



COUNCIL MEETING MINUTES

Monday 19 July 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
19 July 2021

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

07/21.1.0 ATTENDANCE

07/21.1.1 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

07/21.1.2 Apologies

Councillor Lesa Whittaker

07/21.1.3 Leave of Absence

Nil

07/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 14.6*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.4*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 12.2 / 13.3 – 17.3*)
Senior Town Planner, Deb Szekely (*Item 6.1 – 7.1*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.1*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.3*)
Community Services Administration Officer, Jenna Bailey (*Item 1.0 – 3.0*)

07/21.2.0 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.

07/21.2.1 Commonwealth Bank of Australia (CBA) – Vacating Premises in St Marys – Mr N Capill, St Marys

The ‘Commonwealth Bank of Australia’ will soon vacate its premises in St Marys, ‘Bendigo Bank’ will not be replacing that entity; ‘Break O’Day Council’ has millions of dollars in short term deposits with these banks.

I want you to show solidarity with the ratepayers of the ‘Fingal Valley’ and show some spine; withdraw those ratepayer funds and cancel any association with those banks. You could use some of this excess of cash in renting a cash dispensing machine and install it in St Marys. I know ‘The Post Office’ will to a large extent be able to carry out some of the bank’s services, at a charge; but not any at all on the weekend.

I realise you may find disassociating yourselves personally from any large business difficult, however you are supposed to represent us, the ratepayers, the voters, not these banks.

Reply

Although these may appear to be surplus funds, and they have been, these funds are in excess for a limited time due to funding received for capital projects prior to those projects being completed. If you have the opportunity to review Council's Long Term Financial Plan (available on our website), you will see that those funds diminish in the next two years. There is a minimum level of funds required to meet Council's provisions and reserves. In general, Council does not plan to raise or retain large reserves but utilises funds to maintain or improve community infrastructure to be available for community use.

Council operated its bank account, including investments, through the St Marys branch of CBA with the intent of assisting the retention of the branch – clearly this was not recognised by the bank as a justification for retaining the branch. Council also has a protocol of investing funds with financial institutions that have a physical presence in our municipality also with the intent of justifying the retention of that physical presence.

07/21.3.0 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.

07/21.4.0 CONFIRMATION OF MINUTES

07/21.4.1 Confirmation of Minutes – Council Meeting 28 June 2021

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 28 June 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.4.1.150 Moved: Clr M Osborne / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 28 June 2021 be confirmed.

CARRIED UNANIMOUSLY

07/21.5.0 COUNCIL WORKSHOPS HELD SINCE 28 June 2021 COUNCIL MEETING

There was a Workshop held on Monday 5 July 2021 – the following items were listed for discussion as well as a presentation provided by Break O’Day Employment Connect (BODEC) and Northern Tasmania Development Corporation (NTDC).

- Review of Council Delegations
- Animal Control Report
- Policy Review – EP04 – Waste Management Policy
- Policy Review – AM03 – Street Lighting Policy
- Policy Review – AM08 – Subdivision New Works and Infrastructure Construction Policy
- Policy Review – AM14 – Mowing Policy
- Pending Development Application Updates
- Update on Land Use Planning Studies Review – Consultancy
- Local Provisions Schedule Update

07/21.6.0 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.

07/21.6.1 DA096-2021 – Two (2) Lot Subdivision - 54-56 Main Road, Binalong Bay

FILE REFERENCE	DA 096-2021
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OFFICER’S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Council Interim Planning Scheme 2013* that the application for **2 Lot Subdivision** on land situated at **54-56 Main Road, Binalong Bay** described in Certificate of Title CT 82985/1 be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Subdivision Plan by East Coast Surveying, Job No.: 190911, Dated: 01/10/19, Version: 1.0; and
 - b) Planning Supporting Report, Woolcott Surveys/East Coast Surveying, Dated: 06 May 2021, Version: 3.0.
2. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
3. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
4. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with.

PROPOSAL SUMMARY:

Application is made for the development of a two-lot subdivision at 54-56 Main Road, Binalong Bay. The subject land is a 2669m² lot accommodating two dwellings and outbuildings.







DISCUSSION:

- The Planning Consultant advised that this application relied on three (3) performance criteria in relation to lot size, the property not being connected to reticulated water and sewer and flood prone area code.
- The Planning Consultant advised that two (2) representations were received. The concerns raised in representations varied but generally they were in regards to the provisions that we have to assess the proposal against eg lot size, site access and safety concerns, amenity concerns as well as generally with regard to the wording of the performance criteria. We can only address the proposal on its own merits and this has been assessed that it complies with performance criteria.
- Clr McGiveron stated that he is comfortable with the application.
- Clr McGuinness stated with regard to the block sizes aspect, there would hardly be a single block along that foreshore area that is over 2000m² for a start and there are some blocks not far from this area that are only 300m² or thereabouts. This is formalising what is there, there are two (2) accesses, it is a 40km zone so traffic concerns should not impinge on application.

