



COUNCIL MEETING MINUTES

Monday 18 October 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 October 2021

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

10/21.1.0 ATTENDANCE

10/21.1.1 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 Kylie Wright

10/21.1.2 Apologies

Councillor Lesa Whittaker

10/21.1.3 Leave of Absence

Nil

10/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 14.2*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.2*)
Manager Community Services, Chris Hughes (*Item 1.0 – 16.1*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.3*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 12.2 / 15.1 – 17.1*)
Senior Town Planner, Deb Szekely (*Item 5.0 – 7.0*)
Trails Project Manager, Ben Pettman (*Item 17.1 – 18.2*)
Community Services Officer, Jenna Bailey (*Item 15.2 – 16.1*)

10/21.2.0 PUBLIC QUESTION TIME

Nil (0) people in the gallery.

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

10/21.2.1 Request for Reduced Speed Limit – Tasman Highway, St Helens - Mr S Angrove, St Helens

Would Council be willing to petition State Growth or the necessary parties to reduce the speed limit on the Tasman Highway, from Reservoir Road into St Helens, from the Scottsdale direction, from 80kms to 60kms due to grave safety concerns.

Reply

Clr K Chapple tabled the following Notice of Motion in November 2020 “*That Council approach the Department of State Growth to investigate the possibility of reducing the speed limit on the Tasman Highway heading northwest towards Scottsdale from 80km per hour to 60 km per hour*”.

11/20.8.1 Notice of Motion - Tasman Highway Speed Limit Reduction – Clr K Chapple

SUBMISSION IN SUPPORT OF MOTION:

With the purchase of 1-11 Warrens Way, St Helens by Calows Coaches and the conversion of this site to a Bus Depot and proposed Tas Petroleum fuel depot there will be an increased amount of heavy traffic using the Warrens Way and Tasman Highway intersection, who have confirmed that this is the preferred access to this site. This intersection has very poor line of sight for oncoming traffic. There have also been a number of close near misses in regards to the movement of heavy traffic in and out of the St Helens Concrete Depot located at 25495 Tasman Highway, St Helens involving cement trucks and vehicles overtaking turning trucks, through no fault of the heavy vehicles in any way. There has also been a visible increase of the amount of mountain bike riders on this section of road in both directions. It would be a good time for the road to have the speed limit reduced from 80km per hour to 60 km per hour up past the Ansons Bay and Beaulieu Street intersections to View Street, which will in turn slow down the traffic coming down the hill and provide better visibility for oncoming traffic for these heavy vehicles.

COUNCIL DECISION:

11/20.8.1.203 Moved: Clr K Chapple / Seconded: Clr J Drummond

That Council approach the Department of State Growth to investigate the possibility of reducing the speed limit on the Tasman Highway heading northwest towards Scottsdale from 80km per hour to 60 km per hour to View Street.

CARRIED UNANIMOUSLY

Councils Manager Infrastructure and Development Service wrote to the Department of State Growth in accordance with the Council's decision.

Speed limit changes in Tasmania are approved by the Commissioner of Transport, who is the legal authority for setting speed limits on all roads in Tasmania. The Commissioner makes a decision after looking at an application and recommendation from the road manager, such as the State Roads Division of the Department of State Growth, or by a local council. The Commissioner will typically base their decision on applicable traffic engineering guidance and national standards.

In July 2021 the Department (road authority for the Tasman Highway) advised the following:

"On review of this request, the section of Tasman Highway from the existing 60 km/h limit west to View Street does not have a high enough access density to align with the criteria for 60 km/h under the Tasmanian Speed Zoning Guidelines.

Taking this into account we would not be able to provide sufficient justification for recommending a change to the existing 80 km/h limit to the Transport Commissioner.

As mentioned there is some merit in looking at a minor adjustment to the existing 60 to extend it a short distance to just north of Warrens Way intersection. We will progress this in due course".

It is unlikely that the department will give further consideration to extending the 60km/hr speed zone to Reservoir Road, given the criteria contained within the guidelines and Australian Standard AS1742, Part 4.

Why the emergency contact numbers are so difficult to get a response from. There was an incident in Binalong Bay early on Monday October 18th, regarding a concrete spill in their street. Upon phoning the Council emergency number 6398 2281; Mrs Breen was directed by a recorded message, to call mobile 0418 322 403. When she called the mobile, she again received a message to call the same mobile number. Mrs Breen had called the concrete company responsible for the issue, but they seemed slow to attend. Mrs Breen was concerned about the damage being done to the road surface, as well as the problem being further created by vehicles driving through the spill, with no alternative.

