



COUNCIL MEETING MINUTES

Monday 18 July 2022
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 July 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, members of the public and staff and declared the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

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

07/22.1.0 ATTENDANCE

07/22.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Barry LeFevre
Councillor Glenn McGuinness

07/22.1.2 Apologies

Councillor Margaret Osborne OAM
Councillor Lesa Whittaker
Councillor Kylie Wright
Councillor Janet Drummond

07/22.1.3 Leave of Absence

Clr K Wright requested a leave of absence from the 1 August to 30 September 2022.

07/22.4.1.130 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council endorse Clr Wright's requested Leave of Absence from the 1 August to 30 September 2022.

CARRIED UNANIMOUSLY

07/22.1.4 Staff in Attendance

General Manager, John Brown

Administration Officer, Bec Wood

Executive Assistant, Angela Matthews

Acting Manager Corporate Services, Raoul Harper (*Item 1.0 – 17.3*)

Manager Community Services, Chris Hughes (*Item 1.0 – 17.3*)

Acting Development Services Coordinator/ Senior Planning Officer, Deb Szekeley (*Item 1.0 – 17.3*)

Works Operations Manager, Wayne Polden (*Item 6.2 – 14.9*)

Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.3*)

Planning Officer, Kathryn Clausen (*Item 1.0 – 6.3*)

07/22.2.0 PUBLIC QUESTION TIME

Two (2) people in the gallery.

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

07/22.2.1 **Tasmanian Rock Lobster Fishery – Managing Stocks for the Future – Proposed Rules and Policy Changes for Public Consultation – Mr & Mrs Dwyer, St Helens**

05/22.17.2 Tasmanian Rock Lobster Fishery – Managing Stocks for the Future – Proposed Rules and Policy Changes for Public Consultation. File Reference: 22/6990.

Thank you for the opportunity to have our questions answered at your July meeting. Our questions relate to the Tasmanian Rock Lobster Fishery – Managing Stocks for the Future – Proposed Rules and Policy Changes for Public Consultation. Unfortunately, this matter has already been dealt with by Council at the May meeting, however as it has only just come to our attention, we felt it important that our questions are at least tabled and answered by the council at the July meeting and therefore in the same platform as the submission was approved.

In the May BODC Meeting under 5/22.17.2 the council voted to endorse the Draft Submission to the 'Tasmanian Rock Lobster Fishery – Managing Stock for the Future – Proposed Rules and Policy changes for Public Consultation' which was prepared by Council's Economic Development Officer, Anna Williams

1. To The Economic Development Officer

Are you aware that some of the Rock Lobster Commercial Operators in the Break O Day community were not given the opportunity to express their views to Council in regard to your review & subsequent draft Submission? In fact, they were not even made aware that the Council was conducting such a review or planned to submit a Submission.

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – "Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor."

The response was a review of the proposed policy and rule changes by the Break O'Day Council. Council's response was not on behalf of Rock Lobster Commercial Operators.

The minutes from the BODC May Meeting confirm that the review process proceeded after receipt of correspondence from 'local fisherman'. Do we assume that the Council's review process was only limited to the information provided by that 'local fisherman'?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – "Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor."

The written submission by a local fisherman prompted Council to review the proposed policy changes. No consultation with 'local fisherman' was taken after that.

If not, what consultation process did you undertake to ensure that all Rock Lobster Commercial Operators based in the Break O Day area were provided with the opportunity to express their opinions? What steps did you take to ensure your review process was fair & equitable to all Rock Lobster Commercial Operators in the Break O Day Community?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

The review process was initiated and undertaken by Department of Natural Resources and Environment Tasmania. All Rock Lobster Commercial operators had the opportunity to express their opinions as part of the review process just as Council has taken this opportunity.

2. To the Councillors & The Economic Development Officer:-

The term ‘Small Operator’ is mentioned throughout the submission and is referred to in the council discussions repeatedly (as heard on the meeting’s audio recordings from BODC May meeting). As this term seems to be the basis of your submission, can you please provide us with your definition of a ‘Small Operator’ verses a ‘Large Operator’ within the fishing community?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

The term ‘Small Operator’ is considered the same as ‘Smaller Commercial Vessels’. The latter term was provided by Department of Natural Resources and Environment Tasmania within the Tasmanian Rock Lobster Fishery: Proposed Rules and Policy Changes for Public Consultation paper. Specifically, “while only 12% of the total commercial comes from the ECRSZ, the East Coast is especially important for the 25-30 smaller commercial vessels which take more than 75% of their catch there. Many of these vessels lack the ability to fish on the South or West Coasts for safety reasons” (page 29). Council can refer you to the Wild Fisheries Management Branch to determine a distinction between ‘Small Operator’ versus a ‘Large Operator’.

It is our opinion, that all Rock Lobster Commercial Operators in the Break O Day area are in fact ‘Small Operators’ and therefore small businesses. All have invested time & money into this industry, and all support the community and local businesses in the area. Do you agree?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

This has been addressed in the response above.

3. To the Councillors & The Economic Development Officer:-

The Council conducted a Council Workshop on the 2nd May 2022 as confirmed in the Agenda & Minutes for BODC May meeting. A number of items were listed to be discussed at this workshop, but the Rock Lobster Review was the only item listed with a connection to Mayor Mick Tucker. Can we assume that the Rock Lobster Review was brought to the workshop by Mayor Tucker?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – "Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor."

A submission by a Break O'Day Council ratepayer prompted the discussion to review the Rock Lobster proposed rules and policy changes.

As we have noticed several references were made to Mayor Tucker's comments throughout the audio recording from the BODC May Meeting. Can we assume Mayor Tucker led the discussions about the Rock Lobster Review at the council workshop?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – "Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor."

The Mayor is responsible for chairing the meeting when he is in attendance and as the Chairperson is responsible for leading and managing the discussion of any item being considered by Council. Numerous Break O'Day Councillors engaged in the discussion relating to the Rock Lobster Review at the Council workshop.

4. To the councilors who made comment at the meeting and approved this submission on behalf of the Break O Day council, namely Clr Lefevre, Clr Drummond, Clr McGiveron:-

Can the Councillors please provide us with the process they undertook to ensure the approval of this submission was a well informed and unprejudiced decision on behalf of this community?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – "Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor."

Councillors were informed by the submission prepared by the Economic Development Officer alongside reading the Proposed Rules and Policy Changes for Public Consultation paper prepared by the Department of Natural Resources and Environment. The submitted response recommended an *‘assessment of the proposal’s economic and social risks’* to ensure that a well informed and objective decision could be determined on behalf of the community. Councillors individually regularly seek information and make their own enquiries in addition to information in the Agenda items.

