



COUNCIL MEETING MINUTES

Monday 16 March 2020
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
16 March 2020

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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 would like to acknowledge the Tasmanian Aboriginals as the traditional custodians of the land on which we meet today, and pay respect to the elders past and present.

03/20.1.0 ATTENDANCE

03/20.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM
Councillor Kylie Wright

03/20.1.2 Apologies

Councillor Janet Drummond
Councillor Lesa Whittaker

03/20.1.3 Leave of Absence

Nil.

03/20.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 11.2 / 13.1 – 17.3*)
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 13.1*)
Building Services Coordinator, Jake Ihnen (*Item 1.0 – 12.3 / 13.1 – 16.3*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.3*)
Senior Planning Officer, Nick Cooper (*Item 1.0 – 7.0*)
Planning Officer, Deb Szekely (*Item 1.0 – 7.0*)
Planning Consultant, Rebecca Green (*Item 1.0 – 6.4*)
Planning Consultant, Chloe Lyne (*Item 1.0 – 6.4*)
Planning Consultant, Odin Kelly, (GHD) (*Item 1.0 – 7.0*)
Administration Officer, Nicole Clarke (*Item 1.0 – 16.1*)

03/20.2.0 PUBLIC QUESTION TIME

Two (2) people in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2005 the following questions were submitted in writing prior to the Council Meeting.

03/20.2.1 Climate Change Emergency – Mrs B Rubenach, St Marys

- (a) In light of the recent local and national bushfires and the scientific reports that the East Coast of Tasmania is a worldwide ocean warming “hot spot” will Break O’Day Council now declare and support Climate Emergency? (if not, why not?)
- (b) Will Break O’Day Council now accept, prepare and implement plans and policies consistent to Climate Emergency? (if not, why not?)

Reply

Council acknowledged Climate Change is a serious concern for Break O’Day in December 2019 and is taking action. At its Meeting that month (12/19.15.7) Councillors received a *Climate Change Action Plan 2020*, which followed a review of progress with its 2013 *Responding to Climate Change - Break O’Day Council Municipal Management Plan* (available on Council's website). Councillors decided they all needed to participate in overseeing the implementation of these next Climate Change priorities in Break O’Day.

Forward: We are 5th generation descendants of aussie rural people thus “the land is our blood”. Therefore, we believe that before any proposed Royal Commission into bushfires etc begins there needs to be local forums. These forums would:

- (a) collect local knowledge and experiences (past and present) from locals familiar with local environment and rural living.
- (b) Formulate ideas, programs, policies etc relevant to locals for local needs.
- (c) Present these findings to both State and Federal Governments.

One example of our personal concerns:

Fuel/hazard reduction burns has been generational family land management practices but for the past few years we have considered such practices unsafe here in Gray. The change in weather patterns has left even the surrounding rainforests dry – even the mosses would quickly ignite at the touch of a spark!

- We can no longer “read the weather signs” – the clouds don’t drop rain – the winds are unpredictable, changing swiftly in strength and direction.
- In the past 2 years we have considered only 4 days satisfactory to burn even small rubbish heaps (eg 3 cubic metres), and even then we’ve had a hose on hand “just in case”.

Even if things return to “normal” it may take years for things to return to “normal”. We have a responsibility to work collectively to do what we can to bring changes in our changing world.

Will Break O’Day Council conduct and sponsor public forums in various towns in the Municipality based on our above mentioned ideas, or something similar?

Reply

Discussions have been held with Tasmania Fire Service in relation to what is proposed as part of the State’s response to the Royal Commission into the 2019-2020 fire season. We are currently waiting on a response from Tasmania Fire Service, once the information is received from the Tasmania Fire Service a response will be provided to the questions raised.

When is the upgrade and renewal of curtains scheduled for Portland Hall. Please give a timeframe.

Reply

Unfortunately Council Officers are not in a position to advise of a definite timeframe for installation. The renewal of the curtains on the northern wall are included as part of Council’s current budgeted works program however they cannot be replaced until such time as the existing windows are also replaced (pending receipt of final quotations). Council Officers hope to have the installation complete prior to end June 2020.

03/20.2.4

St Helens Dog Park - Ms S Weber, St Helens

When is the work on the St Helens dog park scheduled to commence.

Reply

Work on improving the St Helens Dog Park will start in May 2020 although this will depend on potential unknown impacts to our ongoing operations due to COVID-19.

03/20.3.0

DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.

A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.

Clr K Chapple declared a Pecuniary Interest in Agenda Item 03/20.17.3 – Tender – Contract 038\003\001\ - Drilling, Blasting, Crushing, Blending and Stockpiling of Gravel at Halfway Hill Quarry on Ansons Bay Road and Merry Creek on Mathinna Plains Road – Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.

03/20.4.0

CONFIRMATION OF MINUTES

03/20.4.1

Confirmation of Minutes – Council Meeting 17 February 2020

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 17 February 2020 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.4.1.26 Moved: Clr M Osborne / Seconded: Clr G McGuinness

That the minutes of the Council Meeting held on the 17 February 2020 be confirmed.

CARRIED UNANIMOUSLY

03/20.5.0 COUNCIL WORKSHOPS HELD SINCE 17 FEBRUARY 2020 COUNCIL MEETING

There was a Workshop held on Monday 2 March 2020 – the following items were listed for discussion.

- 2019 / 2020 Annual Plan – December Quarterly Review
- Australian Local Government Association (ALGA) – 2020 National General Assembly (NGA) of Local Government – Call for Motions
- Council Priority Projects
- Review of Long Term Financial Plan
- Draft Policy – Water Bottle Refilling Stations
- Roads to Recovery Funding Allocation
- Animal Control Report
- Free Rubbish Vouchers
- Community Funding Program 2019 - 2020
- Scamander – Local Township Plan
- Local Provisions Schedule (LPS) - Update
- Domestic Water Tanks
- St Helens and Surrounds Structure Plan and Parkside Subdivision Decision
- Portable Signage Compliance
- DA042-2019 – Extension to St Helens Marine Rescue Building – Marina Parade, St Helens
- Ten (10) Year Toilet Block Replacement Program
- App Development
- St Helens Health Precinct Site

03/20.6.0 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.

