/bunting needs to be placed around the areas to stop people parking on the soil, this is happening each day.
7. Will the Council after its discussions with the various State departments with regard to works being carried out for the river area, use the \$250,000 monies from the Government to carry out works which is a separate project being managed by the Break O'Day Council? (as the letter attached indicates.)



Old Scamander River Bridge

Submission of Development Application to Council

29 October 2019

Development Application to Seek Planning Approval to Demolish the Old Scamander River Bridge

The Tasmanian Government is funding bridge work as part of the Old Scamander River Bridge Demolition project at Scamander.

After considering all options, on 26 June 2017, the Community voted at a public forum to demolish the Old Scamander Bridge because it is unsafe and no longer part of Tasmania's transport network.

A recent assessment has shown that the old bridge has deteriorated; in the interest of public safety, the Old Scamander Bridge will be closed in early 2020.

The Department of State Growth intends to demolish the Old Scamander Bridge to improve residents' safety, and is submitting a development application to the Break O'Day Council to seek planning approval to demolish the bridge.

After contract award, the successful contractor will remove the old Scamander River Bridge and install new, permanent pedestrian infrastructure on the new bridge. The contractor will be responsible for the safe passage of pedestrians over the new bridge during its upgrade.

Demolition will be conducted in accordance with environmental guidelines and permit conditions specified by the Break O'Day Council.

In addition to the Old Scamander Bridge Demolition Project, the Tasmanian Government has provided \$250,000 to the Break O'Day Council to carry out works on the foreshore near the site of the Old Scamander River Bridge. The foreshore development is a separate project being managed by the Break O'Day Council.

Contact

If you have any questions please contact our Project Manager, Leon Cook on (03) 6165 5183 or Leon.Cook@stategrowth.tas.gov.au.

For more information on our projects, visit transport.tas.gov.au.

Department of State Growth



Reply

1. Council Meeting Procedures clause 5.4 requires that questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor. Nevertheless, a number of Councillors have been on site and are aware of defects in the works. In addition to this Council officers have raised concerns with both the Contractor and the Department of State Growth in relation to a number of issues relating to the way the site has been left by the Contractors.
2. Council will install a general waste wheelie bin within the rehabilitated part of the reserve adjacent to Wattle Drive, once rehabilitation activity has been concluded. The bin will be in closer proximity to the road than previously placed and near the exit point of the bridge footpath.
3. New street signs will be installed on receipt of new signage. Order to delivery time is typically four (4) to six (6) weeks.
4. At the August 2021 Council Meeting the Council endorsed the following officer recommendations (Agenda Item 08/21.14.4):
 - i. That Council provide fencing around the Scamander Playground located at the Scamander Foreshore.
 - ii. That Council approve an unbudgeted capital amount of \$32,000 to install the playground fence.

Subject to supply chain disruptions, the material order to installation time is expected to be three (3) months.

5. Council does not have regular trips around the municipality as a group to view areas of concern raised by ratepayers. Councillors examine matters raised with them at a time convenient to them. Periodically arranged inspections will occur in groups to examine a particular project or site, not just areas of concern.
6. The contractor has placed composted green waste mulch supplied by the Council at the site. The contractor is required to place topsoil and seed in the coming weeks. The contractor is also required to barricade the areas under rehabilitation.
7. Yes

08/21.2.2 Truck/Heavy Vehicle Route - Mrs S French AM, Scamander

Thank you to Clr Wright for her motion at the last Council meeting to investigate an alternate route.

I asked the same question in December 2019 (question attached). The Council's reply was showing no support, so, I ask:-

1. Are you my representatives, the Council, the appropriate group, to pose questions to the State and Federal Government on such an important question as a “truck/heavy vehicle route from the escarpment to sea level”?
2. I again ask that the Council investigate the opportunities with the State Government and the Federal Government before we become another “Orford” situation and see the St Marys Pass closed to all traffic with urgent works needing to be carried out. The truck drivers have stated that the rocks are moving at the top of the Pass.

Break O’ Day Council Meeting 16th December 2019

Public Question

“ Does the BO D Council have within its Strategic Plan any action to pursue a designated large vehicle route from the escarpment to sea level to alleviate congestion and large vehicle use on the St Mary’s Pass ?”

The vehicles over the years have become larger and indeed much heavier on the pass.

The pass was originally built to carry horse and carriage or bullocks and drays and has catered for cars of course over many years but I believe for the safety of users and for the safety of the pass itself a dedicated road needs to be created for now and the future.

Following or meeting a large B-Double is daunting enough for the locals, as you as elected representatives know, but for tourists with whom I have spoken with, state that they will use another way to reach St Helens in the future.

If the Council does not have this action for a designated large vehicle route within the plan, I ask that this be discussed and included in the Strategic Plan and that discussions take place with both the State and the Federal Governments for monies and engineering advice.

Reply

1. Yes, Council is an appropriate group to pose questions to government in relation to heavy vehicle networks.

Council continues to focus on the development of a well-maintained road network that recognises the changing demands and requirements of residents and visitors, and which includes the State Road Network into/out of and within the municipality.

Council’s Mayor and General Manager regularly meet with appropriate government ministers and departments to discuss, question and seek resolution of strategic imperatives that are important to the community and which includes the Esk Main Road traversing St Marys Pass.

2. Council are currently reviewing and updating previous submissions made to government in relation to an alternative route to the St Marys Pass and will continue to investigate the opportunities with government at State and Federal level.

Council's Manager Infrastructure and Development Services will advise the Department of State Growth of statements made by truck drivers about the rocks that may be moving with a request to investigate.

08/21.2.3 Purchase of Dumped Items from the Tip - Mr J Nathan, St Marys

As a ratepayer of St Marys my question is when I go to the St Marys Tip why can't I purchase from the tip the dumped star pickets that I view being thrown on the metal scrap heap?

Also, recently there is an old tractor that had and has parts I could use and need for my tractor.

I used to buy some scrap as in star pickets or used wire etc I gave a fair donation to the tip overseer. We both won you the tip received way over scrap price and I won by receiving my objects I bought at a fair price.

I am a believer in reusing an item if possible also not a keen buyer in this throwaway system.

If allowed to pick up and buy from the tip the odd usable bit of scrap metal I will take full responsibility of my own safety while picking out the odd usable bit of scrap that I can use on my property at St Marys.