Can they please provide evidence that their decision was not purely based on the information provided by Mayor Tucker at the Council Workshop held on the 2nd May, 2022?

Reply

As per Section 5.4 of Break O’Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

Answered above.

5. To Mayor Tucker

Mayor Tucker, you have been a lifelong member of the Break O Day community and have been a Councillor and held the position of Mayor for a number of years. You are fully aware of who the Rock Lobster Commercial Operators of the Break O Day Community are, and you know that some have been based in this community for over 40 years. So why did you allow a review process to take place without ensuring all parties had the opportunity to participate?

Reply

As per Section 5.4 of Break O’Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

The review process was established by Department of Natural Resources and Environment Tasmania, the Break O’Day Council has no control over the process which is underway and has taken the opportunity to provide a submission. The review prepared by the Economic Development Officer supports that all parties have the opportunity to participate by recommending that an *‘in-depth economic analysis of the proposal to be delivered before implementation’*. It is expected that such an economic analysis would ensure that all stakeholders are consulted.

6. To All Councillors & The Economic Development Officer

Due to the Economic Development Officers poor review process, it has resulted in a submission being put forward that we feel is completely inaccurate in every sense. The argument that ‘the 60 pot area is a reactive and ill-advised response to the current market’ and ‘includes detrimental impact on the viability of smaller operators’ is completely at odds with reality.

Does Council understand how the quota management system with leasing arrangements actually works?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

Yes, Council understands the quota management system.

Does Council realise that a commercial boat over 12m must legally have a deckhand on board? This generates employment to the area but puts the operators with boats (above 12m) at a significant financial disadvantage compared to the single-handed boats, who have recently upgraded the number of pots they use to a limit of 50. Do you agree? Was Council made aware of this?

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

As stated above, Council supports an in-depth economic analysis of the proposal so that that economic implications of the proposed rules and policy changes can be fully understood for the East Coast of Tasmania.

When Council is ready to look at the proposed rules & policy changes with an unbiased view, please feel free to contact those Rock Lobster Commercial Operators in your community who were not given the opportunity to have their say before the Council's submission was written and approved.

As mentioned by Mick Tucker in the May meeting (I refer to the voice recordings & the minutes from the BODC May 2022 meeting), it is vital that this information is provided to the people who really need to understand. We agree with Mayor Tucker that often these reports, or in our case questions, do not get see the light of day and as such we will be forwarding a copy of these questions to our Minister for Fisheries and the Premier. We also feel it is important to provide this information to the Tasmanian Rock Lobster Fisherman's Association and Sonja Hempel, Principal Fisheries Management Officer at DPIPW, Marine Resources – Wild Fisheries.

Reply

As per Section 5.4 of Break O'Day Council Meeting Procedures – June 2019 – “Questions must relate to the business of Council as a whole and not be directed to a particular Councillor and how they are discharging their duties as a Councillor.”

Council will provide our response to your questions to the stated parties.

07/22.2.2 Discount for Cash Payment of Rates – Mr N Capill, St Marys

I note your intention to cut the discount for cash payment of rates on or before 6th of September from 3% to 2%, I note that this decision was taken with a unanimous vote; I know councillors Whittaker, Osborne, LeFevre and Mayor Tucker had spoke previously in favour of this reduction, please publish what persuaded the other councillors to vote in favour of this reduction.

Can we expect this discount to be further reduced next year by another 1% and then again until there is no discount?

There are many poor ratepayers in this area for whom your decision is a disaster, I must remind you that even though we may be poor we do vote.

Reply

The decision to reduce the discount from 3% to 2% was taken at the June 2021 Council Meeting for the 2021/2022 budget.

There was no discussion with respect to any further changes to the discount in relation to the 2022/2023 budget and the discount remained at the 2% rate.

Further information relating to the decision can therefore be found in the Agenda and Minutes for June, 2021

07/22.2.3 BODC Community Services and Infrastructure Investment – Sandra Ashley, St Helens on behalf of Nicola Stevens, St Helens

Q1: What was the process and timeframes for BODC to take the St Helens Mountain Bike Trails (SHMBT) from council motion/decision through to up and running? Please confirm timeframes:

- a) From community consultation to feasibility/planning/costing.

Reply

The Break O'Day region had a long economic and social history centred on the forest and timber industry. Between 2008 and 2010 Tasmania's forestry industry experienced a 33.3 per cent downturn in employment, the highest proportion of which was felt in the Dorset and Break O'Day regions. In the wake of the decline of the forest industry these two region were hit hard economically through loss of business and employment opportunities and the subsequent flow on effect.

In November, 2012, Council passed motion:

1. That Council provide in principle support for the North Eastern Mountain Bike Development Project on the understanding that Council's support may be withdrawn or modified at Council's discretion.
2. That Council's in principle support is conditioned to the maintaining of the integrity of the proposed trails to obtain optimum attraction to local, national and international riders and adventure seekers.

A summary report from the Department of Economic Development (Ryan 2005) highlighted mountain biking as a key opportunity in Tasmania. It was from this recommendation that the investigation into the development of mountain bike trails in the North/North East commenced with Northern Tasmania Development (NTD) taking the lead.

Three local government areas were brought together by NTD, Launceston, Dorset and Break O'Day. The three Councils formed a working group to look at how collaboratively they could work together. Areas were identified that could be explored to build mountain bike trails, those being:

Launceston – Hollybank
Dorset - Derby
Break O'Day – Blue Tier

Objectives of this project was:

- The creation of new tourism infrastructure.
- Assist the reinvigoration of communities in North Eastern Tasmania in rural areas of Derby, Lilydale, Scottsdale, Branxholm and Weldborough suffering under a difficult transition, both economically and socially.
- A positive climate for development and growth in the business sector.
- Skills acquired in the forest industry are in many cases transitional into development of trail building and maintenance applications thereby providing some alternative employment opportunities.
- Reinvigoration will help drive a turnaround from current negativity within the wider community which will bring benefits to health, wellbeing and social inclusion.

The original project was called the North East Mountain Bike Trail – when Launceston Council no longer wanted to be part of the project, the brand changed to reflect this – becoming Blue Derby.

This original project always had plans for Stage 2 – the development of trails in St Helens – hence the development of the St Helens Mountain Bike Trails.

In 2015 Break O'Day Council commissioned World Trail to commence ground truthing proposed trails on the back of the success of Blue Derby. Ground truthing works were undertaken throughout the months of December, 2015 to March, 2016.