COUNCIL DECISION:

06/21.6.1.151 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

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 **2 Lot Subdivision** on land situated at **54-56 Main Road, Binalong Bay** described in Certificate of Title CT 82985/1 be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Subdivision Plan by East Coast Surveying, Job No.: 190911, Dated: 01/10/19, Version: 1.0; and
 - b) Planning Supporting Report, Woolcott Surveys/East Coast Surveying, Dated: 06 May 2021, Version: 3.0.
2. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
3. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
4. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with.

CARRIED UNANIMOUSLY

07/21.6.2 **DA151-2021 – Four (4) x Dwellings – Lot 2 Mill Court (Currently 83 Cecilia Street), St Helens**

FILE REFERENCE	DA 151-2021
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **4 x Dwellings** on land situated at **Lot 2 Mill Court (currently 83 Cecilia Street), St Helens** described in Certificate of Title CT 180644/2 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Floor Plans, Elevations, External Services, Landscape Plan, Parking & Turning Plan, Shadow Diagrams	Job No: MLLC02 Sheet No's: 1/14-14/14	Design to Live	02/06/2021 Revision: 1

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/00960-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. Provided with space for access, turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. Constructed with an impervious surface and drained in a manner that will not cause nuisance to occupants of adjoining properties.
4. Onsite car parking spaces must be clearly marked and used solely for the designated purposes as indicated on the approved plans e.g. Visitor Parking.
5. Landscaping must be undertaken in accordance with the landscape plan approved as part of the permit prior to any application for a strata development.
6. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via existing point of discharge for the subject land that will not result in soil erosion or other stormwater nuisance.
7. Power supply to all units must be provided underground.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
9. Any damage that may occur to any Council infrastructure during the construction of the multiple dwellings must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

1. *All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.*

2. *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the use and construction of Four (4) x multiple dwellings at land identified at 83 Cecilia Street, St Helens (Lot 2 Mill Court).



^ Aerial Photograph



DISCUSSION:

- The Planning Consultant advised that one (1) representation was received from the immediate adjacent property owner. The concerns raised do not relate to any of the performance criteria however these have been addressed.
- The Planning Consultant stated that it does meet density requirements and is allowed in the residential zone.

- The Planning Consultant advised that it is recommended for approval with conditions but made particular note of condition 7.
- Clr LeFevre stated that the conditions were really extensive and the location is good and close to the CBD.
- Clr McGiveron stated that he agrees with Clr LeFevre.

COUNCIL DECISION:

06/21.6.2.152 Moved: Clr B LeFevre/ Seconded: Clr J McGiveron

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **4 x Dwellings** on land situated at **Lot 2 Mill Court (currently 83 Cecilia Street), St Helens** described in Certificate of Title CT 180644/2 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan, Floor Plans, Elevations, External Services, Landscape Plan, Parking & Turning Plan, Shadow Diagrams	Job No: MLLC02 Sheet No's: 1/14-14/14	Design to Live	02/06/2021 Revision: 1

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/00960-BODC** as attached to this permit.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. Provided with space for access, turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. Constructed with an impervious surface and drained in a manner that will not cause nuisance to occupants of adjoining properties.
4. Onsite car parking spaces must be clearly marked and used solely for the designated purposes as indicated on the approved plans e.g. Visitor Parking.
5. Landscaping must be undertaken in accordance with the landscape plan approved as part of the permit prior to any application for a strata development.
6. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via existing point of discharge for the subject land that will not result in soil erosion or other stormwater nuisance.

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

ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

07/21.6.3 DA186-2020 – Three (3) Additional Visitor Accommodation Units – 24798 Tasman Highway, St Helens

FILE REFERENCE	DA 186-2020
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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 **3 x Additional Visitor Accommodation Units (incl. minor access works)** on land situated at **24798 Tasman Highway, St Helens & Tasman Highway, St Helens** described in Certificate of Title CT 175695/2 (with access over 24752 Tasman Highway and Crown Land) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Plans prepared by Saxon Hall design + art, Project Name.: Zanetto VA's:
 - Location Plan, Dwg No: DA 1.100, Revision A, Dated: 27 October 2020;
 - VA01 Site Plan, Dwg No: DA 1.101, Revision B, Dated: 16 November 2020;
 - VA02 Site Plan, Dwg No: DA 1.102, Dated: 6 August 2020;
 - VA03 Site Plan, Dwg No: DA 1.103, Dated: 6 August 2020;
 - Ground Floor Plan VA01, Dwg No: DA 1.104, Dated: 6 August 2020;