If allowed it would be a win win, you receive extra money for the odd bit of scrap and I stop unneeded recycling.

Reply

People disposing of materials at the Waste Transfer Station have the option of donating reusable items to the Tip Shop for sale and includes scrap metal. The Waste Transfer Station attendant will advise this option at the point of entry to the site.

Where the option is not taken, metal will be placed on the scrap metal pile where it is collected in bulk quantity by the metal recycler. The recycler pays Council for the scrap steel that offsets some of the operational cost in operating the waste transfer station.

Council risk management practices prohibit unregulated removal of materials stored at the site. However, an individual or community group may apply to the Council to access scrap metal in cases only where it can be demonstrated that any salvaged material will be used to benefit the community and not on-sold for personal gain/profit. Strict protocols apply.

08/21.3.0

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.

08/21.4.0

CONFIRMATION OF MINUTES

08/21.4.1

Confirmation of Minutes – Council Meeting 19 July 2021

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 19 July 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/21.4.1.170

Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 19 July 2021 be confirmed.

CARRIED UNANIMOUSLY

08/21.5.0 COUNCIL WORKSHOPS HELD SINCE 19 JULY 2021 COUNCIL MEETING

There was a Workshop held on Monday 2 August 2021 and the following items were listed for discussion.

- Destination Action Plan (DAP) Group – Sculpture Trail Grant Submission
- Local Government Code of Conduct Framework Review
- 2021 – 2022 Annual Plan
- Annual Plan 2020 – 2021 Review as at 30 June 2021
- Animal Control Report
- Policy Review – EP07 – Weed Management Policy
- Scamander Playground
- Rotary Tasmania
- Reporting on Local Township Plan Actions
- St Helens Recreations Ground – Amendments to Master Plan
- Waiver of Fees for Banner Pole Hire – Bay of Fires Arts Association
- Land Use Planning Studies Review – Consultancy Evaluation Report
- Break O’Day Draft Local Provisions Schedule (LPS) (Tasmanian Planning Scheme)
- Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report

08/21.6.0 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.

08/21.6.1 DA049-2021 – Carport - 7 Hilltop Drive, Binalong Bay

FILE REFERENCE	DA 049-2021
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OFFICER’S RECOMMENDATION:

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Council Interim Planning Scheme 2013* that the application for **Carport** on land situated at **7 Hilltop Drive, Binalong Bay** described in Certificate of Title CT 80821/13 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Carport Plans and Elevations	Job No: 210 Sheet No’s: cover sheet, A01 and A02	Jon Pugh Home Design	Amended 23/07/21

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means within the subject site that will not result in soil erosion or other stormwater nuisance.
3. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. Such relics are to be immediately reported to Aboriginal Heritage Tasmania and guided by the Unanticipated Discovery Plan.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Monday - Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the construction of a carport at 7 Hilltop Drive, Binalong Bay. Residential use in the Low Density Residential Zone is a permitted use without qualifications, under Table 12.2 of the *Break O'Day Interim Planning Scheme 2013*.



Subject site – internal from site



Subject site



^ No. 11 Hilltop Drive showing development close to frontage (5.6m)



Looking past No .5 back towards the site (behind the water tanks) (4.5m setback)



No. 12 Hilltop Drive (4.0m setback to carport)



Reserve Street dwellings (4.5m setback No. 9) and (7.2m setback No. 7)

DISCUSSION:

- The Planning Consultant advised that this application relied on five (5) criteria - site coverage, frontage setback, location of car parking, area of outbuildings on subject site and onsite stormwater disposal.
- The Planning Consultant advised that one (1) representation was received from the adjoining property owner.
- The Planning Consultant stated that the initial two (2) metre set back would not have met the requirement however the owners have come back and addressed the concerns as well as the concerns of the representor. The frontage has now been amended from a two (2) metre to five (5) metre set back, the site coverage has also been reduced by moving the frontage set back.
- Clr McGiveron stated that he is comfortable with the modified plans and assessment.
- Clr Drummond stated that she agrees with Clr McGiveron.

COUNCIL DECISION:

08/21.6.1.171 Moved: Clr J McGiveron / Seconded: Clr J Drummond

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Carport** on land situated at **7 Hilltop Drive, Binalong Bay** described in Certificate of Title CT 80821/13 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Carport Plans and Elevations	Job No: 210 Sheet No's: cover sheet, A01 and A02	Jon Pugh Home Design	Amended 23/07/21

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means within the subject site that will not result in soil erosion or other stormwater nuisance.
3. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. Such relics are to be immediately reported to Aboriginal Heritage Tasmania and guided by the Unanticipated Discovery Plan.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Monday - Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 168-2021
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Multiple Dwellings – Construction of Second Dwelling** on land situated at **5 Oberon Place, Scamander** described in Certificate of Title CT 156731/17 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A1	Onshore Designs	1 July 2021 - Revision: A
Floor Plan	A2	Onshore Designs	25 May 2021
Upper Floor	A3	Onshore Designs	25 May 2021
Elevations	A4 & A5	Onshore Designs	25 May 2021
Visuals	A6 & A7	Onshore Designs	25 May 2021

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/01014-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. Provided with space for access, turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. Constructed with an impervious surface and drained in a manner that will not cause nuisance to occupants of adjoining properties.
4. Onsite car parking spaces must be clearly marked and used solely for the designated purposes as indicated on the approved plans e.g. Visitor Parking.
5. Landscaping must be undertaken in accordance with the site plan approved as part of the permit prior to any application for a strata development.
6. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means within the subject site that will not result in soil erosion or other stormwater nuisance.
7. Power supply to Unit 2 must be provided underground.

8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
9. Any damage that may occur to any Council infrastructure during the construction of the development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. *All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.*
2. *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the construction of a second dwelling and use of both the existing and new dwelling as multiple dwellings at land identified at 5 Oberon Place, Scamander.



^ Aerial Photograph







DISCUSSION:

- The Planning Consultant stated that the application complies with all acceptable solutions except onsite stormwater disposal.
- The Planning Consultant stated that the matters received in the representation have no bearing relating to the Planning Scheme they relate to over shadowing. The proponent in response to the representation has endeavoured to provide shadow diagrams, however this was not a requirement it was done of their own good will and it has not appeased the representor. We cannot take these into regard in assessing the application as there are no acceptable solution that is required to be assessed.
- Clr LeFevre stated that he supports the Officers Recommendation and particular noting the nine (9) conditions.
- Clr McGiveron stated that he agrees with Clr LeFevre.