In 2017 a number of amendments and changes were made to the proposed trail, in response to issues identified during flora and fauna investigations and engagement with community and aboriginal elders.

Once revised trail alignments had been completed, Development Applications were prepared and grant applications were lodged to secure external funding for the constructions of the mountain bike trails. The Development Applications provided an opportunity where our community was provided with the opportunity to make comment on the proposal.

DA 128-2018 lodged 25 May 2018 – planning approved 05/09/2018

DA 143-2018 lodged 07 June 2018 - planning approved 13/02/2019

b) From funding applications/govt lobbying of funds to grants and payments received.

Reply

The first major funding application was lodged on 20 March 2017 as part of the overall funding solution involving three main grant applications, two (2) Federal Government and one (1) State Government. The final piece of the initial funding solution received approval on 10 August 2018.

Once a funding application has been lodged it can take 6- 12 months before notification is received whether we were successful or not.

c) From awarding of contracts to opening.

Reply

In October 2018 Council awarded the contract as per the following Council decision:

That Council award Contract 030\001\106\ St Helens MTB Trail Network and Bay of Fires Descent to World Trail Pty Ltd.

The official opening of the first stage which involved the Bay of Fires Descent and part of the St Helens Stacked Loop network occurred on 22 November 2019. The fully completed St Helens Stacked Loop Network opened on 15 October 2020.

Q2: What is the total amount of grants/funding received from State and Federal Governments or other sources to date for the SHMBT? Please breakdown the amounts.

Reply

A total of \$4,464,490 has been received from external sources in relation to the St Helens Mountain Bike Trails

Federal Programs	
Community Development Fund	\$1,600,000
Regional Jobs & Infrastructure Program	\$1,537,500
Local Roads & Community Infrastructure Fund	\$100,000
State Programs	
Cycle Tourism Fund	\$1,000,000
Regional Tourism Project Fund – Shade Structures	\$15,000
Recovery for Regional Tourism Program	\$185,000
Regional Tourism Projects Round 3- Digital noticeboard & PA System	\$19,490
Regional Tourism Fund Round 2 - Bike racks	\$7,500

Q3: What is the total expenditure of BODC to date on the SHMBT excluding what has been funded/received from State, Federal or other grants

Reply

The total capital expenditure by Break O'Day Council excluding funding received from other sources is \$905,158 which includes the salary of the Trails Project Manager attributed to the project.

Q4: How many BODC staff in full time equivalents are currently employed to support/service the SHMBT? What is the cost of the salaries to date, and annually?

Reply

During 2021 there were approximately 2.5 full time equivalents employed to maintain the project with an annual salary cost of approximately \$141,000. Cost to date of salaries for trail maintenance employees since the opening of the Trails in late 2019 is \$311,092.

Q5: Was the SHMBT Project Manager position funded out of State and Federal funding? If no what is the total BODC expense for this position to date?

Reply

No, the position of Trails Project Manager was funded by Break O'Day Council and was not solely focussed on the Mountain Bike Trail position. The position also undertook a number of other project management responsibilities such as supervising Drought Communities Projects in the Fingal Valley, general project supervision for Council's Works Department as well as other trail related projects such as the Recreational Trails Strategy project. Total salary expenditure to date for the position has been \$403,067. Project management work relating to the Mountain Bike Trails project is included in the total capital expenditure by Council answered in Question 3.

Q6: What BODC equipment and vehicles are used to manage and maintain the SHMBT? Please detail the number and cost of equipment and vehicles purchased for the SHMBT?

Reply

Plant & Equipment specifically relating to the Mountain Bike trail project is a dual cab 4wd flat tray \$30,012; two (2) x agricultural motorbikes, \$11,162; and a power barrow \$6,019. Other equipment used includes hand tools such as rakes and shovels as well as small plant such as chainsaws which are part of the overall Break O'Day Council equipment pool.

Q7: Does each BOD ratepayer pay directly, via rates or indirectly towards the ongoing management, maintenance and marketing etc of the SHMBT? If yes please detail.

Reply

Maintenance costs of the mountain bike trails form part of the overall Council budget which means Break O'Day ratepayers meet this cost through the General Rate charge they pay.

Q8: Is BODC responsible/liable for safety, retrieval of injured people, ambulance costs, hospital and ongoing medical costs for those involved in incidents/accidents on the SHMBT? If yes please detail costs of insurances etc.

Reply

No

In May 2021 - Cllr Osborne is minuted as stating regarding the motion to re-investigate a community pool '...can we make sure that we have the amount of money we would have to charge extra on the rates to make this possible. People need to know what the cost to ratepayers would be.'

In June 2022 - Cllr LeFevre is minuted as stating 'After all of this, (feasibility study) funding needs to be sought and then survey the community as to whether they are prepared to pay a rate increase to pay for the pool.'

Q9: When and how were BOD ratepayers surveyed or consulted regarding ongoing management, maintenance and marketing costs that would be directly or indirectly be passed to them regarding the SHMBT?

Reply

The ratepayers of Break O'Day were not directly surveyed or consulted in relation to the ongoing costs of the St Helens Mountain Bike Trails. Ongoing costs were discussed at the business/community forums which occurred from June through October 2019.

In considering the project, Councillors were mindful of the additional rate revenue which would be generated from new businesses being built where the Trails were a key influencing factor such as the NRMA Holiday Park and other expansions which have occurred. This revenue would assist in offsetting the increase in operational costs.

Decisions such as this are made having regard to Council's Long Term Financial Plan to ensure that the proposal is financially sustainable.

As part of the ongoing management and maintenance of the network an incorporated association known as The BOD Collective Inc. was established. This group is made up of community members with an interest in the trails.

Q10: The SHMBT are free to use for visitors and residents, are there any plans for charging on a user pays basis or other mechanism?

Reply

Due to the trails being easily accessible from public roads there is no opportunity to collect a direct entry fee to the trails, this is the same situation with the Blue Derby Trail Network. The potential to charge a fee is something which is under ongoing investigation and discussions with Dorset Council. This is something which we would like to achieve.

Q11: Please confirm the following figures including how the data is collected:

- a) How many BOD residents use the SHMBT?
- b) How many visitors use the SHMBT?

Reply

We don't collect data at that level, this would require a physical presence at each location to survey riders. We have a network of trail counters which count bike movements.

Q12: What are the measurable benefits of the SHMBT for BOD residents who do not use the SHMBT, and are not employed in or gain income from tourism related activities or businesses?

