



COUNCIL MEETING MINUTES

Monday 22 June 2020
Via MS Teams

John Brown, General Manager
Break O'Day Council
22 June 2020

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

06/20.1.0 ATTENDANCE

06/20.1.1 Present

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

06/20.1.2 Apologies

Nil

06/20.1.3 Leave of Absence

Nil

06/20.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 15.4 / 16.4*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 16.4*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 16.4*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 16.4*)
Planning Consultant, Rebecca Green (*Item 1.0 – 8.1*)
Senior Town Planner, Nick Cooper (*Item 1.0 – 8.1 / 12.4 – 15.4*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.4*)
NRM Facilitator, Polly Buchhorn (*Item 6.2 – 17.1*)
Economic Development Officer, Tim Gowans (*Item 8.2 – 16.4*)

06/20.2.0 PUBLIC QUESTION TIME

There were no people in the gallery due to the COVID-19 situation and the public being unable to attend.

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

Provision had been made for members of the community to submit questions prior to the meeting and at the time of the meeting, no questions had been received.

06/20.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr Kristi Chapple declared a Non-Pecuniary Interest (Conflict of Interest) for agenda item 06/20.14.2 – St Helens Football Club – Request for Extension of Lease Term.

Clr Barry LeFevre declared a Non-Pecuniary Interest (Conflict of Interest) for agenda item 06/20.16.3 – Business Enterprise Centre (BEC) – Continued Funding Approval.

06/20.4.0 CONFIRMATION OF MINUTES

06/20.4.1 Confirmation of Minutes – Council Meeting 18 May 2020

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 May 2020 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/20.4.1.86 Moved: Clr M Osborne / Seconded: Clr J Drummond

That the minutes of the Council Meeting held on the 18 May 2020 be confirmed.

CARRIED UNANIMOUSLY

06/20.5.0 COUNCIL WORKSHOPS HELD SINCE 18 MAY 2020 COUNCIL MEETING

There was a Workshop held on Monday 1 June 2020 – the following items were listed for discussion.

- 2020 – 2021 Annual Plan
- 2020 – 2021 Budget Estimates
- St Helens Elm Avenue – Maintenance
- St Helens Football Club – Request for Extension of Lease Term
- Short Term Accommodation Data Report
- Strategic Land Use Planning
- Regional Cat Management and Strategy
- Break O’Day Drought Weeds Project 2020
- Business Enterprise Centre (BEC) – Continued Funding Approval
- Housing Proposal
- Community Care and Recovery Package – COVID-19
- Process Related to Receiving Petitions – Clr B LeFevre
- Legalisation of Illegal Dwellings and Vegetation Removal – Clr J Drummond

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.

06/20.6.1

DA 189-2019 – Two (2) New Visitor Accommodation Units – 24173 Tasman Highway, Beaumaris

FILE REFERENCE	DA 189-19
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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 **Two (2) NEW VISITOR ACCOMMODATION UNITS** on land situated at **24173 TASMAN HIGHWAY, BEAUMARIS** described in Certificate of Title 51642/1, 51642/2 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 189-2019 received by Council 23 October 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. The vehicle crossover from the carriageway to the property boundary must be upgraded in accordance with the vehicular crossing requirements of the Department of State Growth, Tasmania, and must be financed by the applicant.
3. No works are to commence on the crossover until an Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.
4. The existing access for 24173 Tasman Highway shall be sealed from the edge of the Tasman Highway seal to the property boundary.

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/road/permits/road-access. 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.

5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. The access driveway width shall be a minimum of 4 meters wide for the initial 7m from the road carriage way, and must be contained wholly within the Right of Way as identified in the Certificate of Title for the Lot 1, 24173 Tasman Highway. A check survey is required to be carried out to clearly identify boundaries, prior to commencement of works.

7. All car parks and access ways must be designed and constructed in accordance with Australian Standard AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car parking.
8. The internal driveway shall be sealed in such a manner that mitigates the risk debris being track onto the roadway
9. Native vegetation must maintained in accordance with the approved Vegetation report. Clearing is restricted to those areas necessitated by the development as identified in the approved documents.
10. A maximum occupancy limit of 8 persons shall be applied to the Visitor Accommodation Use.
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 in accordance with 14.4.1 A10 of the *Break O'Day Interim Planning Scheme 2013*.
12. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.
13. 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 Manager Infrastructure and Development Services.
14. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
15. Minimum safety distances in accordance with Aurora Energy Pty Ltd are to be maintained between the overhead power line and proposed unit 1.
16. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
17. 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 No construction

INTRODUCTION:

The proposed development is for the construction of two visitor accommodation units at 24173 Tasman Highway, Beaumaris, which is comprised in Certificate of Title (CT) Volume 51642 Folio 2. The subject site is of an irregular shape, having a maximum depth and width of approximately 1,225m and 238m respectively, and a total area of 20.22ha. The site not serviced by reticulated water or sewerage infrastructure.

Whilst the property has a 264.84m frontage to the Tasman Highway along its eastern boundary, site access is proposed via an existing access road through the adjoining property, which is also located at 24173 Tasman Highway, Beaumaris, but comprised in CT 51642/1.

The property is within the Environmental Living Zone, and adjoins properties to the north and south that are also subject to the Environmental Living Zone. Land to the rear (west) of the subject site is subject to the Rural Resource Zone, Land to the east of the Tasman Highway includes Scamander Coastal Reserve, and is subject to the Environmental Management Zone.

The site is also subject to the Bushfire Prone Areas overlay and the Coastal Height Reference overlay, and it adjoins land subject to the Scenic Corridor overlay (Tasman Highway) and Priority Habitat overlay (Scamander Coastal Reserve).

Whilst the subject site is subject to the Bushfire Prone Areas overlay, as the proposed development is not for a subdivision, or for a vulnerable or hazardous use, the Bushfire-Prone Areas Code does not apply.

