



COUNCIL MEETING MINUTES

Monday 21 February 2022
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
21 February 2022

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

02/22.1.0 ATTENDANCE

02/221.1.1 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

02/22.1.2 Apologies

Nil.

02/22.1.3 Leave of Absence

Nil

02/22.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.4*)
Manager Community Services, Chris Hughes (*Item 1.0 – 16.1*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 14.0*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.2*)
Senior Town Planner, Deb Szekely (*Item 1.0 – 7.0 / 9.2 – 17.1*)
Planning Officer, Alex McKinlay (*Item 1.0 – 7.0*)
NRM Officer, Polly Buchhorn (*Item 14.3 – 17.1*)
Planning Officer, Mike Mead (*Item 14.3 – 16.4*)

02/22.2.0 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.

02/22.3.0 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.

Clr L Whittaker declared an interest in agenda item 02/22.18.3 – Sale of Properties for Non-Payment of Rates – Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015.

02/22.4.0 CONFIRMATION OF MINUTES

02/22.4.1 Confirmation of Minutes – Council Meeting 17 January 2022

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 17 January 2022 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/22.4.1.16 Moved: Clr G McGuinness / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 17 January 2022 be confirmed.

CARRIED UNANIMOUSLY

02/22.5.0 COUNCIL WORKSHOPS HELD SINCE 17 JANUARY 2022 COUNCIL MEETING

There was a Workshop held on Monday 7 February 2022 and the following items were listed for discussion as well as a presentation from representatives from TasWater regarding the St Marys Water Treatment Plant Improvements.

- Australian Local Government Association (ALGA) – 2022 National General Assembly (NGA) of Local Government – Call for Motions
- 2021 / 2022 Annual Plan – December 2021 Quarterly Review
- Sale of Properties for Non-Payment of Rates
- Policy Review – LG17 – Dealing with Difficult Customers
- Policy Review – LG32 – Risk Management Policy
- Policy Review – LG42 – CCTV and Remote Camera Operation and Management Policy
- Single Use Plastics Policy
- Remote Roads Upgrade Pilot Program (RRUP) – North Ansons Road Upgrade
- Pending Development Application Updates
- DA265-2021 – Amend Sealed Plan – North Ansons Road, Ansons Bay
- Policy Review – AM02 – Public Open Space Contributions Policy
- Future Potential Production Forest Land in Break O'Day
- Management of Freshwater Resources and Water Quality

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.

FILE REFERENCE	DA 354-21
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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 DWELLING on land situated at 1174 GARDENS ROAD, THE GARDENS described in Certificate of Title 145285/3 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	DA-00-Rev A	LXN Architecture & Consulting	9 December 2021
Site Survey	DA-01-Rev A	LXN Architecture & Consulting	9 December 2021
Site Analysis Plan	DA-02-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Site Plan	DA-03-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Floor Plan	DA-04-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Roof Plan	DA-05-Rev A	LXN Architecture & Consulting	9 December 2021
Elevations	DA-06-Rev A	LXN Architecture & Consulting	9 December 2021
Elevations	DA-07-Rev A	LXN Architecture & Consulting	9 December 2021
Sun Shadow Diagrams - Winter	DA-08-Rev A	LXN Architecture & Consulting	9 December 2021
Sun Shadow Diagrams - Summer	DA-09-Rev A	LXN Architecture & Consulting	9 December 2021
1176 Sun Shadow Diagrams	DA-10-Rev A	LXN Architecture & Consulting	9 December 2021
1176 Sun Shadow Diagrams	DA-11-Rev A	LXN Architecture & Consulting	9 December 2021
3D Views - Proposed	DA-12-Rev A	LXN Architecture & Consulting	9 December 2021
3D Views - Proposed	DA-13-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-14-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-15-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-16-Rev A	LXN Architecture & Consulting	9 December 2021
Material Palette	DA-17-Rev A	LXN Architecture & Consulting	9 December 2021
Geo-Environmental Assessment	1174 Gardens Road, The Gardens	Geo-Environmental Solutions	4 November 2021
Stormwater Assessment	1174 Gardens Road, The Gardens	Geo-Environmental Solutions	19 November 2021

2. The areas shown to be set aside for vehicle access and car parking (4 carparks) must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause storm water nuisance;
 - d. Car parking area is to be landscaped to minimize being viewed from the road transport corridor.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. A maximum occupancy limit of 10 persons shall be applied to the Visitor Accommodation Use.
6. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
9. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
10. 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*.
11. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be in accordance with the approved plans (Plan Reference Number DA-17-Rev A).
12. 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.
13. Where seeds or rootstock derived from provenance taken from the local area is insufficient, species endemic to the local coastal environment should be included on site for landscaping purposes and maintained at all times.

14. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013*, must not be used in landscaping. Appendix 3 is able to be accessed via the Break O'Day Council website. Alternatively a copy is available from the Break O'Day Council offices.

ADVICE

15. 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.
16. 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
17. This permit allows for the dual Residential Use and Visitor Accommodation Use of the dwelling at 1174 GARDENS ROAD, THE GARDENS described in Certificate of Title 145285/3.

INTRODUCTION:

The applicant is seeking approval for a new single dwelling with the dual Use Classes, Residential and Visitor Accommodation at 1174 Gardens Road, The Gardens. The development is supported by an internal driveway, car parking, onsite wastewater and stormwater management and landscaping.

DISCUSSION:

- The Senior Town Planner stated that the application is for Dual Class – Residential and-Visitor Accommodation.
- The Senior Town Planner advised that in the report under Section 4 “Assessment” it only lists one (1) performance criteria – this list is incomplete however following that is all of the performance criteria that it was assessed against so it is all included in the report.
- The Senior Town Planner advised that four (4) representations were received and a detailed assessment is in the report for Councils consideration.
- Clr LeFevre stated that he supports the officer’s recommendation noting the extensive 14 conditions.
- Clr McGiveron stated that he also agrees with the lengthy report.