- Ground Floor Plan VA02, Dwg No: DA 1.105, Dated: 6 August 2020;
 - First Floor Plan VA02, Dwg No: DA 1.106, Dated: 6 August 2020;
 - Ground Floor Plan VA03, Dwg No: DA 1.107, Dated: 6 August 2020;
 - VA01 Elevation 01 & 02, Dwg No: DA 1.200, Dated: 6 August 2020;
 - VA01 Elevation 03 & 04, Dwg No: DA 1.201, Dated: 6 August 2020;
 - VA02 Elevation 05 & 06, Dwg No: DA 1.202, Dated: 6 August 2020;
 - VA02 Elevation 07 & 08, Dwg No: DA 1.203, Dated: 6 August 2020;
 - VA03 Elevation 09 & 10, Dwg No: DA 1.204, Dated: 6 August 2020 and
 - VA03 Elevation 11 & 12, Dwg No: DA 1.205, Dated: 6 August 2020.
- b) Submission, Chris Triebe & Associates Town Planning Services Limited, Dated: 7 November 2020.
- c) Traffic Impact Assessment, Traffic & Civil Services, Dated: 5 October 2020.
- d) Natural Values Assessment, ECOtas, Dated: 2 February 2020.
- e) Geo-Environmental Assessment, Geo-Environmental Solutions, Dated: Updated April 2020.
2. Prior to commencement of works, a detailed landscape development plan, including the provision of rehabilitation and revegetation within 40m of a watercourse, shall be prepared and submitted for the approval of Council. The plan shall identify:
- (i). plant species;
 - (ii) 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, and will include any recommendations by the bushfire practitioner to ensure that the plan will not compromise the recommendations of the bushfire hazard management plan.
- Proposed landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any application for a strata development. Any revegetation within 40m of a watercourse must be established prior to the use commencing on site.*
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.
5. The existing access shall be sealed from edge of road seal to the property boundary as outlined by the recommendations in the applicants Traffic Impact Assessment dated 5th October 2020, see note below.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority. *Note: A representative of GES and either Council's Plumbing Surveyor or Environmental Health Officer inspect each installation prior to covering with soil. Photographic evidence satisfies the inspection requirement."*
7. No native vegetation removal/modification is permitted, except in accordance with the approved plans, bushfire hazard management plans and approved Landscape Development Plan.
8. All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan (forming part of the Planning Submission by Chris Triebe & Associates Town Planning Services Limited)*. 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.
9. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
10. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
11. 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.

ADVICE

- *Access from the visitor accommodation units into the St Helens Conservation Area (SHCA) should only be established after consultation with PWS and may require an access licence.*
- *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.*
- *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.*
- *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
- *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

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 use and construction of three additional visitor accommodation units (including minor access works) at 24798 Tasman Highway, St Helens and Tasman Highway, St Helens. Visitor Accommodation use of the proposed units in the Environmental Living Zone of St Helens is a permitted. Access to the subject site is via a 10 metre wide right of way over 24752 Tasman Highway, St Helens and a Crown Land Reserve Road.

The original application was advertised between 21 November 2020 until 4 December 2020. During the exhibition period Tasmania Parks and Wildlife Service contacted Council to advise that a small section of reserve road is also utilised to access part of the subject land and therefore consent must be provided under Section 52 (1b) of the *Land Use Planning and Approvals Act 1993*. The proponent sought this consent, and the valid application was received 24 May 2021. The re-advertised application (due to needing Crown consent and advertisement to include this section of reserve road in the application) was valid under Version 17 of the *Break O'Day Interim Planning Scheme 2013*, which came into effect 22 February 2021.



Access to Tasman Highway



Existing access tracks to be utilised and upgraded



Site Location VA01



Site Location VA02





Site Location VA03





DISCUSSION:

- The Planning Consultant stated that there are some minor access issues that need to be undertaken.
- The Planning Consultant stated that there is access is over a right of way to an adjacent property that no one was aware of at the time.
- The Planning Consultant stated that the applicant had to seek Crown Land consent.
- The Planning Consultant stated that there is some native vegetation modification and this meets the exemption in the Planning Scheme.
- The Planning Consultant stated that the application was assessed on 21 performance criteria. Planning Directive 6 – permitted land use for visitor accommodation. There are a number of other provisions eg building design, access – this was addressed in the Traffic Impact Assessment (TIA), car parking will be gravel, water quality code and wastewater code.
- The Planning Consultant advised that four (4) representations were received. There were a lot of concerns raised which were very similar to what was raised when the original application for two (2) units were constructed. The representors were concerned that it is subdivision by stealth, it is Strata. There were concerns with regard to traffic movements, environmental, water quality, native vegetation removal and a representation from Parks & Wildlife Services with regard to the site being adjacent to St Helens Conservation Area.
- The Planning Consultant stated that it is quite a detailed application with supporting documentation from suitably qualified persons.
- Cllr LeFevre stated that he supports the Officers Recommendations, it is a very thorough proposal and given the conditions he is happy to support.
- Cllr Chapple asked, what is our monitoring process in regards to visitor accommodation on strata title – is there a process. The Planning Consultant advised that there are compliance processes in accordance with the Land Use Planning and Approvals Act.
- Mayor Tucker reminded Council that we are dealing with what is in front of us.
- Cllr Drummond stated that she has similar concerns as Cllr Chapple, it is environmental living zone low density. She is concerned that we are putting in more visitor accommodation that does not seem compatible with what is there. The Planning Consultant advised that it is a permitted use in this zone.