Reply

In general, Council's after hours contact number is not difficult to get a response from, this has been in operation for many years with very few problems. In this specific instance, Council's contracted customer contact service was undertaking the 8.30am staff change-over resulting in a brief period where the mobile phone number was unable to be answered. There was, however, an opportunity to leave a message and the call could have been returned. The after-hours customer contact had already received one report of the concrete spill. There seemed to be some incorrect expectations of the customer contact service:

- The customer service contact staff receive advice of issues and if appropriate (that is, if they are emergency in nature and are the responsibility of Break O'Day Council), pass on the details to Council's on call staff.
- Council's on call staff determine the priority of the issue and activate an appropriate response.
- Customer service contact staff are not able to provide after-hours direct contact details to callers or connect callers to Council staff.

10/21.3.0

DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Nil.

10/21.4.0 CONFIRMATION OF MINUTES

10/21.4.1 Confirmation of Minutes – Council Meeting 20 September 2021

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 20 September 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/21.4.1.214 Moved: Clr K Chapple / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 20 September 2021 be confirmed.

CARRIED UNANIMOUSLY

10/21.5.0 COUNCIL WORKSHOPS HELD SINCE 20 SEPTEMBER 2021 COUNCIL MEETING

There was a Workshop held on Monday 4 October 2021, there was a presentation from East Coast Tasmania Tourism (ECTT) and the following items were listed for discussion.

- Break O’Day Population Change
- Options for Differential Rating – Air BnB Properties
- Extra to Capital Budget – Projector / Ladder Brackets
- Animal Control Report
- Maintenance and Improvements to Boat Launching Ramps at Stieglitz Beach
- Policy Review – AM16 – Kerb Profile Policy
- Wrinklers Detention Basin
- Reallocation of Funds – Plant and Equipment
- Update on Four Mile Creek Community Hub Project
- East Coast Swans Football Club – Request for Support – Sport & Recreation Grant Application – Scoreboard and Boundary Fence Replacement
- Local Provisions Schedule (LPS) – Communications Plan
- Policy Review – EP02 – Planning Enforcement Policy

10/21.6.0 PLANNING AUTHORITY

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

10/21.6.1 DA240-2021 – Lighting Upgrade – St Helens Football Ground – 117 Tully Street, St Helens

FILE REFERENCE	DA 240-2021
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OFFICER'S RECOMMENDATION:

After due consideration pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for LIGHTING UPGRADE on land situated at 117 TULLY STREET, ST HELENS described in Certificate of Title 154889/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Layout and Pole Details	21163-S1-E01	Engineering Solutions Tasmania	-
Lighting Layout and Schedules	21163-S1-E02	Engineering Solutions Tasmania	-
Planning Compliance Report		Allure Building Design	August 2021

2. Lighting must be designed, baffled and located as necessary to ensure that no direct light is emitted outside the boundaries of the subject land.

ADVICE

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

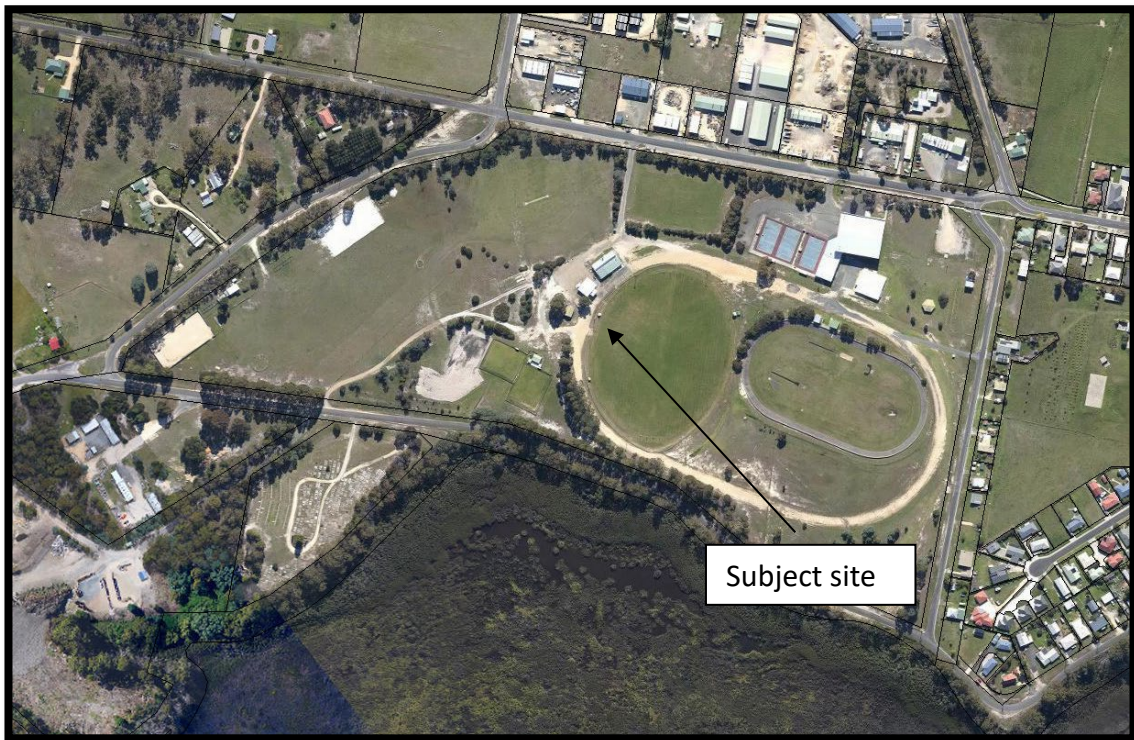
Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the replacement of existing light towers at the St Helens Football Ground at 117 Tully Street, St Helens. The proposal is to replace the existing towers with 4 x 28m high LED lighting towers.