COUNCIL DECISION:

08/21.6.2.172 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Multiple Dwellings – Construction of Second Dwelling** on land situated at **5 Oberon Place, Scamander** described in Certificate of Title CT 156731/17 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A1	Onshore Designs	1 July 2021 - Revision: A
Floor Plan	A2	Onshore Designs	25 May 2021
Upper Floor	A3	Onshore Designs	25 May 2021
Elevations	A4 & A5	Onshore Designs	25 May 2021
Visuals	A6 & A7	Onshore Designs	25 May 2021

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/01014-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. Provided with space for access, turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. Constructed with an impervious surface and drained in a manner that will not cause nuisance to occupants of adjoining properties.

4. Onsite car parking spaces must be clearly marked and used solely for the designated purposes as indicated on the approved plans e.g. Visitor Parking.
5. Landscaping must be undertaken in accordance with the site plan approved as part of the permit prior to any application for a strata development.
6. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of by means within the subject site that will not result in soil erosion or other stormwater nuisance.
7. Power supply to Unit 2 must be provided underground.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
9. Any damage that may occur to any Council infrastructure during the construction of the development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. *All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.*
2. *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

*Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm*

CARRIED UNANIMOUSLY

08/21.6.3 DA153-2021 – Two (2) Lot Subdivision – 61 Argonaut Road, St Helens

FILE REFERENCE	DA 153-2021
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for 2 LOT SUBDIVISION on land situated at 61 ARGONAUT ROAD, ST HELENS described in Certificate of Title 42738/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Sheet 1 of 1 Version 3.0	East Coast Surveying	4 May 2021
Bushfire Hazard Report	Version 2.0	Woolcott Surveys James Stewart	12 July 2021

2. Approval is for Lots 1 and 2 on the plan.
3. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2021/00965-BODC as attached to this permit.
4. All works must be in accordance with Council Policy No. AM08: Subdivision New Works & Infrastructure Construction.
5. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
6. Except with the prior written consent of the Council, covenants or similar restrictive controls must not be included on, or otherwise imposed on, the titles to the lots created by the subdivision permitted by this permit, if those covenants seek to control any use or development provided for in the *Break O'Day Interim Planning Scheme 2013*.
7. The proposed crossover for lot 1 must be constructed in accordance with standard drawing TSD-R03-v3 & TSD-R04-v3, including sealing to match the adjoining road surface. A Works Permit must be obtained from Council prior to commencing work on the proposed crossover.
8. The driveway (Lot 1) must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
9. Provide an electricity supply connection to proposed lot 2. Submit to Council a Certificate of Completion for the development provided by TasNetworks, confirming Lot 2 is provided with power connection. The Certificate of Completion is required to be provided prior to submitting to Council any request for approval of a plan of subdivision (i.e. Survey Plan).
10. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with.
11. The final plan is to be endorsed to the effect that TasWater cannot provide a means of sewage disposal to the lots on the plan.
12. The final plan of survey and schedule of easements shall include an easement over private poles (electricity) located on Lot 2, supplying electricity to neighbouring titles.

ADVICE

13. Potential purchasers of the newly formed lots should be made aware that a connection (electricity) cannot be made to the private poles (electricity) located on Lot 2 and that TasNetworks has advised that sharing of private poles is not permitted.
14. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

INTRODUCTION:

The applicant is seeking approval for the subdivision of a single lot (2.329 ha) at 61 Argonaut Street, St Helens into two lots. The subdivision will result in the following:

Lot 1

Area: 1.18 hectares approximately;
Development: Lot 1 to **support the existing dwelling and associated outbuildings**, onsite wastewater and stormwater infrastructure;
Frontage: Approximately 79.06 m;
Access: New access proposed.

Lot 2

Area: 1.15 hectares approximately;
Development: Existing access (crossover);
Frontage: Approximately 25.57 m;
Access: Utilise existing access.

DISCUSSION:

- The Senior Town Planner stated that three (3) representations were received. The main issues raised were onsite wastewater management and stormwater overflow disposal, development will affect the flood prone area, and no indication of future use of the site and concern regarding prior illegal use of the site – any future illegal use will be addressed through Councils compliance procedures.
- Cllr McGiverson stated that he was happy with the Officer's Recommendation.
- Cllr LeFevre agreed and stated that it was a very comprehensive report.

COUNCIL DECISION:

08/21.6.3.173 Moved: Cllr J McGiverson / Seconded: Cllr B LeFevre

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for 2 LOT SUBDIVISION on land situated at 61 ARGONAUT ROAD, ST HELENS described in Certificate of Title 42738/1 be APPROVED subject to the following conditions:

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

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2. Approval is for Lots 1 and 2 on the plan.
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4. All works must be in accordance with Council Policy No. AM08: Subdivision New Works & Infrastructure Construction.
5. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
6. Except with the prior written consent of the Council, covenants or similar restrictive controls must not be included on, or otherwise imposed on, the titles to the lots created by the subdivision permitted by this permit, if those covenants seek to control any use or development provided for in the *Break O'Day Interim Planning Scheme 2013*.
7. The proposed crossover for lot 1 must be constructed in accordance with standard drawing TSD-R03-v3 & TSD-R04-v3, including sealing to match the adjoining road surface. A Works Permit must be obtained from Council prior to commencing work on the proposed crossover.
8. The driveway (Lot 1) must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
9. Provide an electricity supply connection to proposed lot 2. Submit to Council a Certificate of Completion for the development provided by TasNetworks, confirming Lot 2 is provided with power connection. The Certificate of Completion is required to be provided prior to submitting to Council any request for approval of a plan of subdivision (i.e. Survey Plan).
10. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with.
11. The final plan is to be endorsed to the effect that TasWater cannot provide a means of sewage disposal to the lots on the plan.
12. The final plan of survey and schedule of easements shall include an easement over private poles (electricity) located on Lot 2, supplying electricity to neighbouring titles.