Reply

This is a difficult question to answer as it ignores several significant influences that were pivotal in the decision to build the Network. These are;

1. The east coast of Tasmania is the fifth most dependent region on tourism in the nation.
2. The majority of businesses in the Break O'Day area are directly or indirectly affected by visitation - from the local shops through to tourism businesses such as the Serpentine.
3. Based on the above – Tourism has a significant impact on employment in our region

The question also implies that these benefits, economic and employment, are not important to our community when in reality these things are very important to Council and our community.

These benefits cannot, and should not be ignored because these factors are focus areas for Council in our decision making processes. They are also specifically named up in reports and documents relating to the development of the MTB trail.

Measurable benefits of the trails include:

Health and Wellbeing, Population Growth and Economic Development.

Health and Wellbeing

The MTB trails are not just for MTB riders - the Townlink track is multi-user and dual direction and regularly used by trail runners and walkers – the café and trailhead are open to the public.

Development of the network also provided Council with an instrumental argument in obtaining funding of \$2.1 million for the Multi-User track from the St Helens Foreshore to the bottom of Lawry Heights which is widely used by the community.

Aside from the physical – there are also the social and cultural benefits which are much harder to quantify but include:

- Community pride in area
- Vibrancy about the township

Population increase

ABS Data – 2021 data = 6770 an increase of around 10% Considering we were expected to go into population decline this is significant growth and is in part related to the MTB Network.

30% of new residents purchased in the area due to the MTB Network. Of these new residents 20% were families with school age children, 44% were couples, 22% couples and 22% retirees. The largest age group being 45-55 at 34% this means that we are now attracting more younger people. Hopefully this will eventually see our median age of 56 drop - (Source BODC New Resident Survey)

Economic Growth

East Coast's main economic driver is tourism/visitors.

14,000 people came to the East Coast to MTB specifically as an activity in Dec 2021 -March 2022 quarter – this is 59% of visitors to the area. (Source Tasmanian Visitor Survey)

When asked to consider the last three months of operation (March/April /May):

- 42% of businesses said they recorded growth over the last three months
- 50% of these businesses stated a 1-10% increase 28.57% 11-30% and 21% 31-50%
- 9% of businesses put on more staff

New Business:

The MTB Network has brought more than \$20million of private investment to Break O'Day. This has created more employment opportunity for our community – we know that at least 30 new positions were created from this new investment. These business are not just MTB focussed and therefore benefit the broad community.

Events:

Aside from the local club running their events which do bring outside riders to the area where they stay and spend, we also have an annual MTB Event the Dragon Trail.

We use the Northern Tasmanian Development Corporation (NTDC) economic impact tools to measure the benefits of this event which include:

Attracting 311 visitors/competitors

Economic return of \$83,970 direct to BODC based on three night stay and \$90 average spend.

Indirect benefits include:

- Several competitors bought property in the area
- Several competitors travelled with the whole family and stayed for 1- 2 weeks
- The majority of competitors recommended travelling to St Helens to their family and friends.

Q13: Are there any current State or Federal Government or other funding applications in process for further funding/grants for the SHMBT? If yes please detail.

Reply

No

Q14: a) The Draft BOD Recreational Trails Strategy developed by consultants TRC Tourism, what was the cost of this?
b) what is the process of validating data that cannot be clarified through references provided in the document and advising of errors?

Reply

Council received a grant of \$30,000 to put towards the cost of this project. A condition of the grant was that Council contributed 50% as well. Cost of project is \$59,620.

Q15: a) How many Air BnB's/Visitor Accommodation properties are registered/approved by BODC?

Reply

The Justice Department provides Council with a list of Short Stay properties – a Council officer checks the lists received against Council records identifying whether a Development Application has been lodged, whether one is required and then if no DA has been lodged and one is required, follow up occurs with the owner of the property – the last list reported 336 homes as registered.

b) what is the fee for registration/approval? Is this a one-off fee?

Reply

- One off fee
- \$250 for permitted use – which in majority cases they are
- \$250 + \$400 – if it is a discretionary application

07/22.3.0 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.

Nil.

07/22.4.0 CONFIRMATION OF MINUTES

07/22.4.1 Confirmation of Minutes – Council Meeting 27 June 2022

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 27 June 2022 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/22.4.1.131 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 27 June 2022 be confirmed.

CARRIED UNANIMOUSLY

07/22.5.0 COUNCIL WORKSHOPS HELD SINCE 27 JUNE 2022 COUNCIL MEETING

There was a Workshop held on Monday 4 July 2022 and the following items were listed for discussion.

- Draft Community Engagement Strategy – Report and Review
- Animal Control Report
- Policy Review – AM11 – Roads Infrastructure Policy
- Policy Review – AM15 – Asset Disposal Policy
- Policy Review – EP06 – Tree Management Policy
- Free Use of St Marys Town Hall
- Falmouth Township – Request for Speed Limit Change – Response to Councillor Questions
- Falmouth Township – Request for Speed Limit Change
- Stieglitz Boat Ramp
- St Helens Foreshore Playground Shade Cover
- Pedestrian Crossing – St Marys
- Volunteer Strategy – Update on Project
- St Helens Sports Complex Draft Master Plan – Community Feedback
- Pending Development Application Updates
- State Planning Provisions Review – Break O’Day Council Submission Regarding Scope of the Review
- Elected Member Recognition
- Local Government Amendment (Elections) Act 2022
- Elected Member Training
- Recognition of Volunteers – Cllr M Osborne

07/22.6.0 PLANNING AUTHORITY

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

07/22.6.1 DA300 – 2021 – Telecommunications Tower – Lendlease Services Pty Ltd - Road Reserve near Intersection of Tasman and Esk Highway, Falmouth

FILE REFERENCE	DA 300-21
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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 TELECOMMUNICATIONS TOWER on land situated at ROAD RESERVE NEAR INTERSECTION OF TASMAN AND ESK HIGHWAY, FALMOUTH described in Certificate of Title LAST RECORD, 1-999-99999 be APPROVED subject to the following conditions:

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

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Lease Area Survey	Drawing No 302474-FAL	Veris	Last Amended 12 May 2022
Cover Sheet	H0193 - 00	Service Stream	10 May 2022
Site Specifications	H0193 – G1 Rev A	Service Stream	10 May 2022
Overall Site Plan	H0193 – G2 Rev A	Service Stream	10 May 2022
Site Layout and Setout Plan	H0193 – G3 Rev A	Service Stream	11 May 2022
Site Elevation	H0193 – G4 Rev A	Service Stream	10 May 2022
Environmental EME Report	RFNSA No. 7215022		16 August 2021
Traffic Impact Assessment	-	Traffic and Civil Services - Richard Burk	20 May 2022
Planning Scheme Response and email addendum	H0193 Falmouth	Service Stream	Received by Council 8 October 2021 and email addendum dated 30 March 2022
Landscape and Visual Assessment Report, including the recommended Landscaping Plan	20220308SER V1.0	4Pillars Environmental Consulting	25 March 2022

2. Provision of the new access shall be undertaken to Department of State Growth requirements. Basic drawings showing the extent of the accesses and associated works must be provided to the Department of State Growth for review and acceptance as part of a works permit application per the details noted below.