FILE REFERENCE	DA 252-2019
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for A Combined Walk/Cycle Bridge, Elevated Walkway and Path on land situated at Southern End of Marina Parade, along North of Tasman Highway to North of 30 Tasman Highway, St Helens be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 252-2019 received by Council 14 January 2020 with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
3. Prior to any works commencing, a construction management plan must be submitted for approval by the Manager Infrastructure & Development Services. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene and plant identification protocols as detailed below.
 - b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*. All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
 - c. A site supervisor that must inspect vehicles and machinery according to the sample washdown register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*.
 - d. Identification of all plants/patches to be avoided during construction.
4. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Management actions aimed to minimise the risk of distributing highly invasive weed species to other parts of the municipality;
 - b. Details of management of vegetation debris and topsoil either via on site disposal or if off-site disposal in accordance with municipal regulations and the provision of the *Tasmanian Weed Management Act 199* in relation to declared weeds; and

- c. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
 - d. Details of how works will minimise disturbance as far as practical to the marine environment associated with the Golden Fleece Bridge area.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. The colours of external surfaces of the bridge must be the same shades and tones of the surrounding landscape and vegetation elements.
9. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
10. Prior to the commencement of works, all plants (or patches of the species) identified for protection from taking and/or disturbance be appropriately flagged to minimise the risk of inadvertent disturbance (flagging tape may be sufficient but barrier mesh or equivalent may be warranted, depending on the distance of works from the plants:
11. The final detailed engineering plans must be provided to the Department of State Growth as part of an application for a works permit to cover all aspects of the construction located within the Tasman Highway reservation.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: <http://www.transport.tas.gov.au/road/permits/general-works>.

Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.'

ADVICE

- A permit under the *Tasmanian Threatened Species Protection Act 1995* will be required to take individuals of *Austrostipa blackii* (crested speargrass) if all individuals/patches cannot be protected during construction.

- Activities associated with construction works are not to be performed outside the permissible time frame listed:
 - Monday-Friday 7am to 6pm
 - Saturday 9am to 6pm
 - Sunday and public holidays 10am to 6pm

INTRODUCTION:

Approval is sought to construct a new aluminium footbridge adjacent to the existing Golden Fleece Bridge (Tasman Hwy), as well as a new elevated walking and cycling path along the southern foreshore of St Georges Bay, St Helens. The proposed shared pathway is to provide a link between St Helen's Wharf at the northern extent and the existing shared pathway along the foreshore to at the southern extent (opposite the Homelea visitor accommodation).



The application was advertised for the statutory period of 14 days during which time one (1) representation was received.

DISCUSSION:

- The Planning Consultant advised that the shared pathway is suitable for cyclists and pedestrians.
- The Planning Consultant advised that one (1) representation was received. The representation was in favour of infrastructure that supports recreational activities, however there were concerns around the future works that are proposed. The flora and fauna report was undertaken for the whole pathway and some of the concerns raised in the representation were not valid for this application.

- Clr LeFevre stated that he thinks this is a fantastic development that is finally coming to fruition. It will help stimulate the wharf area and from an OHS point of view it takes the cyclists off the road and minimises the amount of need for crossing Tasman Highway.
- Clr McGuinness stated that he supports the proposal.

COUNCIL DECISION:

03/20.6.1.27

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for A Combined Walk/Cycle Bridge, Elevated Walkway and Path on land situated at Southern End of Marina Parade, along North of Tasman Highway to North of 30 Tasman Highway, St Helens be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 252-2019 received by Council 14 January 2020 with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: (http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines_for_Soil_and_Water_Management.pdf). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
3. Prior to any works commencing, a construction management plan must be submitted for approval by the Manager Infrastructure & Development Services. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene and plant identification protocols as detailed below.
 - b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*. All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
 - c. A site supervisor that must inspect vehicles and machinery according to the sample washdown register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*.
 - d. Identification of all plants/patches to be avoided during construction.
4. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Management actions aimed to minimise the risk of distributing highly invasive weed species to other parts of the municipality;
 - b. Details of management of vegetation debris and topsoil either via on site disposal or if off-site disposal in accordance with municipal regulations and the provision of the *Tasmanian Weed Management Act 199* in relation to declared weeds; and

- c. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
 - d. Details of how works will minimise disturbance as far as practical to the marine environment associated with the Golden Fleece Bridge area.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
 6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
 7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
 8. The colours of external surfaces of the bridge must be the same shades and tones of the surrounding landscape and vegetation elements.
 9. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
 10. Prior to the commencement of works, all plants (or patches of the species) identified for protection from taking and/or disturbance be appropriately flagged to minimise the risk of inadvertent disturbance (flagging tape may be sufficient but barrier mesh or equivalent may be warranted, depending on the distance of works from the plants:
 11. The final detailed engineering plans must be provided to the Department of State Growth as part of an application for a works permit to cover all aspects of the construction located within the Tasman Highway reservation.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: <http://www.transport.tas.gov.au/road/permits/general-works>.

Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.'

ADVICE

- A permit under the *Tasmanian Threatened Species Protection Act 1995* will be required to take individuals of *Austrostipa blackii* (crested speargrass) if all individuals/patches cannot be protected during construction.

- Activities associated with construction works are not to be performed outside the permissible time frame listed:
 - Monday-Friday 7am to 6pm
 - Saturday 9am to 6pm
 - Sunday and public holidays 10am to 6pm

CARRIED UNANIMOUSLY

03/20.6.2 DA 214-2019 – Demolition of Old Scamander Bridge, 115 Upper Scamander Road, Scamander

FILE REFERENCE	DA 214-2019
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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 **Demolition of Old Scamander Bridge** on land situated at **115 Upper Scamander Road, Scamander (PID 6409907)**, **untitled Crown Land northern shore of Scamander River, Old Scamander Bridge (B71) and Scamander River** be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 214-2019 received by Council 12 January 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2020/00053-BODC as attached to this permit.
3. Any damage that may occur to any Council infrastructure during the demolition of the old Scamander bridge and post demolition works and use of Council maintained roads must be reinstated to the satisfaction of Council, at the cost of the developer.
4. No works are to commence on-site until a Construction Environmental Management Plan (CEMP) has been prepared for the proposed development, to the satisfaction of Council's General Manager. This plan is to include exclusion areas, provision for managing declared weeds and State level Legislation hygiene protocols to avoid the spread of weeds and pathogens in the study area. This document is to include a plan for the control of *Phytophthora cinnamomi* disease risks and is to be implemented in accordance with the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*. (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas.).
5. No vehicles associated with the management or demolition of the Old Scamander Bridge are to enter the development site until the Construction and Environmental Management Plan (CEMP) has been completed to the satisfaction of the Council's General Manager.

