

COUNCIL MEETING MINUTES

Monday 18 November 2019
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 November 2019

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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 declare 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.

11/19.1.0 ATTENDANCE

11/19.1.1 Present

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

11/19.1.2 Apologies

Nil.

11/19.1.3 Leave of Absence

COUNCIL DECISION:

11/19.1.3.262 Moved: Clr G McGuinness / Seconded: Clr K Chapple

Clr Kylie Wright's request for Leave of Absence from December 2019 up until and including February 2020 be approved.

CARRIED UNANIMOUSLY

11/19.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.3*)
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 10.0*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 13.0*)
Building Services Coordinator, Jake Ihnen (*Item 2.0 – 6.2 / 13.1 – 15.5*)
Planning Consultant, Rebecca Green (*Item 1.0 – 6.1*)
Compliance Officer, Cathy Bailey (*Item 1.0 – 6.2*)
Development Services Administration Officer, Susan Chapple (*Item 1.0 – 6.2*)
Planning Consultant, Shane Wells (*Item 6.1 – 6.2*)

11/19.2.0 PUBLIC QUESTION TIME

28 people in the gallery.

11/19.2.1 Disposal of Public Open Space at Oberon Place, Scamander – Mrs S French, Scamander

Will the Council rescind its previous decision to dispose of Public Open Space at Oberon Place (PID 2948700), rezone the land to Open Space under the Break O'Day Planning Scheme and return the land to the local community?

Reply

The Local Government (Meeting Procedures) Regulations 2015 directs how a Motion to overturn decision (Rescission Motion) is dealt with. This will be considered at the next Ordinary Meeting of Council on 16 December 2019. The outcome of that process cannot be pre-empted.

11/19.2.2 Council Spending of Money on Bicycle Tracks - Mr P Beattie, Scamander

Can Council explain why they have spent 100's thousands of dollars on bicycle tracks, that don't benefit ratepayers, yet Scamander has been waiting since 2010 for a new toilet and bus shelter at Wrinklers. The Council owned road out the front of my place needs re-bitumening and the grass needs cutting in Wrinklers Drive.

Reply

Council received State and Federal funding for the mountain bike trails – identifying the benefit for all townships within the Break O'Day municipality. Accommodation and retail businesses will benefit from the people visiting our municipality to ride the trails which are currently being developed.

Upgrading of the Wrinklers area including a new public toilet and bus shelter were first identified as a Council project when the 2016-17 Council Budget was developed and an initial allocation of \$100,000 was made. The proposed conceptual plans for the Scamander Wrinklers Development were first discussed at a community forum in January 2018 where feedback was sought. The plan was again discussed at the Scamander Township Plan Community Meeting which was held on Wednesday 7 August 2019. After this meeting it was agreed to revisit the conceptual plans and just build a toilet facility. Council are currently working with Property Services in relation to leasing this area before commencement of any works. Scamander Avenue is primarily the responsibility of the Department of State Growth as it is part of the State Highway network, Council is responsible for portion which is dependent on the overall width of the road. Council has a road resealing program and the condition of sealed road assets are inspected on a scheduled basis.

11/19.2.3 Public Open Space at Oberon Place, Scamander - Mr P Beattie, Scamander

Can Council explain how the Public Open Space at Oberon Place can be sold to Centacare with no public consultation or public gazette to build 8 x 2 storey homes on a block that Council deemed unsafe for children's playground and the previous owner who purchased it at auction handed it back as it was unsafe to build.

Reply

Council's compliance with its legislative obligations for sale of public space land (Section 178 of the Local Government Act) commenced with the December 2017 Council Meeting, included consultation through 21 May 2018 to 21 June 2018 and finalised at the Council meeting of 20 August 2018.

The second part of the question is factually incorrect, there was no "previous owner" who "handed it back as it was unsafe".

11/19.2.4

DA139-19 - Development Fails to Align with Key Planning and Environmental Legal Requirements - Mr M Di Giovanni, Falmouth

How can Council be satisfied to approve of a development that fails to align with key planning and environmental legal requirements?

Consider this question in light of the following failures:

- Not complying with 2 long term planning strategies that want development to occur in and around townships to boost their economies. Allowing commercial activities to occur on agricultural land far away from towns takes away from already struggling businesses.
- Not complying with a planning scheme objective (26.3(e)) which requires development to be “suitable within the context of the locality and do not create unreasonably adverse impact on existing sensitive uses or local infrastructure”. A function centre in a paddock open late every day of the year cannot be considered suitable.
- Not showing how it will prevent significant environmental harm to fish, prawns, birds etc in the lagoon and as a consequence make it unsafe to swim and fish etc.
- Not gaining the required dam permit/approval and instead now trying to avoid such requirement by now calling the dam a ‘retention basin’.

Reply

The application has been assessed as being in compliance with the planning scheme. In response to each of the dot points listed:

1. The application can only be assessed against the planning scheme. The two long-term strategies that you refer to relate to are not land use planning instruments
2. The function centre is located within the Glencoe structure, and is not within a paddock
3. The application has demonstrated that there will be no adverse effect on flows into downstream waters either in terms of quantity or quality. Quality will improve as the basin will act to treat sediments and nutrients, including from existing farming operations, prior to entering downstream waters. Wastewater is to be treated to class B standard and combined with irrigation
4. The Water Management Act applies to the size of the storage, not to the words used to describe how the storage looks or is designed.

11/19.2.5

DA139-19 - Acid Sulfate Soils Where Excavation is Proposed - Mr M Di Giovanni, Falmouth

Councils assessment report for DA139 makes the claims that (quote) “Acid sulfate soils are a risk where excavation is proposed. In this case minimal”.

Do the elected members think that only minimal excavation is proposed for this development? If the answer is no then the application cannot be approved.

Consider this question in light of the excavations required for this development to:

- Construct a dam/retention wall, metres in depth and width;
- Dig and install drinking water pipes across many acres;
- Dig and install waste water pipes across many acres;
- Remove topsoil to construct a network of roads and bridges at least a kilometre long;
- Construct footing systems for 10 accommodation buildings and other ancillary structures;
- Provide 'extensive landscaping'.

Reply

The planning scheme has no specific clause in relation to acid sulphate soils. With respect to EMPCA, those provisions are applicable to Council performing its role as a Planning Authority.

11/19.2.6 DA139-19 – Harm Caused by Acid Sulfate Soils - Mr M Di Giovanni, Falmouth

Does Council fully understand what harm can be caused by acid sulfate soils? and Is Council satisfied the application shows how the risks will be avoided?

Consider this question in light of the following information taken directly from the Tasmanian Governments acid sulfate soils (ASS) guidelines.

'In an undisturbed and waterlogged state these soils are harmless, but when disturbed and exposed to oxygen through drainage or excavation, a process of oxidation can produce sulphuric acid in larger quantities' ... 'After rain and particularly following prolonged dry periods, the sulphuric acid in these soils is released into the surrounding environment. As the acid moves through the soil profile it may cause the release of heavy metals and other toxins, which eventually flow into surrounding waterways. Toxic slugs of concentrated acid runoff can move downstream and flow into estuaries, reducing oxygen levels in the water, significantly decreasing water quality, killing fish and damaging sensitive ecosystems.

Also consider that if Council grants approval for a development that goes on to cause environmental harm it could be committing an offence under sections 50 and 51 of EMPCA.

Reply

The planning scheme has no specific clause in relation to acid sulphate soils. With respect to EMPCA, those provisions are applicable to Council performing its role as a Planning Authority.

11/19.2.7 **DA139-19 – Claim that no Evidence is available that ‘Intensive Agriculture’ and ‘Sheep and Cattle Dipping’ have occurred - Mr M Di Giovanni, Falmouth**

Do the elected members support the Council’s assessment report claim that no evidence is available that ‘intensive agriculture’ and ‘sheep and cattle dipping’ have occurred on and around Glencoe?

Consider the claim, even though it is common knowledge for anyone that drives along the highways around Glencoe and Enstone Park that its operations have included the farming of sheep and cattle and growing poppies and potatoes.

If it is accepted that these activities have occurred, the Code E2 Potentially Contaminated Lan in the planning scheme should have been included in the proposal and assessment. Because it was not, the application cannot be approved because no assessment has been undertaken.

Reply

Contrary to your claim, the potentially contaminated code has been assessed and deemed to not be applicable for the reasons outlined in the report. There is no evidence or indications on site that any of the relevant activities listed in the Code have occurred in the part of the site that is subject to the development footprint.

11/19.2.8 **Potential Conflict of Interest of Engagement of Planning Consultants - Mr G Wathen, Falmouth - Secretary, Friends of the East Coast Inc**

Is the Council concerned that there may be a perception by the public that there is potential for conflict of interest by the Council’s engagement of planning consultants who are also contracted by private clients to prepare and submit development proposals to this Council?

Has the Mayor sought advice from the General Manager on this matter, and if so, what was that advice?