COUNCIL DECISION:

06/21.6.3.153

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 **3 x Additional Visitor Accommodation Units (incl. minor access works)** on land situated at **24798 Tasman Highway, St Helens & Tasman Highway, St Helens** described in Certificate of Title CT 175695/2 (with access over 24752 Tasman Highway and Crown Land) be **APPROVED** subject to the following conditions:

1. Use and development must be substantially in accordance with the following endorsed plans and documents unless modified by a condition of this permit:
 - a) Plans prepared by Saxon Hall design + art, Project Name.: Zanetto VA's:
 - Location Plan, Dwg No: DA 1.100, Revision A, Dated: 27 October 2020;
 - VA01 Site Plan, Dwg No: DA 1.101, Revision B, Dated: 16 November 2020;
 - VA02 Site Plan, Dwg No: DA 1.102, Dated: 6 August 2020;
 - VA03 Site Plan, Dwg No: DA 1.103, Dated: 6 August 2020;
 - Ground Floor Plan VA01, Dwg No: DA 1.104, Dated: 6 August 2020;
 - Ground Floor Plan VA02, Dwg No: DA 1.105, Dated: 6 August 2020;
 - First Floor Plan VA02, Dwg No: DA 1.106, Dated: 6 August 2020
 - Ground Floor Plan VA03, Dwg No: DA 1.107, Dated: 6 August 2020;
 - VA01 Elevation 01 & 02, Dwg No: DA 1.200, Dated: 6 August 2020;
 - VA01 Elevation 03 & 04, Dwg No: DA 1.201, Dated: 6 August 2020;
 - VA02 Elevation 05 & 06, Dwg No: DA 1.202, Dated: 6 August 2020;
 - VA02 Elevation 07 & 08, Dwg No: DA 1.203, Dated: 6 August 2020;
 - VA03 Elevation 09 & 10, Dwg No: DA 1.204, Dated: 6 August 2020 and
 - VA03 Elevation 11 & 12, Dwg No: DA 1.205, Dated: 6 August 2020.
 - b) Submission, Chris Triebe & Associates Town Planning Services Limited, Dated: 7 November 2020.
 - c) Traffic Impact Assessment, Traffic & Civil Services, Dated: 5 October 2020.
 - d) Natural Values Assessment, ECOtas, Dated: 2 February 2020.
 - e) Geo-Environmental Assessment, Geo-Environmental Solutions, Dated: Updated April 2020.
2. Prior to commencement of works, a detailed landscape development plan, including the provision of rehabilitation and revegetation within 40m of a watercourse, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i). plant species;
 - (ii) 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, and will include any recommendations by the bushfire practitioner to ensure that the plan will not compromise the recommendations of the bushfire hazard management plan.

Proposed landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any application for a strata development. Any revegetation within 40m of a watercourse must be established prior to the use commencing on site.

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.
5. The existing access shall be sealed from edge of road seal to the property boundary as outlined by the recommendations in the applicants Traffic Impact Assessment dated 5th October 2020, see note below.

NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*. *Note: A representative of GES and either Council's Plumbing Surveyor or Environmental Health Officer inspect each installation prior to covering with soil. Photographic evidence satisfies the inspection requirement."*
7. No native vegetation removal/modification is permitted, except in accordance with the approved plans, bushfire hazard management plans and approved Landscape Development Plan.

8. All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan (forming part of the Planning Submission by Chris Triebe & Associates Town Planning Services Limited)*. 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.
9. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
10. Prior to any works commencing, a Weed and Disease Management Plan must be submitted for approval by Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Details of how standard *Phytophthora* hygiene measures are to be implemented on an ongoing basis.
 - b. Be in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, Tas).
11. 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.

ADVICE

- *Access from the visitor accommodation units into the St Helens Conservation Area (SHCA) should only be established after consultation with PWS and may require an access licence.*
- *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.*
- *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.*

- *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
- *Activities associated with construction works are not to be performed outside the permissible time frames listed:*

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 J Drummond, Clr K Wright, Clr K Chapple
CARRIED

07/21.6.4 DA138-2021 – Multiple Dwellings (2) - 96 Scamander Avenue, Scamander

FILE REFERENCE	DA 138-2021
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OFFICER'S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for MULTIPLE DWELLINGS (2) on land situated at 96 SCAMANDER AVENUE, SCAMANDER described in Certificate of Title 145272/1 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			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	1/10	Gillian van der Schans	10/06/2021
Site Plan / Roof Plan	2/10	Gillian van der Schans	10/06/2021
Ground Floor	3/10	Gillian van der Schans	10/06/2021
First Floor	4/10	Gillian van der Schans	10/06/2021
Elevations South 1 & 2	5/10	Gillian van der Schans	10/06/2021
Elevations North 1 & 2	6/10	Gillian van der Schans	10/06/2021
Elevations East and West 1 & 2	7/10	Gillian van der Schans	10/06/2021
Model Photographs	8/10	Gillian van der Schans	10/06/2021
Services Site Plan; Communal & Private space	9/10	Gillian van der Schans	10/06/2021
Car Manoeuvrability	10/10	Gillian van der Schans	10/06/2021

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2021/00894-BODC** as attached to this permit.