ADVICE

13. Potential purchasers of the newly formed lots should be made aware that a connection (electricity) cannot be made to the private poles (electricity) located on Lot 2 and that TasNetworks has advised that sharing of private poles is not permitted.
14. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

CARRIED UNANIMOUSLY

08/21.6.4 Break O'Day Draft Local Provisions Schedule (LPS) – Tasmanian Planning Scheme

FILE REFERENCE	031\011\021\
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OFFICER'S RECOMMENDATION:

That Council, acting as a Planning Authority:

1. Determines, in accordance with section 35(7) of the *Land Use Planning and Approvals Act 1993*, that it is satisfied that the Draft Break O'Day Local Provisions Schedule that has been prepared under section 35(1) meets the local provisions schedule criteria in section 34(2) of the *Land Use Planning and Approvals Act 1993*;
2. Determines to formally give delegation to the General Manager under section 6 of the *Land Use Planning and Approvals Act 1993* of these Council powers and functions:
 - a. To modify and re-submit the draft Local Provisions Schedule in accordance with a notice from the Commission if a notice is received from the Commission under Section 35(5)(b) of the *Land Use Planning and Approvals Act 1993* or to accept and adopt any modifications to the Local Provisions Schedule being undertaken by the Tasmanian Planning Commission under Section 35(5)(c); and
 - b. Do all things necessary to exhibit the draft Local Provisions Schedule (LPS) in accordance with Section 35C and 35D of the *Land Use Planning and Approvals Act 1993*.

CONTEXT:

In March 2020, Council resolved that the draft Break O'Day Local Provisions Schedule (draft LPS) met the requirements of Section 34 of the *Land Use Planning and Approvals Act 1993* (the Act) and agreed to forward the draft LPS to the Tasmanian Planning Commission (Commission). The documents provided to the Commission included:

- LPS Ordinance
- LPS Supporting Report
- Zone and Code Mapping
- Specific Area Plan Mapping
- Various supporting reports and documentation.

The Commission reviewed the package of information and in July 2020 held a post lodgment conference with Council representatives and GHD. The Commission requested further information and justification with regards to the:

- application of zones
- application of codes
- operation of the new Particular Purpose Zones and Specific Area Plans
- other minor drafting changes.

Updated documentation was provided to the Commission in February 2021. Between February and June 2021, Council responded to further queries from the Commission regarding the draft LPS.

In July 2021, the Commission issued a notice under section 35(5)(b) and Schedule 6, clauses 8C(5)(a) and 8D(9)(a) directing the Break O'Day planning authority to prepare and submit the Break O'Day draft LPS modified in accordance with the requirements specified by the Commission.

Once the Commission receives the modified draft LPS, they will direct Council to exhibit the complete package of documents. The draft LPS will then be publicly exhibited for 60 days during which the public can submit written representations regarding the draft LPS.

Post exhibition, Council will compile all representations and provide a statement of the planning authority's opinion as to the merit of each representation including whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account a representation and the effect on the draft LPS as a whole of implementing the recommendation.

This statement is then made publicly available, and hearings will be held between representors, the Council and the Commission. The Commission will consider all relevant matters and direct Council to make minor modifications prior to approval, or that no modifications required, or that part of the LPS requires substantial modification or that the draft LPS is rejected, and the planning authority must submit a substitute.

Please refer to the attached LPS Approval Process timeline for more information regarding the process.

DISCUSSION:

- The Senior Town Planner stated that the report includes transition of zones. Any other changes to zones are based on the Break O'Day Land Use Strategy.

- The Senior Town Planner stated that there are new provisions which include Particular Purpose Zone – Low Density Coastal Residential; Particular Purpose Zone – St Helens Coastal Marine and Specific Area Plan – Safeguarding St Helens Airport.
- The Senior Town Planner said, where to next
 - o after exhibition we would compile representations and provide a statement of the Planning Authority's opinion as to the merit of each representation.
 - o May include recommending further modification of the Local Provisions Schedule (LPS).
 - o Statement is made publicly available
 - o Hearing is then held between representors, the Council and the Tasmanian Planning Commission.
 - o Commission Direction.
- Clr McGuinness stated that it is still extremely complicated and he will be interested to see how long it takes to come to fruition, there are a lot of good things in there but he still has concerns, we have to at least move forward and see what comes out of public representations and take it from there.
- Clr Osborne stated that we need to keep moving forward.
- Clr LeFevre stated that he thinks we have spent a huge amount of time on this and staff have done a great job, the challenge is through community consultation that we don't allow individuals or groups to attend various sessions and have multiple input.
- Clr Wright commented in regards to Clr LeFevre's comments, there is often a raft of issues and by limiting people to one (1) comment there could be a number of issues that an individual may want to raise. Clr LeFevre apologised, what he meant was if an individual has four (4) or five (5) key comments it is not fair to for them to go through other sessions and say the same thing over and over again.
- The General Manager stated that the important thing is that there is a public submission process which is the focus, there is no popularity vote on comments. It is to purely address items raised that relate to the LPS, there is no weighting, it is treated on merits. Irrespective of Councils views it still goes to public hearing.
- Clr Drummond stated that she thinks it is important that people sometimes raise issues at various meetings as it may raise things that an individual has not thought about but may also feel strongly for a particular issue. Sometimes there is value in this.
- Clr Drummond stated that she quite likes how the particular purpose zone low density is framed, maybe this new zone can pick up on some previous concerns eg Binalong Bay. The Senior Town Planner stated that it is focussed particularly on areas where they were environmental living zones normally old shack areas, they are currently quite small blocks, and she is not sure that it will address Clr Drummond's concerns. The General Manager commented in particular reference to Clr Drummond's concerns around Binalong Bay, we are very much restricted with the Tasmanian Planning Scheme, he is quite certain that this would not be allowed, we need to be able to argue the unique characteristics of the communities however we will endeavour to try to capture and get more control where we can but this was outside what we can achieve with the parameters.
- Clr Wright stated that the other thing was with the issue of strata title and development by stealth – this is probably the right time to look at this. The General Manager stated that this issue is completely outside what we are dealing with, with the LPS – it is completely separate legislation.
- Mayor Tucker stated that he wanted to thank the Senior Town Planner and the Development Services staff for their work on this it is very much appreciated.