^ Aerial Photograph



^ Subject site



^ Subject site



^ Subject site



^ Subject site

DISCUSSION:

- The Senior Town Planner stated that the site is within the Recreation zone.
- The Senior Town Planner stated that this application relied on two (2) performance criteria and the Scheme assessment was undertaken by the Planning Consultant.
- The Performance Criteria triggered relates to flood lighting and adjoining residential zone – the proposed lighting was designed under the relevant Australian Standard and the second criteria was in relation to height – the acceptable solution is 7m and these will be 28m.
- Cllr LeFevre stated that he fully supports the recommendation, it is great for the area and it meets the AFL standards for the future.
- Cllr McGuinness stated that this is great for the health of our community and it is an integral part of sport.

COUNCIL DECISION:

10/21.6.1.215 Moved: Cllr B LeFevre / Seconded: Cllr G McGuinness

After due consideration pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for LIGHTING UPGRADE on land situated at 117 TULLY STREET, ST HELENS described in Certificate of Title 154889/1 be APPROVED subject to the following conditions:

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ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

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.

10/21.7.0 COUNCIL MEETING ACTIONS

10/21.7.1 Outstanding Matters

The report was received.

10/21.8.0 PETITIONS

Nil.

10/21.9.0 NOTICES OF MOTION

Nil.

Nil.

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

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

Can you please tell me what the future plans for the tennis court/ basketball courts in the public park in the centre of Beaumaris. It appears to be in bad repair, and the surface also appears that it could be unsafe for use due to the unevenness and cracks in the concrete . Will this area get some much needed maintenance? I don't imagine it would be getting much regular use due to the condition. Please advise.

Reply

By inspection the facility is not considered to be unsafe. Annual maintenance will be undertaken during November.

1. Is there a reason why Council chose a drop-in session format over a Public/Open Meeting format?

It has been suggested by several people in the community that the information could be presented to the attendees and then questions taken from the floor. The attendees all then gain from the shared knowledge, of the planners and the other residents present.

Time could be allocated at the end for discussion with individual landowners once the overall framework had been presented and general questions had been responded to.

2. Why are there no weekend sessions for those who are only on the coast on the weekends?
3. The LPS and the Recreational Trails Strategy are two very different topics. Why has Council decided to combine the two (2) subjects into the same session?

REPLY

1. The General Manager advised that the sessions are about sharing information with individual property owners, it is not a public meeting where the matter could/would be debated.
2. The Communications Coordinator stated that we have made sure there is plenty of scope for people to come and access information in the office and surveys can also be accessed online. The General Manager also stated that there is extensive information regarding the LPS available online for people to look at, at their convenience.
3. The General Manager stated that there was discussion around as to why they were being put together – both processes were ready to go to community consultation as well and this provided an opportunity to generate more foot traffic for both matters. Also it was around why do one thing one week and then another the next week.

10/21.11.3 Ansons Bay – Amendment to Sealed Plan – Cllr J Drummond

1. I have been contacted by a concerned person regarding the Amendment to Sealed Plan, they received a letter from Council which in the subject line states “Proposal to amend a sealed plan – North Ansons Road, Ansons Bay – DA 265-2021”. Whilst the notice on the BOD website states: “This is a Sealed Plan Amendment and NOT a Development Application”

The question is, is there an active DA in place or does the amendment to the sealed plan give rise to a DA number being created?

