



COUNCIL MEETING MINUTES

Monday 20 September 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
20 September 2021

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CONTENTS

CONTENTS 3

AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL	5
OPENING	5
ACKNOWLEDGEMENT OF COUNTRY.....	5
09/21.1.0 ATTENDANCE	5
09/21.1.1 Present	5
09/21.1.2 Apologies.....	5
09/21.1.3 Leave of Absence	6
09/21.1.4 Staff in Attendance	6
09/21.2.0 PUBLIC QUESTION TIME.....	6
09/21.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE	6
09/21.4.0 CONFIRMATION OF MINUTES.....	7
09/21.4.1 Confirmation of Minutes – Council Meeting 16 August 2021	7
09/21.5.0 COUNCIL WORKSHOPS HELD SINCE 16 AUGUST 2021 COUNCIL MEETING	7
09/21.6.0 PLANNING AUTHORITY	8
09/21.6.1 DA298-2020 – Legalisation Change of Use (Class 10A Shed to 1A Dwelling), Addition and Pool – 38 Tully Street, St Helens	8
09/21.7.0 COUNCIL MEETING ACTIONS	11
09/21.7.1 Outstanding Matters.....	11
09/21.8.0 PETITIONS.....	11
09/21.9.0 NOTICES OF MOTION	11
09/21.9.1 Notice of Motion – Terrys Hill Road – Clr M Osborne	11
09/21.10.0 COUNCILLOR’S QUESTIONS ON NOTICE	13
09/21.11.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE	14
09/21.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS.....	14
09/21.12.1 Mayor’s Communications for Period Ending 20 September 2021	14
09/21.12.2 Councillor’s Reports for Period Ending 20 September 2021	14
09/21.13.0 BUSINESS AND CORPORATE SERVICES.....	15
09/21.13.1 Corporate Services Department Report	15
09/21.13.2 Monthly Financial Report.....	16
09/21.13.3 Visitor Information Centre Report.....	17
09/21.13.4 Request for Rate Remission – 14 Mangana Road, Fingal	18
09/21.14.0 WORKS AND INFRASTRUCTURE	18
09/21.14.1 Works and Infrastructure Report.....	18
09/21.14.2 Animal Control Report	19
09/21.14.3 Public Open Space – 12 Oberon Place, Scamander	20

09/21.15.0	COMMUNITY DEVELOPMENT	22
09/21.15.1	Community Services Report.....	22
09/21.16.0	DEVELOPMENT SERVICES.....	22
09/21.16.1	Development Services Report.....	22
09/21.16.2	Proposal for Water Harvesting and Water Re-Use Techniques	23
09/21.16.3	New Sports Ground Lighting Towers – St Helens Sports Complex.....	24
09/21.16.4	Wood Heater Emissions	24
09/21.16.5	Intention to Make a New By-Law – Keeping of Roosters and Other Animals	25
09/21.16.6	NRM Committee Meeting Minutes – May and July 2021	26
09/21.16.7	Addition to NRM Committee Charter	27
09/21.16.8	Joint Implementation of Dog Management – 2021 – 2022 Season	28
09/21.17.0	GOVERNANCE.....	29
09/21.17.1	General Manager’s Report.....	29
09/21.17.2	Nomination of Councillor Representative on the Board of East Coast Tasmania Tourism (ECTT)	30
09/21.18.0	CLOSED COUNCIL	32
09/21.18.1	Confirmation of Closed Council Minutes – Council Meeting 16 August 2021	32
09/21.18.2	Outstanding Actions List for Closed Council	32
09/21.18.3	Tender – 2021/2022 Bituminous Surfacing Program - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.....	32
09/21.18.4	5-7 Portland Court, St Helens – Hub4Health Building - Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015.....	32

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, members of the public 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.

09/21.1.0 ATTENDANCE

09/21.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM (arrived late at 10:04am during item 09/21.6.1)
Councillor Lesa Whittaker

09/21.1.2 Apologies

Councillor Janet Drummond
Councillor Kylie Wright

09/21.1.3 Leave of Absence

Nil

09/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 16.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.4*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 13.3 / 14.1 – 17.2*)
Senior Town Planner, Deb Szekely (*Item 1.0 – 7.1*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.2*)
NRM Officer, Polly Buchhorn (*Item 14.1 – 17.1*)
Community Services Officer, Jenna Bailey (*Item 13.2 – 16.1*)

09/21.2.0 PUBLIC QUESTION TIME

One (1) person in the gallery.