DISCUSSION:

- The Senior Town Planner advised that this application was advertised twice. Representations were received the first time in relation to vegetation clearing and access so Council sought further details from applicant with regard to this and Council received a Vegetation Management Report, then the application was readvertised and Council received a further three (3) representations making the total number of representations received six (6).
- The Senior Town Planner advised that he took into account the Scenic Management Corridor.
- The Senior Town Planner advised that they have made specific conditions for approval with regard to the driveway access and compliance with the Vegetation Management Report.
- Clr Osborne stated that this application addresses the Planning Scheme.
- Clr LeFevre stated that he is happy with the recommendation and with the conditions that are there.
- Clr Wright stated that the concerns raised with regard to the access were with concerns over the safety with cars trying to enter and leave. Clr Wright also stated that she is concerned with the issue of the septic system. The Senior Town Planner stated that the application was lodged with a Traffic Impact Assessment (TIA), in the TIA it was incorrectly identified that there was a 10m wide access, the condition is that the driveway access is to be within the bounds of their property, they will have to construct their own driveway adjacent to the existing access, the Department of State Growth did approve the TIA and we have to go with their approval, as we tried to eliminate the interaction of vehicles which is why they have a separate driveway. The septic system was raised in the first round of representations and

as such they have moved their wastewater infrastructure to comply with the acceptable solution in the Planning Scheme.

- Cllr Wright asked in relation to the Flora and Fauna Report, the applicants have done this themselves, is this correct. The Senior Town Planner advised that the Flora and Fauna Report was completed by the applicant as there is no requirement in the Planning Scheme that this has to be prepared by a suitably qualified person. The Senior Town Planner and NRM Officer have looked at this and worked with the applicant to make sure it satisfies the requirements.
- Cllr Drummond stated that she appreciates that the owners have gone to a lot of trouble to address the concerns raised. The plans we have got are they the plans with the moved septic as she would like to see the amended plan. The Senior Town Planner advised that the Wastewater Report has the amended plan in it. Cllr Drummond stated that her other concern was around the scenic corridor, she is concerned with the condition that it is slightly visible. The Senior Town Planner stated that the "Acceptable Solution" is that it is fully screened, the applicant has said it is likely to be visible due to bushfire clearing, within the performance criteria it is not required to be fully screened, the topography and distance of the units to the road assists them in this case. Cllr Drummond asked in relation to the bushfire assessment. The Senior Town Planner stated that this refers to pre-existing lots - E1.2 Application of the Code applies to subdivision of land and a use on the land - the proposed use is not vulnerable or hazardous therefore the bushfire code does not apply to this. Cllr Drummond stated that her concern continues from the screening issue. The Senior Town Planner stated that we are acknowledging that there will be clearing and the code exists here, the siting of the development is to not considered to be obtrusive, if it was right on the road it may be more obtrusive the code aims to mitigate the bulk of the development, it may be slightly visible but not be obtrusive on the travellers experience due to its location and the amount of vegetation between the buildings and the road.
- Cllr Whittaker stated that the last representation says multiple dwellings are not allowed in the Environmental Living Zone is visitor accommodation not dwellings – isn't this just splitting hairs. The Senior Town Planner stated that the difference between multiple dwellings and visitor accommodation is because they are classified differently, short term accommodation is a discretionary use therefore low intensity visitor accommodation is allowable. Cllr Whittaker asked, what if it then goes for long-term rental. The Senior Town Planner stated that the approval is for short-term visitor accommodation if they go to long-term rental they will not be operating within their approved use.

COUNCIL DECISION:

06/20.6.1.87 Moved: Cllr M Osborne / Seconded: Cllr B LeFevre

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **TWO (2) NEW VISITOR ACCOMMODATION UNITS** on land situated at **24173 TASMAN HIGHWAY, BEAUMARIS** described in Certificate of Title 51642/1, 51642/2 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 189-2019 received by Council 23 October 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.

2. The vehicle crossover from the carriageway to the property boundary must be upgraded in accordance with the vehicular crossing requirements of the Department of State Growth, Tasmania, and must be financed by the applicant.
3. No works are to commence on the crossover until an Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.
4. The existing access for 24173 Tasman Highway shall be sealed from the edge of the Tasman Highway seal to the property boundary.

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/road/permits/road-access. 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.

5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. The access driveway width shall be a minimum of 4 meters wide for the initial 7m from the road carriage way, and must be contained wholly within the Right of Way as identified in the Certificate of Title for the Lot 1, 24173 Tasman Highway. A check survey is required to be carried out to clearly identify boundaries, prior to commencement of works.
7. All car parks and access ways must be designed and constructed in accordance with Australian Standard AS2890.1 – 2004 Parking Facilities, Part 1: Off Road Car parking.
8. The internal driveway shall be sealed in such a manner that mitigates the risk debris being track onto the roadway
9. Native vegetation must maintained in accordance with the approved Vegetation report. Clearing is restricted to those areas necessitated by the development as identified in the approved documents.
10. A maximum occupancy limit of 8 persons shall be applied to the Visitor Accommodation Use.
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 in accordance with 14.4.1 A10 of the *Break O'Day Interim Planning Scheme 2013*.
12. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with 14.4.1 Building Design and Siting A6 and A7 of the *Break O'Day Interim Planning Scheme 2013*.

13. 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 Manager Infrastructure and Development Services.
14. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
15. Minimum safety distances in accordance with Aurora Energy Pty Ltd are to be maintained between the overhead power line and proposed unit 1.
16. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
17. 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 No construction

CARRIED UNANIMOUSLY

06/20.6.2 DA 218-2019 – Six (6) Lot Subdivision – 83 Cecilia Street, St Helens

FILE REFERENCE	DA 218-2019
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Six (6) Lot Subdivision** on land situated at **83 Cecilia Street, St Helens** described in Certificate of Title CT 156242/10 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) Plan of Subdivision, PDA Surveyors, Job No. 44528J-1, Dated: 8 November 2020;
 - b) Servicing Report, PDA Surveyors, Dated: 9 January 2019;
 - c) Preliminary Stormwater Detention Plan, PDA Surveyors, Dated: 12 May 2019;
 - d) Traffic Impact Assessment, TCS, Dated: February 2020.
2. Power connection to all lots must be provided underground in accordance with TasNetworks Service and Installation Rules current version.
3. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2019/01748-BODC** as attached to this permit.