- Cllr Drummond stated that she has concerns in relation to the scenic management and tourist route. Cllr Drummond is concerned that this will impact on the view and it will move away from the protection of the scenic management. The Senior Town Planner stated that the Code makes an assumption in regards to the corridors (road) that vegetation exists to screen the site from the tourist corridor road, the vegetation was removed quite some time ago and has not regenerated and the lots were made for residential use. We have noted that the applicant will build a screen on the car parking area to shield this from the tourist road and additional screening has been conditioned, however it won't shield the dwelling. In terms of bulk there are already two (2) large dwellings there and the proposed dwelling is a single storey and the Senior Town Planner doesn't think the bulk will be detrimental due to articulation with roof lines and contours which the development has worked with.
- Cllr Wright raised concerns over the onsite waste water management, the set back and is it within the building envelope. Cllr Wright stated that when we have specifications it concerns her a little bit that we are setting a precedent and the issue with set back, it is quite close to the boundary line, should these still be addressed, are we working with the representatives regarding these comments. The Senior Town Planner commented in relation to the onsite waste water management – the application was discretionary due to the Visitor Accommodation and land area. We rely on the professional advice of the relevant people to make sure that it can be retained onsite and we get Council's Environmental Health Officer (EHO) to review the report and if there are concerns we will go back to them, in this case the EHO has reviewed and deemed that it is accessible. The Senior Town Planner commented in relation to the building envelope and advised that as a Planning Authority we can only address the Planning Scheme and relevant legislation we can't take into account covenants on the site.
- Cllr Whittaker asked, is the proposed building is of similar size to the properties on either side. The Senior Town Planner advised that it is and there is also visitor accommodation in the property to the south.

COUNCIL DECISION:

02/22.6.1.17 Moved: Cllr B LeFevre / Seconded: Cllr J McGiveron

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 DWELLING on land situated at 1174 GARDENS ROAD, THE GARDENS described in Certificate of Title 145285/3 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	DA-00-Rev A	LXN Architecture & Consulting	9 December 2021
Site Survey	DA-01-Rev A	LXN Architecture & Consulting	9 December 2021
Site Analysis Plan	DA-02-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Site Plan	DA-03-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Floor Plan	DA-04-Rev A	LXN Architecture & Consulting	9 December 2021
Proposed Roof Plan	DA-05-Rev A	LXN Architecture & Consulting	9 December 2021

Plan / Document Name	Reference Number	Prepared By	Dated
Elevations	DA-06-Rev A	LXN Architecture & Consulting	9 December 2021
Elevations	DA-07-Rev A	LXN Architecture & Consulting	9 December 2021
Sun Shadow Diagrams - Winter	DA-08-Rev A	LXN Architecture & Consulting	9 December 2021
Sun Shadow Diagrams - Summer	DA-09-Rev A	LXN Architecture & Consulting	9 December 2021
1176 Sun Shadow Diagrams	DA-10-Rev A	LXN Architecture & Consulting	9 December 2021
1176 Sun Shadow Diagrams	DA-11-Rev A	LXN Architecture & Consulting	9 December 2021
3D Views - Proposed	DA-12-Rev A	LXN Architecture & Consulting	9 December 2021
3D Views - Proposed	DA-13-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-14-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-15-Rev A	LXN Architecture & Consulting	9 December 2021
1172 Gardens Rd – 3D Views	DA-16-Rev A	LXN Architecture & Consulting	9 December 2021
Material Palette	DA-17-Rev A	LXN Architecture & Consulting	9 December 2021
Geo-Environmental Assessment	1174 Gardens Road, The Gardens	Geo-Environmental Solutions	4 November 2021
Stormwater Assessment	1174 Gardens Road, The Gardens	Geo-Environmental Solutions	19 November 2021

2. The areas shown to be set aside for vehicle access and car parking (4 carparks) must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause storm water nuisance;
 - d. Car parking area is to be landscaped to minimize being viewed from the road transport corridor.
3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. A maximum occupancy limit of 10 persons shall be applied to the Visitor Accommodation Use.
6. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
7. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
8. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.

9. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
10. 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*.
11. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be in accordance with the approved plans (Plan Reference Number DA-17-Rev A).
12. 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.
13. Where seeds or rootstock derived from provenance taken from the local area is insufficient, species endemic to the local coastal environment should be included on site for landscaping purposes and maintained at all times.
14. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013*, must not be used in landscaping. Appendix 3 is able to be accessed via the Break O'Day Council website. Alternatively a copy is available from the Break O'Day Council offices.

ADVICE

15. 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.
16. 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
17. This permit allows for the dual Residential Use and Visitor Accommodation Use of the dwelling at 1174 GARDENS ROAD, THE GARDENS described in Certificate of Title 145285/3.

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 323-21
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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 2 LOT SUBDIVISION on land situated at 26 COFFEY DRIVE, BINALONG BAY described in Certificate of Title 49278/6 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
Proposed 2 Lot Subdivision 26 Coffey Drive, Binalong Bay	Edition V06 Sheet 1 of 1	Woolcott Surveys	22 November 2021
Onsite Wastewater Assessment	26 Coffey Drive Binalong Bay	Geo-Environmental Solutions	October 2021

2. Approval is for Lots 1 and 2 on the plan.
3. All works must be in accordance with Council Policy No. AM08: Subdivision New Works & Infrastructure Construction.
4. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
5. The final plan is to be endorsed to the effect that TasWater cannot provide a supply of water nor a means of sewage disposal to the lots on the plan.
6. The existing stormwater overflow connection servicing the dwelling on Lot 2 and traversing Lot 1 is to be re-located so as to be wholly contained within Lot 2. The required works is to be completed by an appropriately qualified person. The stormwater overflow connection for Lot 2, is to be made to the stormwater main within the drainage easement within Lot 2. The connection must be made by a licenced plumber in accordance with Standard Drawing TSD-SW27-V3.
7. Stormwater connection for Lot 1 must be completed by a licenced plumber in accordance with standard drawing TSD-SW27-V3. The connection must be made to the stormwater main within the drainage easement within the title boundary of Lot 1.