Reply

The engagement of planning consultants to assist with the assessment of Development Applications is a common practice and at times the Consultant may also be contracted by a private client to participate in or prepare a Development Application (DA). In this situation it is clear that a potential Conflict of Interest does exist in relation to that Application which needs to be dealt with appropriately. If a consultant has participated in a DA on behalf of a private client then they will not participate in the assessment of the DA by the Council, and there are IT systems in place which prevent that consultant from accessing information on the Council system for any such application.

If Council does not have a suitably qualified or experienced Town Planner employed who can undertake the assessment, Council will engage the services of another Council or a Consultant Town Planner to undertake the assessment.

Yes, the Mayor and Councillors are aware that from an operational perspective that Council needs to rely on Planning Consultants to assist with the assessment of Development applications. The Mayor is aware of the systems described above, which ensure that the potential for conflict of interest is appropriately addressed.

11/19.2.9 Break O’Day Council Newsletter regarding Planning Clause - Mr T Dudley obo North East Bioregional Network, St Helens

In the October 2019 Break O’Day Council Newsletter the General Manager states that if the current planning clause prohibiting subdivision within 1km of the coast is removed under the new Planning Scheme and replaced by the provisions of the Landscape Conservation Zone the result will be “the same outcome or better”.

Will the General Manager correct this and other statements in the next newsletter by acknowledging that:

- a) The minimal permissible lot size in the Landscape Conservation Zone is 20ha not 50ha.
- b) The current subdivision prohibition applies not only to the Environmental Living Zone but also the Rural Resources Zone.
- c) The removal of the 1km subdivision prohibition and replacement with only the Landscape Conservation Zone will allow for more subdivision along the coast in Break O’Day.

Reply

Council will continue to keep the community informed of the development of the new Planning Scheme and encourage participation. The complete statement needs to be read “As we have very few individual lots of land along the coast in the Environmental Living Zone of this size, the same outcome or better is basically being achieved because it covers areas more than 1km from the Coast.” which recognises that the Zone potentially goes further inland than 1km. It is important to also note that the State Government has directed Council that the 1km standard cannot transition to the LPS. The Landscape Conservation Zone is considered to be the most appropriate zone to replace the Environmental Living Zone in the current scheme.

In relation to the specific questions:

- a) The minimum permissible lot size as an Acceptable Solution in the Landscape Conservation Zone is 50ha. If Performance criteria are relied upon this makes provision for a 20ha minimum lot size, which will trigger a discretionary application and will need to have regard to a range of other requirements including but not limited to: the topography of the land; the pattern of development existing on established properties in the area; the ability to retain vegetation and protect landscape values on each lot; as well as other zone and code provisions. The Acceptable Solution minimum lots size in the Environmental Living Zone is 20ha.
- b) The General Manager was discussing the replacement of the Environmental Living Zone with the Landscape Conservation Zone as it related to the ‘prohibition of subdivision within 1km of the coast’ and not the prohibition in more general terms.

- c) The General Manager stated that “As we have very few individual lots of land along the coast in the Environmental Living Zone of this size, the same outcome or better is basically being achieved because it covers areas more than 1km from the Coast.” This statement acknowledges that there could be limited subdivision opportunity.

11/19.2.10 Breach of Planning Permit – Poimena to Bay of Fires Mountain Bike Track - Mr T Dudley obo North East Bioregional Network, St Helens

Is Council in breach of Planning Permit Condition 9 of the approved Poimena to Bay of Fires Mountain Bike Track which requires that Phytophthora wash down stations be in place and operational before any use of the track is permitted given the reported use of the track prior to this permit condition being implemented.

Reply

Council does not believe that it is in breach of Planning Permit Condition 9 as a Phytophthora bike washing station was in place and operational as part of the hygiene activities associated with the Trails.

11/19.2.11 Failure to Consult with Residents of Public Open Space – Clr J Drummond obo Mrs J Howe, Scamander

As the latest negotiations have not involved any community consultation I am requesting Council fully disclose the decision making process and the regulations/legislation that allowed it to take this course of action including records of negotiations with Centacare.

Reply

Council fully complied with the Provisions of Section 178 of the Local Government Act:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority. **Council Meeting 18 December 2017**
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and **Examiner Newspaper 21 and 23 May 2018**
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and **Notice placed**
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication. **Objections advertised as closing 12 June 2018**

- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#) , the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#) .
- (6) The council must –
- (a) consider any objection lodged; and **Objections were received, Council considered these and decided to proceed at the 20 August 2018 Council Meeting**
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
 - (i) that decision; and
 - (ii) the right to appeal against that decision under [section 178A](#) . **Objectors were notified in writing of Council’s decision and appeal rights**
- (7) The council must not decide to take any action under this section if –
- (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under [section 178A](#) has not yet been determined; or **No appeals were made**

11/19.2.12 Disposal of Public Open Space – Clr J Drummond obo Mrs J Howe, Scamander

Can Council explain why they embarked on the disposal of Public Open Space with the intent to develop high density housing in a lower density housing development with no direct public consultation?

Reply

Council had already undertaken consultation for the disposal of Public Open Space land when Council was approached by Centacare with respect to options for land for social housing. Council has previously clearly identified the significant and serious need for housing in the municipality, including waiting lists for social housing. On this basis, Council advised Centacare of possible available land and Centacare identified the Oberon Place as most appropriate.

11/19.2.13 Consideration of Alternative Sites for Priority Housing - Clr L Whittaker obo Ms S Michaels, Scamander

Were other alternative sites besides Oberon Place, Scamander considered by the Break O’Day Council to be offered to Centacare Evolve for the 8 x 2 bedroom units for Priority Housing applicants? If not, why not?

Reply

Yes other sites were considered. Council has a very limited number of vacant blocks of land which could be considered for an Affordable Housing project and in some cases the Zoning of the land precluded such a project.

11/19.2.14 Public Open Space – Thompson Court, St Helens - Clr L Whittaker obo Ms S Michaels, Scamander

Why was the Public Open Space located at 21 Thompson Court, St Helens not offered for the Social Housing project, as it is located within walking distance of shops, essential services and health services and appears a more suitable site for social inclusion of the Priority Housing applicants?

Reply

The land is zoned as Open Space under the Break O’Day Interim Planning Scheme 2013, as such housing is a Prohibited Use in this zone.

11/19.3.0 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.

Nil.

11/19.4.0 CONFIRMATION OF MINUTES

11/19.4.1 Confirmation of Minutes – Council Meeting 21 October 2019

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 October 2019 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

11/19.4.1.263 Moved: Clr G McGuinness / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 21 October 2019 be confirmed.

CARRIED UNANIMOUSLY

11/19.5.0 COUNCIL WORKSHOPS HELD SINCE 21 OCTOBER 2019 COUNCIL MEETING

There was a Workshop held on Wednesday 6 November 2019 – the following items were listed for discussion.

- 2019 / 2020 Annual Plan – September Quarterly Review
- Financial Management Strategy 2019 to 2028
- Tasmanian Audit Office – Audit Completion Report
- Policy – LG07 Procurement (Code for Tenders and Contracts)
- Budget Review as 30 September 2019
- Kerbside Collection Calendars - 2020
- St Marys Recreation Ground Lighting
- Reconciliation Action Plan
- Disability Action Plan
- Pending Development Application Consideration
- Draft Local Provisions Schedule (LPS) Project November
- 2020-2021 State Budget Consultation
- St Helens MTB Project Update

11/19.6.0 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.

11/19.6.1 DA 043-2019 – 36 Franks Street, Falmouth – 15 New Visitor Accommodation Units and Change of Use 2x Existing Buildings to Visitor Accommodation

FILE REFERENCE	DA 043-2019
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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 **15 New Visitor Accommodation Units & Change of Use 2 x Existing Buildings to Visitor Accommodation** on land situated at **36 Franks Street, Falmouth** described in Certificate of Title CT 25329/3 be **APPROVED** subject to the following conditions:

1. Development must generally accord with the Development Application DA 043-2019 received by Council 5 August 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.

2. Prior to commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i) plant species;
 - (ii) landscaping of bushfire hazard management areas to contain species of low flammability;
 - (iii) boundary and internal fencing details (if applicable).

The Plan shall specify that seeds or rootstocks for plantings are derived from provenance taken within the boundaries of the site or local area.

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any occupancy certificate for the proposed development.

3. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff and not create any new point sources of discharge into the defined watercourse.
4. 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 a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties;
 - e. Due to the width of the access at the entrance gates a Give Way sign must be erected within the property boundary directing outgoing traffic to give way to incoming traffic.
5. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
6. 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.
7. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
8. Where topsoil from within the site is unable to be re-used, gravel sourced from a certified Phytosphthora free quarry shall be used as a substitute for imported and potentially contaminated topsoil.

9. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.
10. Lighting of car parking and access ways must not provide light spill outside the boundaries of the subject site.
11. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- Plants listed in Appendix 3; Break O’Day Interim Planning Scheme 2013 must not be used in landscaping.
- 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.
- 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.
- 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 Manager Works and Infrastructure.
- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. If Aboriginal relics are uncovered or suspected during works, cease works immediately and contact Aboriginal Heritage Tasmania for advice on how to proceed. An Unanticipated Discovery Plan should be provided and must be on-hand and available to all contractors during ground disturbing works.
- 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 15 new visitor accommodation units, conversion of one (1) recreation building to visitor accommodation (unit 8), conversion of one (1) shed to manager’s residence (unit 18) and four (4) existing visitor accommodation units (units 4-6 & 9) (1 of which was used by onsite manager previously) at 36 Franks Street, Falmouth. Visitor Accommodation use of the proposed units in the Environmental Living Zone of Falmouth is a discretionary use with qualifications “if not for holiday letting of an existing dwelling”, under Table 14.2 of the *Break O’Day Interim Planning Scheme 2013*.



Site Photos – 20 August 2019





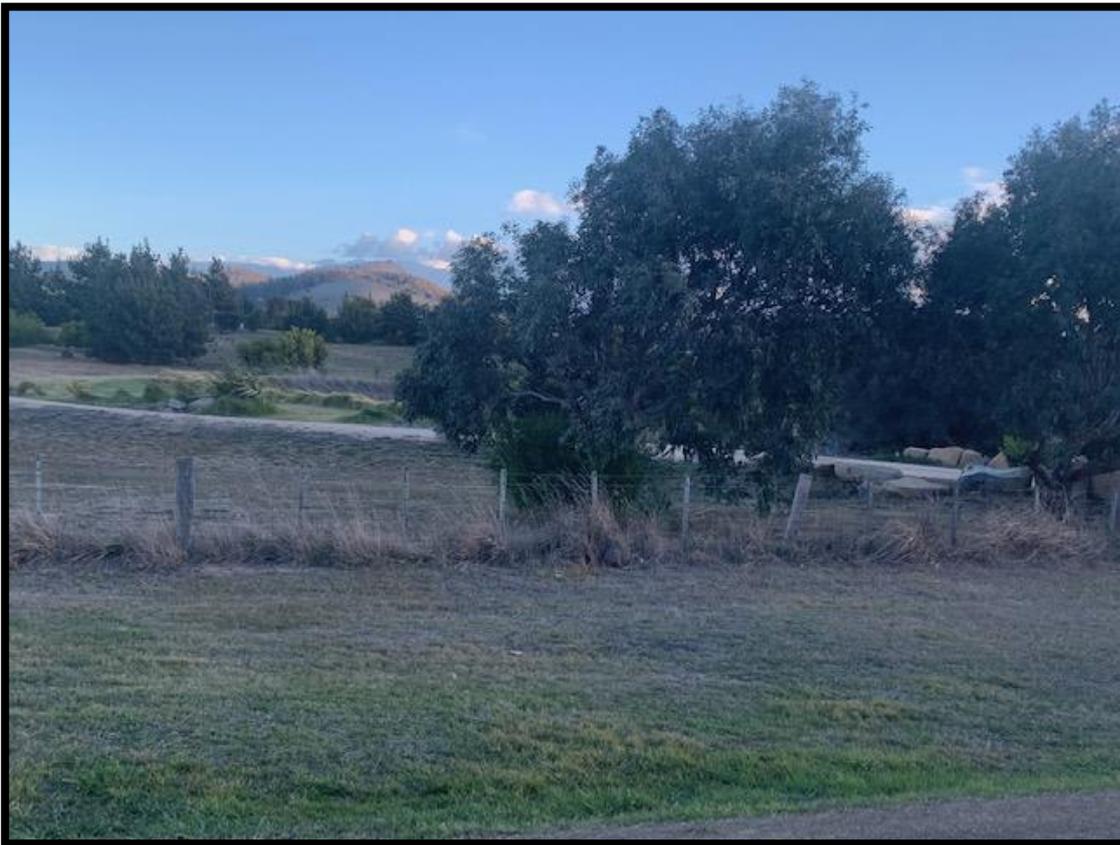












DISCUSSION:

- The Planning Consultant advised that there were 11 Discretionary Performance Criteria and a number of representations were received with similar content.
- Clr LeFevre stated that there is a comprehensive list of conditions and visitor accommodation is much needed within Break O’Day. Clr LeFevre stated that he duly notes the representors concerns regarding dust and lack of amenities and would like to see Council seal the loop in Falmouth as soon as possible.
- Clr Osborne stated that it fits with the Planning Scheme and is very comprehensive.
- Clr Chapple stated that she was concerned with the proximity to rural land as well as a discrepancy between Midsons Traffic Impact Assessment (TIA) and a reference in the report with regard to the speed limit. Is the speed limit 50km/h or 80km/h. The Planning Consultant advised that the current speed limit is 50km/h.
- Clr Whittaker stated that it is a well put together proposal however she has concerns with the size of the development for Falmouth as well as the colour, white stands out in the area down there.
- Clr Drummond stated that she also had concerns with the size, the TIA report and the colour. Clr Drummond asked with the clarification of the speed limit does this mean that there would be increased traffic movements. The Planning Consultant advised that the number of vehicle movements remain the same irrespective of the speed limit. Clr Drummond stated that the movements were calculated for a motel style accommodation with one (1) vehicle per unit and this could have multiple vehicles. The Planning Consultant advised that she is not a traffic consultant and that Midson deemed this was suitable, with regard to the car parking code the proponent has gone above and beyond what is required under the Planning Scheme.

- Clr Drummond also raised concerns over the strong visual impact. The stark white stands out, could there be something for coastal colours to be used eg more of an off white, could the proponent consider this. The Planning Consultant advised that she can't speak for the proponent however they did have the opportunity to address this through the representations.
- Mayor Tucker stated that there is an incredible amount of reading, a lot of work has gone into the reports. Mayor Tucker noted that there is a lot of concern shown by a lot of people however we need to take into account the qualified advice that has been put forward.
- Clr Drummond asked, is there the opportunity for mediation for this. The Planning Consultant advised that there are two (2) processes for this, one prior to this meeting and then one through the appeal process.
- Clr Chapple asked, is it a combination of septic and enviro cycle type systems. The Planning Consultant advised that it is sort of like septic and mound absorption and is treated better than other systems. It acts like an AWTS but doesn't have the requirements of an AWTS.
- Clr McGiveron stated that he has total respect and understanding for the representors and endorses Clr LeFevre's comments regarding the tidying up of the roadways and making Falmouth more attractive.
- Clr McGuinness stated, all due respect to the representors which he believes are totally legitimate concerns but we have a growing need for accommodation in this area and believes the proposal should go ahead in line with the needs for this community.

COUNCIL DECISION:

11/19.6.1.264 Moved: Clr B LeFevre / Seconded: Clr M Osborne

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 **15 New Visitor Accommodation Units & Change of Use 2 x Existing Buildings to Visitor Accommodation** on land situated at **36 Franks Street, Falmouth** described in Certificate of Title CT 25329/3 be **APPROVED** subject to the following conditions:

1. Development must generally accord with the Development Application DA 043-2019 received by Council 5 August 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. Prior to commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i) plant species;
 - (ii) landscaping of bushfire hazard management areas to contain species of low flammability;
 - (iii) boundary and internal fencing details (if applicable).

The Plan shall specify that seeds or rootstocks for plantings are derived from provenance taken within the boundaries of the site or local area.

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any occupancy certificate for the proposed development.

3. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff and not create any new point sources of discharge into the defined watercourse.
4. 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 a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties;
 - e. Due to the width of the access at the entrance gates a Give Way sign must be erected within the property boundary directing outgoing traffic to give way to incoming traffic.
5. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
6. 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.
7. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
12. Where topsoil from within the site is unable to be re-used, gravel sourced from a certified Phytosphthora free quarry shall be used as a substitute for imported and potentially contaminated topsoil.
13. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.
14. Lighting of car parking and access ways must not provide light spill outside the boundaries of the subject site.
15. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- Plants listed in Appendix 3; Break O’Day Interim Planning Scheme 2013 must not be used in landscaping.
- 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.
- 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.
- 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 Manager Works and Infrastructure.
- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. If Aboriginal relics are uncovered or suspected during works, cease works immediately and contact Aboriginal Heritage Tasmania for advice on how to proceed. An Unanticipated Discovery Plan should be provided and must be on-hand and available to all contractors during ground disturbing works.
- 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

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

11/19.6.2 DA 139-2019 – 22464 Tasman Highway, Falmouth – Conservation and Reuse of Heritage Listed Farm Homestead and Tourism Development

FILE REFERENCE	DA 139-2019
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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 Conservation and Reuse of Heritage Listed Farm Homestead and Tourism Development on land situated 22464 Tasman Highway, Falmouth CT 168326/1 and CT141662/1 be APPROVED subject to the following conditions:

1. Use and development must accord with the Development Application DA 139-2019 received by Council 22 August 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit, including the following:
 - a) Plans prepared by Birrelli art+design+architecture, comprised of drawings SD-01 to SD-07 Rev A.
 - b) Planning Submission prepared by Rebecca Green & Associates.
 - c) Traffic impact assessment prepared by TCS dated August 2019.
 - d) Ecological assessment prepared by ECOTAS dated 27 November 2018.
 - e) Infrastructure report (revision f) prepared by rare dated 1 November 2019.
2. Any staging of the use or development must be to the satisfaction of the General Manager.
3. All works must be in accordance with the conditions of the Tasmanian Heritage Council (Notice of Heritage Decision dated 25 October 2019 – THC Works Ref #6031), as attached to this permit.
4. Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.
5. A detailed plan of external lighting must be provided which includes a written justification for the design that has regard to recommendation #7 of the TIA as well as minimising visibility of lighting outside the footprint of the approved use and development. The plan is to be to the satisfaction of Council's General Manager.
6. Goods, equipment, packaging material or machinery must not be stored outside a building so as to be visible from any public road or thoroughfare or public open space.
7. Within 24 months of establishment of the stormwater management system, a report prepared by a suitably qualified and experienced person must be provided to the Council General Manager detailing the condition of the existing watercourse to the north-east of the dam as habitat for *Litoria raniformis* (green and gold frog). If any material adverse impact is identified, mitigation measures must be proposed and implemented to the satisfaction of the Council General Manager.
8. An emergency response plan must be prepared and submitted to the Council General Manager that outlines procedures in the event of bushfire, high fire danger day, flooding and such events.
9. A 'rules of the park' style document must be prepared detailing matters such as emergency response, minimum behaviour, acceptable hours for generators, etc, management of dogs and made available to all guests. This document must also provide advice and assistance to guests on the natural values of the area and how they may avoid impacting such values.