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

Nil.

09/21.3.0 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.

09/21.4.0 CONFIRMATION OF MINUTES

09/21.4.1 Confirmation of Minutes – Council Meeting 16 August 2021

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 16 August 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

09/21.4.1.193 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 16 August 2021 be confirmed.

CARRIED UNANIMOUSLY

09/21.5.0 COUNCIL WORKSHOPS HELD SINCE 16 AUGUST 2021 COUNCIL MEETING

There was a Workshop held on Monday 6 September 2021 and the following items were listed for discussion.

- Community Engagement Strategy
- Preparation for COVID-19 State Government Lockdown
- Request for Rate Remission – 14 Mangana Road, Fingal
- Report on the Operation of Tip Shops
- Animal Control Report
- Public Open Space – 12 Oberon Place, Scamander
- Wood Heater Emissions
- New Sports Ground Lighting Towers – St Helens Sports Complex
- Keeping of Roosters in Town Areas
- Consideration of Water Tank Rebate Scheme
- NRM Committee Meeting Minutes – May and July 2021
- Addition to NRM Committee Charter
- Joint Implementation of Dog Management – 2021 – 2022 Season
- Workplace Equality and Respect Statement
- Housing Supply
- 5-7 Portland Court, St Helens – Hub4Health Building
- Wellbeing Project and Festival of Wellbeing

09/21.6.0 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.

09/21.6.1 DA298-2020 – Legalisation Change of Use (Class 10A Shed to 1A Dwelling), Addition and Pool – 38 Tully Street, St Helens

FILE REFERENCE	DA 298-2020
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OFFICER'S RECOMMENDATION:

After due consideration of the representation received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013 Version 16* that the application for LEGALISATION CHANGE OF USE (CLASS 10A SHED TO 1A DWELLING) ADDITION & POOL on land situated at 38 TULLY STREET, ST HELENS described in Certificate of Title 164037/3 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
Cover Page	A00	Engineering Plus	-
Site Plan	A01 Rev C	Engineering Plus	30/06/2021
Construction Plan	A02 Rev C	Engineering Plus	30/06/2021
Floor Plan	A03 Rev C	Engineering Plus	30/06/2021
N & S Elevation	A05 Rev C	Engineering Plus	30/06/2021
E & W Elevation	A06 Rev C	Engineering Plus	30/06/2021
Visual	A07 Rev C	Engineering Plus	30/06/2021
Visual	A08 Rev C	Engineering Plus	30/06/2021
Shadow Plan	A09 Rev C	Engineering Plus	30/06/2021
Certificate of Qualified Person	Certificate No CC7077	Glenn Allen	23/07/2021
Stormwater Management	Project # 385	Glenn Allen	20/07/2021

2. 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;
3. 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.
4. Sewage must be disposed via TasWater sewerage system.

5. 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.
6. 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.
7. Management of stormwater is to be in accordance with the approved plans and the stormwater report provided by Glenn Allen, NTCADS. Stormwater connection is to be made to the kerb in accordance with the requirements of Council's Works Department. No works are to commence on the stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Department for the Stormwater Connection Point.
8. Pool Filtration equipment must be located in a sound protected unit or in a position so as to not create a noise nuisance to adjoining residents.

ADVICE

9. 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.
10. 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

DISCUSSION:

- The Senior Town Planner advised that the application was discretionary with regard to setbacks for the rear boundary and a full assessment has been undertaken.
- The Senior Town Planner also stated that the application was discretionary on flooding which has been addressed by suitably qualified persons.
- Clr McGiveron stated that he supports the recommendation as it is fair and reasonable.
- Clr LeFevre stated that he agreed with Clr McGiveron.