8. Onsite Wastewater Management infrastructure, located on Lot 1 (absorption trenches and any associated pipework) and servicing the existing dwelling on Lot 2, is to be removed by an appropriately qualified person. The onsite wastewater infrastructure is to be re-instated on Lot 2 to continue servicing the existing dwelling in accordance with the approved plans and completed by an appropriately qualified person. All necessary plumbing permits and completion certificates are to be completed prior to submitting to Council any request for approval of a plan of subdivision (i.e. a survey plan).
9. Any underground electrical supply infrastructure, currently servicing the existing dwelling on Lot 2 and traversing Lot 1, is to be relocated to be wholly contained within Lot 2. Certification or equivalent documentation, by an appropriately qualified person, is to be submitted to Council demonstrating Lot 2 is serviced with an electrical supply and carriage of the same is independent of lot 1.
10. Provide a registered easement in favour of Lot 1 over the access associated with Lot 2 to ensure access from the carriageway to Lot 1. The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the lot owners. Note: All easements are to be shown on plans submitted as part of any request for approval of a plan of subdivision (i.e. a survey plan).
11. 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.

ADVICE

12. TasNetworks Advice: As with any subdivision, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks at networkcustomersupply@tasnetworks.com.au at their earliest convenience.
13. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All worked areas not covered by structures must be promptly and progressively stabilised (eg revegetated) so that they will not erode and/or act as a source of sediment transfer.
14. 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.

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

DISCUSSION:

- The Senior Town Planner stated that this property has an existing dwelling on the site that has visitor accommodation which has been previously approved.
- The Senior Town Planner advised that three (3) representations received – issues raised were in relation to onsite waste water management, access as proposed lot 2 will rely on a right of way.
- Clr's LeFevre and McGiveron stated that they were happy with the report.
- Clr Wright stated that it was mentioned in one (1) of the representations with regard to services running underground through the secondary property. Will there be any issues with this or will they be relocated. The Senior Town Planner stated that there is stormwater which will be relocated to go down through the access way, the applicant indicated that there is electrical work underground which has been conditioned to be relocated which will leave the lot unencumbered. Clr Wright stated that there are also comments made with regard to the block being boggy. The Senior Town Planner stated that it is a mapped watercourse which has transitioned to underground stormwater infrastructure, the existing access has a small culvert and the new access will follow that access. We have made a condition stating that prior to sealing the plan they have to provide easement documentation that establishes the maintenance amongst other responsibilities, for the access way so it is clear as to who is responsible for it.
- Clr Chapple asked, in lot 2 will the existing drain stay. The Senior Town Planner advised that it will.
- Clr Drummond commented in relation to the onsite waste water management stating that she has previously expressed concerns regarding subdivisions in low density areas of Binalong Bay. Clr Drummond is concerned that there is a boggy area and wondering if what is happening will be able to cope with the area rainfall. The Senior Town Planner stated that the report was undertaken by a suitably qualified person and he has reviewed this following the concerns raised and he has indicated that he stands by his report. Clr Drummond stated that unfortunately they are fairly small blocks. The Senior Town Planner stated that we have to assess each application on its merits through the Planning Scheme we can't consider subdivisions cumulatively unfortunately.

COUNCIL DECISION:

02/22.6.2.18 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

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 2 LOT SUBDIVISION on land situated at 26 COFFEY DRIVE, BINALONG BAY described in Certificate of Title 49278/6 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
Proposed 2 Lot Subdivision 26 Coffey Drive, Binalong Bay	Edition V06 Sheet 1 of 1	Woolcott Surveys	22 November 2021
Onsite Wastewater Assessment	26 Coffey Drive Binalong Bay	Geo-Environmental Solutions	October 2021

2. Approval is for Lots 1 and 2 on the plan.
3. All works must be in accordance with Council Policy No. AM08: Subdivision New Works & Infrastructure Construction.
4. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
5. The final plan is to be endorsed to the effect that TasWater cannot provide a supply of water nor a means of sewage disposal to the lots on the plan.
6. The existing stormwater overflow connection servicing the dwelling on Lot 2 and traversing Lot 1 is to be re-located so as to be wholly contained within Lot 2. The required works is to be completed by an appropriately qualified person. The stormwater overflow connection for Lot 2, is to be made to the stormwater main within the drainage easement within Lot 2. The connection must be made by a licenced plumber in accordance with Standard Drawing TSD-SW27-V3.
7. Stormwater connection for Lot 1 must be completed by a licenced plumber in accordance with standard drawing TSD-SW27-V3. The connection must be made to the stormwater main within the drainage easement within the title boundary of Lot 1.
8. Onsite Wastewater Management infrastructure, located on Lot 1 (absorption trenches and any associated pipework) and servicing the existing dwelling on Lot 2, is to be removed by an appropriately qualified person. The onsite wastewater infrastructure is to be re-instated on Lot 2 to continue servicing the existing dwelling in accordance with the approved plans and completed by an appropriately qualified person. All necessary plumbing permits and completion certificates are to be completed prior to submitting to Council any request for approval of a plan of subdivision (i.e. a survey plan).
9. Any underground electrical supply infrastructure, currently servicing the existing dwelling on Lot 2 and traversing Lot 1, is to be relocated to be wholly contained within Lot 2. Certification or equivalent documentation, by an appropriately qualified person, is to be submitted to Council demonstrating Lot 2 is serviced with an electrical supply and carriage of the same is independent of lot 1.