COUNCIL DECISION:

08/21.6.4.174 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council, acting as a Planning Authority:

1. Determines, in accordance with section 35(7) of the *Land Use Planning and Approvals Act 1993*, that it is satisfied that the Draft Break O'Day Local Provisions Schedule that has been prepared under section 35(1) meets the local provisions schedule criteria in section 34(2) of the *Land Use Planning and Approvals Act 1993*;
2. Determines to formally give delegation to the General Manager under section 6 of the *Land Use Planning and Approvals Act 1993* of these Council powers and functions:
 - a. To modify and re-submit the draft Local Provisions Schedule in accordance with a notice from the Commission if a notice is received from the Commission under Section 35(5)(b) of the *Land Use Planning and Approvals Act 1993* or to accept and adopt any modifications to the Local Provisions Schedule being undertaken by the Tasmanian Planning Commission under Section 35(5)(c); and
 - b. Do all things necessary to exhibit the draft Local Provisions Schedule (LPS) in accordance with Section 35C and 35D of the *Land Use Planning and Approvals Act 1993*.

CARRIED UNANIMOUSLY

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.

08/21.7.0 **COUNCIL MEETING ACTIONS**

08/21.7.1 **Outstanding Matters**

The report was received.

08/21.8.0 **PETITIONS**

Nil.

Nil.

Nil.

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.

Will Council continue the footpath at Beaumaris, beyond the recent works, to encompass the small cluster of homes on residential size blocks on the Tasman Highway, north of Reedy Road? As several ageing residents have some very relevant concerns of mobility and access.

Reply

The current footpath project at Beaumaris is funded under the Australian Governments Local Roads & Community Infrastructure Program (LRCI) – Round 2. The available quantum of funding only covers the extent of gravel pavement works completed to date and for sealing of completed pavement works in late Spring.

The extension of the footpath to the north of Reedy Road will require funding either by grant or a future capital allocation. Round 3 of the LRCI Programme offers the opportunity for the Council to nominate the extension of the footpath as an eligible project.

21.07.2021	St Helens	– Meeting with Michael Patterson from Telstra regarding Telstra Mobile Network Upgrade Program
22.07.2021	Launceston	– Local Government Association of Tasmania (LGAT) - General Management Committee (GMC) and Premiers Local Government Committee (PLGC) Meetings
28.07.2021	Launceston	– Northern Tasmania Development Corporation (NTDC) – Regional Visioning Workshop
02.08.2021	St Helens	– Council Workshop
04.08.2021	Launceston	– TasWater – Owners Representatives Quarterly Briefing
05 – 06.08.2021	Hobart	– Local Government Association of Tasmania (LGAT) Conference
10 – 11.08.2021	St Helens	– Municipal Visit with Her Excellency The Honourable Barbara Baker AC, Governor of Tasmania and Emeritus Professor Don Chalmers
16.08.2021	St Helens	– Council Meeting

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

St Helens and Districts Chamber of Commerce and Tourism –Clr Margaret Osborne OAM

- Next meeting is tomorrow evening (Tuesday 17 August).

NRM Special Committee – Clr Janet Drummond

- Next meeting scheduled for October.
- Clr Drummond is attending a River Management and Weed Control Workshop on the 1 September.
- Clr Drummond is attending the AGM at NRM North on 22 September.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- Latest fortnightly report has been circulated.
- New Chair – Jen Fry – unanimously endorsed by the Board.
- Annual Award nominations have been very disappointing due to a number of reasons. An extension has been given.
- Strategic Plan has been completed.
- Glamorgan Spring Bay Council has committed \$60,000 for this current financial year but can't commit to the three (3) year Memorandum of Understanding (MOU) at this stage. Hopefully this will be sorted in the coming months.
- UTas intern has commenced and is being funded externally.
- Met with a company engaged to investigate Agritourism opportunities. There will be workshops etc coming up for people who want to get involved in this and there will be funding available to assist people with getting started in this area.

Mental Health Action Group – Cllr Barry LeFevre

- Met with the Suicide Prevention Trial Site last week, additional funding has been secured for an additional six (6) months to June 2022. Cllr LeFevre stated that he will now attend these meetings as a start for the transition process back to the Mental Health Action Group following the Trial ceasing.
- When the Trial Site funding finishes we don't want the Trial Site to be cut off and the Trial Site Officer no longer has a job, there are various things that will still be required to be continued.

Disability Access Committee – Cllr Janet Drummond

- International Day of People with a Disability – 30 November 2021– there will be one (1) event at St Marys and one (1) in St Helens and we are also wanting to launch the Sandcruiser at this event.

Bay of Fires Master Plan Steering Committee – Cllr Glenn McGuinness

- There is commentary in the Community Services Report

08/21.13.0 BUSINESS AND CORPORATE SERVICES

08/21.13.1 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 of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

DISCUSSION:

- The Manager Corporate Services stated that the Financial Report for 2020-2021 has been forwarded to the Audit Office.

COUNCIL DECISION:

08/21.13.1.175 Moved: Cllr K Wright / Seconded: Cllr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

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

That the following reports for the month ending 31 July 2021 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services stated that as usual for this first report there are two (2) types of transactions – there are the normal transactions that flow through and then there are those where the majority of the charge happens on one occasion eg rates, insurances, etc.
- Cllr Whittaker asked in relation to C8720 the Four Mile Creek Community Hub – What are our next steps regarding the concerns with the community engagement. The General Manager stated that this is not a Council project it is a community initiated project, Council has assisted with their survey and we will be collating this information as we were the only ones with the mailing list due to privacy issues and then we will circulate back out to the community. Cllr Drummond asked, where are we at with this. The General Manager stated that they are close to closing, then it is just a case of officer time to collate the information.
- Cllr Drummond asked, are we seeing any impacts regarding the full payment of rates since we reduced the percentage of saving to residents. The Manager Corporate Services stated that back in the Corporate Services Department Report, the rates report has the number of discounts that were allowed for the same time last year and we have received more payments at the lower rate of discount. The Manager Corporate Services stated that he doesn't think it is the percentage discount rate it is probably more that if people have the money available they will pay up front.

COUNCIL DECISION:

08/21.13.2.176

Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the following reports for the month ending 31 July 2021 be received:

1. Trading Account Summary
2. Income Statement
3. Profit and Loss Statements
4. Financial Position
5. Cash Flow
6. Capital Expenditure

CARRIED UNANIMOUSLY

08/21.13.3

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 of various issues which are being dealt with by the Visitor Information Centre.