COUNCIL DECISION:

09/21.6.1.194 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

After due consideration of the representation received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013 Version 16* that the application for LEGALISATION CHANGE OF USE (CLASS 10A SHED TO 1A DWELLING) ADDITION & POOL on land situated at 38 TULLY STREET, ST HELENS described in Certificate of Title 164037/3 be APPROVED subject to the following conditions:

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Floor Plan	A03 Rev C	Engineering Plus	30/06/2021
N & S Elevation	A05 Rev C	Engineering Plus	30/06/2021
E & W Elevation	A06 Rev C	Engineering Plus	30/06/2021
Visual	A07 Rev C	Engineering Plus	30/06/2021
Visual	A08 Rev C	Engineering Plus	30/06/2021
Shadow Plan	A09 Rev C	Engineering Plus	30/06/2021
Certificate of Qualified Person	Certificate No CC7077	Glenn Allen	23/07/2021
Stormwater Management	Project # 385	Glenn Allen	20/07/2021

2. 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;
3. 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.
4. Sewage must be disposed via TasWater sewerage system.
5. 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.
6. 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.
7. Management of stormwater is to be in accordance with the approved plans and the stormwater report provided by Glenn Allen, NTCADS. Stormwater connection is to be made to the kerb in accordance with the requirements of Council's Works Department. No works are to commence on the stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Department for the Stormwater Connection Point.
8. Pool Filtration equipment must be located in a sound protected unit or in a position so as to not create a noise nuisance to adjoining residents.

ADVICE

9. 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.
10. 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

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.

09/21.7.0 COUNCIL MEETING ACTIONS

09/21.7.1 Outstanding Matters

The report was received.

09/21.8.0 PETITIONS

Nil.

09/21.9.0 NOTICES OF MOTION

09/21.9.1 Notice of Motion – Terrys Hill Road – Clr M Osborne

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 the Council investigate taking over Terrys Hills Road where ratepayers live.

SUBMISSION IN SUPPORT OF MOTION:

It is not maintained by Parks and Wildlife Services. See letter below sent to the Manager Infrastructure and Development Services.

30th August 2021

*Mr David Jolly
Manager Infrastructure and Development Services
Break O'Day Council
32-34 Georges Bay Esplanade
ST HELENS TAS 7216*

Dear David

RE: Terrys Hill Road, Goshen

Your letter dated 5th July 2021 regarding roadworks on Terrys Hill Road stated that commencing 12th July 2021, a section of the road at 'The Flats' would have remediation work commencing. This is still outstanding.

It would appear to me that Parks & Wildlife Department, the authority vested in fixing the road is either incapable, incompetent or irresponsible and simply doesn't care. This is a 'C' class public road and a government authority has to take responsibility whether they like it or not. It is a legal requirement. Obviously Parks & Wildlife can't take care of the road otherwise it would never have been allowed to degenerate to such an appalling condition. What the Council described on 1st Sept 2014 as 'an untrafficable condition'.

May I suggest with respect to all parties that Council take over the section of Terrys Hill Road where the ratepayers use it and swap it for a section of road they maintain but where residents do not live, eg. Roses Tier Road. The bridge has been completed and BridgePro Engineering did a great job but I doubt if Parks & Wildlife will ever be capable of maintaining this road to the same standard as the council maintains the Lottah Road.

I have lived here for 40 years and in the early 1980s the old Portland Council had graders on it so at some stage the road was transferred to Forestry. It now appears that no-one is prepared to maintain this road. Council is perfectly happy to take our rates so it should be happy to provide a duty of care to its ratepayers and take back the first 3 kilometers of this road so the residents can travel safely.

With the heavy use of this road in the summer by the mountain bike buses and trailers for pick-ups after their clients have completed the Blue Tier descent, it is even more imperative that this road be adequately maintained.

Yours sincerely

DISCUSSION:

- Clr Osborne stated that she would like it investigated and would like to know the consequences of Council taking it over. Clr Osborne stated that It is not a road, it is like a track. There are seven (7) properties up there who use this road. It is a safety issue with the MTB shuttles also using this road.
- Clr Chapple stated that she supports the motion. Clr Chapple stated that she feels that unfortunately Parks & Wildlife Services (PWS) are not able to look after this road and as a Council we need to step up and take this over, they are ratepayers in our area and someone needs to step up and look after this road.
- Clr McGuinness stated that he believes that we are in a position that we probably need to do this but doesn't believe that PWS should get off scott free, there needs to be a push for some sort of compensation if we were to take this over.
- Clr Osborne stated that as far as she understands it, this was our road and we gave it to Forestry as they were using it so often and then they gave it to PWS, it is a residential road.
- The General Manager stated that if Council was to have handed over a road in the past there is a formal process which would have needed to be followed as we cant just hand over a public road under Legislation. With regards to the maintenance of this road it went from Forestry to PWS as part of a transfer of the road network when Forestry Tasmania was restricted several years ago..