10. Provide a registered easement in favour of Lot 1 over the access associated with Lot 2 to ensure access from the carriageway to Lot 1. The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the lot owners. Note: All easements are to be shown on plans submitted as part of any request for approval of a plan of subdivision (i.e. a survey plan).
11. 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.

ADVICE

12. TasNetworks Advice: As with any subdivision, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks at networkcustomersupply@tasnetworks.com.au at their earliest convenience.
13. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All worked areas not covered by structures must be promptly and progressively stabilised (eg revegetated) so that they will not erode and/or act as a source of sediment transfer.
14. 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.
15. 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 2015.

02/22.7.0 COUNCIL MEETING ACTIONS

02/22.7.1 Outstanding Matters

The report was received.

02/22.8.0 PETITIONS

Nil.

02/22.9.0 NOTICES OF MOTION

02/22.9.1 Notice of Motion – Tip Voucher System – Cllr K Wright

MOTION:

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

That Council consider the introduction of a tip voucher system in one of two (2) forms. Plus a separate provision for those living outside of the wheelie bin collection area. Strictly limited to one (1) annual voucher per household.

1. That all “RESIDENTS” qualify to receive a card or voucher system which allows them a number of free tip trip/loads per calendar year. This could be done as responsibility of the resident to apply for and receive at Council office, on an annual basis. “LIMITED TO ONE (1) PER HOUSEHOLD”.

Or

2. That all “Pensioners and Health Care Card holders” qualify to receive a card or voucher system, which allows them a number of free tip trip/loads per calendar year. Again, this could be done as responsibility of the HHC holder to apply for and receive at Council office on an annual basis. “LIMITED TO ONE (1) PER HOUSEHOLD”.

Plus

All “RESIDENTS” outside of the wheelie bin collection area receive 12 free tip trip/loads per calendar year. Available on application only.

SUBMISSION IN SUPPORT OF MOTION:

Nil.

DISCUSSION:

- Clr Wright stated that she has been approached by several members of the community who are struggling with waste, particularly those that are outside the wheelie bin kerbside collection service.
- Clr Drummond stated that she agreed, particularly with people outside the collection service.
- Clr Whittaker stated that she thinks it is great because it is encouraging people to take their rubbish to the tip rather than dumping.
- Clr Wright stated that it will make it the residents responsibility to apply rather than just give them out.
- Clr LeFevre stated that he supports item 2 regarding pensioner and health card, however he asked how would the 12 free trips work from an equity point of view. Clr Wright stated that would be one (1) trip per month, 12 is only a suggestion, Clr Wright thought this was a reasonable number but can be changed.
- Clr McGuinness stated that he agreed with the thrust of the motion however there are several different options and it is going to be difficult to find an option today.
- Clr Wright stated that she would be happy to take it to a workshop for further discussion.

COUNCIL DECISION:

02/22.9.1.19 Moved: Clr K Wright / Seconded: Clr J Drummond

This item will be presented to a workshop for further discussion.

CARRIED UNANIMOUSLY

Deputy Mayor John McGiveron took the Chair at 10.34am

02/22.9.2 **Notice of Motion – Icon for St Helens – Clr M Tucker**

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 Councils Economic Development Officer look at getting grant funding to create a huge Icon for St Helens.

SUBMISSION IN SUPPORT OF MOTION:

Everyone identifies with an Icon the girl at Binalong Bay is our closest statue that gets a massive amount of photos which a lot is shared through electronic media to all their friends etc.

I think as an example we could have a huge mountain bike with a rider doing a stunt as an icon to represent our brand and what we have, I am sure the amount of people who would get their photo taken in front of would be amazing , this could be at the Lions park at the entrance to our town or on the foreshore in front of the council chambers .

If we believe in branding we should believe in this idea and our tourism numbers that create jobs in all of Break O'Day will benefit from having this Icon in our community.

DISCUSSION:

- Mayor Tucker stated that there is funding out there and he feels this should probably come back to a workshop for further discussion, we need to look at what our brand is. It is about having an icon like the lady at Binalong Bay. It doesn't have to be a mountain bike that was just a suggestion. Something that fits in with our brand and what the area looks like at the moment.
- Clr McGiveron stated that he thinks the idea of an icon is good but further discussion would be good.
- Clr Wright stated that the big things was back in the eighties. Clr Wright stated that she personally doesn't think it is a great idea and she is not real keen on it but if we are going to have some sort of icon we need to think about what it is and where it is eg Valley, bottom of the Pass.
- Clr Chapple stated that she thinks that we need to further investigate our brand first to see what we represent.
- Clr Drummond stated that she agrees with Clrs Wright and Chapple, the branding review needs to come first before the icon. We market Break O'Day on its natural assets. It could be something like a picture frame with the views behind them – this could be something that is iconic.
- Clr LeFevre stated that he likes the idea to take back to a workshop and the onus is on us to think about it carefully and he agrees with Clr Chapple, we need to look at our branding.
- Clr McGuinness stated that he agrees with deciding on our brand first, it is a big discussion.

COUNCIL DECISION:

02/22.9.2.20 Moved: Clr M Tucker / Seconded: Clr M Osborne

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 Councils Economic Development Officer look at getting grant funding to create a huge Icon for St Helens.

02/22.9.2.21 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

This item will be presented to a workshop for further discussion.

CARRIED UNANIMOUSLY

Mayor Mick Tucker resumed the Chair at 10.41am

02/22.10.0 **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.