6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
7. A *Soil and Water Management Plan* must be submitted to Council's General Manager for approval prior to works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
8. Prior to commencement of works, a detailed revegetation/rehabilitation plan, shall be prepared and submitted for the approval of Council's General Manager. The plan shall identify:
 - (i) site preparation including appropriate mediums for successful direct seeding or planting and hygiene protocols;
 - (ii) Methodology for revegetation including use of direct seeding or replanting, requirements for jute matting or other stabilisation requirements, suitable species for revegetation, collection and propagation of suitable species if planning if required (including planting to be undertaken at the most suitable time of the year);
 - (iii) Weed management including control of existing weeds and sufficient resources for follow up weed control for at least 2 years post revegetation.

Revegetation/rehabilitation must be undertaken in accordance with the plan approved by Council in accordance with Condition 3 within 6 months of the removal of the bridge unless otherwise agreed to by Council's General Manager, due to seasonal constraints.
9. All appropriate signage, traffic control measures, barricading and safety measures in accordance with all statutory requirements shall be applied to the required works at all times. Any unsafe activities shall result in the Council formally applying a 'Stop Works Notice' to the site until proper measures are in place, with any remedial actions required to be carried out by the Council being directly invoiced to the relevant contractor developer.
10. 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 or works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Infrastructure and Development Services.

ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered, works are to cease immediately, Aboriginal Heritage Tasmania is to be contacted immediately and an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. An **Unanticipated Discovery Plan** is enclosed with this Permit. Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.
- 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 demolition works and rehabilitation are not to be performed outside the permissible time frames listed:
Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

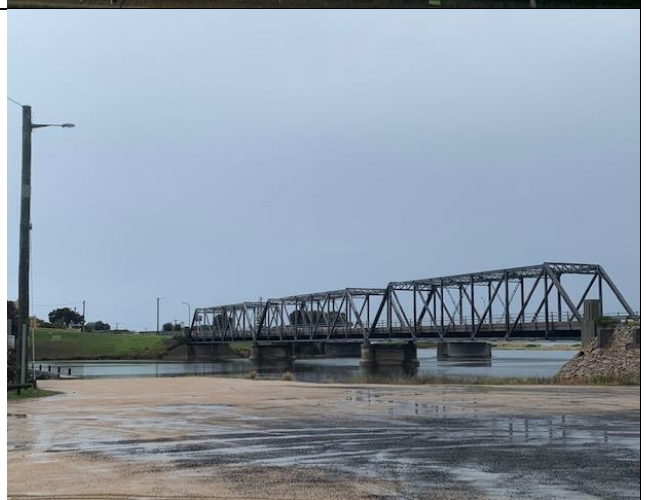
INTRODUCTION:

Application is made by JMG Engineers and Planners on behalf of Department of State Growth for the proposed demolition of the Old Scamander Bridge (B71) situated over the Scamander River.

Utilities use class in the Environmental Management Zone is a discretionary use, under Table 29.2 of the *Break O'Day Interim Planning Scheme 2013* and is a permitted use, in the Utilities Zone under Table 28.2 of the *Break O'Day Interim Planning Scheme 2013*.



^ Aerial photograph





DISCUSSION:

- The Planning Consultant advised that there were a number of performance criteria that required assessment.
- The Planning Consultant advised that six (6) representations were received, one (1) was favourable and four (4) raised matters outside consideration of the Planning Scheme and one (1) raised rehabilitation.
- The Planning Consultant advised that a number of conditions are listed as part of the approval.
- Cllr LeFevre stated that he thinks this is a good proposal but can understand from a historic point of view people's concerns. When the cost to maintain the bridge was taken into account the support was overwhelming at a community meeting in Scamander for its removal.
- Cllr McGiveron stated that there is no practical reason why we shouldn't agree with the proposal.
- Cllr Chapple stated that in one of the representations it is mentioned that it has been nominated for heritage listing. The Planning Consultant stated that because it is not listed in the Planning Scheme we can't consider this.

COUNCIL DECISION:

03/20.6.2.28

Moved: Cllr B LeFevre / Seconded: Cllr 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 **Demolition of Old Scamander Bridge** on land situated at **115 Upper Scamander Road, Scamander (PID 6409907), untitled Crown Land northern shore of Scamander River, Old Scamander Bridge (B71) and Scamander River** be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 214-2019 received by Council 12 January 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2020/00053-BODC as attached to this permit.

3. Any damage that may occur to any Council infrastructure during the demolition of the old Scamander bridge and post demolition works and use of Council maintained roads must be reinstated to the satisfaction of Council, at the cost of the developer.
4. No works are to commence on-site until a Construction Environmental Management Plan (CEMP) has been prepared for the proposed development, to the satisfaction of Council's General Manager. This plan is to include exclusion areas, provision for managing declared weeds and State level Legislation hygiene protocols to avoid the spread of weeds and pathogens in the study area. This document is to include a plan for the control of *Phytophthora cinnamomi* disease risks and is to be implemented in accordance with the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*. (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas.).
5. No vehicles associated with the management or demolition of the Old Scamander Bridge are to enter the development site until the Construction and Environmental Management Plan (CEMP) has been completed to the satisfaction of the Council's General Manager.
6. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
7. A *Soil and Water Management Plan* must be submitted to Council's General Manager for approval prior to works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
8. Prior to commencement of works, a detailed revegetation/rehabilitation plan, shall be prepared and submitted for the approval of Council's General Manager. The plan shall identify:
 - (i) site preparation including appropriate mediums for successful direct seeding or planting and hygiene protocols;
 - (ii) Methodology for revegetation including use of direct seeding or replanting, requirements for jute matting or other stabilisation requirements, suitable species for revegetation, collection and propagation of suitable species if planning if required (including planting to be undertaken at the most suitable time of the year);
 - (iii) Weed management including control of existing weeds and sufficient resources for follow up weed control for at least 2 years post revegetation.