COUNCIL DECISION:

09/21.9.1.195 Moved: Clr M Osborne / Seconded: Clr K Chapple

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

That the Council investigate taking over Terrys Hills Road where ratepayers live.

CARRIED UNANIMOUSLY

09/21.10.0 **COUNCILLOR'S QUESTIONS ON NOTICE**

Nil.

09/21.11.0

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.

Nil.

09/21.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

09/21.12.1

Mayor's Communications for Period Ending 20 September 2021

17.08.2021	St Helens	– Meeting with John Tucker MP
18.08.2021	St Helens	– Vietnam Veterans Day Service
19.08.2021	St Helens	– Meeting with Mark Shelton MP
19.08.2021	St Helens	– Meeting with Minister Guy Barnett
20.08.2021	Launceston	– Attended a function for Commander Brett Smith
23.08.2021	St Helens	– Citizenship Ceremonies
23.08.2021	St Helens Via Web	– Australian Local Government Association (ALGA) – Welcome to new Board Members
27.08.2021	St Helens	– Meeting with Members of the Community regarding Hub4Health
06.09.2021	St Helens	– Council Workshop
07.09.2021	St Helens	– Meeting with Owner of the St Helens Woodbarn
08.09.2021	St Helens	– Tidal Research Project Interview
09.09.2021	Launceston Via Web	– Australian Local Government Association (ALGA) – Board Meeting
13.09.2021	St Helens	– Citizenship Ceremony
17.09.2021	St Helens	– Child and Family Centre (CFC) State Forum
17.09.2021	St Helens	– Council Workshop – Population Strategy
18.09.2021	White Sands	– Showcase Wellbeing Project
18.09.2021	Scamander	– Scamander Surf Life Saving Club – Opening of Amenities Building
20.09.2021	St Helens	– Council Meeting

09/21.12.2

Councillor's Reports for Period Ending 20 September 2021

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 report, the meeting is tomorrow night (21 September).

NRM Special Committee – Clr Janet Drummond

- No report due to Clr Drummond's absence.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- No meeting.

Mental Health Action Group – Clr Barry LeFevre

- Another round of community champions was held last Saturday and Clr LeFevre participated in this and he advised that it was great training.

Disability Access Committee – Clr Janet Drummond

- No report due to Clr Drummond’s absence.

Bay of Fires Master Plan Steering Committee – Clr Glenn McGuinness

- Bay of Fires Master Plan Brief has now been completed ready for approvals.

09/21.13.0 BUSINESS AND CORPORATE SERVICES

09/21.13.1 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 the discount period of rates is now closed and it has evened up a bit, this year it is a little behind but is pretty much on par with last year.

COUNCIL DECISION:

09/21.13.1.196 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

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 advised that we have lost the comments column off these reports, however there is nothing in it at this point but it will be re-instated going forward.
- The Manager Corporate Services advised that there is one (1) significant element – employee expenses is below the Year to Date (YTD) Budget, we would prefer this to be tracking on budget not behind but one of the main elements is due to some vacant positions for the first couple of months. Another significant element is leave, we have quite a few staff on leave at the moment but this will even out as the year goes on.
- The Manager Corporate Services made comments in relation to the Income Statement – Material and Services is ahead of budget but this comes clearer in the more detailed Profit and Loss statement.
- The Manager Corporate Services commented in relation to the expense side that is very significant is Materials and Contracts. These are computer hardware purchases and equipment maintenance and minor purchases which reflects that there are things that we purchase early in the year, there is no surprise that this is happening as we don't purchase on a straight line basis. Item number #1971 Contractors is up to 63%, there are a couple of elements to this and one is the work we did on the Terrys Hill Road bridge, this will be matched by a large amount in private works and there will be a note to reflect this. Also there is a significant amount of flood damage works which will be moved into the capital area with a note.

COUNCIL DECISION:

09/21.13.2.197

Moved: Clr B LeFevre / Seconded: Clr J McGiveron

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

09/21.13.3

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 to the report.