02/22.11.1

Access to Private Property on Tasman Highway, St Helens – Roadworks Area – Cllr K Wright

What is Council doing to address the issues created by the State Government road works?

Since road works have progressed, some serious concerns have arisen regarding Mr Stephenson's access to his property on Tasman Highway. From the approach north to south, it is required that vehicles turning into the property will need to come to an almost complete stop in order to execute a U-turn into the property. This is in a 100km zone, and creates concerning safety issues. On the approach south to north, Mr Stephenson driveway is in line with the beginning of the new overtaking lane. Vehicles attempting to turn right into the Stephenson property will be at risk, as following drivers in this 100km zone, may not recognise the drivers desire to turn, and mistake it for entering the overtaking lane, which could cause a catastrophic accident. Will Council take this matter up with state roads, and endeavour to find a safe solution for access to this property?

Reply

Concerns have not been previously raised with Council, we will refer the concerns to the Department of State Growth.

02/22.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

02/22.12.1

Mayor's Communications for Period Ending 21 February 2022

19.01.2022	St Helens	– Australia Day Awards Committee Meeting
26.01.2022	St Helens	– Australia Day Awards Ceremony
11.02.2022	St Helens Via web	– Northern Tasmania Development Corporation (NTDC) – Media Launch and Meeting – Northern Tasmania Regional Priority Projects

02/22.12.2

Councillor's Reports for Period Ending 21 February 2022

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 – Cllr Margaret Osborne OAM

- Meeting last Tuesday at the Serpentinum. The main things were what we are doing for the election – Ansons Bay Road and the airport and Cllr Osborne suggested they talk to the Mayor and General Manager.

NRM Special Committee – Clr Janet Drummond

- No meeting.
- Next meeting scheduled for week of 12 March.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Regional Priority Projects 2022 - 2025
 - The East Coast area is the sixth most dependent region on the visitor economy in Australia.
 - Tourism is a significant contributor to the region and is the top employer for the Glamorgan Spring Bay and Break O'Day Council areas, comprising 24% of all jobs.
 - Bush fires and COVID 19 have significantly impacted tourism and had long lasting impacts.
 - The East Coast is home to significant Tasmanian Tourism icons but unfortunately, investment for infrastructure has not kept pace with visitor experience expectations.
 - The idea is to restore tourism on the East Coast to a healthy state. The Regional Priority Projects proposal/request is for a combined \$62,550,000 over three years, as follows;
 - 1. EAST COAST MASTER PLAN
 - Request a total of \$300,000 to deliver the Master Plan
 - 2. STAFF SHORTAGES
 - Identify land for development and increase funding for essential services which will encourage investors to develop staff accommodation hubs. This package includes rate reimbursement for long term rentals region wide.
 - Combined total of \$8,600,000.
 - 3. EXPERIENCE INFRASTRUCTURE
 - Construction of a cycle/walk (multi purpose) pathway along the Great Eastern Drive.
 - The GED also requires road upgrades.
 - Cycle/walk and upgrades \$50,000,000.
 - EV fast charge \$300,000.
 - 4. INNOVATIVE SOLUTION
 - Visitor Information touch boards in each town plus incentives for businesses to apply for \$50,000 grants (circular economy based recovery).
 - Combined total \$2,750,000.
 - 5. Project Officer to oversee project \$600,000.
- There is an ECTT Board meeting today which I obviously can't attend due to our Council Meeting. Tomorrow Clr LeFevre will zoom in as a participant in the ECTT strategic planning day.

Mental Health Action Group – Clr Barry LeFevre

- Next meeting is scheduled for this Friday to look at a funding proposal to look at what happens after the 30 June.

Disability Access Committee – Clr Janet Drummond

- No meeting.
- Next meeting scheduled for week of 12 March.

Bay of Fires Master Plan Steering Committee – Clr Glenn McGuinness

- Next meeting scheduled for the 28 February.

02/22.13.0 BUSINESS AND CORPORATE SERVICES

02/22.13.1 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 stated that the level of COVID risk may be easing and the service levels in the office need to increase so we are going to work on tweaking the working from home situation.
- The Manager Corporate Services stated that we are currently transitioning between CBA and Bendigo Bank and it is running smoothly.

COUNCIL DECISION:

02/22.13.1.22 Moved: Cllr M Osborne / Seconded: Cllr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

02/22.13.2 Monthly Financial Report

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

That the following reports for the month ending 31 January 2022 be received:

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services stated that there is not a lot of change. One that did surprise him was stationary which was quite high – this will be investigated further to clarify what has happened there.
- Mayor Tucker asked in relation to item #1867 – \$30,000 Computer Hardware – is this something new for a particular software program. The Manager Corporate Services advised that it is not related to software, there are a lot of individual things, we have purchased more lap tops and monitors due to working from home, as well as the large screen in the meeting room needed replacing.

COUNCIL DECISION:

02/22.13.2.23 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That the following reports for the month ending 31 January 2022 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

02/22.13.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services stated that hopefully we will start to see the visitor numbers grow and change as the borders continue to open.

- Clr Whittaker stated that it is interesting that the staff have said that they are working with the person who is painting the image on Marine Rescue building. Clr Whittaker stated that she will be interested to see what the mural might be. The Manager Corporate Services stated that we want to have something meaningful there and not too distracting from traffic but he is not sure what it will be. Clr McGiveron stated that the original plan was something that represented St Helens Marine Rescue and something representing fishing in the area.

COUNCIL DECISION:

02/22.13.3.24 Moved: Clr B LeFevre / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

02/22.13.4 **Policy Review – LG17 - Dealing with Difficult Customers Policy**

FILE REFERENCE	002\024\007\
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OFFICER'S RECOMMENDATION:

That Policy LG17 Dealing with Difficult Customers as amended be adopted.