Revegetation/rehabilitation must be undertaken in accordance with the plan approved by Council in accordance with Condition 3 within 6 months of the removal of the bridge unless otherwise agreed to by Council's General Manager, due to seasonal constraints.

9. All appropriate signage, traffic control measures, barricading and safety measures in accordance with all statutory requirements shall be applied to the required works at all times. Any unsafe activities shall result in the Council formally applying a 'Stop Works Notice' to the site until proper measures are in place, with any remedial actions required to be carried out by the Council being directly invoiced to the relevant contractor developer.
10. 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 or works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Infrastructure and Development Services.

ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered, works are to cease immediately, Aboriginal Heritage Tasmania is to be contacted immediately and an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. An **Unanticipated Discovery Plan** is enclosed with this Permit. Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.
- 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 demolition works and rehabilitation 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

03/20.6.3 DA 030-2020 – Stacked Loop Trail Network Mountain Bike Trail – St Helens Revised Alignment

FILE REFERENCE	DA 030-2020
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for STACKED LOOP TRAIL NETWORK MOUNTAIN BIKE TRAIL - ST HELENS REVISED ALIGNMENTS on land situated at TASMAN HIGHWAY, GOSHEN described PID 3385444 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 030-2020 received by Council 18 February 2020 together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
3. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
4. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
5. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
6. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
7. Prior to any works commencing, a construction management plan must be submitted for approval by the Planning Co-ordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene protocols as detailed below.
 - b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control* (DPIPWE). All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
 - c. A site supervisor that must inspect vehicles and machinery according to the sample washdown register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control* (DPIPWE).
8. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.

ADVICE

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

NOTES

- a) 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:

Approval is sought to amend the track alignment for the approved St Helens Stacked Loop Trail Network. The variation is such that it does not constitute a minor amendment to the original permit but rather a new permit is sought for the new section only.

The reason for the partial track realignment is primarily to improve the layout and functional operation of the network with a secondary benefit being that it will reduce environmental impacts as the revised route avoids two wedge-tailed eagle nests.

The application is discretionary and was notified. No representations were received during the advertising period.

DISCUSSION:

- The Planning Consultant stated this application essentially looks at four (4) different sections of the trails and re-routing them. The track alignment has the benefit of avoiding some threatened fauna and flora species.
- The Planning Consultant advised that no representations have been received.
- The Planning Consultant stated that the application only triggered three (3) performance criteria.
- Clr McGuinness stated that we have discussed the rationale behind the change quite thoroughly and it is a better environmental outcome.
- Clr LeFevre stated that it is incumbent on us to get the trails in as good condition as possible.

COUNCIL DECISION:

03/20.6.3.29

Moved: Clr G McGuinness / Seconded: Clr B LeFevre

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for STACKED LOOP TRAIL NETWORK MOUNTAIN BIKE TRAIL - ST HELENS REVISED ALIGNMENTS on land situated at TASMAN HIGHWAY, GOSHEN described PID 3385444 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 030-2020 received by Council 18 February 2020 together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to works commencing, a *Soil and Water Management Plan* must be submitted to Council for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. It must be prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website: ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*.
3. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
4. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
5. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
6. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by the Planning Coordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
7. Prior to any works commencing, a construction management plan must be submitted for approval by the Planning Co-ordinator. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:
 - a. Site induction for all workers and visitors to the site. This must cover the hygiene protocols as detailed below.

- b. Hygiene protocols in accordance with the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*. All construction vehicles and machinery must be washed down and disinfected to prevent the introduction and/or spread of weeds or pathogens, specifically *Phytophthora Cinnamomi* (root rot).
- c. A site supervisor that must inspect vehicles and machinery according to the sample washdown register at Appendix 2 in the latest edition of the *Tasmanian Washdown Guidelines for Weed and Disease Control (DPIPWE)*.

8. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.

ADVICE

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

NOTES

- b) 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

03/20.6.4 Break O'Day Draft Local Provisions Schedule (Tasmanian Planning Scheme) (LPS)

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

That Council, acting as a Planning Authority resolve it is satisfied the draft Break O' Day Planning LPS meets the relevant requirements of Section 34 of the Land Use Planning and Approvals Act, 1993 (LUPAA) and resolves to forward this to the Tasmanian Planning Commission.

INTRODUCTION:

Council commenced the draft LPS process in recent years. This includes a review of the State Planning Provisions (SPP) against the Break O'Day Interim Planning Scheme 2013 and identifying local provisions of significance to the Council and community.

Council has also reviewed settlements across the municipality and identified issues and areas requiring further consideration. This included refining the application of 'land potentially suitable for agriculture' mapping in the translation of Rural Resource Zone and Environmental Living Zone land and the identification of areas for Landscape Conservation Zone. Other key issues identified include:

- Rural Living Zone transition – reviewing suitability of lot sizes applicable to different areas
- Landscape Conservation Zone – how/where to apply this zone
- Additional industrial land required (this may require separate amendment)
- Whether a SAP is required for Binalong Bay (stormwater issues in particular – and noting that Sorell Council has developed scheme provisions that could potentially be used)
- Infill pressures in Falmouth

The Council commissioned GHD to build on the review process and to undertake tasks to complete the draft LPS and supporting report. This report summarises this process and makes final recommendations.

DISCUSSION:

- The Planning Consultant advised that the Local Provisions Schedule (LPS) will be publicly advertised for eight (8) weeks and then there will be public hearings with the Tasmanian Planning Commission (TPC) making the decisions.
- Cllr Osborne stated that she has nothing to add, this is the next step in the process.
- Cllr Wright agreed with Cllr Osborne and stated that this allows the LPS to go to public comment.
- Cllr LeFevre stated that he doesn't think we have been proactive enough looking to the future for future developments.

COUNCIL DECISION:

03/20.6.4.30 Moved: Cllr M Osborne / Seconded: Cllr K Wright

That Council, acting as a Planning Authority resolve it is satisfied the draft Break O' Day Planning LPS meets the relevant requirements of Section 34 of the Land Use Planning and Approvals Act, 1993 (LUPAA) and resolves to forward this to the Tasmanian Planning Commission.