COUNCIL DECISION:

09/21.13.3.198

Moved: Clr L Whittaker / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	6413332
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OFFICER'S RECOMMENDATION:

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

INTRODUCTION:

Council has received correspondence from Malahide Golf Club requesting a remission for the general rate 2022. Due to the nature of the charge, a request is required annually to remit this charge.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

09/21.13.4.199

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

CARRIED UNANIMOUSLY**09/21.14.0 WORKS AND INFRASTRUCTURE****09/21.14.1 Works and Infrastructure Report**

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services commented in relation to a couple of Capital Projects. The start date at the footpath on the foreshore at Binalong Bay will be delayed by a couple of weeks as we need to follow up with paperwork with Parks & Wildlife Services (PWS) so we will be switching to the track at Scamander, Council has signed a 10 year lease for this track.
- The Manager Infrastructure and Development Services commented in relation to Waste Management, he is currently working through a feasibility study for the manufacture of Biochar from our green waste. The Manager Infrastructure and Development Services is aiming to have an update and brief at the November workshop, this is an interesting use of green waste.
- Clr McGuinness asked in relation to the lease for the Scamander pathway, for a capital investment a 10 year lease is fairly short. The Manager Infrastructure and Development Services stated that this is an internal maximum lease period they apply to these things.

COUNCIL DECISION:

09/21.14.1.200

Moved: Clr L Whittaker / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

09/21.14.2 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 he had nothing further to add.

COUNCIL DECISION:

09/21.14.2.201

Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

09/21.14.3 Public Open Space – 12 Oberon Place, Scamander

FILE REFERENCE	017\010\002\
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OFFICER’S RECOMMENDATION:

That Council enter a Memorandum of Understanding with North East Bioregional Network to enable the organisation to maintain the Public Open Space known as 12 Oberon Place, Scamander (PID 2948700) in accordance with the following conditions:

1. Existing internal road – no alteration of the road or barricading of the road.
2. Stormwater drainage – no alteration to the drainage line or impediment to overland flow permitted.
3. Highlighted zones B1 and B2 shall be maintained as fire break (clear zones). Regular mowing required – no tree planting or outdoor furniture permitted. Some rarer and small growing shrubs - protection with wire mesh caging or painted stakes allowed.
4. Zone C – weed removal permitted and planting of native grasses permitted. Zone C is part of the firebreak. Regular mowing required, noting that periodic assistance from Council may be required. Installation of playground equipment not permitted. Picnic table (1 only allowed). No shade structure or garbage bins allowed.
5. Zone A2 – weed management as described in the plan.
6. Zone A1 – Construction of a gravel-walking track with interpretive signage permitted. North East Bioregional Network to secure funding for this purpose. Councils Manager Infrastructure & Development Services to review and approve track route and proposed construction methodology.
7. Council as landowner retains the right to terminate the MoU at any time.

INTRODUCTION:

The purpose of this report is to seek Councils endorsement to enter a Memorandum of Understanding with North East Bioregional Network to maintain the Public Open Space known as 12 Oberon Place, Scamander (PID 2948700) in accordance with the conditions listed in this report.

DISCUSSION:

- The Manager Infrastructure and Development Services met with Todd Dudley and Christina MacKeen onsite and they would like to look after weed management on the site. What is in the report is what was discussed.

COUNCIL DECISION:

09/21.14.3.202

Moved: Clr L Whittaker / Seconded: Clr G McGuinness

That Council enter a Memorandum of Understanding with North East Bioregional Network to enable the organisation to maintain the Public Open Space known as 12 Oberon Place, Scamander (PID 2948700) in accordance with the following conditions:

1. Existing internal road – no alteration of the road or barricading of the road.
2. Stormwater drainage – no alteration to the drainage line or impediment to overland flow permitted.
3. Highlighted zones B1 and B2 shall be maintained as fire break (clear zones). Regular mowing required – no tree planting or outdoor furniture permitted. Some rarer and small growing shrubs - protection with wire mesh caging or painted stakes allowed.
4. Zone C – weed removal permitted and planting of native grasses permitted. Zone C is part of the firebreak. Regular mowing required, noting that periodic assistance from Council may be required. Installation of playground equipment not permitted. Picnic table (1 only allowed). No shade structure or garbage bins allowed.
5. Zone A2 – weed management as described in the plan.
6. Zone A1 – Construction of a gravel-walking track with interpretive signage permitted. North East Bioregional Network to secure funding for this purpose. Councils Manager Infrastructure & Development Services to review and approve track route and proposed construction methodology.
7. Council as landowner retains the right to terminate the MoU at any time.