4. 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.
5. The five (5) proposed crossovers on Mill Court to serve Lots 1-3, Lot 5 and Lot 6 need to be constructed and maintained in accordance with standard drawing TSD-R09-v1 (attached). The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.
6. Prior to the commencement of any development on site, unconditional certification of the stormwater design of the subdivision which includes the design life of the proposed development and compliance with current version of ARR 2016 incorporating Tasmanian requirements for CC and sea-level rise must be provided to Council by a qualified professional engineer practising in the fields of hydrology and hydraulics.
7.
 - a) Each of Lots 1 to 5 must be provided with a connection to the Council's stormwater system, constructed by a licenced plumber in accordance with Standard Drawings TSD-SW25.
 - b) Lot 6 must be connected to the Council's stormwater system pit, by a licenced plumber in accordance with Standard Drawings TSD-SW02-v1.
8. No works are to be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering and stormwater connections, until a permit to undertake works in the road reservation has been issued by Council's Manager Infrastructure and Development Services for the crossovers and stormwater connections.
9. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of Council's Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council's Manager Infrastructure and Development Services.
10. Prior to the commencement of any development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site, the cost of these works may be charged to the developer/property owner.
11. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.
12. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.

13. 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. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

ADVICE

- All new road reservation and/or drainage reserve areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.
- 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 Infrastructure and Development Services.
- 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 a six (6) lot subdivision at 83 Cecilia Street, St Helens. One (1) lot presently exists and is vacant land. The site is located on the northern side of Mill Court and to the west of Cecilia Street.









DISCUSSION:

- The Planning Consultant stated that the existing lot is vacant.
- The Planning Consultant advised that two (2) representations were received and the concerns are the same primarily in relation to stormwater and onsite detention.
- The Planning Consultant advised that there are a number of conditions included particularly in regard to stormwater and connections.
- Cllr McGuinness stated that the stormwater concerns are well and truly addressed. That block has been sitting there looking unsightly for a number of years and he is very pleased with the outcome.
- Cllr Chapple stated that she agrees with Cllr McGuinness and it is nice to see the infilling of residential blocks within the town boundary.

COUNCIL DECISION:

06/20.6.2.88

Moved: Cllr G McGuinness / Seconded: Cllr K Chapple

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 **Six (6) Lot Subdivision** on land situated at **83 Cecilia Street, St Helens** described in Certificate of Title CT 156242/10 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) Plan of Subdivision, PDA Surveyors, Job No. 44528J-1, Dated: 8 November 2020;
 - b) Servicing Report, PDA Surveyors, Dated: 9 January 2019;
 - c) Preliminary Stormwater Detention Plan, PDA Surveyors, Dated: 12 May 2019;
 - d) Traffic Impact Assessment, TCS, Dated: February 2020.
2. Power connection to all lots must be provided underground in accordance with TasNetworks Service and Installation Rules current version.
3. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2019/01748-BODC** as attached to this permit.
4. 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.
5. The five (5) proposed crossovers on Mill Court to serve Lots 1-3, Lot 5 and Lot 6 need to be constructed and maintained in accordance with standard drawing TSD-R09-v1 (attached). The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.

6. Prior to the commencement of any development on site, unconditional certification of the stormwater design of the subdivision which includes the design life of the proposed development and compliance with current version of ARR 2016 incorporating Tasmanian requirements for CC and sea-level rise must be provided to Council by a qualified professional engineer practising in the fields of hydrology and hydraulics.
7.
 - a) Each of Lots 1 to 5 must be provided with a connection to the Council's stormwater system, constructed by a licenced plumber in accordance with Standard Drawings TSD-SW25.
 - b) Lot 6 must be connected to the Council's stormwater system pit, by a licenced plumber in accordance with Standard Drawings TSD-SW02-v1.
8. No works are to be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering and stormwater connections, until a permit to undertake works in the road reservation has been issued by Council's Manager Infrastructure and Development Services for the crossovers and stormwater connections.
9. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of Council's Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council's Manager Infrastructure and Development Services.
10. Prior to the commencement of any development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site, the cost of these works may be charged to the developer/property owner.
11. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.
12. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
13. 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. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

ADVICE

- All new road reservation and/or drainage reserve areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.

- 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 Infrastructure and Development Services.
- 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.

06/20.7.0 PETITIONS

Nil

06/20.8.0 NOTICES OF MOTION

06/20.8.1 Bay of Fires Winter Arts Festival – Cllr G McGuinness

MOTION:

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

That Council agrees to forward the sum of \$7,000 to the Bay of Fires Winter Arts Festival being half of the budgeted \$14,000 for the 2020 Festival.

Council recognises that this year's Festival has been postponed for 12 months due to Covid-19 limitations.

This money should not affect the \$14,000 committed to the 2021 event.

SUBMISSION IN SUPPORT OF MOTION:

The money is already budgeted but has not been requested. There are major difficulties expected in fundraising required for next year's event. There had been plans and commitments for the major fundraising auction for this year but of course this was called off at the 11th hour due to anticipated Covid-19 restrictions. Local business had been very forthcoming because the local economy was thriving prior to the virus. However the business landscape is certainly going to be different for at least the next 12 months. Another major sponsor, Federal Hotels, is very doubtful for next year. Saffire has signalled their intention to no longer sponsor the event.

The Festival committee recognises that Council is keen to reduce costs and make savings where possible due to the impact of Covid-19 on their budget, and this is why only half of the budgeted \$14,000 is being requested.

The BOFWAF committee invested heavily on the development of a website and social media package in anticipation of a successful festival this year. The website makes significant savings into the future as it streamlines the Art Prize entry process. Unfortunately, there are ongoing costs associated with this and this will leave the committee with limited funds to commence the 2021 program.

Finally, the St. Helens Destination Action Plan committee has highlighted as one of their priorities, the importance of local festivals as a key driver in encouraging Tasmanians to our region in a period when there is a significant deficit of other forms of tourism. It is hoped that That BODC can see the way clear to support this effort in these extraordinary times.

I have no pecuniary interest in this event but I am the public officer of the event committee. This means that I am in an oversight position and not a voting member of the committee. I commend this motion purely as a community service.