INTRODUCTION:

This Policy is overdue for review and has been considered by relevant officers and management and is now recommended for Council review.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/22.13.4.25 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Policy LG17 Dealing with Difficult Customers as amended be adopted.

CARRIED UNANIMOUSLY

02/22.13.5 **Policy Review – LG32 - Risk Management Policy**

FILE REFERENCE	002\024\007\
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OFFICER'S RECOMMENDATION:

That Policy LG32 Risk Management as amended be adopted.

INTRODUCTION:

This Policy is overdue for review and has been considered by officers, management and Council's Audit Panel and is now recommended for Council review.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/22.13.5.26 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Policy LG32 Risk Management as amended be adopted.

CARRIED UNANIMOUSLY

02/22.13.6 **Policy Review – LG42 – CCTV and Remote Camera Operation and Management**

FILE REFERENCE	002\024\007\
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OFFICER'S RECOMMENDATION:

That Policy LG42 CCTV and Remote Camera Operation and Management be adopted.

INTRODUCTION:

This Policy is overdue for review and has been considered by relevant officers and management and is now recommended for Council review.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/22.13.6.27 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Policy LG42 CCTV and Remote Camera Operation and Management be adopted.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 10.58pm

Meeting resumed at 11.08am

02/22.14.0 WORKS AND INFRASTRUCTURE

02/22.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that Regional Airport Funding was received for the re-sheeting of the runway – the re-sheeting is happening this week. The airport is closed this week and we should finish Friday morning and we will open the airport accordingly in the afternoon.
- The Manager Infrastructure and Development Services commented in relation to the Local Roads and Community Infrastructure projects – there are outstanding work at Beaumaris footpath and Ansons Bay Road and the Binalong Bay Foreshore Path. The Binalong Bay Foreshore Path works are wrapping up today and we are hoping to open it tomorrow morning.
- Cllr Drummond stated that she has received really positive feedback on the St Marys footpath from the IGA towards Irish Town Road – people are really happy with it. The Manager Infrastructure and Development Services stated that we have some residual funding from this project so we are going to go a little bit further around the corner.

COUNCIL DECISION:

02/22.14.1.28 Moved: Cllr B LeFevre / Seconded: Cllr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

02/22.14.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/22.14.2.29 Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

02/22.14.3 Policy – AM21 – Single Use Plastics Policy

FILE REFERENCE	017\008\004\
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OFFICER'S RECOMMENDATION:

That the newly drafted Policy AM21 - Single Use Plastics Policy be accepted.

INTRODUCTION:

At the Council Meeting held on 18 March 2019, a combined motion was moved by Councillor M Tucker and seconded by Councillor J Drummond with regards to Single Use Plastics, which was carried unanimously:

“The Break O’Day Council support the initiative of the Hobart City Council to ban single use plastics in takeaway food packaging and that Council:

1. Request that LGAT lobby the State Government to take leadership in developing a consistent state wide approach to banning the use of single use plastics in takeaway food packaging: and
2. Work with our community on initiatives to reduce usage in the meantime.”

DISCUSSION:

- Clr Drummond said thank you we are now ahead of the eight ball and it is really moving in the right direction with the community.

COUNCIL DECISION:

02/22.14.3.30 Moved: Clr J Drummond / Seconded: Clr G McGuinness

That the newly drafted Policy AM21 - Single Use Plastics Policy be accepted.

CARRIED UNANIMOUSLY

02/22.15.0 **COMMUNITY DEVELOPMENT**

02/22.15.1 **Community Services Report**

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that the panels for the Story of the Bridges at Scamander have been completed and we are going to work with the community to see where they want them placed and then she will prepare a works permit.
- Clr McGiveron asked if there was any updates on Burns Bay. The Manager Community Services advised that she sent a follow up email last week and she has not yet received a response.
- Clr Drummond asked where we are up to with the Recreational Trails Strategy. The Manager Community Services advised that we have just received a second draft and Council staff are going through this now.

COUNCIL DECISION:

02/22.15.1.31 Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

02/22.16.0 **DEVELOPMENT SERVICES**

02/22.16.1 **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 Senior Town Planner stated that staff have now completed the review of the Public Open Space policy which is on this agenda.
- The Senior Town Planner stated that she is currently collating responses for the Local Provisions Schedule (LPS) and this will come to Council at the March meeting.
- The Senior Town Planner advised that recruitment is completed for the Graduate Planning position however the Building Surveyor position is still progressing.
- Clr Drummond asked, did we have many representations for the LPS. The Senior Town Planner stated that we ended up with 83. Discussions with the Tasmanian Planning Commission (TPC) is that it is a lot more than anyone expected, on a positive note it means our community is engaged.

COUNCIL DECISION:

02/22.16.1.32 Moved: Clr J Drummond / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 265-21
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OFFICER'S RECOMMENDATION:

That in accordance with Section 104 (2) (a) and (b) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (hereinafter referred to as the Act), Council appoint a Council Committee who will hear persons who have asked to be heard and obtain professional advice from legal practitioners, architects, engineers and surveyors as they find necessary.

That in accordance with Section 104 (1) (b) of the Local Government (Building and Miscellaneous Provisions) Act 1993, Council advise that the hearing will commence as soon as practicable after Council meeting dated 21 February 2022 and continue on consecutive days for as long as necessary to hear any petitioner and those persons who have asked to be heard.

Following any hearing, the Senior Planner is to prepare a report, including recommendations for decision by the appointed hearing panel, including supporting evidence and matters considered, for the consideration of Council at the next scheduled council meeting.

INTRODUCTION:

Council has received an application to amend a sealed plan at North Ansons Road, Ansons Bay, described as Lot 2 on Sealed Plan 137662. The site has a land area of 43.68 hectares and is zoned Environmental Living.