Site Treatment

10. Prior to the commencement of works, a landscape plan must be submitted for approval by the General Manager. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:
- a) major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
 - b) details of the number and type of plantings in each area set aside for landscaping on the endorsed site plan, including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity; and
 - c) landscaping is to be in accordance with the endorsed site plan other than for landscaping to the western edge of the RV Park, which must achieve a height of 5m and be in sufficient number and type of species to screen views of the area other than for glimpses of buildings and vehicles from passing traffic; and
 - d) any stabilisation works required as a result of tree or vegetation removal; and
 - e) all proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
 - f) suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas.

Once approved, the plan will be endorsed and will form part of the permit. The landscaping must be:

- a) installed in accordance with the endorsed plan; and
 - b) completed prior to the use commencing / completed within 3 months of the use commencing; and
 - c) maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.
11. Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the General Manager. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

Construction

12. Prior to the commencement of works/the use, adequate vehicle wash facilities must be provided on the site and no vehicle must leave the site until mud and other debris is first hosed from the wheels.

13. Prior to the commencement of the works, a site management plan must be submitted detailing how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments beyond site boundaries. The management plan is to include the following:
- a) Allotment boundaries, contours, approximate grades of slope and directions of fall.
 - b) Location of adjoining roads, impervious surfaces, underground services and existing drainage.
 - c) Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
 - d) Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
 - e) The estimated dates for the start and finish of the works.
 - f) The erosion control practices to be used on the site such as cut off drains, fenced areas to be undisturbed or revegetation program.
 - g) The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system or sediment traps.
 - h) Timing of the site rehabilitation or landscaping program.
 - i) Outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Plan by the General Manager. The Plan must be implemented and maintained during construction to ensure that soil erosion is appropriately managed.

14. 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.
15. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

Car Parking

16. Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.
17. For areas of sealed roads and car parking, prior to the commencement of use, all works must be completed to the satisfaction of the General Manager.
18. For areas of unsealed roads and car parking, prior to the commencement of the use:
- a) Areas set aside for the parking of vehicles together with the aisles and access lanes must be paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas. The areas must be constructed drained and maintained in a condition suitable for use by two wheel drive vehicles to the satisfaction of the General Manager.
 - b) The surface of the car parking area(s) together with the aisles and access lanes must be treated to the satisfaction of the General Manager so as to prevent any loss of amenity to the neighbourhood by the emission of dust or the discharge of uncontrolled drainage.

19. Internal roadways must be constructed to accommodate the size and mass of service and emergency vehicles.
20. Prior to the commencement of the use, a sign or signs must be provided to the satisfaction of the General Manager to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the General Manager.
21. Car parking and internal driveways must be maintained at all times in good order to the satisfaction of the General Manager so as to minimise dust and sedimentation.

Access

22. To the satisfaction of the Department of State Growth, recommendations 1, 2, 3, and 4 of the Traffic Impact Assessment must be implemented. Detailed drawings showing the extent of works must be submitted to the Department through an application for a works permit. Works must be implemented in accordance with a works permit. The left turn facility must be completed prior to first use of the RV Park.

Engineering

23. Prior to the commencement of the works engineering design drawings and specifications must be submitted to the Council's General Manager for approval. Such plans and specifications must:
 - a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
 - b) Provide a detailed stormwater management system, prepared in accordance with Australian Rainfall and Runoff 2016, and including water-balance sheet.
 - c) Provide a detailed car parking layout including dimensions of spaces and aisles, surface levels and treatment, delineation, proposed lighting and any other relevant matter.
 - d) Detail the pass through of the environmental flow as outlined in the rare report (revision f).
 - e) Be prepared in accordance with the Tasmanian Standard Drawings, where relevant.
 - f) Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
24. Prior to the commencement of works, a Rubbish and Waste Management Plan must be submitted for approval by the General Manager. Once the Waste Management Plan is approved it becomes part of this permit and must be implemented for the duration of the use.

PROPOSAL SUMMARY:

Application is made for a tourism oriented mixed-use development at Glencoe, Falmouth. Elements include the restoration and adaptive re-use of the Glencoe building as a cafe and ancillary activities and the provision of visitor accommodation in units and camping.



Figure 1. Approximate footprint of use and development. Falmouth is to the north-east. The Glencoe building is within the smaller title.



Figure 2. 330m west of property access facing north. RV Park will be in the foreground. Glencoe is middle, farm buildings are to the left and existing macrocarpa's that run parallel to the highway are to the right.



Figure 3. View from Falmouth Road at southern edge of village.



Figure 4. View from Esk Highway. Glencoe

The application is supported by:

1. Plans prepared by Birrelli art+design+architecture, comprised of drawings SD-01 to SD-07 Rev A.
2. Planning Submission prepared by Rebecca Green & Associates.
3. Infrastructure report and design prepared by rare dated 8 August 2019, comprised of drawings SK01 Rev B, SK02 Rev C, SK03 Rev B, SK05 Rev C, SK06 Rev C, SK07 Rev C and SK08 Rev A.

The report details the approach to the design of services. Impervious surfaces are projected to increase from 4% to 11% of the development footprint.

4. Traffic Impact Assessment prepared by TCS dated August 2019.

The TIA estimates traffic generation and provides an assessment of the significance of this upon the existing network. The TIA notes that Tasman Highway is a category 4 feeder road under the State Road hierarchy adopted by the Department of State Growth. Existing vehicles per day (vpd) along Tasman Highway are 560 near Glencoe whilst traffic generation is estimated at 363 vpd (+40%).

The TIA, at section 4.4.1, identifies four hazards with the existing road being: (1) lack of advisory signage at the nearest curve, (2) unprotected culvert headwalls, (3) a stay pole in the road reservation, and (4) brick walls and existing property access.

The TIA recommends that a left turn facility be added to the site access. It considers a right turn facility to be unnecessary for risk mitigation as a 380m sight distance is available from any vehicle queued to make a right turn.

The TIA also provides an assessment against the Road and Railway Code and the Car Parking and Sustainable Transport Code

5. Ecological assessment prepared by ECOTAS dated 27 November 2018.

The assessment details the ecological values on the site and the associated obligations of Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), the *Tasmanian Threatened Species Act 1995* (TSA) and the *Break O' Day Interim Planning Scheme 2013*. The assessment:

- Identified no flora or fauna species that are listed under the EPBC or TSA.
- Noted potential habitat for eight species of conservation significance but discounts the importance of the site for seven of these for reasons detailed in the report. With respect to *Litoria raniformis* (green and gold frog), the proposal is considered likely to increase suitable habitat through additional water storage.
- Identified two threatened vegetation communities; (1) *freshwater aquatic hermland* (AHF), which is outside the development footprint, and (2) native grassland. With respect to the native grassland the report states that the patch is small and below recognised thresholds and is subject to a dominance of introduced species such that the criteria for assessment under the EPBC do not apply.
- Provides recommendations with respect to weeds and disease management.

6. Aboriginal Heritage Assessment prepared by Gondwana Heritage Solutions dated March 2019.

The assessment identified a number of sites in the development footprint. An approval has been obtained under the *Aboriginal Heritage Act 1975* with respect to one site.

7. A Conservation, Restoration and Adaptive Re-use Heritage Statement prepared by Birrelli art+design+architecture including a chronological timeframe of the Glencoe building and property.

This outlines a re-use strategy in which the investment in tourism related infrastructure secures the future of the built structure and allows the cultural heritage to be enjoyed by the public. Protection and interpretation of aboriginal heritage is to occur in conjunction with Aboriginal Heritage Tasmania. The Glencoe structure is described as a 'ruin-like state' last occupied in the 1970s. Water ingress has destroyed much of the original floor, walls and linings. The current box gutter roof drainage system is to be replaced by an infill roof as part of initial work to waterproof the building.