DISCUSSION:

- Clr Osborne stated that she thinks it is a really good thing for us to do to help ensure that this keeps going in the community.
- Clr Wright stated that she has had a couple of people raised concerns with the money going to the event when the event is not happening this year.
- Clr LeFevre stated that he supports the motion with a couple of reservations. We need to ensure that by giving the additional \$7,000 this year that there is no expectation that there will be \$21,000 going forward. Also thinking of other events such as the athletics carnival going forward, he is just highlighting that we also need to think of other groups.
- Clr McGuinness stated the he does see that there are some people that think this may be double dipping and he is very cognisant of that, however it is definitely not being asked for, for the future.

COUNCIL DECISION:

06/20.8.1.89 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council agrees to forward the sum of \$7,000 to the Bay of Fires Winter Arts Festival being half of the budgeted \$14,000 for the 2020 Festival.

Council recognises that this year's Festival has been postponed for 12 months due to Covid-19 limitations.

This money should not affect the \$14,000 committed to the 2021 event.

CARRIED UNANIMOUSLY

06/20.8.2 **Councillor Lunches for Council Meetings – Clr L Whittaker**

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:

Forego paid Councillor lunch for Council meetings and workshops.

SUBMISSION IN SUPPORT OF MOTION:

Many ratepayers would be unaware that on meeting and workshop days, lunch for Councillors is supplied by Council. For the past few months we have undertaken both meetings and workshops online and without inconvenience, forgone our paid lunch.

As the Council is offering a Community Care and Recovery Package to our community, due to COVID19, now would be an apt time to forgo this luxury and as a gesture of goodwill. Generally meetings and workshops take about three hours with a morning tea break, I am sure it is not a big ask to pass on paid lunch. Many in the community do without lunch altogether.

This could potentially be savings of \$4,000 over a 12 month period. This money could be a direct savings or donated to a worthy cause. Councillors could bring a packed lunch if morning tea is not sufficient or pay for their own lunch.

DISCUSSION:

- Clr Wright stated that she has mixed feelings. Her concern that it is the only time we have interaction as Councillors outside meeting times and thinks this is important.
- Clr Drummond stated that she is similar to Clr Wright. If we are trying to attract younger people or people from lower socio economic areas from the community it helps with mentoring outside meetings and the more she thinks about it she is conflicted by it.

- Clr Chapple stated that she has no issues with paying for her own lunch and it is a good saving.
- Mayor Tucker stated that as Council supports local businesses and the money spent on these lunches supports these businesses, if we take this away we are taking away the support from Council for the local businesses.
- Clr Whittaker stated that we are not actually cancelling lunches just cancelling paid lunches.
- Clr LeFevre stated that he doesn't support the motion, he thinks it is really time effective as that is his time to ask the Mayor and General Manager questions that he would normally have to make an appointment for.
- Clr Drummond stated, again if we are trying to attract people and it may not seem a lot but this may exclude someone from being able to participate.
- Clr McGiveron stated that he doesn't support the motion, it is nothing to do with the cost, it is also for those that travel sometimes for not just the one (1) meeting they could have other meetings before or after the Council Meeting and they may not get home until 3.00pm or 4.00pm on a meeting day, it is also the networking it creates, etc.

COUNCIL DECISION:

06/20.8.2.90 Moved: Clr L Whittaker / 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 Council forego paid Councillor lunches for Council meetings and workshops.

FOR Clr L Whittaker, Clr K Chapple

AGAINST Clr J McGiveron, Clr K Wright, Clr M Osborne, Clr J Drummond, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

LOST

06/20.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

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

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

06/20.10.1

Sunken Boats in Beauty Bay – Clr K Chapple

What is being done to remove the sunken boats in Beauty Bay as soon as possible as I am concerned about pollution in the Bay and the visual pollution in our beautiful bay.

I have heard that one is being dealt with but the other may not be removed?

Reply

The Environment Protection Agency took control of the situation and arranged for the boat beached in Beauty Bay to be re-floated and it has been moved to the St Helens Wharf area. The other vessel which remains sunken will be re-floated and dealt with in a similar manner to the first vessel. Marine and Safety Tasmania have some limited authority in relation to waterways, Australian Marine Safety Authority are the organisation who have registered these vessels as being seaworthy.

06/20.10.2

Graffiti Removal – Clr K Wright

Should Council take a lead role in the removal of graffiti from non-Council infrastructure, such as the Telstra/NBN box in Quail Street? This has been raised by community members on facebook pages. Community concern is about the unsightliness of the tagging and graffiti.

Reply

Council can only notify other utility providers that their infrastructure has been subjected to graffiti and request that the graffiti is removed.

Members of the public can also report these type of incidents to directly utility service providers.

06/20.11.0**MAYOR'S & COUNCILLOR'S COMMUNICATIONS****06/20.11.1****Mayor's Communications for Period Ending 22 June 2020**

21.05.2020	St Helens Via web	– Meeting with Minister Mark Shelton, Minister for Local Government - COVID-19
22.05.2020	St Helens Via web	– East Coast Regional Tourism Organisation – Sip & Chat
27.05.2020	St Helens Via web	– Regions Rising Webinar Series: In Conversation with Marnie and the Minister
27.05.2020	St Helens Via web	– COVID-19 Safe Workplace Plans Workshop
28.05.2020	St Helens	– Meeting with Lynne Wilton
01.06.2020	St Helens Via web	– Council Workshop
04.06.2020	St Helens Via web	– Local Government Association of Tasmania (LGAT) - General Management Committee (GMC) meeting
05.06.2020	St Helens Via web	– East Coast Tasmania Tourism (ECTT) – Sip & Chat
10.06.2020	St Helens Via web	– Northern Tasmanian Development Corporation (NTDC) – Quarterly Mayors Meeting
11.06.2020	Swansea	– Meeting with East Coast Tasmania Tourism (ECTT)
22.06.2020	St Helens Via web	– Council Meeting

06/20.11.2**Councillor's Reports for Period Ending 22 June 2020**

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

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

- First meeting back last week, it was well attended.
- The main thing that was talked about was that the Chamber has received a grant for \$9,000 which they are going to use to promote the area.

NRM Special Committee – Clr Janet Drummond

- No meeting.