3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. 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;
 - c. provided with an impervious all weather seal and drained to Council's stormwater drainage system.
4. Stormwater overflow connection is to be made to stormwater infrastructure located within the road reserve. As the relevant road authority is the Department of State Growth, a Service Works Permit will need to be obtained prior to undertaking the stormwater connection. No works are to be undertaken until a written permit has been issued.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. Privacy screening or similar treatment is to be applied to the windows to the bedrooms on both floors of dwelling 2 (south boundary) that are less than 3m to the southern side boundary, to protect the visual privacy of the adjacent dwelling private open space. The privacy screening or similar treatment is to be provided prior to use of the dwelling.
9. Privacy screening is to be installed against the south elevation of the deck on the Proposed Upper Floor Plan of Dwelling 1, Drawing No. 5/10. Screening must protect the visual privacy of the private open space associated with dwelling 2.
10. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation 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 Operations Manager.
11. 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.

ADVICE

12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

13. 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

DISCUSSION:

- The Senior Town Planner advised that the application is on an internal lot for two (2) dwellings, two (2) storey.
- The Senior Town Planner advised that it relied on six (6) performance criteria. How the proposed development satisfied the performance criteria is contained within the body of the report and was discussed briefly including the application of conditions to address privacy.
- The Senior Town Planner stated that one (1) representation was received and the issues raised have been addressed in the report. The representation was concerned with overshadowing, storm water, damage during construction and rubbish bins.
- Clr Osborne stated that she is happy with the application.
- Clr McGuinness stated that he agrees with Clr Osborne.

COUNCIL DECISION:

06/21.6.4.154 Moved: Clr M Osborne / Seconded: Clr G McGuinness

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for MULTIPLE DWELLINGS (2) on land situated at 96 SCAMANDER AVENUE, SCAMANDER described in Certificate of Title 145272/1 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			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	1/10	Gillian van der Schans	10/06/2021
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First Floor	4/10	Gillian van der Schans	10/06/2021
Elevations South 1 & 2	5/10	Gillian van der Schans	10/06/2021
Elevations North 1 & 2	6/10	Gillian van der Schans	10/06/2021
Elevations East and West 1 & 2	7/10	Gillian van der Schans	10/06/2021
Model Photographs	8/10	Gillian van der Schans	10/06/2021
Services Site Plan; Communal & Private space	9/10	Gillian van der Schans	10/06/2021
Car Manoeuvrability	10/10	Gillian van der Schans	10/06/2021

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2021/00894-BODC** as attached to this permit.

3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. 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;
 - c. provided with an impervious all weather seal and drained to Council's stormwater drainage system.
4. Stormwater overflow connection is to be made to stormwater infrastructure located within the road reserve. As the relevant road authority is the Department of State Growth, a Service Works Permit will need to be obtained prior to undertaking the stormwater connection. No works are to be undertaken until a written permit has been issued.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
8. Privacy screening or similar treatment is to be applied to the windows to the bedrooms on both floors of dwelling 2 (south boundary) that are less than 3m to the southern side boundary, to protect the visual privacy of the adjacent dwelling private open space. The privacy screening or similar treatment is to be provided prior to use of the dwelling.
9. Privacy screening is to be installed against the south elevation of the deck on the Proposed Upper Floor Plan of Dwelling 1, Drawing No. 5/10. Screening must protect the visual privacy of the private open space associated with dwelling 2.
10. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation 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 Operations Manager.
11. 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.

ADVICE

12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

13. 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.

07/21.7.0 COUNCIL MEETING ACTIONS

07/21.7.1 Outstanding Matters

The report was received.

07/21.8.0 PETITIONS

Nil.

07/21.9.0 NOTICES OF MOTION

07/21.9.1 Notice of Motion – Wood Heater Emissions – Cllr K Wright

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:

That Council seek a report on wood heater emissions in Break O'Day region, and consider implementing and enforcing "Australian Wood Heater Standards" as a requirement in all Break O'Day residences with wood heaters, and any new wood heaters being installed. Along with information being shared in welcome packs or rates notice/ newsletters.

SUBMISSION IN SUPPORT OF MOTION:

And that information be provided on (A) Australian Wood Heater Standards, (B) Improving Wood Heater Use, and (C) Smoky Wood Heater Complaints process, and helpful “Hints and Tips” in news letters to be distributed with rates notices, as well as making the information easily available on our Council website. It is suggested that EPA standard be used as the benchmark, and that inspections be carried out in situations where standards appear not to be being adhered to, or are being ignored.

I bring this to Council as it has been brought to my attention that a number residents within our community, are suffering from health related issues which are greatly exacerbated by smoke from neighbouring wood heaters, and many people are unaware that their heaters may be causing others discomfort, and further unaware that there’s ere steps which could be taken to solve these issues. We could look to other Councils, such as Launceston, for guidance on regulations and implementation of such standards and consequences of non compliance.