DISCUSSION:

- The Planning Consultant, Shane Wells, advised that there were a number of discretions in the application with a recommendation for approval with a number of conditions. He also advised that the conditions are standard for this level of development.
- Clr McGiveron stated that he read this application at length and believes it meets the Planning Scheme. The proposal is unique in its character and asked whether the change from farming to accommodation has been considered. The Planning Consultant advised that it has and the use is very small in relation to both the lot it sits on as well as the entire property. The Planning Consultant stated that he also believes it will enhance the long term agricultural use.
- Clr McGiveron stated that the proposed function centre is a substantial distance away from the nearest residence.
- Clr LeFevre stated that he supports the Officer's Recommendation with the comprehensive list of conditions. This is a unique opportunity for visitors to see a working farm.
- Clr Chapple commented in relation to the scenic corridor and the mention of Macrocarpa's and stated that these would take some time to establish screening. The Planning Consultant agreed and also stated that there is also other landscaping proposed around car parks, camping areas, etc.
- Clr Wright stated that she is a little confused in relation to Clr LeFevre's comment with regard to a working farm as she hadn't seen mention of this in the report. The Planning Consultant advised that it is a working farm and the Planning Scheme looks at protecting the land element.
- Clt Whittaker stated that she supports the restoration of the Homestead however she has concerns with relation to the function centre, 50 RV sites, 25 camping sites and the 3 amenities buildings – how does this meet the needs of the rural population in the area as there is other short term accommodation in the same area. The Planning Consultant stated that the function centre component will be to host weddings, etc which won't occur very often. The function centre is a long way from Falmouth and will be self-contained on the site.
- Clr Drummond stated that she agrees with Clr's Wright and Whittaker – when you live in a rural setting 400m is not a long way away. Clr Drummond also mentioned that she had similar concerns as Clr Chapple with regard to the landscaping which will take time to establish so in the meantime RV camping, etc will be able to be seen. Clr Drummond raised concerns in relation to potential flooding of the area as well as the acid sulfate soil management. The Planning Consultant responded to Clr Drummonds queries and advised that the 400m distance for the function centre is a sufficient distance for noise and traffic , you may see some lights but it is quite some distance away. The landscaping will take time but shouldn't have an intrusive look. With regard to the flooding, the way it has been designed the earth dam wall will be constructed in a way that what goes in will come out

however it may retain a little. The concern in regards to the acid sulfate soil management the Planning Consultant didn't think was required as there was to be fairly minimal excavation on the site.

COUNCIL DECISION:

11/19.6.2.265 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

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 Conservation and Reuse of Heritage Listed Farm Homestead and Tourism Development on land situated 22464 Tasman Highway, Falmouth CT 168326/1 and CT141662/1 be APPROVED subject to the following conditions:

1. Use and development must accord with the Development Application DA 139-2019 received by Council 22 August 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit, including the following:
 - a) Plans prepared by Birrelli art+design+architecture, comprised of drawings SD-01 to SD-07 Rev A.
 - b) Planning Submission prepared by Rebecca Green & Associates.
 - c) Traffic impact assessment prepared by TCS dated August 2019.
 - d) Ecological assessment prepared by ECOTAS dated 27 November 2018.
 - e) Infrastructure report (revision f) prepared by rare dated 1 November 2019.
2. Any staging of the use or development must be to the satisfaction of the General Manager.
3. All works must be in accordance with the conditions of the Tasmanian Heritage Council (Notice of Heritage Decision dated 25 October 2019 – THC Works Ref #6031), as attached to this permit.
4. Exterior and security lighting must be designed, baffled and located so that no direct light is emitted outside the property boundaries.
5. A detailed plan of external lighting must be provided which includes a written justification for the design that has regard to recommendation #7 of the TIA as well as minimising visibility of lighting outside the footprint of the approved use and development. The plan is to be to the satisfaction of Council's General Manager.
6. Goods, equipment, packaging material or machinery must not be stored outside a building so as to be visible from any public road or thoroughfare or public open space.
7. Within 24 months of establishment of the stormwater management system, a report prepared by a suitably qualified and experienced person must be provided to the Council General Manager detailing the condition of the existing watercourse to the north-east of the dam as habitat for *Litoria raniformis* (green and gold frog). If any material adverse impact is identified, mitigation measures must be proposed and implemented to the satisfaction of the Council General Manager.

8. An emergency response plan must be prepared and submitted to the Council General Manager that outlines procedures in the event of bushfire, high fire danger day, flooding and such events.
9. A 'rules of the park' style document must be prepared detailing matters such as emergency response, minimum behaviour, acceptable hours for generators, etc, management of dogs and made available to all guests. This document must also provide advice and assistance to guests on the natural values of the area and how they may avoid impacting such values.

Site Treatment

10. Prior to the commencement of works, a landscape plan must be submitted for approval by the General Manager. The plan must be prepared by a suitably qualified person, must be drawn to scale and must include the following details:
 - a) major site features such as building footprints, topography, contours existing vegetation and street boundaries; and
 - b) details of the number and type of plantings in each area set aside for landscaping on the endorsed site plan, including a schedule of all proposed trees, shrubs and groundcover including common name, botanical name and like size at maturity; and
 - c) landscaping is to be in accordance with the endorsed site plan other than for landscaping to the western edge of the RV Park, which must achieve a height of 5m and be in sufficient number and type of species to screen views of the area other than for glimpses of buildings and vehicles from passing traffic; and
 - d) any stabilisation works required as a result of tree or vegetation removal; and
 - e) all proposed garden beds, fences, retaining walls, lawn, hard surfaces and pathways; and
 - f) suitable irrigation or a fixed sprinkler system for the watering of all lawns and landscaped areas.

Once approved, the plan will be endorsed and will form part of the permit. The landscaping must be:

- a) installed in accordance with the endorsed plan; and
 - b) completed prior to the use commencing / completed within 3 months of the use commencing; and
 - c) maintained as part of non-residential development. It must not be removed, destroyed or lopped without the written consent of the Council.
11. Existing trees identified for retention on the subject land must be retained and must not be damaged, removed, destroyed or lopped without the written consent of the General Manager. Such trees must be satisfactorily protected both by the design of the building and during construction work by barriers and similar devices in accordance with *Australian Standard 4970 Protection of Trees on Development Sites to Protect Existing Trees.*

Construction

12. Prior to the commencement of works/the use, adequate vehicle wash facilities must be provided on the site and no vehicle must leave the site until mud and other debris is first hosed from the wheels.

13. Prior to the commencement of the works, a site management plan must be submitted detailing how soil and water is to be managed on the site during the construction process to prevent the escape of soil and sediments beyond site boundaries. The management plan is to include the following:
- a) Allotment boundaries, contours, approximate grades of slope and directions of fall.
 - b) Location of adjoining roads, impervious surfaces, underground services and existing drainage.
 - c) Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
 - d) Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
 - e) The estimated dates for the start and finish of the works.
 - f) The erosion control practices to be used on the site such as cut off drains, fenced areas to be undisturbed or revegetation program.
 - g) The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system or sediment traps.
 - h) Timing of the site rehabilitation or landscaping program.
 - i) Outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Plan by the General Manager. The Plan must be implemented and maintained during construction to ensure that soil erosion is appropriately managed.

14. 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.
15. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

Car Parking

16. Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.
17. For areas of sealed roads and car parking, prior to the commencement of use, all works must be completed to the satisfaction of the General Manager.
18. For areas of unsealed roads and car parking, prior to the commencement of the use:
- a) Areas set aside for the parking of vehicles together with the aisles and access lanes must be paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas. The areas must be constructed drained and maintained in a condition suitable for use by two wheel drive vehicles to the satisfaction of the General Manager.
 - b) The surface of the car parking area(s) together with the aisles and access lanes must be treated to the satisfaction of the General Manager so as to prevent any loss of amenity to the neighbourhood by the emission of dust or the discharge of uncontrolled drainage.

19. Internal roadways must be constructed to accommodate the size and mass of service and emergency vehicles.
20. Prior to the commencement of the use, a sign or signs must be provided to the satisfaction of the General Manager to direct drivers to the on-site car parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the General Manager.
21. Car parking and internal driveways must be maintained at all times in good order to the satisfaction of the General Manager so as to minimise dust and sedimentation.

Access

22. To the satisfaction of the Department of State Growth, recommendations 1, 2, 3, and 4 of the Traffic Impact Assessment must be implemented. Detailed drawings showing the extent of works must be submitted to the Department through an application for a works permit. Works must be implemented in accordance with a works permit. The left turn facility must be completed prior to first use of the RV Park.

Engineering

23. Prior to the commencement of the works engineering design drawings and specifications must be submitted to the Council's General Manager for approval. Such plans and specifications must:
 - a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications.
 - b) Provide a detailed stormwater management system, prepared in accordance with Australian Rainfall and Runoff 2016, and including water-balance sheet.
 - c) Provide a detailed car parking layout including dimensions of spaces and aisles, surface levels and treatment, delineation, proposed lighting and any other relevant matter.
 - d) Detail the pass through of the environmental flow as outlined in the rare report (revision f).
 - e) Be prepared in accordance with the Tasmanian Standard Drawings, where relevant.
 - f) Be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
24. Prior to the commencement of works, a Rubbish and Waste Management Plan must be submitted for approval by the General Manager. Once the Waste Management Plan is approved it becomes part of this permit and must be implemented for the duration of the use.