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.

03/20.7.0 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.

In light of the recent developments with regard to Covid-19 what public health safety measures are Council going to enact?

- (i) Will Council develop an emergency operations and communications plan, and identify the triggers which it will use to enact this plan?
- (ii) Will we provide liquid soap in public bathrooms? Washing of hands with soap is the most effective way to reduce contamination. I have raised this issue previously outside of this recent public health concern.
- (iii) Will Council **promote the daily practice of everyday preventive actions**, to help prevent the spread of COVID-19?
- (iv) **Will Council identify actions to take if they need to postpone or cancel events.** Will Council postpone or cancel larger public gatherings? How will this impact the Dragon Trail XC MTB Race?
- (v) Will Council plan for staff absences and promote messages that discourage people who are sick from attending work, promoting work at home where possible?

Reply

In general, Council's response will be driven by:

- Responsibilities under WH&S legislation
- Guidance from lead agencies in particular the Australian Government's Department of Health and the Tasmanian Government's Department of Health & Human Services
- Any coordinated approach by Tasmanian local government and/or norther regional Councils

- (i) Yes, previously identified activities which have been occurring are being formalised in a draft Plan which will be under constant review and evolution.
- (ii) Yes, this has commenced, subject to availability and installation of dispensers
- (iii) Yes, this is in the context of information being provided by Health authorities and directing enquiries to the designated, authoritative single source for information
- (iv) As identified above, this is guided by the lead agencies and generally, events are being cancelled by the organisers without intervention by Council. According to the guidelines and directions from lead agencies and Council own risk analysis, management may restrict use of Council owned facilities. However, there is every indication that the community generally and community groups in particular are responding to the same guidance and cancelling/postponing meeting and events. With respect to the Dragon Trail XC MTB Race specifically, this has been cancelled by the event organisers.
- (v) Yes, this has been addressed in recent weeks and appropriate communication is ongoing.

03/20.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

03/20.11.1 Mayor's Communications for Period Ending 16 March 2020

18.02.2020	St Helens	– Meeting with Brian Mitchell MP
19.02.2020	Hobart	– Local Government Association of Tasmania (LGAT) – General Management Committee
23.02.2020	St Helens	– St Helens Point Progress Association meeting
24.02.2020	Fingal	– Community Workshop – Response to Suicide
25.02.2020	St Helens	– St Helens MTB Trail – Thank you BBQ
28.02.2020	St Helens	– Local Provisions Schedule Workshop
02.03.2020	St Helens	– Council Workshop
13.03.2020	St Helens	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting (via telephone)
16.03.2020	St Helens	– Council Meeting

03/20.11.2 Councillor's Reports for Period Ending 16 March 2020

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

- Clr Osborne advised that the minutes from the last meeting have been circulated for information.
- Clr Osborne advised that the Chamber will be discussing the new Planning Scheme at the next meeting tomorrow night. Clr Osborne stated that she suggested Councils Planning Officer be invited along and that should would forward a request.
- Clr Osborne advised that Donna Stanley from Parks & Wildlife Services did a presentation at the last meeting regarding the money they have spent at Freycinet.

NRM Special Committee – Clr Janet Drummond

- No report as Clr Drummond was absent.

Barway Committee – Clr John McGiveron

- Clr McGiveron advised that a Barway Committee meeting is scheduled for Monday 23 March with MAST and hopefully sort out some issues and move forward.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- Clr McGuinness stated that he has circulated minutes from the February Meeting for information.
- Clr McGuinness advised that ECTT had a strategy meeting last Friday in Bicheno. They looked at the four (4) pillars of the Deed of Agreement with the Government. The meeting was intense. The Chair of the ECTT is going to put all the information together and prepare a draft strategy which we will all have the opportunity to input. Clr McGuinness stated that there were no representatives from Glamorgan Spring Bay Council in attendance. The General Manager stated that this was a very lengthy but productive and a good exercise.
- The General Manager stated that the Board of ECTT are very much aware of the implications if Glamorgan Spring Bay Council were to reduce or cease funding to the ECTT. This is quite a concern with Tourism being such a big part of both Municipalities.
- Clr McGuinness stated that there are some contingencies being attempted if there is a shortfall in funding.

Mental Health Action Group – Clr Barry LeFevre

- Clr LeFevre advised that the next round of community champions will be on the 27 March.

Disability Access Committee – Clr Janet Drummond

- No report as Clr Drummond was absent.

03/20.12.0 BUSINESS AND CORPORATE SERVICES

03/20.12.1 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 advised that subsequent to the agenda being prepared there were two (2) graffiti incidents over the weekend, one at Lions Park and one at O'Connors Beach. The cost was around \$500 to address these. Clr Osborne asked, whose responsibility is it for telegraph poles that have been graphited. The General Manager asked if Clr Osborne could provide details we will forward to TasNetworks.
- The Manager Corporate Services advised that in the term deposit report a couple were missed, there are a couple of million more than what is listed.

COUNCIL DECISION:

03/20.12.1.31 Moved: Clr K Chapple / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

03/20.12.2 Monthly Financial Report

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

That the following reports for the month ending 29 February 2020 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 advised that he has nothing further to add.
- Clr Chapple asked in relation to item 1778 – Total Reimbursements – 741% - why is this so high? The Manager Corporate Services stated that a lot relates to budget being so small for that item therefore anything different from budget makes it look large, some is the GST collected with no budget as well as a couple of other things – this will get sorted by the end of the year.

- Clr McGiveron asked in relation to item 1813 – Over Time Payments, is this due to the fire? The Manager Corporate Services advised that it was as well as the flooding earlier in the year. The General Manager advised that the fire payments form an important component as we were activated under the NDRA we are able to make claims for this.
- Clr McGiveron said congratulations on the debt collection.

COUNCIL DECISION:

03/20.12.2.32 Moved: Clr K Wright / Seconded: Clr G McGuinness

That the following reports for the month ending 29 February 2020 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

03/20.12.3 **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:

- The Manager Corporate Services advised that he had nothing further to add.