Link to wood heater standards below

<https://epa.tas.gov.au/epa/air/air-quality-in-tasmania/reducing-air-pollution/australian-wood-heater-standards>

DISCUSSION:

- Clr Drummond stated that she supported the motion to enable discussion. She stated that she is fine with information side and new heaters complying but would not like additional cost coming to people who have existing fires.
- Clr LeFevre stated that he agrees with Clr Drummond, it is about education and people putting in new heaters and he also would not like to see people who have wood heaters already be punished unduly.
- Clr McGuinness stated that he supports the motion but as an owner of a wood heater he has noticed this year there has been a lot more smoke about because there is a lot more wet wood which is a problem.
- Clr Osborne stated that she agrees with Clr McGuinness, it is hard to get good dry wood. You can’t compare here to Launceston. Clr Osborne asked, do we have a regulation as to where wood heaters are in homes when we pass them, we need to look into that part as well.
- Clr McGiveron stated that he doesn’t support the motion in general terms, he thinks an education program is good. There is a large amount of people in the area that use wood heaters that can’t afford to go any other way and they cut their own wood.
- Clr Wright stated that education is a large part of it but what she would like to see is that there are things people can do to reduce the smoke.
- Clr Drummond stated that she would like to see the education component taken up, we don’t want to unduly penalise people with existing heaters and new heaters become compliant with the regulations.
- Clr Osborne stated that she would be happy to go with this if it was only about education.
- Mayor Tucker stated that he doesn’t agree with punishing people retrospect, but education is the key. If we try to highlight the importance of this in our newsletter leading up to next winter eg clean flu out, try and keep wood dry.

COUNCIL DECISION:

06/21.9.1.155 Moved: Clr K Wright / Seconded: Clr J Drummond

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:

That Council seek a report on wood heater emissions in Break O'Day region, and consider implementing and enforcing "Australian Wood Heater Standards" as a requirement in all Break O'Day residences with wood heaters, and any new wood heaters being installed. Along with information being shared in welcome packs or rates notice/ newsletters.

An amendment was moved:

06/21.9.1.156 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

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:

That Council seek a report on wood heater emissions in Break O'Day region, with a focus on education and best practice, along with information being shared in welcome packs or rates notice/ newsletters.

CARRIED UNANIMOUSLY

The amendment becomes the motion:

CARRIED UNANIMOUSLY

07/21.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

07/21.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

07/21.11.1 Recycling Charges – Clr K Wright

Is a resident, who does not utilise the recycling bin service provided still required to pay for the service on his rates regardless, just because the service is in his area.

Is there the ability for a resident to NOT use the recycling service and NOT pay a service charge?

Does this charge apply to vacant properties, or only those with dwellings?

Reply

If it is within a designated area that the service is provided whether they use it or not there is a charge. There is no alternative it is a not an opt in opt out situation.

07/21.11.1 Guard Rails on St Marys Pass - Clr J Drummond

Regarding the guard rails on the St Marys Pass, there are three sections of the guard rail which are damaged, two (2) have orange mesh barriers across them, the third is simply damaged.

A number of residents have asked, after contacting State Roads, if Council could offer support by also contacting State Roads and requesting that they be repaired.

Reply

The General Manager advised that we will follow up with the Department of State Growth.

07/21.11.1 Planning Authority - Clr J Drummond

I have a concern, which is evidenced within the community and reinforced by this mornings Planning Authority, about the proliferation of multiple dwelling Planning Applications across a variety of Zones within the Municipality.

As a Council we have previously discussed the insufficiency of the Low Density Zone in Binalong Bay as a restraint with regard to multiple dwellings. I have concerns about the undermining of density standards in the Environmental Living Zone and I request that this matter be brought to Council workshop for a full and frank examination.

This style of development has implications for the environment and the standard of living for all of our residents.

Reply

The General Manager advised that this can be listed for discussion at a future Council Workshop.

29.06.2021	St Helens	– Meeting with Northern Region Commander and Inspector Michael Johnston
30.06.2021	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – Annual General Meeting (AGM)
30.06.2021	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
01.07.2021	St Marys	– Opening Day at the St Marys Sports Centre
14.07.2021	Oatlands	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
19.07.2021	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

- No meeting, next one is tomorrow (Tuesday 20 July) evening.

NRM Special Committee – Clr Janet Drummond

- There was a meeting last week.
- NRM North AGM is in August.
- The next meeting scheduled for October.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- No meeting but he has circulated the fortnightly activities from the CEO.
- There are two (2) new paid appointments as employees of ECTT.

Mental Health Action Group – Clr Barry LeFevre

- No meetings have taken place, however things will fire up from September onwards as the Suicide Prevention Trial Site ceases and the Mental Health Action Group takes back over.

Disability Access Committee – Clr Janet Drummond

- Next meeting scheduled for late August.

07/21.13.0 BUSINESS AND CORPORATE SERVICES

07/21.13.1 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 he had nothing further to add.