FOR Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr K Chapple, Clr B LeFevre, Clr M Tucker

AGAINST Clr L Whittaker, Clr K Wright, Clr J Drummond

CARRIED

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.

11/19.7.0 PETITIONS

Nil.

11/19.8.0 NOTICES OF MOTION

11/19.8.1 Notice of Motion – Bike/Pedestrian Track, Swimcart to Binalong Bay Road – Clr G McGuinness

MOTION:

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

1. That Council investigates the best route for a dual access, (bike/pedestrian), dual direction track between Swimcart Beach and the “yet to be built” dual access Binalong Bay Rd. track.
2. That Council seeks funding to enable this track to be built as soon as practical.

SUBMISSION IN SUPPORT OF MOTION:

Although there will be shuttle buses running between St. Helens and Swimcart Beach, there is bound to be a significant cohort who wish to ride into town or in fact to Swimcart Beach from town. The scenery from parts of this route showcases our incredible environment and can only enhance the connectivity of our mountain bike networks. However the primary reason is safety. The Binalong and Gardens Roads are being used by an increasingly large number of large mobile homes and caravans. The possibility of a fatality on these roads involving mountain bikes is real and would be catastrophic.

There is absolutely no doubt that walkers would also like to be able to walk to The Bay of Fires in relative safety and this project would enhance that reality.

DISCUSSION:

- Clr McGuinness stated that this would be good for connectivity and he is also extremely concerned about safety. There is a large cohort of people who want to walk these tracks, it is important to have a dual-purpose track. There is opportunity with private landowners to take the track away from the road and enhance what we have to offer.
- Clr Chapple stated that she agrees with Clr McGuinness, we need to make a safe place for bike riders, runners, walkers, etc with the increase of traffic including heavy vehicles, we need to get people off the road.

COUNCIL DECISION:

11/19.8.1.266 Moved: Clr G McGuinness / Seconded: Clr K Chapple

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

1. That Council investigates the best route for a dual access, (bike/pedestrian), dual direction track between Swimcart Beach and the “yet to be built” dual access Binalong Bay Rd. track.
2. That Council seeks funding to enable this track to be built as soon as practical.

CARRIED UNANIMOUSLY

11/19.9.0 COUNCILLOR’S QUESTIONS ON NOTICE

Nil.

11/19.10.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

Nil.

11/19.11.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

11/19.11.1 Mayor’s Communications for Period Ending 18 November 2019

29.09.2019	Hobart	– Meeting with the Premier, Will Hodgman & Treasurer, Peter Gutwein
06.11.2019	Fingal	– Council Workshop
06.11.2019	Launceston	– Northern Tasmania Development Corporation (NTDC) Annual General Meeting
08.11.2019	St Helens	– St Helens District High School, Celebration Assembly
11.11.2019	St Helens	– Remembrance Day
11.11.2019	St Helens	– Bendigo Bank Annual General Meeting
18.11.2019	St Helens	– Council Meeting

11/19.11.2 Councillor's Reports for Period Ending 18 November 2019

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

- Meeting scheduled for the 19 November 2019 with John Brakey talking to the Chamber.

NRM Special Committee – Clr Janet Drummond

- Postponed meeting from last Tuesday and will now be meeting Tuesday 19 November 2019.

Barway Committee – Clr John McGiveron

- Waiting to hear from MAST regarding the dredging and associated works at Pelican Point.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- There will be a two (2) day meeting at Freycinet in December with the Premier attending on the second day.
- There is the final telephone link up this afternoon to ratify new Board members.

Mental Health Action Group – Clr Barry LeFevre

- Community Champions session held on the 15 November.

Disability Access Committee – Clr Janet Drummond

- Draft Access plan coming to Council today.
- Planning a BBQ at Supa IGA for the International Day of Disabilities on the 3 December 2019.

11/19.12.0 BUSINESS AND CORPORATE SERVICES

11/19.12.1 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 one of our Front Counter staff members have resigned and the recruitment process for a replacement has commenced.

COUNCIL DECISION:

11/19.12.1.267 Moved: Clr L Whittaker / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

11/19.12.2 Monthly Financial Report

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

That the following reports for the month ending 31 October 2019 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 had nothing further to add.

COUNCIL DECISION:

11/19.12.2.268

Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That the following reports for the month ending 31 October 2019 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

11/19.12.3

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 the visitation is increasing as expected for this time of year.

COUNCIL DECISION:

11/19.12.3.269

Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

11/19.12.4 Financial Management Strategy 2019 to 2028

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

That Council adopt the Financial Management Strategy 2019 – 2028, replacing Financial Management Strategy 2015 - 2023

INTRODUCTION:

Council adopted Financial Management Strategy 2015 -2023 in May 2016. The Local Government Act requires this to be reviewed no less frequently than every four (4) years.

DISCUSSION:

- The Manager Corporate Services stated that, as identified through the Audit Panel and subsequent Council workshop this is a high level document.

COUNCIL DECISION:

11/19.12.4.270 Moved: Clr J Drummond / Seconded: Clr M Osborne

That Council adopt the Financial Management Strategy 2019 – 2028, replacing Financial Management Strategy 2015 - 2023

CARRIED UNANIMOUSLY

11/19.12.5 Budget Review as 30 September 2019

FILE REFERENCE	018\007\001\
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OFFICER'S RECOMMENDATION:

That Council receive the Budget Estimates 2019-2020 Review as at 30 September 2019 and the following variances be applied to the original 2019-2020 budget as set by Council Minute:

Amend Capital Expenditure	\$
Carried forward changes	
CG820 Foreshore Power Upgrade	12,000
CE770 History Room Renovations	28,020
CF705 Weldborough Amenities	125,000
CC730 Old Tasmanian Hotel	5,630
CH730 Portland Hall Upgrades	12,440
CG275 Scamander Sports Complex Improvements	5,500
CE715 BOD Community Stadium	9,950
CE820 Street Furniture	8,860

CD815 Wrinklers Lagoon Development	89,400
CD308 Cunningham St Jetty	13,880
CF825 Parnella Foreshore	50,000
CF805 Parnella/Foreshore Walkway	(34,490)
CG825 Street lighting	22,700
CF820 MTB Bay of Fires	(180,430)
CF820A MTB Stacked Loops	(97,950)
CE110 Wrinklers Streetscape	(1,500)
CF105 Fingal Streetscape	40,000
CG110 Storey St Footpath	50,000
CF125 Medea Cove Footpath	(4,360)
CG160 Penelope St K & C	(30,000)
CE165 Treloggen Drive K & C	50,360
CG165 Helen Grove K & C	23,530
CG170 Aerodrome Road K & C	33,190
Resheeting projects:	
CG310 Reids Road - \$33,780 not \$10,000	23,780
CF355 Lottah Road	8,820
CF325 Upper Scamander Road	14,820
Fingal Streets	6,500
CG345 German Town Road	6,980
CG350 Dublin Town Road	15,000
Falmouth Streets	40,000
Amend Capital Expenditure	\$
CD305 Mathinna Plains Road	39,000
Roads Other (dig outs/reconstructions):	
CF515 The Gardens Road	4,460
CG540 Ansons Bay Road	13,880
CG545 Rex Court	27,540
CG550 St Helens Point Road	50,000
Bridges:	
CG210 Bent Street, Mathinna	5,500
CG215 Lower Germantown Road	2,600
CG230 Argyle Road, Mangana	30,000
CG235 Argonaut Road	11,620
CG245 Davis Gully Road	19,790
CG250 Mathinna Plains Road	15,000
Traffic Barriers (\$120,000 not \$100,000)	20,000
CG225 Four Mile Creek Road (\$29,550 not \$30,000)	(450)
Stormwater:	
CD655 Implement SWMP Priorities	138,600
CF665 Beauty Bay Access Track	6,000
CG665 Freshwater Street/Lade Court	30,000
Waste Management:	
CG605 St Helens WTS Entrance	56,320
CE615 Scamander WTS Retaining Wall	20,000
Recycling Facilities	2,680

CE715 BOD Community Stadium (car parking)	(150,000)
MTB Hub/Car Park	300,000
TOTAL CAPITAL ADJUSTMENT (\$5,254,670 not \$4,264,500)	\$990,170
Amend Operating Revenue	
1791 Drought Communities Grant	\$970,210
TOTAL OPERATING ADJUSTMENT	\$970,210
TOTAL BUDGET ADJUSTMENT	(\$19,960)

INTRODUCTION:

The 2019/2020 budget has been reviewed by management, with changes reflecting corrections to actual verses expected carried forward capital projects and recognising drought community grant funds.

DISCUSSION:

- The Manager Corporate Services advised that when we prepared the 2019 / 2020 budget there were some incomplete capital works, this is recognising that the estimates for the carry forwards were different and this is tidying up the capital works going forward.