COUNCIL DECISION:

03/20.12.3.33 Moved: Clr M Osborne / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

03/20.12.4 Policy – EP03 Review of Conservation Covenant Support Policy

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Policy EP03 Conservation Covenant Support, as amended, be adopted.

INTRODUCTION:

Policies of Council are subject to review according to Council's Policy Review Schedule. This Policy, having financial implications, should be reviewed by Council's Audit Panel prior to adoption by Council.

DISCUSSION:

- The Manager Corporate Services advised that this has been considered by the audit panel.

COUNCIL DECISION:

03/20.12.4.34 Moved: Clr G McGuinness / Seconded: Clr K Chapple

That Policy EP03 Conservation Covenant Support, as amended, be adopted.

CARRIED UNANIMOUSLY

03/20.12.5 Policy – LG20 Distribution of Unclaimed Funds

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Council adopt Policy LG20 Distribution of Unclaimed Funds as amended.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review being three (3) years since the previous review.

DISCUSSION:

- The Manager Corporate Services stated that this relates to funds from when we sell properties.
- Clr Osborne asked, do we have any money in this reserve? The Manager Corporate Services advised that the amount in the fund shows in the financial report each month. Funds are not distributed without a Council decision to do so.

COUNCIL DECISION:

03/20.12.5.35 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council adopt Policy LG20 Distribution of Unclaimed Funds as amended.

CARRIED UNANIMOUSLY

03/20.12.6 Policy – LG27 Information Management Policy

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Council adopt Policy LG27 Information Management as amended.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review being three (3) years since the previous review.

DISCUSSION:

- The Manager Corporate Services advised that this is a straight forward policy.

COUNCIL DECISION:

03/20.12.6.36 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council adopt Policy LG27 Information Management as amended.

CARRIED UNANIMOUSLY

03/20.12.7 Policy – LG29 Privacy

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Council adopt LG29 Privacy Policy as amended.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review being three (3) years since the previous review

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.12.7.37 Moved: Clr K Chapple / Seconded: Clr M Osborne

That Council adopt LG29 Privacy Policy as amended.

CARRIED UNANIMOUSLY

03/20.12.8 Audit Panel – Receipt of Minutes

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

That Council receive the minutes of the Audit Panel 17 February 2020.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.12.8.38 Moved: Clr J McGiveron / Seconded: Clr K Wright

That Council receive the minutes of the Audit Panel 17 February 2020.

CARRIED UNANIMOUSLY

03/20.12.9 Review of Long Term Financial Plan

FILE REFERENCE	018\036\003\
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OFFICER'S RECOMMENDATION:

That Council adopt, in principle, the revised Long Term Financial Plan 2018 to 2028.

INTRODUCTION:

- The Manager Corporate Services stated that Council is required to review plans regularly and at least every four (4) years. The Long Term Financial Plan (LTFP) has been reviewed following finalisation of the audit of the 2018/2019 Financial Statements, 2019/2020 Budget and initial capital budget consideration for 2020/2021.

DISCUSSION:

BH this is a 10 year plan and it is a work in process and changes as required and includes some of our budget deliberations.

COUNCIL DECISION:

03/20.12.9.39 Moved: Clr K Chapple / Seconded: Clr M Osborne

That Council adopt, in principle, the revised Long Term Financial Plan 2018 to 2028.

CARRIED UNANIMOUSLY

03/20.13.0 **WORKS AND INFRASTRUCTURE**

03/20.13.1 **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 advised that he had nothing further to add.

- Clr LeFevre asked, where are we at with support from Parks & Wildlife Services and the Department of State Growth around getting a lot of things finalised. The General Manager stated that there are a couple of items with the Department of State Growth listed in his report. Parks & Wildlife Services are still working on the toilet solution at the Gardens, in terms of the processes the only thing we run into at the moment is the length of time for Development Applications and this is throughout the State and also involves Crown Land Services. The amendments to the Mountain Bike Trails was extremely fast for us. Generally it is pretty good at the moment. Clr LeFevre asked, what about the foreshore at Binalong Bay. The General Manager advised that he would need to check.
- Clr McGuinness asked in relation to the St Marys Rivulet work. One of the items was weed infestation and stated that from the Tasman Highway bridge at the northern end of town where the rivulet crosses over and the Flat, there is an area of bush that is willow infested, this was a source of flooding and this weed infestation is still there. The Manager Infrastructure and Development Services advised that we only had a limited amount of money so we did the critical parts from Esk Main Road Bridge to Storey Street, there are still some more willows there but at this time we are out of funds and would need to source more funding to be able to continue.

COUNCIL DECISION:

03/20.13.1.40 Moved: Clr K Wright / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

03/20.13.2 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:

- The Manager Infrastructure and Development Services advised that St Helens has been busy in the last month and taken about half of the Animal Control Officer's time and the rest of time has been spread around the Municipality.

COUNCIL DECISION:

03/20.13.2.41 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

03/20.13.3 **Draft Policy – Water Bottle Refilling Stations**

FILE REFERENCE	002\024\003\
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OFFICER’S RECOMMENDATION:

That Council receive and adopt the new policy, Policy AM20 “Water Refill Station Policy”.

INTRODUCTION:

The newly drafted policy for the provision of Water Refill Stations in public open spaces outlines the criterion for giving consideration to installing new infrastructure.

DISCUSSION:

- The General Manager advised that we have recently been approached by TasWater with regard to working with Council to establish some drinking stations in Break O’Day. We will continue to work with TasWater and this could end up being a joint approach with shared costs.
- Clr Osborne advised that she has also spoken to TasWater on behalf of the Netball Association as there is nowhere at the stadium where you can fill water bottles, it would be good to have something up there.

COUNCIL DECISION:

03/20.13.3.42 Moved: Clr K Wright / Seconded: Clr K Chapple

That Council receive and adopt the new policy, Policy AM20 “Water Refill Station Policy”.

CARRIED UNANIMOUSLY

03/20.13.4 **Roads to Recovery Funding Allocation**

FILE REFERENCE	032\005\022\
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OFFICER’S RECOMMENDATION:

That Council approve an allocation of \$400,000 of Roads to Recovery Funding to support four (4) new improvement projects on Lottah Road as detailed in this report.

INTRODUCTION:

Roads to Recovery Funding

Council has been given an additional \$314,000 as part of the Australian Governments (AG) drought relief package.