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

3. The applicant shall make contact with the Department of State Growth's Property Assets area at Property.Assets@stategrowth.tas.gov.au to confirm that all aspects relating to the lease of Crown Land have been addressed and finalised prior to operation of the site.
4. A Landscape Buffer is to be established and maintained in accordance with the recommendations of the Landscape and Visual Assessment Report (March 2022) which forms part of the approval documentation. All costs associated with the establishment and ongoing maintenance of the landscape buffer are the responsibility of the Applicant.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.

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 underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

1. 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.
2. Activities associated with construction works are not to be performed outside the permissible time frames listed:
Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for the construction of a new Telecommunications facility (mobile base station) on the Road Reserve located on the western side of the Tasman Highway, just north of the intersection of the Esk Main Road and the Tasman Highway at Falmouth. The proposal is part of the State Government Funded Mobile Blackspot Program to improve mobile coverage services via the Optus mobile network along the Tasman Highway, including the Falmouth locality.

DISCUSSION:

- The Planning Officer advised that the application is discretionary on three (3) matters – heights, setback and scenic management.
- One (1) representation was received in regards to a boundary dispute, traffic impact, visual impact and potential impact on Wedge tailed eagles. The boundary issue is a civil matter. A traffic impact assessment was prepared and approved by the Department of State Growth. With regards to visual impact, the applicant had a landscape plan and visual impact report prepared along with a plan to promote a landscape buffer which will be planted and maintained by Optus. With regards to the proximity to the creek and nearby wedge tailed eagles, the Planning Officer advises that no vegetation removal is proposed and there is 100m separation from creek, they did recommend flappers on the new power lines and Tas Networks will allow flappers only on the lines parallel to the road but not over the road.
- Clr LeFevre believes this is a good application.
- Clr McGiveron supports the application to help improve mobile coverage.

COUNCIL DECISION:**07/22.6.1.132**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 TELECOMMUNICATIONS TOWER on land situated at ROAD RESERVE NEAR INTERSECTION OF TASMAN AND ESK HIGHWAY, FALMOUTH described in Certificate of Title LAST RECORD, 1-999-99999 be APPROVED subject to the following conditions:

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

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Lease Area Survey	Drawing No 302474-FAL	Veris	Last Amended 12 May 2022
Cover Sheet	H0193 - 00	Service Stream	10 May 2022
Site Specifications	H0193 – G1 Rev A	Service Stream	10 May 2022
Overall Site Plan	H0193 – G2 Rev A	Service Stream	10 May 2022
Site Layout and Setout Plan	H0193 – G3 Rev A	Service Stream	11 May 2022
Site Elevation	H0193 – G4 Rev A	Service Stream	10 May 2022
Environmental EME Report	RFNSA No. 7215022		16 August 2021
Traffic Impact Assessment	-	Traffic and Civil Services - Richard Burk	20 May 2022
Planning Scheme Response and email addendum	H0193 Falmouth	Service Stream	Received by Council 8 October 2021 and email addendum dated 30 March 2022
Landscape and Visual Assessment Report, including the recommended Landscaping Plan	20220308SER V1.0	4Pillars Environmental Consulting	25 March 2022

2. Provision of the new access shall be undertaken to Department of State Growth requirements. Basic drawings showing the extent of the accesses and associated works must be provided to the Department of State Growth for review and acceptance as part of a works permit application per the details noted below.

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

3. The applicant shall make contact with the Department of State Growth's Property Assets area at Property.Assets@stategrowth.tas.gov.au to confirm that all aspects relating to the lease of Crown Land have been addressed and finalised prior to operation of the site.
4. A Landscape Buffer is to be established and maintained in accordance with the recommendations of the Landscape and Visual Assessment Report (March 2022) which forms part of the approval documentation. All costs associated with the establishment and ongoing maintenance of the landscape buffer are the responsibility of the Applicant.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
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 underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
8. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

1. 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.
2. Activities associated with construction works are not to be performed outside the permissible time frames listed:
Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 050-22
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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 LEGLISATION OF SHED on land situated at 7 CHAMP STREET, SEYMOUR described in Certificate of Title 26752/1 be APPROVED subject to the following conditions:

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

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	A01 – Rev A	Streamline Building Designs	22 February 2022
Site Plan	A02 – Rev A	Streamline Building Designs	22 February 2022
Floor Plan, Elevations	A03 – Rev A	Streamline Building Designs	22 February 2022
Section A-A	A02 – Rev A	Streamline Building Designs	22 February 2022
On-site Wastewater Report	-	Geo-Environmental Solutions (GES)	25 May 2022

2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. The shed is approved for non-habitable residential use only and may not be changed without written consent from Council.
4. 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.
5. Any evidence of failure of the existing septic system will require a review of the system and subsequent compliance with any lawful directive from Council's Environmental Health Officer. This could necessitate the installation of an Aerated Wastewater Treatment System.

INTRODUCTION:

The Applicant is seeking to legalise the construction of a shed and alteration of an on-site wastewater system on an existing residential site located at 7 Champ Street Seymour. The property is on the market and the Council became aware of the unapproved structure during the completion of the Section 337 Certificate process. Council notified the owner of the illegal works in January 2022 and the subject development application was submitted to the Council in February 2022.

DISCUSSION:

- The Planning Officer advised that the application is for legalisation of a shed structure and wastewater system and is discretionary on two (2) matters, site coverage and setbacks in the environmental living zone. The shed is non habitable and has no new wet areas.
- One (1) representation was received from an adjoining landowner with regards to stormwater and wastewater issues which had been raised previously with council several years ago. A revised onsite waste water report was supplied and the engineer was satisfied. Environmental Health Officer looked at the system and could see no evidence of failure however home was not being lived in at the time. The applicant has now installed a 2500L rainwater tank to collect stormwater and has redirected the flow of this water away from the boundary. Conditions of approval are related to the septic tank and drainage of stormwater which will allow council to investigate in the future if these issues cause a nuisance.
- Clr McGuinness believes the fact that Council can inspect at a later date gives some confidence.