DISCUSSION:

- Mayor Tucker stated that he took Her Excellency The Honourable Barbara Baker AC, The Governor of Tasmania into the Visitor Information Centre and History Room last week and they were absolutely amazed with the Centre and what was there. The Manager Corporate Services thanked the Mayor for the comments, we do get that feedback regularly and it is a very positive attribute to the community.
- Clr Wright stated that she was wondering whether it should be called the Break O'Day History Room rather than the St Helens History Room as it has history from all of Break O'Day included in there. Mayor Tucker stated that he thinks it may date back to when it was started with Peter Burns a long time ago, there could be something there. Clr Osborne stated that it could be something to take to the Committee that runs it now to see what the history of the name is.

COUNCIL DECISION:

08/21.13.3.177

Moved: Clr K Wright / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

Adjourned for morning tea at 11.00am

Meeting resumed at 11.10am

08/21.13.4 Electric Vehicle Charging Station Proposal for Fingal

FILE REFERENCE	032\005\003\
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OFFICER'S RECOMMENDATION:

1. That Council contribute up to \$10,000 towards the site establishment and reinstatement to facilitate the installation of an electric vehicle fast charging station and associated funding proposal, and
2. That management be authorised to enter into a joint funding agreement for the installation and operation of such a charging station, and
3. That permission be granted for establishment of the electric vehicle fast charging station at Fingal Park, 17a Talbot Street, Fingal and/or the management be authorised to negotiate another appropriate site if necessary.

INTRODUCTION:

Council received a request from Electric Highway for Council consideration of facilitating their grant application for an electric vehicle fast charging station in Fingal on a similar basis as the station installed in St Helens

DISCUSSION:

- Clr McGuinness asked the Manager Corporate Services, did you say it wouldn't be a fast charger. The Manager Corporate Services stated that it would be a slower charger but not too slow. Clr McGuinness asked, if it is anything less than fast charging we are already behind the 8 ball. The Manager Corporate Services stated that there are three (3) levels and there is fast and then there is faster charging – the cost is dependent upon the level of charging.
- Clr Osborne asked, how often does the one in St Helens get used. The Manager Corporate Services advised that he doesn't have that information.
- Clr LeFevre asked, what is the average charging timeframe. The Manager Corporate Services stated that he thinks it is about 20-30 minute charge, it depends on the vehicle and the capacity.

- Cllr Drummond stated that this is a good reason to get people to stop in Fingal and with the Fingal Valley Neighbourhood House renovations especially with the history in there now.
- Mayor Tucker stated that he is concerned with spending the money and then it not lasting, can they be upgraded down the track? He would like to have more information. The Manager Corporate Services stated that the proponents intention is to enter into an agreement with Council for the longer term and if there was the business there to upgrade and they can fund an upgrade they would do it in a heart beat. The people putting them in are electric vehicle users so they know what is needed at this current point in time.
- The Manager Corporate Services stated that it looks rushed because of the funding deadline and the wording for the decision has been worded very flexibly, he has no reason to believe that the Fingal station would not be appropriate.
- Cllr McGivern stated that he agreed with Cllr Osborne and that he would like to know how much the St Helens one is used. It is a \$10,000 commitment from Council and how many of these are we going to be asked to fund in the future. Cllr McGivern stated that he is not sure how much we should be contributing.
- Cllr Wright stated that there is nothing at Fingal at the moment and it would encourage people to come if they know they are able to charge along the way. Cllr Wright stated that she thinks it is a great idea.
- Cllr Drummond stated that when she was in South Australia there is quite a lot of investment by the local Councils with charging stations and they were usually attached to Council property.
- The General Manager stated that this is a new way of transport happening with electric vehicles. He heard a couple of years ago that by 2025 electric vehicle sales would be the same as normal vehicles. They are going to become like petrol stations where they will be everywhere.
- Cllr LeFevre stated that he supports the motion, we are being proactive for the future but when it comes up for another site he would like to see a greater level of information from the economics side.
- Cllr McGuinness stated that it is the site preparation not necessarily the installation of the device is what we would be contributing towards and that providing the facility is able to be upgraded in the future he would be supportive.
- The General Manager stated that the trend is usually multiple smaller stations such as parking spots, etc.
- The Manager Corporate Services stated that this group specifically have a mandate to find ways to fill the gaps around Tasmania.

COUNCIL DECISION:

08/21.13.4.178

Moved: Clr J Drummond / Seconded: Clr K Wright

1. That Council contribute up to \$10,000 towards the site establishment and reinstatement to facilitate the installation of an electric vehicle fast charging station and associated funding proposal, and
2. That management be authorised to enter into a joint funding agreement for the installation and operation of such a charging station, and
3. That permission be granted for establishment of the electric vehicle fast charging station at Fingal Park, 17a Talbot Street, Fingal and/or the management be authorised to negotiate another appropriate site if necessary.

FOR Clr L Whittaker, Clr K Wright, Clr J Drummond, Clr M Osborne, Clr G McGuinness,
Clr B LeFevre, Clr M Tucker
AGAINST Clr J McGiveron
CARRIED

08/21.14.0 WORKS AND INFRASTRUCTURE

08/21.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services commented in regards to the Local Roads and Community Infrastructure Program (LCRI) projects. We have now received Aboriginal Heritage Tasmania approval for the footpath in Binalong Bay and this is scheduled to start in mid September, we are just waiting for a lease to be finalised to construct the Scamander footpath.

- Clr Whittaker commented in relation to the graphs for Waste Management, is the waste going to landfill three (3) times more than recycling. The Manager Infrastructure and Development Services advised that it was. Clr Whittaker stated can we educate the community more. Clr Osborne stated that the Manager Infrastructure and Development Services has made us aware that the community are not doing the right thing. The Manager Infrastructure and Development Services advised that what goes to Copping is the town litter service, the stuff in bulk bins at waste transfer stations and the kerbside collection service. Clr Drummond stated that maybe the container recycling scheme when that comes into place may assist, however she also thinks we are so far behind the 8 ball in this community we have a long way to go to catch up, we were the last Municipality in Tasmania to bring in recycling, what ever we can do for education we just need to keep adding, unfortunately we came to it a bit late. The Manager Infrastructure and Development Services stated that if we had done nothing there would have been 700 tonnes going to land fill which now it doesn't.
- Clr Wright asked in relation to the township bins – is it worth introducing the recycling bins beside the waste bins. The Manager Infrastructure and Development Services stated that it is something we are giving some consideration to but there is a cost to that and he will come back to Council with a report, dealing with recyclables is far more expensive than dealing with general waste.