COUNCIL DECISION:

06/21.13.1.157 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

07/21.13.2 Monthly Financial Report

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

That the following reports for the month ending 30 June 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 advised that this is the final report for the financial year. Theoretically this is the end of the 2021 financial year but all the adjustments and accruals from the Finance Officer need to be finalised and put in place, we have also had an initial visit from the auditors.
- Clr McGiveron asked in relation to item #1993 – legal fees, this seems to be extremely high. The Manager Corporate Services stated that this is one that is variable on a variety of issues but mostly it relates to planning. In general we budget an amount each year and it is very variable depending on circumstances through the year.
- Clr McGuinness asked in relation to “other income”, is this grant money. The Manager Corporate Services stated that a large portion would be coming from the private works. We put this in as revenue and out as expenditure and it tends to be a conservative amount but this year we got funded to undertake works on behalf of other bodies which does increase that percentage.

COUNCIL DECISION:

06/21.13.2.158 Moved: Clr J McGiveron / Seconded: Clr K Wright

That the following reports for the month ending 30 June 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

07/21.13.3 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 stated that we annually contribute to the Visitor Information Centre (VIC) Networks and put surveys out to customers. Compared with other centres there was only Hobart that had more surveys completed than we did. The Manager Corporate Services stated that he really thinks that it is interesting that people are using their devices to get advice and make bookings, however there are still people who want to come into a VIC and talk to people. There is no doubt there is a change but at the moment it looks like there is still an identified need for the VIC.

COUNCIL DECISION:

06/21.13.3.159

Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

07/21.14.0 **WORKS AND INFRASTRUCTURE**

07/21.14.1 **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 advised that we will be commencing work on Terrys Hill Road bridge replacement for a period of about 10 days and then Council's obligation on this road will end unless there is a maintenance agreement between us and the State Government. Council's role will cease.
- The Manager Infrastructure and Development Services advised that the works on the intersection of Tasman Highway and Upper Scamander Road has currently stalled due to a complication with underground services, work will re-commence again shortly.
- Cllr LeFevre thanked the Works Department for putting signage up on the foreshore area for boat parking, etc.
- Cllr Osborne stated that the main street gardens are looking great.

- Clr McGuinness asked in relation to Binalong Bay Road – do we still own this? The Manager Infrastructure and Development Services advised that we do . Clr McGuinness stated that the Department of State Growth have done work on it and left the work, it is a dogs breakfast and it is getting worse by the day. The General Manager stated that we will follow up with the Department of State Growth. The Manager Infrastructure and Development Services stated that they have stopped for the duration of winter, they are doing shoulder widening and this time of the year with the dampness it is almost impossible to complete.

COUNCIL DECISION:

06/21.14.1.160

Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

07/21.14.2

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:

- The Manager Infrastructure and Development Services advised that they are just following up on issues regarding animal attacks, and taking a bit of a closer look in this area.

COUNCIL DECISION:

06/21.14.2.161

Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

07/21.14.3 Policy Review - AM08 – Subdivision New Works and Infrastructure Construction Policy

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

That the AM08 Subdivision New Works & Infrastructure Construction Policy be re-adopted.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.14.3.162 Moved: Clr M Osborne / Seconded: Clr K Chapple

That the AM08 Subdivision New Works & Infrastructure Construction Policy be re-adopted.

CARRIED UNANIMOUSLY

07/21.14.4 Policy Review - AM14 – Mowing Policy

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

That *AM14 Mowing Policy* as amended be adopted.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.14.4.163 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That *AM14 Mowing Policy* as amended be adopted.

CARRIED UNANIMOUSLY

07/21.14.5 Policy Review - EP04 – Waste Management Policy

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

That *EP04 Waste Management Policy* as amended be adopted.

INTRODUCTION:

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

DISCUSSION:

- Cllr Drummond noted that the St Helens Neighbourhood House Op Shop get St Helens Waste Transfer Station fee waivers – how do other Op Shops go about that? The General Manager stated that the Manager Infrastructure and Development Services will come back to Council on this process.

COUNCIL DECISION:

06/21.14.5.164 Moved: Cllr J McGiveron / Seconded: Cllr J Drummond

That *EP04 Waste Management Policy* as amended be adopted.

CARRIED UNANIMOUSLY

07/21.14.6 Policy Review - AM03 – Street Lighting Policy

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

That *AM03 Street Lighting Policy* as amended be adopted.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.14.6.165

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That AM03 Street Lighting Policy as amended be adopted.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 11.05am.

Meeting resumed at 11.18am.

07/21.15.0 COMMUNITY DEVELOPMENT

07/21.15.1 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 General Manager noted the funding that had been received in relation to the Bay of Fires MTB Trail to undertake a realignment to achieve IMBA Epic status.
- Clr McGiveron asked in relation to the upgrade of Burns Bay Car Park – it is getting messier out there. The General Manager stated that it is firmly sitting with Parks & Wildlife Services (PWS) and he raises it continually with them. PWS are working on consultation with the Aboriginal Community there is an application lodged with Aboriginal Heritage Tasmania (AHT), they did have to withdraw the initial application at one stage and do more work. This has been done and the application has been relodged with AHT. Clr McGiveron stated that he thinks we will end up with something that is inadequate. The General Manager stated that political influence is not going to have any impact on this process at all. It is as much a frustration for Council Officers as it is Councillors.