COUNCIL DECISION:

07/22.6.2.133 Moved: Clr G McGuinness/ Seconded: Clr K Chapple

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 LEGISLATION OF SHED on land situated at 7 CHAMP STREET, SEYMOUR described in Certificate of Title 26752/1 be APPROVED subject to the following conditions:

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

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Page	A01 – Rev A	Streamline Building Designs	22 February 2022
Site Plan	A02 – Rev A	Streamline Building Designs	22 February 2022
Floor Plan, Elevations	A03 – Rev A	Streamline Building Designs	22 February 2022
Section A-A	A02 – Rev A	Streamline Building Designs	22 February 2022
On-site Wastewater Report	-	Geo-Environmental Solutions (GES)	25 May 2022

2. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
3. The shed is approved for non-habitable residential use only and may not be changed without written consent from Council.
4. 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.

- Any evidence of failure of the existing septic system will require a review of the system and subsequent compliance with any lawful directive from Council's Environmental Health Officer. This could necessitate the installation of an Aerated Wastewater Treatment System.

CARRIED UNANIMOUSLY

07/22.6.3

DA083 – 2022 – New Hangar – 21 Aerodrome Road, Stieglitz

FILE REFERENCE	DA 083-2022
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OFFICER'S RECOMMENDATION:

After due consideration of the representation 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 **New Hangar** on land situated at **21 Aerodrome Road, Stieglitz** described in Certificate of Title CT 18671/2 & CT 148076/1 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	8209-02	Break O'Day Council	March 2022
Shed Plans and Elevations	Dwg no: 4865/0428 Sheet no: A.01, A.02, A.03, A.04, A.05	Bison Constructions	28 April 2022
Planning Scheme Response	-	Proponent	unknown

- All stormwater from roof of hangar must be piped to the airport drive kerb and channel as directed by Manager of Infrastructure & Development Services so as to ensure that the development will not result in soil erosion or other stormwater nuisance.
- Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.

ADVICE

- Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Monday - Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for the construction of a 10m x 12.248m x 5.495m light aircraft hangar at 21 Aerodrome Road, Stieglitz. The St Helens Aerodrome has been in the current location since the early 1960s when it moved from land that is now used as the St Helens Industrial Estate. The partially fenced 10.76ha development site is zoned Utilities owned by Break O'Day Council. The Transport Depot and Distribution Use is a qualified permitted use if it is for an airport within the Utilities Zone.



DISCUSSION:

- The Planning Officer advises that the hangar use is for transport depot and distribution and had to meet a performance criteria for car parking.
- One (1) representation was received regarding the stormwater run off from the airport. One condition has been included regarding stormwater from the hangar. This is further addressed at the building application stage.

COUNCIL DECISION:

07/22.6.3.134 Moved: Clr Mc Giveron/ Seconded: Clr LeFevre

After due consideration of the representation 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 **New Hangar** on land situated at **21 Aerodrome Road, Stieglitz** described in Certificate of Title CT 18671/2 & CT 148076/1 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	8209-02	Break O'Day Council	March 2022
Shed Plans and Elevations	Dwg no: 4865/0428 Sheet no: A.01, A.02, A.03, A.04, A.05	Bison Constructions	28 April 2022
Planning Scheme Response	-	Proponent	unknown

2. All stormwater from roof of hangar must be piped to the airport drive kerb and channel as directed by Manager of Infrastructure & Development Services so as to ensure that the development will not result in soil erosion or other stormwater nuisance.
3. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.

ADVICE

- Activities associated with construction works are not to be performed outside the permissible time frames listed:
 - Monday - Friday 7 am to 6 pm
 - Saturday 9 am to 6 pm
 - Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 104-2022
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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 New Dwelling & Widening of Existing Crossover on land situated at 8 DOEPEL PLACE, ST HELENS described in Certificate of Title 142556/2 be APPROVED subject to the following conditions:

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

APPROVED PLANS			
PLAN / DOCUMENT ANME	REFERENCE NUMBER	PREPARED BY	DATED
Site Plan	A02	Michael Kelly	05 April 2022
Floor Plan	A03	Michael Kelly	05 April 2022
Elevations	A04 & A05	Michael Kelly	05 April 2022
Planning Scheme Response	N/A	Michael Kelly	23 May 2022

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained to Council's stormwater drainage system.
3. Widening of the crossover/access between the road and the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.
4. Stormwater shall be directed to the kerb via a new connection. The connection must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.
5. No works are to commence on the crossover until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover / Stormwater Connection Point.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. Sewage must be disposed via TasWater sewerage system.

9. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
10. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

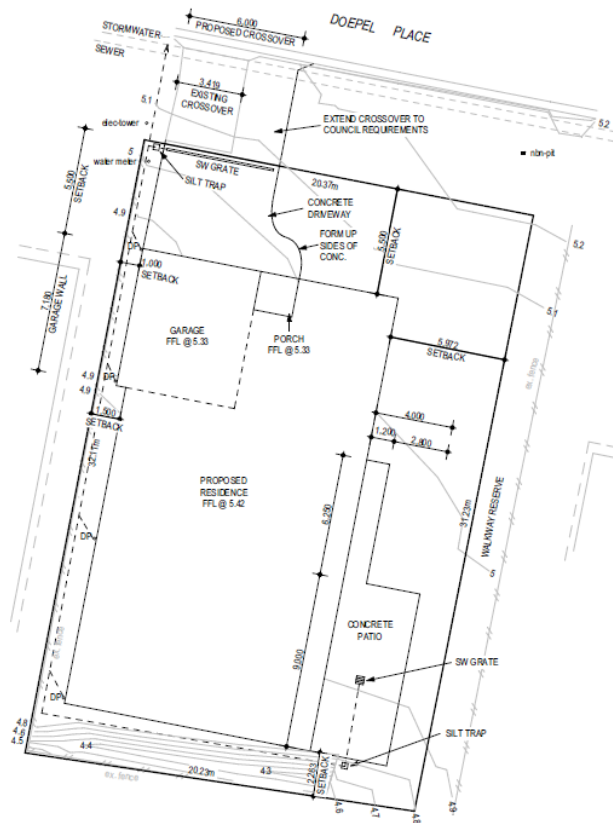
ADVICE

11. 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.
12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
13. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for the development of a single dwelling & widening of an existing crossover at 8 Doepel Place, St Helens, for the purposes of utilising the proposed development as a place of residence.