COUNCIL DECISION:

11/19.12.5.271

Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council receive the Budget Estimates 2019-2020 Review as at 30 September 2019 and the following variances be applied to the original 2019-2020 budget as set by Council Minute:

Amend Capital Expenditure	\$
Carried forward changes	
CG820 Foreshore Power Upgrade	12,000
CE770 History Room Renovations	28,020
CF705 Weldborough Amenities	125,000
CC730 Old Tasmanian Hotel	5,630
CH730 Portland Hall Upgrades	12,440
CG275 Scamander Sports Complex Improvements	5,500
CE715 BOD Community Stadium	9,950
CE820 Street Furniture	8,860
CD815 Wrinklers Lagoon Development	89,400
CD308 Cunningham St Jetty	13,880
CF825 Parnella Foreshore	50,000
CF805 Parnella/Foreshore Walkway	(34,490)
CG825 Street lighting	22,700
CF820 MTB Bay of Fires	(180,430)
CF820A MTB Stacked Loops	(97,950)
CE110 Wrinklers Streetscape	(1,500)
CF105 Fingal Streetscape	40,000
CG110 Storey St Footpath	50,000

CF125 Medea Cove Footpath	(4,360)
CG160 Penelope St K & C	(30,000)
CE165 Treloggen Drive K & C	50,360
CG165 Helen Grove K & C	23,530
CG170 Aerodrome Road K & C	33,190
Resheeting projects:	
CG310 Reids Road - \$33,780 not \$10,000	23,780
CF355 Lottah Road	8,820
CF325 Upper Scamander Road	14,820
Fingal Streets	6,500
CG345 German Town Road	6,980
CG350 Dublin Town Road	15,000
Falmouth Streets	40,000
Amend Capital Expenditure	\$
CD305 Mathinna Plains Road	39,000
Roads Other (dig outs/reconstructions):	
CF515 The Gardens Road	4,460
CG540 Ansons Bay Road	13,880
CG545 Rex Court	27,540
CG550 St Helens Point Road	50,000
Bridges:	
CG210 Bent Street, Mathinna	5,500
CG215 Lower Germantown Road	2,600
CG230 Argyle Road, Mangana	30,000
CG235 Argonaut Road	11,620
CG245 Davis Gully Road	19,790
CG250 Mathinna Plains Road	15,000
Traffic Barriers (\$120,000 not \$100,000)	20,000
CG225 Four Mile Creek Road (\$29,550 not \$30,000)	(450)
Stormwater:	
CD655 Implement SWMP Priorities	138,600
CF665 Beauty Bay Access Track	6,000
CG665 Freshwater Street/Lade Court	30,000
Waste Management:	
CG605 St Helens WTS Entrance	56,320
CE615 Scamander WTS Retaining Wall	20,000
Recycling Facilities	2,680
CE715 BOD Community Stadium (car parking)	(150,000)
MTB Hub/Car Park	300,000
TOTAL CAPITAL ADJUSTMENT (\$5,254,670 not \$4,264,500)	\$990,170
Amend Operating Revenue	
1791 Drought Communities Grant	\$970,210
TOTAL OPERATING ADJUSTMENT	\$970,210
TOTAL BUDGET ADJUSTMENT	(\$19,960)

CARRIED UNANIMOUSLY

Adjourned for morning tea at 10.57am
Meeting resumed at 11.07am

11/19.13.0 WORKS AND INFRASTRUCTURE

11/19.13.1 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:

- Clr McGuinness asked, what is happening with the half built shed at the St Helens Waste Transfer Station, it has been sitting for a fair while. The Manager Infrastructure and Development Services advised that all Council resources have been redirected elsewhere but will re-commence shortly.
- Clr McGiveron asked, what is the timeframe for when the Flat Bridge in St Marys may be lifted. The Manager of Infrastructure and Development Services advised that at this stage it is scheduled for Monday 9 December 2019.

COUNCIL DECISION:

11/19.13.1.272 Moved: Clr K Wright / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

11/19.13.2 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 stated that there are long standing issues with dogs in St Marys and the process that was put in place has suffered a few setbacks as well as resistance from the dog owner. Officers are currently working with other agencies to get a peaceful resolution.
- Clr LeFevre stated that the Animal Control Officer does a fantastic job with the work he does and his reports highlights the fact that we need additional time.
- Clr Drummond stated that she agrees with Clr LeFevre, it seems we have increasing problems with dogs and animal management in our Municipality.
- The Manager Infrastructure and Development Services stated that most events that occur are very short with timeframe. There are some issues out there but it doesn't take a lot of resources to work on these. There are a number of instances when our works crews collect dogs, etc which supplements what the Animal Control Officer does.

COUNCIL DECISION:

11/19.13.2.273 Moved: Clr L Whittaker / Seconded: Clr J McGiveron

That the report be received by Council.

CARRIED UNANIMOUSLY

11/19.13.3 St Marys Recreation Ground Lighting

FILE REFERENCE	004\008\031\
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OFFICER'S RECOMMENDATION:

That Council consult with the St Marys Community to ascertain specific night-time usage requirement at the recreational ground, prior to giving consideration to commit \$35,000 to lighting infrastructure renewal.

INTRODUCTION:

The St Marys Recreation Ground lights were removed earlier this year due to the pole infrastructure being condemned as a result of extended deterioration and electrical components no longer complying with current standard.

The purpose of this report is:

- i) To provide a cost estimate to replace condemned infrastructure.
- ii) For Councillors to give consideration to the level of night time usage (requiring lighting) by the community against the cost of replacing lighting infrastructure before making a decision to replace the lighting infrastructure.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that the cost to replace the lighting is in order of \$35,000 without knowing the use of the ground of a night time we recommend consultation with the community to ascertain the use of the area.
- Clr Osborne asked, is the ground being used again. The Manager Infrastructure and Development Services stated that we believe the grub issue is fixed and the ground is able to be used again.
- Clr McGiveron stated that he is in support of the recommendation and after speaking to a member of the Sport Centre who said the crews have done a fantastic job up there. His comment was that if money was available, a watering system would be more useful than lighting at this stage.
- Clr Drummond stated that she really thinks we need to work with the community and find out what use is happening, we should not leave the community out of the process.

COUNCIL DECISION:

11/19.13.3.274

Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council consult with the St Marys Community to ascertain specific night-time usage requirement at the recreational ground, prior to giving consideration to commit \$35,000 to lighting infrastructure renewal.

CARRIED UNANIMOUSLY

11/19.14.0 COMMUNITY DEVELOPMENT

11/19.14.1 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 there is an increase in events and activities occurring in the whole Municipality.
- Clr Whittaker asked in relation to Georges Bay Foreshore – can Council see this report. The Manager Community Services advised that out of that report we had a community consultation session which has been narrowed down to three (3) items. One is a marine strategy; one is a parking strategy and the other is like a township plan for St Helens and these will be brought back to a workshop.
- Clr McGuinness asked, has Council been asked to be involved in a concert on 5 January with the Wolfe Brothers at the RSL. Clr McGuinness stated that this is something he believes Council should be involved in. The Manager Community Services advised that we are working with the organisers of this event.
- Clr LeFevre asked, where are we at with the snack food at Binalong Bay. The Manager Community Services advised that this will be advertised this next week but it is outside Council and they will have to apply to Parks & Wildlife Services.
- Clr Chapple stated that she was involved in the Rogaining Championships and she advised that she received very positive feedback with regard to Council.

COUNCIL DECISION:

11/19.14.1.275 Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

11/19.14.2 Reconciliation Action Plan

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

1. That Council engage with the Aboriginal community with regard to the development of a Reconciliation Action Plan.
2. That Council provide the sum of \$2,500 towards the Mannalargenna event which is being held in December, 2019.

INTRODUCTION:

Reconciliation Tasmania seeks to assist the many Tasmanians seeking truth and reconciliation in order to make our State more welcoming and informed for all.

DISCUSSION:

- Clr Drummond asked, if Council engage with the Aboriginal Community how do we stand with lodging that with Reconciliation Australia. The Manager Community Services advised that she has spoken to Reconciliation Tasmania and they said if we wanted to go down this process they would support this.
- Clr LeFevre stated that he supported both recommendations and that he thinks it is absolutely crucial that we consult with the local Aboriginal Community.

COUNCIL DECISION:

11/19.14.2.276 Moved: Clr G McGuinness / Seconded: Clr M Osborne

1. That Council engage with the Aboriginal community with regard to the development of a Reconciliation Action Plan.
2. That Council provide the sum of \$2,500 towards the Mannalargenna event which is being held in December, 2019.

CARRIED UNANIMOUSLY

11/19.14.3 Disability Action Plan

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

1. That Council in principle adopt the draft Disability Action Plan; and
2. That Council seek community feedback in relation to the draft Disability Action Plan.

INTRODUCTION:

The Disability Access Committee have undertaken a revision of the Disability Action Plan that was adopted by Council in July, 2014.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

11/19.14.3.277 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

1. That Council in principle adopt the draft Disability Action Plan; and
2. That Council seek community feedback in relation to the draft Disability Action Plan.