Barway Committee – Clr John McGiveron

- Pelican Point is holding ok at 3m.
- The Barway is stable.
- MAST advised that they intend to dredge again July early August.
- The scallop boats not having too much bother going in or out.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- Had a meeting at Freycinet on Saturday afternoon prior to the Tourism Awards. Glamorgan Spring Bay Council was discussed at great length – will wait for a more comprehensive report to be provided and he will circulate.
- Virtual Tourism Awards – It was pleasing to see that Break O’Day did extremely well this time.

Mental Health Action Group – Clr Barry LeFevre

- No meeting.

Disability Access Committee – Clr Janet Drummond

- No meeting.

06/20.12.0 BUSINESS AND CORPORATE SERVICES

06/20.12.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that we have had another break in at the Pyengana Tip, nothing stolen but damage to the locks.

COUNCIL DECISION:

06/20.12.1.91 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

06/20.12.2 Monthly Financial Report

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

That the following reports for the month ending 31 May 2020 be received:

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

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

COUNCIL DECISION:

06/20.12.2.92 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the following reports for the month ending 31 May 2020 be received:

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

CARRIED UNANIMOUSLY

06/20.12.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that we have now opened the VIC and History Room.
- We have lower numbers of visitors so we have reduced the opening hours, however it is good to have it open again with the limitations for distancing and cleaning regimes in place.

COUNCIL DECISION:

06/20.12.3.93 Moved: Cllr M Osborne / Seconded: Cllr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 11.00am

Meeting resumed at 11.10am

06/20.12.4 Adoption of 2020-2021 Budget Estimates

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

That Council adopt the 2020/2021 Budget Estimates document inclusive of:

1. Budget Income Statement
2. Budgeted Statement of Financial Position
3. Budgeted Cash Flow Statement

and,

That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2020 to 30 June 2021 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2020 and ending 30 June 2021, namely a rate of 8.10 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$551.00.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
- (a) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2020 and ending on the 30 June 2021, namely:

2.1 Waste Management:

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$188.50;

2.1.2 Waste Collection Services

- (a) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$97.50 per bin; and
- (b) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$158.60 per bin; and
- (c) additional 140 litre waste bin will be \$97.50 per service, and 240 litre waste bin will be \$158.60 per service.
- (d) for making available the service of a 240 litre mobile recycling collection within each collection area, \$55.60 per bin; and
- (e) for each 240 litre mobile recycling collection bin supplied, in addition to the first, \$55.60 per bin.

2.1.3 Waste Collection Services – Exceptions

Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

- (a) where land is within a collection area pursuant to sub-paragraph (a), (b) or (d) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (b) where improved land is within a collection area pursuant to sub-paragraph (a) (b) or (d) but either of the following two conditions apply (i) the capital value is \$3,000 or less above the land value; or (ii) is considered to not be habitable; vary the collection service charge to nil;
- (c) where land to which sub-paragraphs (a), (b) or (d) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

Pursuant to Section 93A of the *Local Government Act 1993* Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.471435
General land	.330906

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$41.00.

3. Separate Land:

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

4. Adjusted Values:

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

5. Instalment Payment:

Pursuant to Section 124 of the *Local Government Act 1993*, Council:

- (a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.

(b) determines that the dates by which instalments are to be paid shall be as follows:

- (i) The first instalment on or before 8 September 2020;
- (ii) The second instalment on or before 10 November 2020;
- (iii) The third instalment on or before 2 February 2021; and
- (iv) The fourth instalment on or before 4 May 2021.

(c) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6 Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 3% of the rates and charges if they are paid, and received by Council, by one payment on or before 8 September 2020.

7. Penalty and Interest:

Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid, and received by Council, on or before the date it falls due then:

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0186575% (6.81% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

INTRODUCTION:

The Budget Estimates and Rates Resolution are considered annually in accordance with Section 82 of the *Local Government Act 1993* and are prepared in accordance with Council's Long Term Financial Plan.

DISCUSSION:

- The Manager Corporate Services suggested that Council discuss the opportunity to reduce the discount amount offered for rates payments from 3% to 2%. Although there were four (4) Councillors happy to support the recommendation the majority preferred it to be left at 3% and review it next year as this year people may appreciate the discount more now under the current circumstances of the Pandemic.
 - o Clr Wright stated that although she has never taken advantage herself there are a number that do and they probably do because they rely on it therefore she stated we should leave it as it is.
 - o Clr McGiveron stated that we should leave it like it is this year as it is an exceptional year.
 - o Clr Whittaker was happy to support the reduction proposed.
 - o Clr Osborne stated that she was happy to support the proposed reduction.

- Clr Drummond was not supportive of the proposed reduction and stated that it should stay and we should review it later.
 - Clr McGuinness stated that he agreed with Clr Drummond.
 - Clr Chapple agreed with Clr Drummond and Clr McGuinness and review again in 12 months.
 - Clr LeFevre stated that he was in favour of reducing it to 2% now.
 - Mayor Tucker stated that he was supportive of the reduction to 2%.
 - The consensus was not support of reducing the discount from 3% to 2% this year.
- The Manager Corporate Services advised that the Budget Estimates were discussed at this morning's Audit Panel meeting. The Chair noted the large reduction in cash but there are no surprises in this. This is because of capital projects from Grant funding as well as the Community Care and Recovery Package, the cash coming down is not a surprise.
 - Clr LeFevre asked about the \$155,000 for jetty upgrades as there is nothing listed for this year. The General Manager responded in relation to this, it is a matter of timing, what we had there was funding provided by MAST that needs to be matched off with the Cunningham Street jetty that we have already done. MAST were giving us \$650,000 over four (4) years so what that is doing is showing Cunningham Street Jetty which was split over two (2) years. The MAST situation and the funding is a little bit complicated.
 - Clr Drummond asked in relation to item #1791 – St Helens Point Road Parkside \$375,000. The General Manager advised that this for works round in front of Parkside, it is the stage for the erosion control works and upgrade of St Helens Point Road, there is potential for Government funding of \$375,000 to assist with these works.
 - Clr Drummond asked in relation to the item listed for the St Helens Recreation Ground \$15,000. The Manager Infrastructure and Development Services stated that he understands this is for work on the car park.
 - Clr Whittaker asked about the \$25,000 for a shade structure at Flagstaff Trail Head. The General Manager stated that we are hoping to secure some grant funding for this but it is to get some shade in the main area, an improvement that has been identified by users.