CARRIED UNANIMOUSLY

09/21.15.0 COMMUNITY DEVELOPMENT

09/21.15.1 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 Community Services Officer advised that our Learner Driver Mentor Program (LDMP) came 3rd overall in the state last month for 91.5 learner driver hours with 11 drivers and five (5) mentors.
- The Community Services Officer advised that there is a free Comedy Roadshow event in October for Mental Health week at Portland Hall.

COUNCIL DECISION:

09/21.15.1.203 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

09/21.16.0 DEVELOPMENT SERVICES

09/21.16.1 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 was another record breaking 57, 337 certificates issued this month.

COUNCIL DECISION:

09/21.16.1.204 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

09/21.16.2 **Proposal for Water Harvesting and Water Re-Use Techniques**

FILE REFERENCE	018\024\001\
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OFFICER’S RECOMMENDATION:

That Council accept the Officers Report and that Council engage in providing further education around water harvesting and water re-use techniques.

INTRODUCTION:

Councillors and the public are seeking information on requirements for new developments to be provided with water tanks to be used for domestic purposes. The purpose of this report is to provide Councillors with the history and legislative requirements for domestic water tanks.

DISCUSSION:

- The Development Services Coordinator stated that after significant conversations and investigations we don’t believe a water tank rebate scheme is required.

COUNCIL DECISION:

09/21.16.2.205 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That Council accept the Officers Report and that Council engage in providing further education around water harvesting and water re-use techniques.

CARRIED UNANIMOUSLY

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

1. To provide consent to proceed with works in accordance with design and budget estimates provided, and
2. That the \$15,000 contributions previously approved by Council is provided regardless of whether or not the second transformer on Tully Street is required to be upgraded.

INTRODUCTION:

Council has previously granted permission to submit a Development Application for the project, the development application process is underway and this report seeks permission to proceed with the works.

DISCUSSION:

- The Development Services Coordinator stated that it was intended that the Development Application would be before Council this morning but unfortunately that didn't happen so it will be at the next Council meeting.

COUNCIL DECISION:

09/21.16.3.206

Moved: Clr J McGiveron / Seconded: Clr K Chapple

1. To provide consent to proceed with works in accordance with design and budget estimates provided, and
2. That the \$15,000 contributions previously approved by Council is provided regardless of whether or not the second transformer on Tully Street is required to be upgraded.

CARRIED UNANIMOUSLY

FILE REFERENCE	017\008\001
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

At the July 2021 Council Meeting a motion Clr Kylie Wright brought forward a motion:

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

This was later amended to:

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.

DISCUSSION:

- The Development Services Coordinator stated that this is something we get a significant amount of enquiries on at this time of year.
- Clr LeFevre wanted to congratulate Council Officers for the work they have done on this, people need to be educated and this report focuses on that.

COUNCIL DECISION:

09/21.16.4.207 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

09/21.16.5 **Intention to Make a New By-Law – Keeping of Roosters and Other Animals**

FILE REFERENCE	003\006\001\
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OFFICER’S RECOMMENDATION:

In accordance with section 156 of the *Local Government Act 1993*, Council resolves to make a by-law for the regulation of keeping roosters and other animals.

INTRODUCTION:

In the last three (3) months, the most common complaint received has been about rooster noise. There is no by law dealing with the keeping of roosters or other animals.

Other complaints received regarding the keeping of animals include;

- Chickens wandering into neighbours' yards damaging gardens
- Wandering ducks fouling the neighbour's yard
- Keeping of pigs

In all of these, success is only achieved through negotiation and co-operation. If there is no co-operation, the chances of successful resolution are significantly diminished.

DISCUSSION:

- The Development Services Coordinator stated that this is the first stage in the formalities to make a by-law.
- The Development Services Coordinator stated that the scope of the by-law is still under consideration and may piggy back on work already done by other Councils and a further report will come to a Council Workshop for further discussion and consideration.

COUNCIL DECISION:

09/21.16.5.208

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

In accordance with section 156 of the *Local Government Act 1993*, Council resolves to make a by-law for the regulation of keeping roosters and other animals.