CARRIED UNANIMOUSLY

11/19.15.0 DEVELOPMENT SERVICES

11/19.15.1 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 Building Services Coordinator advised that all of the Flagstaff Trail Head buildings are now completed so resources will now be redirected to Fingal and other jobs.

COUNCIL DECISION:

11/19.15.1.278 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

11/19.15.2 Planning Approvals Issued

Received.

11/19.15.3 Planning Approvals

Received.

11/19.15.4 Building Services Approvals

Received.

11/19.15.5 Amendment to Northern Tasmania Regional Land Use Strategy (NTRLUS)

FILE REFERENCE	031\011\017\
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OFFICER'S RECOMMENDATION:

That Council note the proposal being considered by the Northern Midlands Council and indicate 'in principle' support for amendment to the Northern Tasmania Regional Land Use Strategy provided the amendment is based on sound strategic planning.

INTRODUCTION:

This paper responds to a request from the Northern Midlands Council to consider amending the NTRLUS to create an additional Urban Growth Area in the Regional Strategy. The Urban Growth Area land adjoining Evandale is proposed to be developed for a Housing and Tourism Sustainable Community.

DISCUSSION:

- Cllr Drummond asked, who have we got representing us at the review. The General Manager advised that normally the Planning Services Coordinator would but at this stage we have provided feedback with regard to our current situation and Rebecca Green is well placed to represent Council at these meetings, she is based in Launceston and understands the issues. The General Manager stated that the review process will take a number of months.
- Cllr Whittaker asked, is it normal procedure for another Council to request our support. The General Manager advised that this is the first time that an amendment to the strategy has been requested and as it has to be endorsed by all Councils this would be expected.

COUNCIL DECISION:

11/19.15.5.279

Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council note the proposal being considered by the Northern Midlands Council and indicate ‘in principle’ support for amendment to the Northern Tasmania Regional Land Use Strategy provided the amendment is based on sound strategic planning.

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

11/19.16.0 GOVERNANCE

11/19.16.1 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 advised that he has had a meeting with representatives from Tas Ambulance and Rotorlift regarding a helipad at the new St Helens Hospital site. The General Manager provided some background as to why the request has come forward – aero medial retrievals are evolving with the approach and the underlying strategy that they are focussed on is in some cases early intervention is essential so how that evolves is that helicopters will be used in those situations to get people in as quickly as possible, it is not replacing RFDS it is supplementing this. We have started some discussions as to how this might fit in the operation of that site. A helipad was included in the original master plan for the hospital site and was later removed. The investigations have to be done in the context of the overall site and how it fits together. We will probably have a temporary site in the short term which will be near the community garden, however we need to do a master plan to identify an appropriate site long term having regard to the whole site usage. Clr Wright asked, is this going to be tied into something with the mountain bikes. The General Manager stated that it is totally separate to the MTBs. Clr Wright asked, is it going to be near the front or rear. The General Manager advised that the temporary site will be near the road but we don’t know what the final master plan will look like at this stage. Clr Wright stated that there have been previous issues with noise, vibrations, etc for neighbouring property owners. Clr

Drummond asked, will this be extended to the Valley. The General Manager stated that it has been raised in the first meeting with regard to the Valley but not in the last meeting as they were looking specifically at the St Helens site.

- Clr Whittaker asked, how are we going with the Georges Bay foreshore track. The General Manager advised that the meetings that we had last week were very productive so we have provided relevant Government agencies with the documentation and we have finalised the engineering design so we are now seeking consent from Crown Land Services Then we will proceed to a Development Application and tender process. Clr Whittaker asked, what sort of timeframe are we looking at. The General Manager stated that everything is basically ready to go it is just waiting on Crown Land Services, we are keen to start construction as soon as we can.
- Clr Drummond asked in relation to the Drought Community Programme, why are we bringing forward capital works projects that we have already been funded, why aren't we looking at new projects. The General Manager advised that there are a couple of reasons for this and they are, that in some cases new projects could be a number of years away, the issue is the timeframes to develop new projects, with the time pressures we needed to get things up and running as quick as possible. This also frees up funds in the future to undertake other projects in those areas.
- Clr LeFevre asked whether there is an update on the old hospital. The General Manager advised that a briefing is scheduled with Communities Tas in the next couple of weeks.
- Clr Chapple asked, are the State Government confirming that we will have a 2nd paramedic in the area. The General Manager stated that he believes there was a recent announcement with regard to this.
- The General Manager advised that we had the fifth and final business information session last week for the MTB Trails with about 60 people attending and the big focus this week is getting signage in place.
- The General Manager asked for discussion for potential projects for the next lot of \$1M from the Drought Community Programme that is available to be spent by 31 December 2020. We need to identify more projects. Clr Wright asked whether we can relook at the St Marys Community Space project. The General Manager stated, certainly this is one potential project, the Old Tasmania Hotel is another as the original \$500,000 won't finish that project, the cemeteries plans. We could also look at what can be done in Cornwall and Mathinna. The General Manager also advised that there is other funding that may be able to be accessed as well. We are looking at the Local Township Plans and the priorities raised by the communities for projects to be undertaken. Mayor Tucker stated that we should be extremely grateful and thank the Federal Government for the money we are receiving through this process to assist the communities affected. Clr LeFevre asked, is this 2nd round restricted to the Valley as there are other farmers suffering that are not in the Valley. The General Manager advised that it in the BOD area last time we focused on the Valley as that is the main rural area. It is a difficult one as we do have other farming communities. It is about the communities not just the farmers. The General Manager advised that this item will be presented to the December meeting, we will also look at options around the road programs as well.

COUNCIL DECISION:

11/19.16.1.280 Moved: Clr K Chapple / Seconded: Clr M Osborne

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

11/19.16.2 **Northern Tasmania Development Corporation Ltd (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:

No discussion took place on this item.

COUNCIL DECISION:

11/19.16.2.281 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

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

CARRIED UNANIMOUSLY

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

That the following dates and times be approved for Council Meetings and Workshops to be held in 2020:

Council Meetings Commencing at 10.00am	Council Workshops Commencing at 10.00am
Monday 20 January	
Monday 17 February	Monday 3 February
Monday 16 March	Monday 2 March
Monday 20 April	Monday 6 April
Monday 18 May	Monday 4 May
Monday 22 June	Monday 1 June
Monday 20 July	Monday 6 July
Monday 17 August	Monday 3 August
Monday 21 September	Monday 7 September
Monday 19 October	Monday 5 October
Monday 16 November	Wednesday 4 November
Monday 21 December	Monday 7 December

INTRODUCTION:

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

DISCUSSION:

- Cllr LeFevre queried the date for the December meeting being the week of Christmas, could this be moved forward a week to allow staff to action outcomes of the meeting. The General Manager stated that on balance we are probably better off leaving it where it is as we may struggle to get workshop items to the meeting.

COUNCIL DECISION:**11/19.16.3.282**Moved: Clr J McGiveron / Seconded: Clr K Chapple

That the following dates and times be approved for Council Meetings and Workshops to be held in 2020:

Council Meetings Commencing at 10.00am	Council Workshops Commencing at 10.00am
Monday 20 January	
Monday 17 February	Monday 3 February
Monday 16 March	Monday 2 March
Monday 20 April	Monday 6 April
Monday 18 May	Monday 4 May
Monday 22 June	Monday 1 June
Monday 20 July	Monday 6 July
Monday 17 August	Monday 3 August
Monday 21 September	Monday 7 September
Monday 19 October	Monday 5 October
Monday 16 November	Wednesday 4 November
Monday 21 December	Monday 7 December

CARRIED UNANIMOUSLY**11/19.16.4****2019 / 2020 Annual Plan – September Quarterly Review**

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

That Council endorse the Review as at the 30 September 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:

No discussion took place on this item.

COUNCIL DECISION:

11/19.16.4.283

Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council endorse the Review as at the 30 September 2019 of the Break O’Day Council Annual Plan 2019/2020.

CARRIED UNANIMOUSLY

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

Moved: Clr J Drummond / Seconded: Clr L Whittaker move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

11/19.17.0 **CLOSED COUNCIL**

11/19.17.1 **Confirmation of Closed Council Minutes – Council Meeting 21 October 2019**

11/19.17.2 **Outstanding Actions List for Closed Council**

11/19.17.3 **Tender – Contract 030\001\117\ Bulk Waste Transport Service - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

11/19.17.3.CC Moved: Clr M Osborne / Seconded: Clr G McGuinness

That Council award Contract 030\001\117\ “Bulk Waste Transfer Service” to MDG Contracting.

CARRIED UNANIMOUSLY

11/19.17.4 **EMERGENCY MOTION - Oberon Place, Scamander - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

11/19.17.4.CC Moved: Clr J Drummond / Seconded: Clr J McGiveron

That given the strong views expressed by residents in the community of Scamander, Council regretfully advises Centacare that it is clear that the community does not support the construction of affordable housing in Oberon Place, Scamander.

That Council express its appreciation for the initiative, work and support received from Centacare and apologise for the unfortunate situation which developed.

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.48pm.

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MAYOR

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DATE