COUNCIL DECISION:

06/20.12.4.94 Moved: Clr M Osborne / Seconded: Clr L Whittaker

That Council adopt the 2020/2021 Budget Estimates document inclusive of:

1. Budget Income Statement
2. Budgeted Statement of Financial Position
3. Budgeted Cash Flow Statement

and,

That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2020 to 30 June 2021 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2020 and ending 30 June 2021, namely a rate of 8.10 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$551.00.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
- (b) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2020 and ending on the 30 June 2021, namely:

2.1 Waste Management:

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$188.50;

2.1.2 Waste Collection Services

- (f) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$97.50 per bin; and
- (g) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$158.60 per bin; and
- (h) additional 140 litre waste bin will be \$97.50 per service, and 240 litre waste bin will be \$158.60 per service.
- (i) for making available the service of a 240 litre mobile recycling collection within each collection area, \$55.60 per bin; and
- (j) for each 240 litre mobile recycling collection bin supplied, in addition to the first, \$55.60 per bin.

2.1.3 Waste Collection Services – Exceptions

Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

- (d) where land is within a collection area pursuant to sub-paragraph (a), (b) or (d) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (e) where improved land is within a collection area pursuant to sub-paragraph (a) (b) or (d) but either of the following two conditions apply (i) the capital value is \$3,000 or less above the land value; or (ii) is considered to not be habitable; vary the collection service charge to nil;
- (f) where land to which sub-paragraphs (a), (b) or (d) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

Pursuant to Section 93A of the *Local Government Act 1993* Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.471435
General land	.330906

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$41.00.

3. Separate Land:

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

4. Adjusted Values:

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

5. Instalment Payment:

Pursuant to Section 124 of the *Local Government Act 1993*, Council:

- (a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.

(b) determines that the dates by which instalments are to be paid shall be as follows:

- (i) The first instalment on or before 8 September 2020;
- (ii) The second instalment on or before 10 November 2020;
- (iii) The third instalment on or before 2 February 2021; and
- (v) The fourth instalment on or before 4 May 2021.

(d) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6 Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 3% of the rates and charges if they are paid, and received by Council, by one payment on or before 8 September 2020.

7. Penalty and Interest:

Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid, and received by Council, on or before the date it falls due then:

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0186575% (6.81% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

CARRIED UNANIMOUSLY

06/20.13.0 WORKS AND INFRASTRUCTURE

06/20.13.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that he had nothing further to add.
- Cllr Drummond asked, have we progressed any further with item 11/19.8.1.266 – dual access between Swimcart and Binalong. The Manager Community Services advised that we have done a Flora and Fauna Assessment, we have had an Aboriginal Heritage Report undertaken, and they are meeting with Parks & Wildlife Services next week and we are waiting for them to let us know if there are any other issues identified.
- Cllr Chapple asked in relation to the reports about sun shading at Scamander and the other with no location mentioned, can we be specific with the location so people are aware. The Manager Infrastructure and Development Services advised that this is in relation to requests from Cllr Osborne with relation to the foreshore playground.
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COUNCIL DECISION:

06/20.13.1.95 Moved: Cllr M Osborne / Seconded: Cllr J McGiveron

That the report be received by Council.

CARRIED UNANIMOUSLY

06/20.13.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that the report provides a table summary of activity.

- Cllr Drummond asked, are these numbers in this report reflective of the reality? The Manager Infrastructure and Development Services advised that the numbers do reflect reality and the Animal Control Officer has been here during the Pandemic.
- Cllr Drummond asked, is there some way we can put some dog rules highlighted in our Council newsletter, Cllr Drummond stated that she knows this is on our website but is there another way of educating the community. The Manager Infrastructure and Development Services stated that we can see how this may look.
- Cllr Osborne asked, when is a barking dog considered a nuisance, how long does it have to bark? The Manager Infrastructure and Development Services stated that if a dog barks consistently it becomes a nuisance. The Animal Control Officer can respond to these complaints.
- Cllr LeFevre stated that he personally does not think the figures reflect reality. There are a number of cases that he has put in as well as sat on a number of them and others have done the same who believe Council Officers have not been as accessible during the Pandemic.

COUNCIL DECISION:

06/20.13.2.96 Moved: Cllr J Drummond / Seconded: Cllr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

06/20.13.3 St Helens Elm Avenue - Maintenance

FILE REFERENCE	017\022\002\
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OFFICERS RECOMMENDATION:

That Council adopt and act on the recommendation of the Consulting Arborist and pollard the street trees (elms) on the southern side of Tully Street, St Helens.

INTRODUCTION:

Pollarding of the Tully Street Trees (southern side of Tully Street) is required to correct the impact of pruning undertaken by TasNetworks and to promote longevity of the species.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that they have scheduled the works for early July.
- Cllr Wright asked, once work has happened is there going to be instruction given to the electrical contractor that they are not to touch the trees without consultation with Council. The Manager Infrastructure and Development Services advised that it will be another 10 years before the trees need pruning again, all Council can do is request that they are more mindful when pruning these.

- Cllr Drummond stated that there needs to be, before this happens some strong and clear message and guidance given to the community. Cllr Osborne agreed and stated especially up Tully Street.

COUNCIL DECISION:

06/20.13.3.97 Moved: Cllr M Osborne / Seconded: Cllr K Wright

That Council adopt and act on the recommendation of the Consulting Arborist and pollard the street trees (elms) on the southern side of Tully Street, St Helens.

CARRIED UNANIMOUSLY

06/20.14.0 COMMUNITY DEVELOPMENT

06/20.14.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- Cllr Drummond asked in relation to the grant for \$30,000 from Building Better Regions Fund (BBRF), is this for the Recreational Trails Strategy. The Manager Community Services advised that it is.
- The Manager Community Services advised that Council received a letter from Titley Shack operators for assistance and they asked if they could use the room at the Titley Shack for them to hang their jackets as part of their COVID Safety Plan. All of the items from that were removed from this room be put back when the COVID situation is over.
- Cllr LeFevre asked, when will we be advertising for the food vans etc to go at Binalong Bay for next Summer. The Manager Community Services stated that this is not a Council issue it is a Parks & Wildlife Services issue, the operators need to apply for a commercial licence from Parks & Wildlife Services.
- The Manager Community Services stated that she has just been advised that the Environmental Protection Authority (EPA) are dealing with one of the boats that sunk at Beauty Bay, they took control yesterday afternoon and they are lifting the half submerged boat out of the water at this point in time, however we still need to follow up with them with regard to the other boat.