CARRIED UNANIMOUSLY

09/21.16.6

NRM Committee Meeting Minutes – May and July 2021

FILE REFERENCE	010\028\002\
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OFFICER'S RECOMMENDATION:

1. That Council receive the Minutes of NRM Committee Meetings held on 4 May 2021 and 13 July 2021, acknowledging any advice and considering recommendations from the Committee for further Council attention.
2. Council acknowledges the NRM Special Committee's request regarding the Bay of Fires Master Plan project and advises the Committee that the committee will be undertaking its role through the forthcoming community consultation and providing Council with its feedback on the draft Plan as the project progresses.

INTRODUCTION:

The Break O'Day NRM Special Committee met on 4 May 2021 and 13 July 2021, at the Break O'Day Child and Family Centre.

DISCUSSION:

- Mayor Tucker asked for more information in relation to item 2 in the Officers Recommendation. The NRM Officer advised that at the July meeting the NRM Committee has been following the work of this Steering Committee and indicated that they were interested to be involved in some way and advice has now been received that public consultation will be available for the NRM Committee to be part of. The General Manager advised that Council will then get feedback from the committee for consideration.
- Clr LeFevre asked, why were the May meeting minutes included when there was no quorum. The NRM Officer stated that the Charter allows for a meeting to take place without a quorum and those minutes were ratified at the next meeting.

COUNCIL DECISION:

09/21.16.6.209

Moved: Clr G McGuinness / Seconded: Clr K Chapple

1. That Council receive the Minutes of NRM Committee Meetings held on 4 May 2021 and 13 July 2021, acknowledging any advice and considering recommendations from the Committee for further Council attention.
2. Council acknowledges the NRM Special Committee’s request regarding the Bay of Fires Master Plan project and advises the Committee that the committee will be undertaking its role through the forthcoming community consultation and providing Council with its feedback on the draft Plan as the project progresses.

CARRIED UNANIMOUSLY

09/21.16.7

Addition to NRM Committee Charter

FILE REFERENCE	010\028\003\
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OFFICER’S RECOMMENDATION:

That Council amend its NRM Committee Charter by adding as a new point to the *Natural Resource Management Committee responsibilities*: “Work together as a positive and proactive team, treating all people fairly and with respect, to hear representative’s differing points of view, focus on the issues and accept the consensus of the Committee.”

INTRODUCTION:

An instance of impassioned discussion at a NRM Committee meeting prompted the Committee to consider expectations for fair and safe conduct of Committee members.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

09/21.16.7.210

Moved: Clr L Whittaker / Seconded: Clr K Chapple

That Council amend its NRM Committee Charter by adding as a new point to the *Natural Resource Management Committee responsibilities*: “Work together as a positive and proactive team, treating all people fairly and with respect, to hear representative’s differing points of view, focus on the issues and accept the consensus of the Committee.”

CARRIED UNANIMOUSLY

09/21.16.8

Joint Implementation of Dog Management – 2021 – 2022 Season

FILE REFERENCE	01/19.8.3.6
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OFFICER’S RECOMMENDATION:

Council supports the joint campaign with the Tasmanian Parks and Wildlife Service (PWS) and community in 2021-2022 on dog management and shorebirds in Break O’Day; which will include education and information activities and targeted enforcement of beach access rules for dogs with the PWS, with a low tolerance for infringement.

INTRODUCTION:

Collaboration on dog management between Council and the PWS and shorebird conservation interest in the community is continuing over the 2021/2022 season.

DISCUSSION:

- The NRM Officer stated that last year we had a trial between Council, Parks & Wildlife Services (PWS) and the community and this year we are doing it again and extending it to St Helens.
- There was a member of the public present requesting to say something, she was advised of Council Meeting procedures and the General Manager briefly spoke to her. The General Manager advised the Meeting on her behalf that her comments related to an issue at Four Mile Creek, and the situation with on lead and off lead areas down there, and how we may need to look at the on lead requirements as there have been situations down there and a recent one of a member of the public being attacked by a dog off lead. The NRM Officer will discuss the matter further with her.

COUNCIL DECISION:

09/21.16.8.211

Moved: Clr M Osborne / Seconded: Clr K Chapple

Council supports the joint campaign with the Tasmanian Parks and Wildlife Service (PWS) and community in 2021-2022 on dog management and shorebirds in Break O’Day; which will include education and information activities and targeted enforcement of beach access rules for dogs with the PWS, with a low tolerance for infringement.