Land was historically subdivided which resulted in Sealed Plan 9356 which contained two (2) lots and was registered on 21 July 1977.

DISCUSSION:

- The Senior Town Planner stated that we received quite a lot of representations which were largely borne out of the social media post.
- The General Manager stated that we will engage Simmons Wolfhagen to run a briefing to ensure that everyone has an understanding of the process.

COUNCIL DECISION:

02/22.16.2.33 Moved: Clr K Wright / Seconded: Clr K Chapple

That in accordance with Section 104 (2) (a) and (b) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (hereinafter referred to as the Act), Council appoint a Council Committee who will hear persons who have asked to be heard and obtain professional advice from legal practitioners, architects, engineers and surveyors as they find necessary.

That in accordance with Section 104 (1) (b) of the Local Government (Building and Miscellaneous Provisions) Act 1993, Council advise that the hearing will commence as soon as practicable after Council meeting dated 21 February 2022 and continue on consecutive days for as long as necessary to hear any petitioner and those persons who have asked to be heard.

Following any hearing, the Senior Planner is to prepare a report, including recommendations for decision by the appointed hearing panel, including supporting evidence and matters considered, for the consideration of Council at the next scheduled council meeting.

CARRIED UNANIMOUSLY

02/22.16.2.34 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That Council appoint the following Councillors to the Committee:

- Mayor Mick Tucker
- Councillor J Drummond
- Councillor K Chapple
- Councillor K Wright (Backup)

CARRIED UNANIMOUSLY

02/22.16.3 **Policy Review – AM02 – Public Open Space Contributions Policy**

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

To endorse the reviewed *Public Open Space Contributions Policy* which includes the following key updates:

1. Removal of option for a \$1,200 fee per lot for cash in lieu contributions.
2. Criteria for land contributions for public open space.

This policy will replace the former AM02 Public Open Space Policy.

INTRODUCTION:

Public open space and recreation assets needs to be protected and enhanced by good policy and management. The *Public Open Space Contributions Policy* has been written in line with current best practice and will provide a solid foundation for Council to collect quality land contributions and or cash in lieu to meet the needs of our community including its residents and visitors.

DISCUSSION:

- Clr LeFevre stated that he thinks this is an absolute no brainer and it is great for Council and even better for the ratepayers.
- Clr Chapple stated that she totally agrees.
- Clr Drummond stated that the Northern Regional Land Use Strategy (NRLUS) has comments regarding Public Open Space (POS), would it be worth linking this strategy to the policy. The Planning Officer stated that in section 5 of the policy it says that we can use any strategy that Council adopts to improve the use of POS.

COUNCIL DECISION:

02/22.16.3.35 Moved: Clr B LeFevre / Seconded: Clr K Chapple

To endorse the reviewed *Public Open Space Contributions Policy* which includes the following key updates:

1. Removal of option for a \$1,200 fee per lot for cash in lieu contributions.
2. Criteria for land contributions for public open space.

This policy will replace the former AM02 Public Open Space Policy.

CARRIED UNANIMOUSLY

02/22.16.4 Future Potential Production Forest (FPPF) Land in Break O'Day

FILE REFERENCE	017\007\001\
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OFFICER'S RECOMMENDATION:

Council express its concern to the Tasmanian Government about the uncertain outlook for Future Potential Production Forest Land in Break O'Day and ask it to consider options for the sustainable management of this land having regard for the economic, social and natural values these forests hold to ensure the best outcomes for the Break O'Day community and northern region are achieved.

INTRODUCTION:

Nearly a quarter of the Break O'Day municipality is 'Future Potential Production Forest' Land (FPPF). Its future use, whether returned wholly, partly or not to *Permanent Timber Production Zone* Land and forest production, has implications for the Break O'Day community, economy and natural environment.

DISCUSSION:

- Clr LeFevre stated that he thinks the State Government need to show some real leadership on this as there is a lot of uncertainty. They need to get information out to the stakeholders so an informed decision can be made later.
- Clr Drummond asked, can the State Government give a clearer outlook on what they intend to do. The NRM Officer would suggest that through the industry stakeholders that we should ask for early information on what the Government are doing. Clr Drummond stated that we need to express our views quite strongly.
- The NRM Officer stated that we will also express our interest in being involved.
- Clr LeFevre stated, taking on board what Clr Drummond said – we should ask them to inform stakeholders of all options.

COUNCIL DECISION:

02/22.16.4.36 Moved: Clr B LeFevre / Seconded: Clr K Wright

Council express its concern to the Tasmanian Government about the uncertain outlook for Future Potential Production Forest Land in Break O'Day and ask it to consider options for the sustainable management of this land having regard for the economic, social and natural values these forests hold to ensure the best outcomes for the Break O'Day community and northern region are achieved.

An amendment was moved:

02/22.16.4.37 Moved: Clr J Drummond / Seconded: Clr L Whittaker

Council express its concern to the Tasmanian Government about the uncertain outlook for Future Potential Production Forest Land in Break O'Day and ask it to inform and consult with stakeholders of options for the sustainable management of this land having regard for the economic, social and natural values these forests hold to ensure the best outcomes for the Break O'Day community and northern region are achieved.

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

The amendment becomes the motion:

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

FILE REFERENCE

017\012\004\

OFFICER'S RECOMMENDATION:

Council seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.

INTRODUCTION:

The release of the *Rural Water Use Strategy* by the Tasmanian Government in 2021 was followed by rising public concern for poor and declining health of many rivers and how well the state is monitoring and managing its river systems, as utilisation of freshwater resources increases.