COUNCIL DECISION:

08/21.14.1.179

Moved: Clr L Whittaker / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

08/21.14.2

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:

- Clr Drummond asked, how do the dog registrations compare with last year – is there more or less? The Manager Infrastructure and Development Services stated that he will get the report prepared with comparison data in the future.

COUNCIL DECISION:**08/21.14.2.180**Moved: Clr J Drummond / Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY**08/21.14.3 Weed Management Policy**

FILE REFERENCE	002\024\006\
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OFFICER'S RECOMMENDATION:

That *EP07 Weed Management Policy* as amended, be adopted.

INTRODUCTION:

Council has a schedule for the regular review of Policies and this policy is now due for revision.

DISCUSSION:

- The Manager Infrastructure and Development Services stated that has made a few amendments however these are more for clarity rather than changes to the content.

COUNCIL DECISION:**08/21.14.3.181**Moved: Clr J McGiveron / Seconded: Clr M Osborne

That *EP07 Weed Management Policy* as amended, be adopted.

CARRIED UNANIMOUSLY**08/21.14.4 Scamander Foreshore Playground Fence**

FILE REFERENCE	004\008\029\
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OFFICER'S RECOMMENDATION:

That Council provide fencing around the Scamander Playground located at the Scamander Foreshore.

That Council approve an unbudgeted capital amount of \$32,000 to install the playground fence.

INTRODUCTION:

The purpose of this report is to seek the Councils endorsement to provide fencing around the Scamander Playground located at the Scamander Foreshore and to allocate capital funding to this activity.

DISCUSSION:

- Clr McGiveron stated that this has been a contentious issue but in the interest of safety and public interest and it is in Scamander it is something that has to be done.
- Clr Drummond stated that she agrees with Clr McGiveron, it is really positive.
- The Manager Infrastructure and Development Services stated that we are looking at a three (3) month lag time from order, delivery to installation.

COUNCIL DECISION:

08/21.14.4.182 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council provide fencing around the Scamander Playground located at the Scamander Foreshore.

That Council approve an unbudgeted capital amount of \$32,000 to install the playground fence.

CARRIED UNANIMOUSLY

08/21.15.0 COMMUNITY DEVELOPMENT

08/21.15.1 Community Services Report

FILE REFERENCE	011\034\006\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Community Services Department.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/21.15.1.183

Moved: Clr L Whittaker / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

08/21.15.2

Rotary Tasmania

FILE REFERENCE	21/12399
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OFFICER'S RECOMMENDATION:

That Council decline the opportunity of becoming a corporate member of Rotary Tasmania and consider other opportunities to provide support.

INTRODUCTION:

Council has received a letter seeking Council's interest in becoming a corporate member of Rotary Tasmania

DISCUSSION:

- The General Manager stated that the Corporate Membership was about Council paying a fee which would then enable a number of Council employees or others to join Rotary and initially not have to pay to be a member of Rotary.
- The General Manager stated that he was not convinced that the fees were the barriers for people not becoming members.
- The General Manager stated that flowing on from the conversation it was the fortnightly commitment and costs to attend things like dinner meetings etc to be a member of a service club. In November they intend to have a family weekend to create a profile and engage with the local community to improve the profile.
- Clr Osborne stated that with service clubs you have to be really dedicated to this and we shouldn't expect our staff or community to do this if they don't wish to.
- Clr Wright stated that she doesn't think the issue of fees is the problem, in St Helens there used to be a weekly commitment which then become fortnightly. Clr Wright stated that she agrees with Clr Osborne you need to want to commit to this, it should be a thing of passion.
- Clr McGuinness stated that a significant proportion of the money that comes into the Rotary Clubs gets sent onto Rotary National and does not always stay in the local community, however the funds are used to help people.
- The General Manager stated that quite often it is the service clubs who help people out in need and emergencies. They have a fantastic role to play but it needs to be sustainable.
- Clr Drummond stated that she agrees with the General Manager but also when those incidents happen there are other groups and individuals that pick up those roles automatically and step up in our community.
- Clr McGuinness stated that even though Rotary has been small for quite a few years we were able to draw on other members of the community to run events such as the Regatta.

COUNCIL DECISION:**08/21.15.2.184**Moved: Clr M Osborne / Seconded: Clr K Wright

That Council decline the opportunity of becoming a corporate member of Rotary Tasmania and consider other opportunities to provide support.

CARRIED UNANIMOUSLY**08/21.15.3****Waiver of Fees for Banner Pole Hire – Bay of Fires Arts Association**

FILE REFERENCE	005\017\004\
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OFFICER'S RECOMMENDATION:

That Council provide 100% level of support to Bay of Fires Arts Association in the erection of eight (8) street banners up Cecilia Street, St Helens prior to the Bay of Fires Arts Festival, every year on the June long weekend at a cost of \$500 per erection of each banner totalling \$4,000 per year.

INTRODUCTION:

The Bay of Fires Arts Association has requested for Council's assistance in erecting eight (8) banners on the banner poles in Cecilia Street, St Helens one (1) Month before every June Long weekend

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**08/21.15.3.185**Moved: Clr M Osborne / Seconded: Clr J McGiveron

That Council provide 100% level of support to Bay of Fires Arts Association in the erection of eight (8) street banners up Cecilia Street, St Helens prior to the Bay of Fires Arts Festival, every year on the June long weekend at a cost of \$500 per erection of each banner totalling \$4,000 per year.

CARRIED UNANIMOUSLY

08/21.16.0 DEVELOPMENT SERVICES

08/21.16.1 Development Services Report

FILE REFERENCE	031\013\003\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

- The Development Services Coordinator stated that Wrinklers toilet is our next priority. There is no planning approval required for this however there is for the car park so the car park which requires Planning Approval so this will come later. The aim is to finish the toilet block by the November long weekend.