CARRIED UNANIMOUSLY

09/21.17.0 GOVERNANCE

09/21.17.1 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 advised that he had a good meeting with Richard Gilmour from Department of Communities Tasmania late last week regarding a range of housing matters and we will be drawing more information together and will come back to Council with that for further discussion.
- The General Manager advised that he attended the Community Wellbeing Project Showcase at White Sands on Saturday and there is a lot of enthusiasm and different projects coming out of this and it reinforces the importance of this project in the community, it was really enjoyable.
- The General Manager provided an update in regards to St Marys Pass. Contractors have been up there scoping out works for asphaltting and sealing scheduled for October and February. The General Manager stated that he has raised that February may not be the best time for this however he will continue to follow this up.
- Clr McGiveron stated that the Main Street of St Marys is almost as bad. The General Manager stated that he will also raise this and he will arrange for a Council Officer to take a photo of the large section in the Main Street and will send it through as well.

- Clr Chapple asked, where are we at with a bank branch at St Marys. The General Manager advised that the viability at the moment of a branch is not there as we understand it. Bendigo will continue to revisit this and they have access to office space and have a presence there but in terms of the formal establishment of a Branch it will not happen at this stage. Clr Osborne asked, is it because a lot of people bank online now. The General Manager stated that usually banks make their money through lendings, it is not always about the foot traffic as much.
- Clr McGiveron asked in relation to the General Manager’s meeting with Linda Overend from Parks & Wildlife Services (PWS) and asked whether Burns Bay was on the agenda, what has happened. The General Manager stated that there were commitments made that by the end of the month the Aboriginal Heritage Tasmania matter will be progressed and they will be looking at what the maximum parking spaces will be able to fit on that site. The General Manager advised that PWS are also awaiting advice regarding the need for a Cultural Heritage Management Plan. Clr Osborne asked, due to the time, over 10 years on this couldn’t we do something with our local State Government representatives in this area and talk to them about it. Mayor Tucker stated that we have had multiple discussions over many years with all Governments. The General Manager stated that Council need to question whether it does projects on crown land now due to the hurdles and hoops we need to jump through. Clr McGiveron stated that when the final decision is reached the stakeholders need to see it before it actually happens.

COUNCIL DECISION:

09/21.17.1.212 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

09/21.17.2 **Nomination of Councillor Representative on the Board of East Coast Tasmania Tourism (ECTT)**

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

That Council nominate Councillor to the Board of East Coast Tasmania Tourism (ECTT) to replace Clr McGuinness following the conclusion of the forthcoming meeting on 11 October 2021.

INTRODUCTION:

Clr McGuinness has expressed his desire to stand down from East Coast Tasmania Tourism (ECTT). As a result of his notification it is necessary to determine a Council representative to ensure adequate representation by Council.

DISCUSSION:

- Mayor Tucker expressed appreciation on behalf of the Council to Clr McGuinness for the work he has done on this board during his term.

COUNCIL DECISION:

09/21.17.2.213

Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council nominate Councillor Barry LeFevre to the Board of East Coast Tasmania Tourism (ECTT) to replace Clr McGuinness following the conclusion of the forthcoming meeting on 11 October 2021.

CARRIED UNANIMOUSLY

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

Moved: Clr L Whittaker / Seconded: Clr K Chapple

CARRIED UNANIMOUSLY

IN CONFIDENCE

09/21.18.0 **CLOSED COUNCIL**

09/21.18.1 **Confirmation of Closed Council Minutes – Council Meeting 16 August 2021**

09/21.18.2 **Outstanding Actions List for Closed Council**

09/21.18.3 **Tender – 2021/2022 Bituminous Surfacing Program - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

09/21.18.3.CC Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That Council award Contract 030\001\134 "2021/2022 Bituminous Surfacing Program" to Crossroads Civil Contracting Pty Ltd.

CARRIED UNANIMOUSLY

09/21.18.4 **5-7 Portland Court, St Helens – Hub4Health Building - Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

09/21.18.4.CC Moved: Clr G McGuinness / Seconded: Clr K Chapple

That, should Council be successful with the Expression of Interest process:

1. Council meet the legal and associated costs relating to transfer of the Title to the property;
2. Explore options for developing the site with the Department of Communities Tasmania;
3. That pursuant to Section 177A of the Local Government Act 1993, Council determines that the property at 5-7 Portland Court, St Helens be classified as Public Land.

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 L Whittaker

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.07am.

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MAYOR

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DATE