DISCUSSION:

- Clr McGuinness stated that he is a bit reluctant to engage in this, it is a bit nebulous and it concerns him that we are not pinning anyone down. How do we pin down people that are really going to act on this. The General Manager stated that it is really the information gathering stage at this point, once we have that we can then identify someone to pin down, we may even advocate through the Local Government Association of Tasmania (LGAT) as an action but we need to do more homework first.

COUNCIL DECISION:

02/22.16.5.38 Moved: Clr K Chapple / Seconded: Clr L Whittaker

Council seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.

An amendment was moved:

02/22.16.5.39 Moved: Clr J Drummond / Seconded: Clr K Wright

Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.

CARRIED UNANIMOUSLY**The amendment becomes the motion:****CARRIED UNANIMOUSLY**

02/22.17.0 GOVERNANCE

02/22.17.1 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 stated, as advised to Councillors last week we were successful with the Black Summer Bushfire Recovery Grants – Telecommunications at Mangana, St Marys Community Recreation Hub, Fingal Town Park Youth Playground, and Fingal Community Shed – we will now work on the community engagement strategies for these.
- The General Manager stated that he has expressed concerns to the CEO of East Coast Tasmania Tourism (ECTT) around the ECTT app that is still being developed. There is some fairly significant gaps in information that we have highlighted.
- The General Manager stated that RACT are advocating for a substantial upgrading to the Tasman Highway through the Federal Election. We will work with them and our neighbouring Councils to continue to pursue this through the election process. Clr Drummond stated that she is hoping that things like safety for access to peoples driveways etc can be taken into consideration.

COUNCIL DECISION:

02/22.17.1.40 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That the General Manager's report be received.

CARRIED UNANIMOUSLY

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

That Council receive the Review as at the 31 December 2021 of the Break O'Day Council Annual Plan 2021/2022.

INTRODUCTION:

The Annual Plan is a requirement of Section 71 of the *Local Government Act 1993* as follows:

An Annual Plan is to –

- (a) be consistent with the strategic plan; and*
- (b) include a statement of the manner in which the Council is to meet the goals and objectives of the strategic plan; and*
- (c) include a summary of the estimates adopted under section 82; and*
- (d) include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

DISCUSSION:

- The General Manager made the following comments in regards to the Annual Plan Review:
 - Community – everything is pretty much on track however there are some challenges in the event space, this area continues to get attention. It is good to see the Dragon Trail MTB event running again this year.
 - Community Engagement Framework – will come through to the March Council meeting and then out to the community.
 - Review of Township Plans – The Manager Community Services will be looking at this through March and April – scheduling for 10 community sessions. If there is something of topical interest in an area we will be picking up on other things as well.
 - Economy – a bit of work in this space, we are seeing the changes in focus that are coming through here. Housing and population are areas that we are increasing our focus on in the future.
 - Environment – quite a bit of activity happening in here particularly in the land use planning space, the northern regional one as well as our local land use strategy.
 - Infrastructure – bit of mixed activity in this space, a few areas have struggled due to resources.
 - Recreational facilities – the key thing here is the Recreational Trails Strategy.
 - Services – small level of activity but it is still an important area and we continue to work in this space in particular the Hub4Health building and the transition of these services.
 - Corporate Planning – workforce planning area – have done some test surveys – looking at the future, skills, qualifications as well as around feelings. The next stage will most likely involve one on one meetings with people to further flesh out. With people heading to retirement this is really important to get on the front foot.
 - Elected Members Professional Development – pursuing with the Local Government Association of Tasmania (LGAT) a Local Government Capability Framework from the mainland - keen to see if this would be of any use to us.

- Clr Drummond stated, the irrigation project seems to have stalled is this correct. The General Manager stated that the water sales didn't seem to get the interest they were after.
- Clr Drummond asked in relation to the economic development assistance program – do we know how many businesses we have helped in this sphere. The General Manager stated, we don't track how many business we attract, we are reactive with the enquiries we receive. We can't go out and push people to move businesses to Break O'Day, it is a difficult one to track.
- Clr Drummond asked, with the review of the Northern Regional Land Use Strategy (NRLUS) – will this go to public consultation at some point. The General Manager stated that he is not 100% sure what the process would be on this one as it is not a legislated process like a Planning Scheme.
- Clr Drummond asked in relation to The Collective working on vision and mission statement will this come to Council. The General Manager stated that the BOD Trails Collective is an Incorporated Association and is separate to Council.

COUNCIL DECISION:

02/22.17.2.41 Moved: Clr K Wright / Seconded: Clr J McGiveron

That Council receive the Review as at the 31 December 2021 of the Break O'Day Council Annual Plan 2021/2022.

CARRIED UNANIMOUSLY

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

Moved: Clr G McGuinness / Seconded: Clr M Osborne

CARRIED UNANIMOUSLY

IN CONFIDENCE

02/22.18.0 CLOSED COUNCIL

02/22.18.1 Confirmation of Closed Council Minutes – Council Meeting 17 January 2022

02/22.18.2 Outstanding Actions List for Closed Council

Clr Whittaker left the meeting at 12.07pm

02/22.18.3 Sale of Properties for Non-Payment of Rates - Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

02/22.18.3.CC Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the properties, as listed, be approved for sale for non-payment of rates under Section 137 of the Local Government Act (1993), if and as soon as, they reach the three (3) year arrears of rates threshold, during 2021/2022.

CARRIED UNANIMOUSLY

Clr Whittaker returned to the meeting at 12.10pm.

02/22.18.4 Remote Roads Upgrade Pilot Program (RRUP) – North Ansons Bay Road Upgrade - Closed Council Item Pursuant to Section 15(2)B of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

02/22.18.4.CC Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council note that the Manager Infrastructure & Development Services has submitted a funding application under the Australian Governments Roads Upgrade Pilot Program for funds to upgrade North Ansons Bay Road.

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 12.12pm.

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MAYOR

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DATE