COUNCIL DECISION:

06/21.15.1.166

Moved: Clr K Chapple / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

07/21.16.0 DEVELOPMENT SERVICES

07/21.16.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Development Services Coordinator advised that there has been another 20% jump up in building and planning from last financial year.
- Mayor Tucker stated that he would like to congratulate everyone in Council in the Development Services Department with the amount of work that is coming through.

COUNCIL DECISION:

06/21.16.1.167

Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

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 there is a funding program called the Black Summer Bushfire Recovery Grant which has come out of left field. The General Manager and the Mental Health and Wellbeing Coordinator attended a meeting at Fingal last Thursday which was an opportunity to find out information and ask a few questions and connect with the agency involved with this. It is a limited number of Councils that can apply through this process. There is approximately \$1.6m attributed to Break O'Day and it is focussed on areas affected by the Bushfire so this relates to the Fingal fire. We are very much focussed on Mangana, Mathinna and the Fingal area and we may be able to argue to include St Marys as well as St Marys had a level of impact as well. The funding program does not go live until 22 July but applications must be in by the 6 September. We will probably look at smaller applications, rather than one (1) big one as we could cope with about four (4) applications. There are some potential projects to think about however these have not yet had any community engagement:
 1. Telecommunications at Mangana – conversations have happened in the past in relation to a small cell in the area. Telstra have already done some work in this space, they will need to do some more
 2. Mens Shed at Fingal – the question arises as to whether we could include a new build – it does talk about refurb but we are asking questions around new build
 3. The Gym building at St Marys – would fit with upgrades, would not resolve issue of the ceiling – again could be a new build but need the question answered.
 - Mayor Tucker mentioned a pump track at Fingal as this could benefit everyone in that area. The General Manager stated that this idea did come from some conversations with the youth in Fingal but we would need to look into the viability.
 - Cllr LeFevre asked, was there much counselling done in the Fingal area after the fire. The General Manager stated that there was counselling on the ground during the fire but not sure what has happened since.
 - The General Manager stated that the ideas is the easy part, we do need to have community engagement with this as there needs to be community support.
 - The General Manager stated that we haven't got a lot of time but we will start progressing with ideas and await an answer on "new builds". We should be able to deliver on the above four (4) ideas however he is also mindful of Mangana and Mathinna but something might come up.

- Mayor Tucker stated that it is important for Council that we get every dollar that we can out of what has been allocated and that we spend it wisely throughout our community, it would be great.
- Cllr Drummond asked in relation to the bike racks in St Helens CBD. This was raised in a Disability Access Committee meeting in relation to the installation as it has been raised that some have difficulty negotiating the bike racks in the main street. Cllr Osborne stated that she was asked a question about them and one of the businesses in Pendrigh Place asked if they could have one. The Communications Coordinator stated that they didn't get one out of this lot but they have requested that they be considered down the track, there is also the opportunity for businesses to purchase their own if they wish and the Communications Coordinator is happy to pass on the details of where and who constructed them if requested.

COUNCIL DECISION:

06/21.17.1.168

Moved: Cllr G McGuinness / Seconded: Cllr K Wright

That the General Manager's report be received.

CARRIED UNANIMOUSLY

07/21.17.2

Review of Council Delegations

FILE REFERENCE	014\002\010\
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OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2021.

INTRODUCTION:

The aim of the report is to provide Council with an updated "Break O'Day Delegations Register May 2021" following the annual review as required under the *Local Government Act 1993*.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/21.17.2.169

Moved: Cllr J McGivern / Seconded: Cllr J Drummond

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated May 2021.

CARRIED UNANIMOUSLY

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

For discussion only.

INTRODUCTION:

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

DISCUSSION:

- The General Manager stated that a response paper template has been prepared and will be circulated to Councillors to collate their feedback and then recirculated to Councillors as a consolidated document.
- The General Manager stated that we could make a submission and ratify the submission at the 16 August meeting.
- The General Manager stated that this will be discussed at the Council workshop.
- The General Manager asked Councillors to respond in the word document and send back to the Executive Assistant for consolidation.
- The General Manager stated that this is a good chance for Councillors to stop and reflect.
- The General Manager stated that Councillors can also make individual submissions if they wish.

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

Moved: Cllr J Drummond / Seconded: Cllr J McGivern

CARRIED UNANIMOUSLY

IN CONFIDENCE

07/21.18.0 CLOSED COUNCIL

07/21.18.1 Confirmation of Closed Council Minutes – Council Meeting 28 June 2021

07/21.18.2 Outstanding Actions List for Closed Council

07/21.18.3 Contract 030\003\005 – Cleaning of Facilities - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

06/21.18.4.CC Moved: Clr B LeFevre / Seconded: Clr J Drummond

That Council award Contract 030/003/005 Cleaning of Facilities to Detail First adopting Detail First's proposed schedule of rates.

CARRIED UNANIMOUSLY

07/21.18.4 General Manager's Performance Review – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015

No information or decision relating to the above item 07/21.18.4 will be released to the public due to the Personnel nature relating to an employee of Council.

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

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.12pm.

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MAYOR

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DATE