The confusion for the resident is over why a DA number is cited in the correspondence and then stated differently in the post as cited above from the Council website.

2. Further, a restrictive covenant is binding on current and future landowners, while a planning decision is only relevant to a particular development application. A restrictive covenant disallows certain activities on the land regardless of whether it is compliant with the Break O Day Planning Scheme. There appears to be the possibility of the removal of environmental safeguards on the property.

On the Council website it states “The facts are” and after each of the ‘covenant’ conditions that they are “addressed through the planning scheme” with the exception of the final dot point.

The question is, when it states “addressed through the planning scheme” does that equate to the same level of protection or disallowing certain activities, or result in a lesser protection, being reliant on acceptable solutions and performance criteria.

If the protection is not equal to the restrictive covenant it is potentially misleading to say that it is “addressed through the planning scheme”.

REPLY

1. The applicant has submitted an application to “Amend a Sealed Plan” at CT 137662/2 North Ansons Road, Ansons Bay. The process to amend a sealed plan is detailed within section 103 and 104 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. The application is not a development application in accordance with *Land Use Planning and Approvals Act 1993* (LUPAA). Council uses an internal application system that generates an application number that is referred to as DAXXX-XXXX and the same internal application system has been used to generate this task. Council has repeatedly advised that the application is not a development application under LUPAA. Assigning the application to amend a sealed plan an internal number enables Council to keep track of the application, assign the application to the relevant officer and monitor the application through to completion.
2. Currently the property is affected by a schedule of easements that includes:

A burdening right of carriageway.

Response: This was in place prior to the establishment of Acacia Drive to ensure certain properties maintained access to a road. With the establishment of a road system within Ansons Bay, this burdening right of carriageway is no longer required for the benefitting lot to maintain access to a road.

Restrictive covenants that covered such things as

- Not to excavate or remove clay, stone, gravel or sand;

Response: Any proposal to excavate or remove clay, stone, gravel or sand would require a planning application and a planning permit. Depending on the volume of material extracted, it may also be regulated by the Tasmanian State Government. Any proposed excavation would be assigned the use class Extractive Industry. This use is prohibited within the Environmental Living Zone.

- Not to conduct a trade or business;

Response: A trade or business may come under varying Use Class descriptions within the Planning Scheme. The Use Table 14.2 of the Planning Scheme determines the use classes that can be considered under the planning scheme. The Use Standards and Development Standards provide the assessment criteria with respect to a proposed use or development.

- Not to display advertising;

Response: Advertising is generally related to a trade or business and so the above comments are relevant. Additionally the planning scheme includes a Signs Code against which any advertising signs are assessed.

- Not to erect a dwelling of less value than \$3500.00;

Response: The planning scheme provides for the Development Standards appropriate to the Environmental Living Zone.

Clr Osborne left the meeting.

22 & 23.09.2021	Hobart	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) and Strategic Planning Session
27.09.2021	St Helens	– St Helens Neighbourhood House – Annual General Meeting (AGM)
04.10.2021	St Helens	– Council Workshop
07.10.2021	St Helens	– APM St Helens Employment Mini Expo
08.10.2021	Launceston	– Local Government Association of Tasmania (LGAT) – Reform Workshop
11.10.2021	St Helens	– East Coast Tasmania Tourism (ECTT) – Annual General Meeting (AGM)
18.10.2021	St Helens	– Council Meeting

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

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

- Nothing to report.

NRM Special Committee – Clr Janet Drummond

- Meeting on the 29 October.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- Clr McGuinness stated that this is his last report however not much has changed since the CEO gave her report at the workshop.
- Had a report on the review of the CEO performance and although he can't provide the report by and large the CEO has performed quite well.
- Anton Wiesmann from Panorama St Helens has resigned as a Board Member and he will have to be replaced.
- Two (2) new Board Members have been appointed and there will be a third one who will replace Matthew Routley who was the Treasurer.
- ECTT continues to lead the state in improvements in all areas of visitation, particularly social media and website.
- Clr LeFevre stated that he was warmly welcomed into the fold and he thanked Clr McGuinness for his introduction to the group, he is held in high esteem by the other Board Members and Clr LeFevre was impressed by the professionalism of the Board.
- Mayor Tucker also thanked Clr McGuinness for his representation on the Board of ECTT and thanked Clr LeFevre for taking on the role.