DISCUSSION:

- The Planning Officer advised the application needs to meet performance criteria regarding flood zone and is categorised as a H1 flood zone hazard.
- Two (2) representations had been received regarding the soundproofing of the drum room on the plans. This matter was addressed within the body of the report.

COUNCIL DECISION:

07/22.6.4.135 Moved: Clr Chapple / Seconded: Clr McGuinness

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for New Dwelling & Widening of Existing Crossover on land situated at 8 DOEPEL PLACE, ST HELENS described in Certificate of Title 142556/2 be APPROVED subject to the following conditions:

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

APPROVED PLANS			
PLAN / DOCUMENT ANME	REFERENCE NUMBER	PREPARED BY	DATED
Site Plan	A02	Michael Kelly	05 April 2022
Floor Plan	A03	Michael Kelly	05 April 2022
Elevations	A04 & A05	Michael Kelly	05 April 2022
Planning Scheme Response	N/A	Michael Kelly	23 May 2022

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained to Council's stormwater drainage system.
3. Widening of the crossover/access between the road and the property boundary must be constructed in accordance with standard drawing TSD-R09-v3.
4. Stormwater shall be directed to the kerb via a new connection. The connection must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.
5. No works are to commence on the crossover until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover / Stormwater Connection Point.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
8. Sewage must be disposed via TasWater sewerage system.
9. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
10. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

11. 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.
12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
13. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm
Saturday 9 am to 6 pm
Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

07/22.6.5 DA107 – 2022 – Proposed Dwelling and Additional Use Visitor Accommodation – P1758 Talbot Street, St Helens

FILE REFERENCE	DA 107-22
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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 PROPOSED DWELLING AND ADDITIONAL USE VISITOR ACCOMMODATION on land situated at P1758 TALBOT STREET, ST HELENS described in Certificate of Title 114777/1 be APPROVED subject to the following conditions:

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

APPROVED PLANS			
PLAN / DOCUMENT NAME	REFERENCE NUMBER	PREPARED BY	DATED
Cover Sheet	-	Jennifer Binns Design	-
Site Plan	A04 Revision 4	Jennifer Binns Design	15 June 2022
Site Detail	A05 Revision 4	Jennifer Binns Design	15 June 2022
Site Visuals	A06 Revision 4	Jennifer Binns Design	15 June 2022
Proposed Floor Plan	A07 Revision 4	Jennifer Binns Design	15 June 2022
Proposed sub-Floor	A08 Revision 4	Jennifer Binns Design	15 June 2022

PLAN / DOCUMENT NAME	REFERENCE NUMBER	PREPARED BY	DATED
Elevations	A09 Revision 4	Jennifer Binns Design	15 June 2022
Elevations	A10 Revision 4	Jennifer Binns Design	15 June 2022
Arboricultural Impact Assessment Report		Andrew Redman Aboriculturist	25 February 2022
Bushfire Hazard Report and Bushfire Hazard Management Report	Reference 22019	ONTO IT SOLUTIONS	7 March 2022

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2022/00615-BODC as attached to this permit.
3. The proposed car parking areas must be constructed in accordance with water sensitive urban design principles. Measures such as bio retention swales and porous pavement or turf cells should be considered to provide on-site stormwater infiltration and treatment. Stormwater management is not to result in a concentration of flow onto other property, or cause other stormwater nuisance.
4. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
5. The retaining wall design and provision for stormwater management within the design, is to be certified by a geotechnical engineer or equivalent suitable qualification, prior to works occurring on site.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control Document. The measures are to be in place prior to commencement of works and to be maintained current at all times during construction. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
8. Batters associated with the construction of the access and car parking area must be stabilised as soon as practicable after site works, through landscaping or other artificial means to ensure erosion and sediment loss is prevented. During site works associated with cut and fill, erosion and sediment control measures must be in place to ensure no sediment movement from the area of works.
9. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.

10. 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.
11. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, and Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
12. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
13. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
14. 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). A copy of the Weed and Disease Management Plan prepared from these Guidelines is to be provided to Council prior to works beginning, including commissioning of the work site.
15. Plants listed in Appendix 3 of the Break O'Day Interim Planning Scheme 2013, must not be used in landscaping.
16. The fuel modified buffer zone must be selectively maintained to ensure that any threatened species habitat or species of conservation significance which germinate and seed are retained.
17. 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*.
18. 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*.
19. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
20. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

21. 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.
22. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
23. This permit allows for the dual Residential Use and Visitor Accommodation Use of the dwelling described in Certificate of Title 114777/1.
24. 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

INTRODUCTION:

The applicant is seeking approval for the construction of a two (2) bedroom dwelling at Talbot Street, St Helens and described as Certificate of Title 114777/1. The proposed development is for the dual use classes Residential and Visitor Accommodation. The development site has a land area of approximately 2.16 hectares and is currently vacant. The site slopes steeply with lower contours to the north and supports a tidal water course that traverses north to south in closer proximity to the western boundary. The site fronts St Helens Point Road and overlooks Georges Bay. Access is from the southern rear boundary off Talbot Street.

The development site is fully serviced by TasWater (water and sewerage) and a two (2) bedroom dwelling is proposed. The dwelling design responds to the contours of the site and takes advantage of views to Georges Bay to the north. Parking will occur to the rear of the dwelling and utilise existing level areas, however there will be a requirement for earthworks and a retaining wall to level, stabilise the vehicle access ways and parking areas. Soil and Water Management techniques to ensure land is stabilised and erosion and sediment loss is prevented (Permit Condition) have been conditioned.

The applicant has minimised vegetation loss and there is an element of vegetation management required to satisfy bushfire hazard management requirements. The majority of the lot will retain all vegetation and maintain natural values. Development is located away from the mapped watercourse and erosion and sedimentation controls have been required to protect water quality. The proposed dwelling is a two (2) bedroom single storey dwelling, associated decks and a sub-floor storage area. The development also includes retaining wall and earthworks to establish an entrance, manoeuvring and car parking. The design responds to the contours of the site increasing in height above ground level approaching north.



DISCUSSION:

- The Planning Officer advised the application relies on meeting performance criteria regarding visitor accommodation use, proximity to rear setbacks and water code. The application is discretionary due to vegetation removal and this was minimised as much as practically possible and will still maintain natural values.
- Three (3) representations were received and these mainly related to proximity to rear setback. Mediation was engaged between applicant and neighbours and applicants provided amended plans which increased the setback.
- Cllr LeFevre was pleased to see the setback was amended and showed good will on both sides.