COUNCIL DECISION:

08/21.16.1.186 Moved: Clr G McGuinness / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

08/21.17.0 GOVERNANCE

08/21.17.1 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 provided an update with regard to the Summer Bushfire Recovery Program. We are currently working on applications for this based around conversations at the last meeting. We may not take up the full amount in the envelope but we will certainly make sure we will get things done to a high standard. The General Manager also had a meeting with the Deputy General Manager of the Agency with general discussion around the program and natural disaster events that do happen in our area. It is important to maintain close contacts with this agency.
- The General Manager stated that at the Local Government Association of Tasmania (LGAT) Conference there was an interesting conversation regarding walkability in communities and connections. He is trying to get the information to assist with some of our lobbying activities which includes some detailed analysis’.
- The General Manager stated that the Binalong Bay Road transfer is currently with Parliamentary Council and we are looking at mid-September at the latest for the handover to be completed.
- The General Manager advised that at the Local Government Association of Tasmania (LGAT) Conference Council won the Award for Excellence for small councils for the Trail Ambassador Program and The BOD Trails Collective Inc.
- Clr Whittaker commented in relation to the Communications Report, the article in the Country Style magazine about St Helens is fantastic people need to read it.
- Clr McGuinness asked in relation to Binalong Bay Road and when the second round of works due to commence as it would be a disaster if this was November as we spoke to the State Government about the works on Tasman Highway to ensure they didn’t impact on our tourists. The Manager Infrastructure and Development Services advised that this is currently scheduled for the end of September.

COUNCIL DECISION:

08/21.17.1.187

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

08/21.17.2

2020 – 2021 Annual Plan Review as at 30 June 2021

FILE REFERENCE	018\033\007\
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OFFICER’S RECOMMENDATION:

That Council endorse the Review as at the 30 June 2021 of the Break O’Day Council Annual Plan 2020 / 2021.

INTRODUCTION:

The Annual Plan is a requirement of Section 71 of the *Local Government Act 1993* as follows:

An Annual Plan is to –

- (a) be consistent with the strategic plan; and*
- (b) include a statement of the manner in which the Council is to meet the goals and objectives of the strategic plan; and*
- (c) include a summary of the estimates adopted under section 82; and*
- (d) include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

DISCUSSION:

- The General Manager stated that this is what will be presented in the Annual Report.
- The General Manager stated that housing is an increased feature in the year ahead.
- The General Manager stated that the main area of challenge was around the Environment section and this certainly reflects the level of activity in that area that is driven by the NRM Strategy and the number of matters taken up in this space which have issues around the amount of resources required. The General Manager stated that he certainly knows from conversations with our NRM Facilitator that things are progressing around the water side of things in the year ahead.
- The General Manager stated that the other area that has been a challenge is Infrastructure and relates to activity levels, again due to the Drought Communities Programme, and the Local Roads and Community Infrastructure Program (LRCI) which wasn't around when the Annual Plan was prepared. We have the LRCI moving forward and we will look at how we manage that.

COUNCIL DECISION:

08/21.17.2.188

Moved: Clr K Wright / Seconded: Clr B LeFevre

That Council endorse the Review as at the 30 June 2021 of the Break O'Day Council Annual Plan 2020 / 2021.

CARRIED UNANIMOUSLY

08/21.17.3

2021 – 2022 Annual Plan

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

That Council adopt the 2021 - 2022 Annual Plan.

INTRODUCTION:

Council's management team have prepared a draft 2021 - 2022 Annual Plan based on discussions which have occurred through Council workshops and the normal budget/planning process. The Annual Plan has been prepared to take into account the matters identified in Council's Strategic Plan; broader factors which are impacting Council; and reflecting continuity of existing projects and activities where this exists.

DISCUSSION:

- The General Manager stated that we held off slightly as we were hoping to have the Population Report as well as a review of the Strategic Plan done but we couldn't wait anymore.
- The General Manager stated that we have quite a few more actions this year than last year.
- The General Manager stated that we have some unknowns such as the Local Government Reform situation, we don't know what this looks like as yet.

COUNCIL DECISION:

08/21.17.3.189 Moved: Clr K Wright / Seconded: Clr G McGuinness

That Council adopt the 2021 - 2022 Annual Plan.

CARRIED UNANIMOUSLY

08/21.17.4 **Mathinna Community Group Inc – Purchase of Mathinna Church**

FILE REFERENCE	011\034\006\
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OFFICER'S RECOMMENDATION:

That Council provide a contribution of \$6,000 towards the purchase of the Mathinna Church with the funds to be allocated from the S.137 Trust Seizures General Reserve.

INTRODUCTION:

As a result of the Anglican Diocese needing to contribute to a Redress Scheme it decided to sell a number of properties across the State. The church at Mathinna was identified as one of those properties.

DISCUSSION:

- Mayot Tucker stated that he thinks this is a great outcome for the community and all Councillors agreed.

COUNCIL DECISION:**08/21.17.4.190**Moved: Clr M Osborne / Seconded: Clr J McGiveron

That Council provide a contribution of \$6,000 towards the purchase of the Mathinna Church with the funds to be allocated from the S.137 Trust Seizures General Reserve.

CARRIED UNANIMOUSLY**08/21.17.5****Local Government Code of Conduct Framework Review**

FILE REFERENCE	014\001\025\
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OFFICER'S RECOMMENDATION:

That Council endorse the submission made on the Code of Conduct Framework supporting the proposed amendments with the inclusion of comments received from Councillors .

INTRODUCTION:

The Minister for Local Government & Planning, Roger Jaensch, has written to all Councils regarding proposed changes to the Code of Conduct Framework, a Discussion Paper has been provided along with key points for consideration.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**08/21.17.5.191**Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council endorse the submission made on the Code of Conduct Framework supporting the proposed amendments with the inclusion of comments received from Councillors.

CARRIED UNANIMOUSLY**08/21.17.6****Northern Tasmania Development Corporation (NTDC) – Receipt of Quarterly Report**

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

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC).

INTRODUCTION:

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

DISCUSSION:

- The General Manager stated that this is the quarterly report on Northern Tasmania Development Corporation's (NTDC's) activities and it is quite extensive.

COUNCIL DECISION:

08/21.17.6.192

Moved: Clr B LeFevre / Seconded: Clr M Osborne

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC).

CARRIED UNANIMOUSLY

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

Moved: Clr L Whittaker / Seconded: Clr J McGiveron

CARRIED UNANIMOUSLY

IN CONFIDENCE

08/21.18.0 **CLOSED COUNCIL**

08/21.18.1 **Confirmation of Closed Council Minutes – Council Meeting 19 July 2021**

08/21.18.2 **Outstanding Actions List for Closed Council**

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

Moved: Clr K Wright / Seconded: Clr J McGiveron

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.06pm.

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MAYOR

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DATE