Councils 2019-2020 annual allocation is \$971,109. Only \$647,804 had been allocated at the end of January 2020, leaving an unallocated quantity of \$323,305.

The unallocated quantity of \$323,303 is to be assigned to eligible roads projects and fully spent at 30 June 2020.

The AG required Council to allocate this money on the 13 February 2020. In the updated project schedule, \$400,000 of funding has been allocated at this stage to the betterment of Lottah Road and which included \$76,697 of residual funding being from allocated projects

Due to timing between meeting the AG deadline and the March Council meeting, Council only had the opportunity to review the proposed Lottah Road funding allocation after the 13 February deadline and collectively at the 2 March Councillor Workshop.

The purpose of this report is provide information on:

- i) Lottah Road projects
- ii) Roads to Recovery Work Schedule

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.13.4.43 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council approve an allocation of \$400,000 of Roads to Recovery Funding to support four (4) new improvement projects on Lottah Road as detailed in this report.

CARRIED UNANIMOUSLY

03/20.14.0 COMMUNITY DEVELOPMENT

03/20.14.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that she had just received advice that the Dragon Trail MTB event has been cancelled for this year and will be held in 2021. The Event Organisers will be advising everyone and putting out some media releases.

COUNCIL DECISION:

03/20.14.1.44 Moved: Clr M Osborne / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

03/20.14.2 Community Funding Program 2019-2020

FILE REFERENCE	018\019\067\
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OFFICER'S RECOMMENDATION:

That Council approve the following projects for funding through the Community Grants Program 2019-2020:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
St Helens- St Marys RSL Sub Branch	Bench seating in St Helens Memorial Park	\$3,900.00	Branch members installation of seating			\$3,900.00

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
St Helens Little Athletics Centre	Build a purpose built cover for high jump mat	\$5,000.00	St Helens Market Committee & St Helens Little Aths \$2,500.00			\$7,500.00
St Helens Christian Fellowship	Support for veterans and people who suffer from PTSD	\$5,000.00	Brian Mitchell Bendigo Bank Suicide Trial Site DVA Local Churches		\$7,000.00	\$12,000.00
Scamander Sports Complex	Community BBQ and Gazebo	\$1,872.85	Scamander Sports Complex \$250.00			\$2,122.85
St Helens Bowls Club	Upgrade kitchen facilities – replace stove	\$5,500.00	Club \$1,650.00			\$7,150.00
Fingal Valley Neighbourhood House	Replace fridge	\$1,500.00	FVNH \$500.00			\$2,000.00
Suncoast Pony & Riding Club	Horsemanship Clinic	\$2,000.00	\$2,200.00			\$4,200.00
		<u>\$24,772.85</u>	\$7,100.00		\$7,000.00	\$38,872.85

With a hold placed on the St Helens Little Athletics funding until the St Helens Recreation Ground Master Plan community conversations have been completed.

INTRODUCTION:

Submissions for funding through the Community Funding Program closed on Monday 24 February, 2020.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.14.2.45 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council approve the following projects for funding through the Community Grants Program 2019-2020:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
St Helens- St Marys RSL Sub Branch	Bench seating in St Helens Memorial Park	\$3,900.00	Branch members installation of seating			\$3,900.00
St Helens Little Athletics Centre	Build a purpose built cover for high jump mat	\$5,000.00	St Helens Market Committee & St Helens Little Aths \$2,500.00			\$7,500.00
St Helens Christian Fellowship	Support for veterans and people who suffer from PTSD	\$5,000.00	Brian Mitchell Bendigo Bank Suicide Trial Site DVA Local Churches		\$7,000.00	\$12,000.00
Scamander Sports Complex	Community BBQ and Gazebo	\$1,872.85	Scamander Sports Complex \$250.00			\$2,122.85
St Helens Bowls Club	Upgrade kitchen facilities – replace stove	\$5,500.00	Club \$1,650.00			\$7,150.00
Fingal Valley Neighbourhood House	Replace fridge	\$1,500.00	FVNH \$500.00			\$2,000.00
Suncoast Pony & Riding Club	Horsemanship Clinic	\$2,000.00	\$2,200.00			\$4,200.00
		<u>\$24,772.85</u>	\$7,100.00		\$7,000.00	\$38,872.85

With a hold placed on the St Helens Little Athletics funding until the St Helens Recreation Ground Master Plan community conversations have been completed.

CARRIED UNANIMOUSLY

03/20.14.3 Scamander – Local Township Plan

FILE REFERENCE	041\016\001\
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OFFICER'S RECOMMENDATION:

That Council adopt the Scamander Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of a township plan is to provide a framework for how Scamander will look in the future, how land is used to address issues that were raised through the Strategic planning process.

DISCUSSION:

- Clr Osborne asked, does the Scamander community have a community group? The Manager Community Services advised that they don't have a specific community group, however there are a number of smaller groups within the community that Council has been working with.

COUNCIL DECISION:

03/20.14.3.46 Moved: Clr K Wright / Seconded: Clr K Chapple

That Council adopt the Scamander Township Plan, which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

03/20.15.0 DEVELOPMENT SERVICES

03/20.15.1 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 advised that he had nothing further to add.

COUNCIL DECISION:

03/20.15.1.47 Moved: Clr K Wright / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

03/20.15.2 Ten (10) Year Toilet Block Replacement Program

FILE REFERENCE	004\009\006\
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OFFICER'S RECOMMENDATION:

That Council accept the annual review of the updated Ten (10) Year Public Toilet replacement and upgrade program in accordance with the proposed schedule attached.

INTRODUCTION:

Council officers have made substantial progress on Amenity renewal and construction of new assets where identified. This report is to provide Councillors with the current proposed 10 year toilet replacement program which in combination with council's preventative maintenance program councillors can expect to have all Council Toilet blocks at very high condition rating which will meet or exceed the community expectations.

DISCUSSION:

- Clr McGuinness stated that he would hope that we look at designs through the course of this program and don't just stick to our standard designs.