COUNCIL DECISION:

06/20.14.1.98 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

Clr K Chapple declared a non-pecuniary interest in the item below and left the meeting at 11.45am.

06/20.14.2 St Helens Football Club – Request for Extension of Lease Term

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

That Council consider allowing the St Helens Football Club trading as The East Coast Swans to enter into a lease arrangement for nine (9) years and nine (9) months.

INTRODUCTION:

Council has introduced standardised lease agreements with a renewal occurring every five (5) years. The five (5) year term was introduced to bring all lease renewals into line.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/20.14.2.99 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council consider allowing the St Helens Football Club trading as The East Coast Swans to enter into a lease arrangement for nine (9) years and nine (9) months.

CARRIED UNANIMOUSLY

Clr K Chapple returned to the meeting at 11.46am.

06/20.15.0 DEVELOPMENT SERVICES

06/20.15.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- Clr Osborne asked, how is the toilet going at the Memorial hall. The Development Services Coordinator advised that they are coming along well and they are at lock up stage now and they are currently being lined out. This will be operational by the time the hall is available for bookings.
- Clr Drummond asked with regard to the letter sent to the Minister for Resources regarding Future Potential Production Forests (FPPF), have we got anything back yet? The NRM Officer stated that he is not aware that anything has come through as yet.
- Clr Drummond asked, did we put in a submission regarding the proposed amendments to the Strata Titles Act. The Development Services Coordinator advised that there is an update in this report and this is fairly minimal for Break O'Day.
- Clr LeFevre commented in regards to the sharps container exchange program, is this worthwhile happening? Clr Chapple said absolutely, these are for low income people.

COUNCIL DECISION:

06/20.15.1.100 Moved: Clr M Osborne / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

06/20.15.2 Short Term Accommodation Data Report

FILE REFERENCE	011\016\002\
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OFFICER'S RECOMMENDATION:

For Information Purposes.

INTRODUCTION:

The increasing numbers of short-term accommodation properties in the Break O Day Region is welcome however concerns have been raised in relation to the quantity in specific communities.

DISCUSSION:

- Cllr Wright stated that she would like a comparison of properties that are short-term rentals and how many are long-term rentals. The Development Services Coordinator stated that he will need to look into how we can collect this data. The General Manager stated that if real estate agents are able to share this information it would be helpful but this won't capture private rentals, we would have to see how we could source this information.

06.20.15.3 Strategic Land Use Planning

FILE REFERENCE	031\011\017\
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RECOMMENDATION

It is recommended that Council:

1. Commence a targeted review of the Strategic Land Use documents guiding future development within Break O'Day.
2. Seek a return brief and fee proposal from industry specialists responding to the objectives and outlining any other key considerations and tasks considered necessary, that may not be included within the project scope for Council to consider.
3. Allocate \$50,000 in the 2020-2021 Council Budget to commence the review process.
4. Advise northern region Councils of its desire for a review of the Northern Tasmania Regional Land Use Strategy to occur and willingness to contribute towards a review being undertaken.

INTRODUCTION:

The recent decision by the Tasmanian Planning Commission has emphasised a need for Council to regularly review and update strategic land use documents for the Break O'Day area both at the local and at the regional level. It is apparent that Council needs to review a number of strategic land use issues, particularly in the St Helens area and take steps to develop solutions.

DISCUSSION:

- Cllr Drummond stated that she thinks we are being a bit premature with this as we have the Local Provision Schedule (LPS) that needs to go to public hearings and the Northern Tasmania Regional Land Use Strategy review (NTRLUS) that is also happening.
- Cllr LeFevre stated that he thinks this is a great initiative and needs to be done asap.

- Clr McGuinness stated that he would like us to contact all other Northern Councils to get an idea of how many properties are “lifestyle” properties, we should do some sort of analysis to gauge some sort of level of interest. This is important for the future.

COUNCIL DECISION:

06/20.15.3.101

Moved: Clr M Osborne / Seconded: Clr B LeFevre

It is recommended that Council:

1. Commence a targeted review of the Strategic Land Use documents guiding future development within Break O’Day.
2. Seek a return brief and fee proposal from industry specialists responding to the objectives and outlining any other key considerations and tasks considered necessary, that may not be included within the project scope for Council to consider.
3. Allocate \$50,000 in the 2020-2021 Council Budget to commence the review process.
4. Advise northern region Councils of its desire for a review of the Northern Tasmania Regional Land Use Strategy to occur and willingness to contribute towards a review being undertaken.

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

06.20.15.4 Break O’Day Drought Weeds Project 2020

FILE REFERENCE	017\019\002\
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OFFICER’S RECOMMENDATION:

That Council note \$55,000 of Tasmanian Drought and Weeds Program funding has been allocated to Break O’Day and plans for a *Break O’Day Drought Weeds Project* in 2020/21 using the funding.

INTRODUCTION:

Break O’Day Council and Glamorgan Spring Bay, Sorell, Tasman, and Southern Midlands councils, are the (2019) drought affected municipalities targeted by a \$350,000 Tasmanian program funded through the Weed Action Fund (WAF) of the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

Council has received its \$55,000 of funding and planning for a Break O’Day Drought Weeds project in 2020/21 is underway.

DISCUSSION:

- Clr Drummond asked, will this be brought to the NRM Committee. The NRM Officer advised that this will be something to bring to the NRM Committee.

COUNCIL DECISION:

06/20.15.4.102

Moved: Clr K Chapple / Seconded: Clr B LeFevre

That Council note \$55,000 of Tasmanian Drought and Weeds Program funding has been allocated to Break O'Day and plans for a *Break O'Day Drought Weeds Project* in 2020/21 using the funding.