Mental Health Action Group – Cllr Barry LeFevre

- Cllr LeFevre stated that he was invited to join the Suicide Trial Site Committee because we want the transfer to the Mental Health Action Group to be as smooth as possible – this may be end of June 2022 but we are not yet certain on this date.
- There is a big focus on what we will do on June 2022 given that the trial site has had a lot of money spent on it and we don't want everything to end.
- In February there will be a strategic planning meeting to see what the focus will be ready for the changeover.

Disability Access Committee – Cllr Janet Drummond

- There are events on the 3 December for International Day of People with Disabilities with events being held in St Marys and in St Helens.

Bay of Fires Master Plan Steering Committee – Cllr Glenn McGuinness

- Nothing to report.

10/21.13.0 BUSINESS AND CORPORATE SERVICES

10/21.13.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

DISCUSSION:

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

COUNCIL DECISION:

10/21.13.1.216 Moved: Cllr G McGuinness / Seconded: Cllr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

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

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

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services stated that he has tried to tweak the Year To Date (YTD) budget to make it look a bit better and has added the comments.
- The Manager Corporate Services stated that the "Salaries and Wages" are currently being reviewed, however it is under budget but a large contribution to that is the pay periods are different from the end of the month but this could be fixed by adjusting the YTD budget.
- Cllr Drummond asked in relation to CJ815, the digital noticeboard and pa system, is this all grant funding? The Manager Corporate Services advised that it is.
- Mayor Tucker asked in relation to the Kirwans Beach and Beauty Bay Jetty YTD actuals – is this just buying materials etc. The Manager Infrastructure and Development Services advised that it is material purchase.

COUNCIL DECISION:**10/21.13.2.217**Moved: Cllr B LeFevre / Seconded: Cllr K Wright

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

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

CARRIED UNANIMOUSLY

10/21.13.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

DISCUSSION:

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

COUNCIL DECISION:

10/21.13.3.218 Moved: Clr K Wright / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

10/21.13.4 Extra to Capital Budget – Projector / Ladder Brackets

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

That Council approve additional capital budget allocations for:

- Projector for the Tin Dragon display in the History Room for \$5,000, and
- Ladder brackets for amenity buildings for \$8,000

INTRODUCTION:

Council adopted the 2021/2022 budget including identified capital works. Two urgent projects have arisen requiring Council approval for budget funding

DISCUSSION:

- The Manager Corporate Services advised that the projector at the History Room came out of the blue and this is quite an important part of the presentation of the history of our area; the brackets for the ladders are a safety item.
- Clr McGiveron stated that we should support this, it is important.

COUNCIL DECISION:

10/21.13.4.219

Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council approve additional capital budget allocations for:

- Projector for the Tin Dragon display in the History Room for \$5,000, and
- Ladder brackets for amenity buildings for \$8,000

CARRIED UNANIMOUSLY

10/21.13.5

Options for Differential Rating – Vacation Rental Properties

FILE REFERENCE	018\023\003\
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OFFICER'S RECOMMENDATION:

That Council move a motion at the Local Government Association of Tasmania (LGAT) General Meeting requesting legislation be amended to empower local government to levy differential rates for properties used for vacation rental.

INTRODUCTION:

Council requested investigation of options for differential rating of Air BnB properties, herein described by the more generic term, vacation rentals.

DISCUSSION:

- Clr Drummond stated that the Government response to the Legislative Council Review to Short Stay Accommodation was supportive.

COUNCIL DECISION:

10/21.13.5.220

Moved: Clr J Drummond / Seconded: Clr K Chapple

That Council move a motion at the Local Government Association of Tasmania (LGAT) General Meeting requesting legislation be amended to empower local government to levy differential rates for properties used for vacation rental.

CARRIED UNANIMOUSLY

10/21.14.0 WORKS AND INFRASTRUCTURE

10/21.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services stated that he has now received consent for the jetty replacement at Beauty Bay.
- Cllr Drummond asked, after a rain event do we do an audit of damage done to roads, etc. The Manager Infrastructure and Development Services stated that we do. Cllr Drummond reported that there is fairly extensive damage on Lower German Town Road.
- Cllr LeFevre stated that when we discussed jetties previously he brought up the timeframe – he would like to see Beauty Bay done before Christmas and then Kirwans be left until after Easter. The Manager Infrastructure and Development Services stated that this is what we requested through the Crown Consent application.