COUNCIL DECISION:

03/20.15.2.48 Moved: Clr K Wright / Seconded: Clr K Chapple

That Council accept the annual review of the updated Ten (10) Year Public Toilet replacement and upgrade program in accordance with the proposed schedule attached.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 10.56am

Meeting resumed at 11.06am

03/20.16.0 GOVERNANCE

03/20.16.1 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 questions in relation to the Department of State Growth earlier in the meeting and also advised that the Binalong Bay Road transfer is progressing. This will be from the Quail Street intersection to Cray Court.
- The General Manager advised that the planning for the Tasman Highway upgrading is in initial stages and Pitt & Sherry are talking to the affected land owners regarding the proposed changes. The General Manager stated that we are aiming to have representatives from Pitt & Sherry to the next workshop to brief Council as to what is proposed regarding this program.
- Cllr Wright asked in relation to the Drought Communities Programme, is money still going to the St Marys Community Space project. The General Manager advised that he has had discussions with Cllr Drummond and we may not be able to provide the full amount required as their requirement has increased. The Federal Government has eased the requirement at the end with regard to unspent funds from Round 1 and we have put in a report stating we couldn't achieve anything and they will allow a consideration of extension which we have applied for this. Cllr Wright asked, with the extensions what else are we looking at. The General Manager advised that Council identified a range of projects in St Marys, Cornwall, Mathinna, continuation of walking tracks and the lift at the Old Tasmania Hotel as well as the Scamander Surf Life Saving Club.
- Cllr McGuinness asked where are discussions at with the State Government regarding the Management Plan for the Bay of Fires. The General Manager advised that this was put in the State Budget submission and Parks & Wildlife Services are pushing this as well as it needs a funding allocation, so if the Chamber of Commerce want to write to the Premier as well that would be great. The General Manager stated that the Management Plan is something that ECTT also supported.
- The General Manager provided an update with regard to what Council is looking at with the Covid-19 virus
 - o Practical and common sense – getting the balance right
 - o Flexible and quickly evolving
 - o Responsibilities under WHS legislation, Person Controlling Business Unit:
 1. Service delivery
 - a. Identify critical services such as waste management, public toilet facilities, emergency response, time sensitive processes (LUPA), communications, and corporate services
 - b. Infrastructure improvement, soap dispensers in toilets
 2. Office arrangements
 - a. Sanitisers
 - b. Isolated work stations
 - c. Self-isolation requirements
 - d. Employees have been reviewing planned holiday travel and cancelling
 - e. Non-essential meeting attendance
 - f. Social distancing, use Chambers more for meetings

3. Working from home capacity,
 - a. brought forward some IT purchases to set up the remote access capacity
 - b. reviewed the Working from Home procedure regarding assessment of suitability and suitable furniture being made available on loan
4. Information
 - a. Highlighting hygiene practices
 - b. Public information on our website
5. Events
 - a. Reviewing upcoming events with a focus on Council facilities
 - b. Relocation to outside venues where there is a low risk at an inside venue
 - c. Commencing discussions with community groups
6. Human resources
 - a. Leave access
 - b. Critical staff cover

COUNCIL DECISION:

03/20.16.1.49 Moved: Cllr M Osborne / Seconded: Cllr K Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

03/20.16.2 2019/2020 Annual Plan – December Quarterly Review

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

That Council endorse the Review as at the 31 December 2019 of the Break O'Day Council Annual Plan 2019/2020.

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 went through the report and provided advice on a few items:
 - o Housing – Councils Economic Development Officer had prepared a report which will be at the April workshop.
 - o VIC provision – This is really in the hands of ECTT at this time we will just maintain service delivery.
 - o Old St Helens Hospital – Council is still waiting on the high level feasibility study to provide feedback.
 - o Jobs Action Package – process progressing

COUNCIL DECISION:

03/20.16.2.50 Moved: Clr K Wright / Seconded: Clr B LeFevre

That Council endorse the Review as at the 31 December 2019 of the Break O'Day Council Annual Plan 2019/2020.

CARRIED UNANIMOUSLY

03/20.16.3 Australian Local Government Association (ALGA) – 2020 National General Assembly (NGA) of Local Government – Call for Motions

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

That Council submit the following motion to the 2020 ALGA National General Assembly:

That the Australian Government focus on transforming the recycling sector with the aim of establishing a sustainable circular economy through:

1. Recognition that this issue is a key national priority through establishment of a Council of Australian Governments (COAG) Council including membership from the ALGA.
2. Providing strategic investment to establish a funding program to support research and innovation in the reuse of recycled materials leading to the creation of a circular economy.
3. Focus on nationwide common initiatives such as a national container deposit scheme

INTRODUCTION:

The Call for Motions has been advertised for the National General Assembly (NGA) which will be held from 14 - 17 June 2020.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/20.16.3.51 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council submit the following motion to the 2020 ALGA National General Assembly:

That the Australian Government focus on transforming the recycling sector with the aim of establishing a sustainable circular economy through:

1. Recognition that this issue is a key national priority through establishment of a Council of Australian Governments (COAG) Council including membership from the ALGA.
2. Providing strategic investment to establish a funding program to support research and innovation in the reuse of recycled materials leading to the creation of a circular economy.
3. Focus on nationwide common initiatives such as a national container deposit scheme

CARRIED UNANIMOUSLY

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

Moved: Clr K Wright / Seconded: Clr M Osborne That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

03/20.17.0

CLOSED COUNCIL

03/20.17.1

Confirmation of Closed Council Minutes – Council Meeting 17 February 2020

03/20.17.2

Outstanding Actions List for Closed Council

Clr Chapple left the meeting at 11.37am

03/20.17.3

Tender – Contract 038\003\001\ Drilling, Blasting, Crushing, Blending & Stockpiling of Gravel at Halfway Hill Quarry on Ansons Bay Road & Merry Creek on Mathinna Plains Road - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

RELEASED IN OPEN MINUTES

03/20.17.3.CC

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That Council award Contract 038\003\001\ Drilling, Blasting, Crushing, Blending and Stockpiling of Gravel at Halfway Hill Quarry on Ansons Bay Road & Merry Creek Quarry on Mathinna Plains Road to Fieldwicks Crushing and Screening.

CARRIED UNANIMOUSLY

Clr Chapple returned at 11.40am

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

Moved: Clr J McGiveron / Seconded: Clr M Osborne: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.46am.

.....
MAYOR

.....
DATE