CARRIED UNANIMOUSLY

06/20.16.0 GOVERNANCE

06/20.16.1 General Manager's Report

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager stated that the critical item of concern is East Coast Tasmania Tourism (ECTT) and support from Glamorgan Spring Bay Council. Clr McGuinness stated that at the meeting on Saturday afternoon it was suggested to the Deputy Mayor of Glamorgan Spring Bay Council that they should expedite this as there was nothing on the agenda about discontinuation of funding, hopefully this will be on their Council meeting for tomorrow. The General Manager stated that this has significant ramifications for Break O'Day Council and ECTT.
- Clr McGiveron asked, what is happening with the St Helens Slipway. The General Manager advised that Crown Land Services have received Expressions of Interest and have met with the applicants and this is progressing with Crown Land Services and Parks & Wildlife Services.
- Clr Whittaker asked in relation to the MTB Network and Gravity Isle, have they got a container at Flagstaff. The General Manager advised that they have a trailer up there to assist with bike servicing etc, it is with regard to their operations. Clr Wright asked, is this in conflict to the bike shop in town. The General Manager stated that this has been done in consultation with all of them as they are working together as businesses with regard to this. This trailer supports the experience and the operations of the network.

COUNCIL DECISION:**06/20.16.1.103**Moved: Clr J McGiveron / Seconded: Clr K Wright

That the General Manager's report be received.

CARRIED UNANIMOUSLY**06/20.16.2****2020-2021 Annual Plan**

FILE REFERENCE	002\036\002\
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OFFICER'S RECOMMENDATION:

That Council adopt the 2020 - 2021 Annual Plan.

INTRODUCTION:

Council's management team have prepared a draft 2020 - 2021 Annual Plan based on discussions which have occurred through Council workshops and the normal budget/planning process. The Annual Plan has been prepared to take into account the matters identified in Council's Strategic Plan and reflects continuity of existing projects and activities where this exists.

DISCUSSION:

The General Manager outlined the key focus areas within the 2020-21 Annual Plan.

No discussion took place on this item.

COUNCIL DECISION:**06/20.16.2.104**Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That Council adopt the 2020 - 2021 Annual Plan.

CARRIED UNANIMOUSLY

Clr LeFevre left the meeting at 12.18pm

06/20.16.3 Business Enterprise Centre (BEC) – Continued Funding Approval

FILE REFERENCE	040\082\005\
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OFFICER'S RECOMMENDATION:

That Council agree to fund the Break O'Day Business Enterprise Centre (BEC) \$28,000 (GST inclusive) for the financial year 2020/2021.

INTRODUCTION:

Council has received a written request from the Break O'Day (BEC) seeking funding assistance.

DISCUSSION:

- Clr Wright asked, are the other municipalities that the BEC works across contributing to their funding? The Economic Development Officer advised that the BEC no longer services Dorset under the new State arrangements, this was removed, however to the south they go just outside our boundary.
- Clr Wright stated that there have been quite a few business start-ups, how many that have started over the last three (3) years have survived, what is the breakdown, and the breakdown of what was started and what is still going. Mayor Tucker stated that this could be answered by email as the Economic Development Officer would not have this information in front of him.
- Clr Drummond stated that she is assuming the State Growth funding would be reviewed in light of COVID. The General Manager advised that earlier this year they went through a competitive process and the BEC were successful with funding for another three (3) years. The Economic Development Officer stated that the funding is not the same as previous contracts as it went to open tender and they changed the boundary so essentially the funding was reduced in line with the boundary adjustment. The General Manager stated that it had reduced by approximately 25%. Clr Drummond questioned if it is something we should be continuing in the current financial climate whilst we also have an Economic Development Officer within Council which we didn't always have before.
- Clr Wright asked, what is the funding primarily for? The Economic Development Officer stated that it is used for rent, wages and general business operating costs.
- Clr McGuinness stated that the things he is hearing is disturbing him. The Economic Development Officer mentioned earlier that there has been a change in direction and this is to help businesses survive. We have seen a gradual reduction in funding for the BEC which has meant that they have had to cut staff, so there is now one (1) person that is doing a lot of work to help businesses. Clr McGuinness disagreed vigorously to any suggestion of cutting funding.
- Clr McGivern stated that he thinks this is the worst time to consider cutting funding.
- Clr Drummond stated that Federally they have been cut but there is a lot of other assistance coming out of the Federal Government at the moment eg Job Keeper, etc. Clr Drummond stated that she thinks we need to look for the future whilst we have an Economic Development Officer who works closely with the BEC, this year she can support due to COVID but would like to reassess this in the future.
- Clr Wright stated that she agrees with Clr Drummond.

- Mayor Tucker stated that we should ignore the Federal Government JobKeeper as this is only in place until September and the BEC do other work with business.

COUNCIL DECISION:

06/20.16.3.105

Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council agree to fund the Break O'Day Business Enterprise Centre (BEC) \$28,000 (GST inclusive) for the financial year 2020/2021.

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

Clr LeFevre returned to the meeting at 12.30pm.

The General Manager announced the Economic Development Officer's pending retirement at the end of June. Mayor Tucker thanked Tim Gowans on behalf of Council for the work that he has done for Council during his time here.

06/20.16.4 Community Care and Recovery Package – COVID-19 - Update

FILE REFERENCE	020\002\005\
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OFFICER'S RECOMMENDATION:

That Council receive the updated report for the Community Care and Recovery Package.

AND

That Council waive brochure display fees at the St Helens Visitor Information Centre (VIC) for the Break O'Day Municipality businesses for 2020/2021.

INTRODUCTION:

During the current COVID-19 Pandemic Break O'Day Council is working with Tasmanian Councils and other levels of Government to address the impact of this Pandemic with one area of focus being a Community Care and Recovery Package. With a rapidly evolving situation it is important that Council continually review the package to address the emerging needs in the community where possible.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/20.16.4.106

Moved: Clr K Wright / Seconded: Clr K Chapple

That Council receive the updated report for the Community Care and Recovery Package.

AND

That Council waive brochure display fees at the St Helens Visitor Information Centre (VIC) for the Break O'Day Municipality businesses for 2020/2021.

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

06/20.17.0

CLOSED COUNCIL

06/20.17.1

Confirmation of Closed Council Minutes – Council Meeting 18 May 2020

06/20.17.2

Outstanding Actions List for Closed Council

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

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.45pm.

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MAYOR

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DATE