COUNCIL DECISION:

10/21.14.1.221 Moved: Cllr G McGuinness / Seconded: Cllr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

Cllr Osborne returned to the meeting at 10.37am

10/21.14.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/21.14.2.222 Moved: Clr J Drummond / Seconded: Clr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

10/21.14.3 Maintenance and Improvements to Boat Launching Ramps at Stieglitz Beach

FILE REFERENCE	004\007\007\
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OFFICERS RECOMMENDATION:

1. That the Break O'Day Council Marine Strategy include identification and development of an alternative launching facility to the Stieglitz boat ramp.
2. That the Manager Infrastructure and Development Services collaborate with MAST to identify a location which will maintain existing amenity while avoiding sedimentation effects.
3. Signage at the existing ramp be upgraded.

INTRODUCTION:

Natural accumulation of sediments and localised scouring by propeller wash in the vicinity of the Stieglitz boat ramp have been identified as the causes of progressively reduced utility for recreational power boat operations. Attempts to reverse the sedimentation processes will be short-lived, with persistent and elevated levels of cost and risk. The existing facility need not be removed, and a low-maintenance alternative site can be investigated to allow for deeper-draught vessels and extended inter-tidal operations.

DISCUSSION:

- The Manager Infrastructure and Development Services stated that from the workshop discussion three (3) recommendations are presented for consideration.
- Clr LeFevre stated that he thinks the three (3) recommendations are great.
- Clr McGiveron stated that he agrees.

COUNCIL DECISION:**10/21.14.3.223**Moved: Clr B LeFevre / Seconded: Clr J McGlveron

1. That the Break O'Day Council Marine Strategy include identification and development of an alternative launching facility to the Stieglitz boat ramp.
2. That the Manager Infrastructure and Development Services collaborate with MAST to identify a location which will maintain existing amenity while avoiding sedimentation effects.
3. Signage at the existing ramp be upgraded.

CARRIED UNANIMOUSLY**10/21.14.4 Policy Review – AM16 – Kerb Profile Policy**

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

That policy AM16 Kerb Profile be revoked.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**10/21.14.4.224**Moved: Clr M Osborne / Seconded: Clr K Wright

That policy AM16 Kerb Profile be revoked.

CARRIED UNANIMOUSLY

10/21.14.5 Reallocation of Funds – Plant and Equipment

FILE REFERENCE	N/A
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OFFICER'S RECOMMENDATION:

That Council approves a reallocation of capital money as follows:

- \$9,708 (unspent funds) from the capital item CJ015 "1297 Toro Mower" to CJ012 "1290 Toro Mower".
- \$5, 656 from the capital item CJ005 "Small Plant" to CJ012 "1290 Toro Mower".

INTRODUCTION:

Quotes have been sought for the replacement of CJ012 – 1290 Toro Mower. The cost of replacing the mower are higher than anticipated when preparing the 2021/2022 capital budget, due to elevated market prices.

The shortfall equates to \$15,364.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/21.14.5.225 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That Council approves a reallocation of capital money as follows:

- \$9,708 (unspent funds) from the capital item CJ015 "1297 Toro Mower" to CJ012 "1290 Toro Mower".
- \$5, 656 from the capital item CJ005 "Small Plant" to CJ012 "1290 Toro Mower".

CARRIED UNANIMOUSLY

10/21.15.0 COMMUNITY DEVELOPMENT

10/21.15.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services commented in relation to the stories of the bridges at Scamander – the original group are meeting this week to see what can be done.
- The Manager Community Services commented in relation to the Bay of Fires Masterplan – we are waiting on information from Parks & Wildlife Services on the brief and today's meeting has been postponed.
- Cllr Drummond asked with regard to Seniors Day, is it possible to organise something for the more older people, maybe some funds towards Eating with Friends at the two (2) Neighbourhood Houses. The Manager Community Services stated that this year Seniors Day fell within Mental Health week where Council staff were involved with the planning for this. Other years we have had an event in December when the weather is better and we will explore options again for an event.

COUNCIL DECISION:

10/21.15.1.226 Moved: Cllr M Osborne / Seconded: Cllr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	004\008\025\
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OFFICER’S RECOMMENDATION:

1. That Council provides in-principle support as landowner to the East Coast Swans Football club to seek external funding for:
 - Trailer Electronic Scoreboard
 - Re-establishing and upgrading of football oval fencing
2. That Council provides in principle support for a financial commitment of
 - \$5,000 for the Trailer Electronic Scoreboard – application to be made to the Community Grants; and
 - \$15,000 for Re-establishing and upgrading of football oval fencing.

INTRODUCTION:

East Coast Swans Football Club has recently advised Council Management that they wish to apply for money under the Tasmanian Governments Sport and Recreation Major Grants Program “Improving the Playing Field”

If the club is successful in their applications they are required to contribute 15 percent of the total cost of the proposed two projects

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**10/21.15.2.227**Moved: Clr B LeFevre / Seconded: Clr M Osborne

1. That Council provides in-principle support as landowner to the East Coast Swans Football club to seek external funding for:
 - Trailer Electronic Scoreboard
 - Re-establishing and upgrading of football oval fencing
2. That Council provides in principle support for a financial commitment of
 - \$5,000 for the Trailer Electronic Scoreboard – application to be made to the Community Grants; and
 - \$15,000 for Re-establishing and upgrading of football oval fencing.

CARRIED UNANIMOUSLY

10/21.16.0 DEVELOPMENT SERVICES

10/21.16.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/21.16.1.228 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

10/21.16.2 Policy Review – EP02 – Planning Enforcement Policy

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

That Policy EP02 – Planning Enforcement Policy be amended as recommended.

INTRODUCTION:

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

DISCUSSION:

- The Development Services Coordinator stated that the policy review is incorporating No Permit Required processing as the different types of approvals is noted in the policy as well as when Council can seek costs in relation to tribunal cases.

COUNCIL DECISION:

10/21.16.2.229

Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Policy EP02 – Planning Enforcement Policy be amended as recommended.

CARRIED UNANIMOUSLY

10/21.16.3

Scamander Sports Complex – Bowls Green Replacement Project

FILE REFERENCE	004\008\032\
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OFFICER'S RECOMMENDATION:

1. That Council provide in-principle support for the application for Grant Funding for replacement of grass green with Synthetic green at Scamander Sports Complex;
2. That Council agree to a financial contribution of 7.5% of the total project cost.

INTRODUCTION:

Council have received a Project Proposal to obtain Grant Funding for the replacement of existing grass bowling green with a synthetic surface with a 7.5% contribution from Council including "In-Principle support" as owners of the land.

DISCUSSION:

- The Development Services Coordinator stated that the proposal is for a contribution from Council of 7.5% with the other 7.5% from the Scamander Sports Complex Committee.
- Clr LeFevre stated that he thinks this is a really positive move for a synthetic green. Scamander have quite a significant number of younger members and it will give them more opportunities in the future for major tournaments as well as working in partnership with St Helens.
- Clr Drummond asked, what would the replacement timeframe be? The Development Services Coordinator stated that usually they can turn over the top layer, they do say approximately 20 years on each side. Clr LeFevre stated that St Helens has been down approximately 12 years, it has been said that St Helens is one of the best in the state due to the foundation that has been put down.
- Clr McGiveron stated that it is important to support this as Scamander does not have a lot down there.
- Clr McGuinness stated that it is important that we naturally support sport and recreation in the municipality across all age cohorts and it is important for us not to put all of our eggs in the one basket.

COUNCIL DECISION:

10/21.16.3.230

Moved: Cllr J McGiveron / Seconded: Cllr M Osborne

1. That Council provide in-principle support for the application for Grant Funding for replacement of grass green with Synthetic green at Scamander Sports Complex;
2. That Council agree to a financial contribution of 7.5% of the total project cost.

CARRIED UNANIMOUSLY

Adjourned for morning tea at 10.53am

Meeting resumed at 11.00am

10/21.17.0

GOVERNANCE

10/21.17.1

General Manager's Report

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager reported that the Community Wellbeing Festival on the Saturday before last was an amazing event. He stated that he can see how it can grow significantly in the future with a lot of different people in the community taking a lead role. Cllr Drummond stated that there was a man from the mainland that commented that it felt like a very community driven event not a Local Government driven event. The General Manager stated that he also spent some time with the same person, he came from Brisbane and he advised that there are some funding streams out there in this area that we can tap into.
- The General Manager stated that he didn't get to meet with Minister Petrusma's office but will continue to pursue this.
- The General Manager stated in relation to the Old Hospital that it is currently leased to Ochre until April next year for the Respiratory Clinic, after this time they should be in a position to resolve this. Cllr Osborne asked, is anything happening about us taking over the front piece. The General Manager advised that there is and they are still willing to talk to Council about this, every time he meets he continues to raise this. The green space opened up for the community in the centre of town is a very valuable attraction with more shaded areas.

- The General Manager commented in relation to Poss'm'agic – moving forward this is a vital service that we need to do what we can to assist them as their current site is quite small and they are giving consideration as to what else they can do. Clr Drummond stated that it is similar in St Marys, the childcare is over subscribed. Clr LeFevre stated that this ties in perfectly with the future of the school potentially moving to the sports complex site, there could be opportunities for child care at the old school if this were to move in the future.
- The General Manager reported in relation to the Break O'Day Employment Connect (BODEC) project, there are some more challenging aspects with this program with an increased area with extended funding through Jobs Tasmania. Council plays a support role with this.
- The General Manager stated that the Hub4Health building in Portland Court will be transitioning to Council. In the immediate future the building will continue to work as it has done.
- The General Manager stated that the Black Summer Bushfire Recovery program applications have been submitted – four (4) applications were lodged and it will be a few months before we hear anything on this.
- Clr McGiveron asked how did the meeting go with the Department of State Growth over road conditions. The General Manager stated that we are not alone in this situation, the state network is having significant issues. It is very old and is really starting to become quite evident with the lack of maintenance and the weather. In relation to St Marys Pass – works are happening and he mentioned drainage and this will be looked at and it has been noted. Clr McGiveron stated that the St Marys Pass has gone past being inconvenient, it is now dangerous with people crossing the lines to avoid pot holes, etc.
- Clr Wright asked whether there was any conversation regarding seeking an alternate route to St Marys Pass. The General Manager stated that this was discussed and she had the previous report which was prepared regarding S Road, etc. The General Manager stated that there was a notice of motion passed a while ago and once Council Officers go through further information we will be talking further to the Department of State Growth.
- Clr McGuinness stated that the government are continually announcing more projects without the appropriate infrastructure in place.
- Clr Osborne stated that in our Municipality they need to remember that footpaths etc need to be wider, there are now more bikes, more mobile wheelchairs, more people walking – they need to look at more than just one view. Clr Drummond stated that we should encourage more members of the community to take part in the UTas study, it is an important study and people of all levels of mobility need to contribute.

COUNCIL DECISION:

10/21.17.1.231

Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the General Manager's report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	004\003\002\
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OFFICER'S RECOMMENDATION:

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 3.30pm on Thursday 23 December 2021 and reopen on Tuesday 4 January 2022.

INTRODUCTION:

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

DISCUSSION:

- Clr Osborne stated that she thinks that whenever Christmas Eve falls we should have that off.

COUNCIL DECISION:**10/21.17.2.232**Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 3.30pm on Thursday 23 December 2021 and reopen on Tuesday 4 January 2022.

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 2022:

Council Meetings Commencing at 10.00am	Council Workshops Commencing at 10.00am
Monday 17 January	
Monday 21 February	Monday 7 February
Monday 21 March	Monday 7 March
Wednesday 20 April or Monday 25 April	Monday 4 April
Monday 16 May	Monday 2 May
Monday 27 June	Monday 6 June
Monday 18 July	Monday 4 July
Monday 15 August	Monday 1 August
Monday 19 September	Monday 5 September
Monday 17 October	Monday 3 October
Monday 21 November	Wednesday 9 November
Monday 19 December	Monday 5 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:

No discussion took place on this item.

COUNCIL DECISION:**10/21.17.3.233**Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the following dates and times be approved for Council Meetings and Workshops to be held in 2022:

Council Meetings Commencing at 10.00am	Council Workshops Commencing at 10.00am
Monday 17 January	
Monday 21 February	Monday 7 February
Monday 21 March	Monday 7 March
Wednesday 20 April	Monday 4 April
Monday 16 May	Monday 2 May
Monday 27 June	Monday 6 June
Monday 18 July	Monday 4 July
Monday 15 August	Monday 1 August
Monday 19 September	Monday 5 September
Monday 17 October	Monday 3 October
Monday 21 November	Wednesday 9 November
Monday 19 December	Monday 5 December

CARRIED UNANIMOUSLY

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

Moved: Clr K Chapple / Seconded: Clr J McGiveron**CARRIED UNANIMOUSLY**

IN CONFIDENCE

10/21.18.0 CLOSED COUNCIL

10/21.18.1 Confirmation of Closed Council Minutes – Council Meeting 20 September 2021

10/21.18.2 Outstanding Actions List for Closed Council

10/21.18.3 Tender – Contract 030\001\135\ - Bay of Fires MTB Trail EPIC Status - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

10/21.18.2.CC Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council award Contract 030\001\135\ Bay of Fires MTB EPIC Status to World Trail Pty Ltd.

CARRIED UNANIMOUSLY

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

Moved: Clr J McGiveron / Seconded: Clr K Wright

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.21am.

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MAYOR

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DATE