COUNCIL DECISION:

07/22.6.5.136 Moved: Cllr B Le Fevre / Seconded: Cllr K Chapple

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 PROPOSED DWELLING AND ADDITIONAL USE VISITOR ACCOMMODATION on land situated at P1758 TALBOT STREET, ST HELENS described in Certificate of Title 114777/1 be APPROVED subject to the following conditions:

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

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2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2022/00615-BODC as attached to this permit.
3. The proposed car parking areas must be constructed in accordance with water sensitive urban design principles. Measures such as bio retention swales and porous pavement or turf cells should be considered to provide on-site stormwater infiltration and treatment. Stormwater management is not to result in a concentration of flow onto other property, or cause other stormwater nuisance.
4. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
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5. The retaining wall design and provision for stormwater management within the design, is to be certified by a geotechnical engineer or equivalent suitable qualification, prior to works occurring on site.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
7. Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control Document. The measures are to be in place prior to commencement of works and to be maintained current at all times during construction. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
8. Batters associated with the construction of the access and car parking area must be stabilised as soon as practicable after site works, through landscaping or other artificial means to ensure erosion and sediment loss is prevented. During site works associated with cut and fill, erosion and sediment control measures must be in place to ensure no sediment movement from the area of works.

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13. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
14. 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). A copy of the Weed and Disease Management Plan prepared from these Guidelines is to be provided to Council prior to works beginning, including commissioning of the work site.
15. Plants listed in Appendix 3 of the Break O'Day Interim Planning Scheme 2013, must not be used in landscaping.
16. The fuel modified buffer zone must be selectively maintained to ensure that any threatened species habitat or species of conservation significance which germinate and seed are retained.
17. 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*.
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20. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

21. 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.
22. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
23. This permit allows for the dual Residential Use and Visitor Accommodation Use of the dwelling described in Certificate of Title 114777/1.
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CARRIED UNANIMOUSLY

07/22.6.6 State Planning Provisions (SPPs) Review – Break O’Day Council Submission Regarding Scope of the Review

FILE REFERENCE	22/2821
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OFFICER’S RECOMMENDATION:

1. Council review and discuss the Break O’Day response to the request from the State Planning Office to put forward issues / matters to be included in the review of the State Planning Provisions (SPPs).
2. Development Services continue their participation in the review of the SPPs which may include participation in reference groups or consultative groups and further submissions on behalf of Council.
3. Break O’Day Council share their submission with the Local Government Association of Tasmania (LGAT).
4. Development Services prepare a submission to the State Planning Office outlining suggested scope of the review in line with the report.

BACKGROUND

Acronyms

LPS	Local Provisions Schedule
LUPAA / LUPA Act	Land Use Planning and Approvals Act 1993
NTRLUS	Northern Tasmania Regional Land Use Strategy
S35G	Section 35G of the <i>Land Use Planning & Approval Act 1993</i> provides for a planning authority to advise the TPC it is of the opinion that the SPPs should be altered.
SPO	State Planning Office
SPPs	State Planning Provisions
TPC	Tasmanian Planning Commission
TPPS	Tasmanian Planning Policies
TPS	Tasmanian Planning Scheme

Request

On 25 May 2022, the Deputy Premier and Minister for Planning, Michael Ferguson MP, wrote to Council advising that the state government had commenced the process of reviewing the State Planning Provisions. Specifically, the state government is requesting local government input into help scope the review by identifying key themes or parts of the SPPs that should be included in the proposed review.

Information provided, clearly outlines what is not part of this review process and that includes:

- Local Provisions Schedules;
- Regional Land Use Strategies;
- State Policies; or
- The broader planning framework within LUPAA and associated legislation.

The TPC is requesting input from local government with respect to the SPPs and -

- What works well;
- What requires improving
- What additional provisions are required;
- What should be prioritised.

Historical Context

The SPPs were approved in 2017 and now in accordance with Section 30T of LUPAA, they are due for review. LUPAA requires the review of the SPPs every five (5) years as well as after drafting the Tasmanian Planning Policies (TPPS). The TPPS are expected to be completed in 2023 and so the commencement of the review of the SPPS satisfies the requirements of LUPAA.

The Break O'Day Council is not currently operating under the Tasmanian Planning Scheme (TPS) and are awaiting advice from the TPC with respect to scheduling a hearing of the draft Local Provisions Schedule (LPS) and the submitted S35F report. On acceptance of the Break O'Day LPS, the planning authority will assess use and development of land in accordance with the TPS.

Current

Whilst the Break O'Day planning authority is working within the Tasmanian Planning System, it is still assessing development and applying zone maps and overlay maps in accordance with an Interim Planning Scheme.

The Interim Planning Schemes and the SPPs are statutory documents which basically set the rules for decisions about use or development of land. The Tasmanian Planning System is based on a tiered approach to deliver both strategic and statutory planning documents that provide a framework for the land use planning system.

The difficulty with the system is that the strategic documents are meant to guide longer term land use and development (statutory planning schemes) through objectives, principles, policies and strategies. However these strategic documents are either being developed now as is the case with the Tasmanian Planning Policies or require review (Northern Tasmania Regional Land Use Strategy). Their functional role within statutory planning instruments is yet to be fully realised. Until such time as we have the TPPS in place and the review of the RLUS commenced/completed, we cannot be certain that any review of the SPPs is effective.

This is an important concept to consider when undertaking a review of the SPPs in the absence of the Tasmanian Planning Policies and the effect the TPPS may have on or influence the SPPs. Additionally, a lack of experience in implementing the SPPs in Break O'Day, limits the depth of understanding and contribution to the process.

Participation

Despite the Break O'Day planning authority not yet operating within the SPPs, we have a level of understanding based on:

- Undertaking the draft LPS;
- Degrees / aspects of similarity within the Interim Scheme;
- Active participation within the LGAT Planning & Development Group – 21 June 2022 meeting to discuss submissions.

We have a current opportunity to participate in developing the themes or parts of the SPPs for review. The purpose of this report is to present information for consideration as part of a submission by the Break O'Day Council to help identify the scope of matters.

Following the Break O'Day submission in respect of matters to be reviewed, the process may provide Break O'Day an opportunity to participate in reference groups or consultative groups to provide more detailed consideration of review matters.

The diagram below demonstrates the process and we are currently in Step 1.

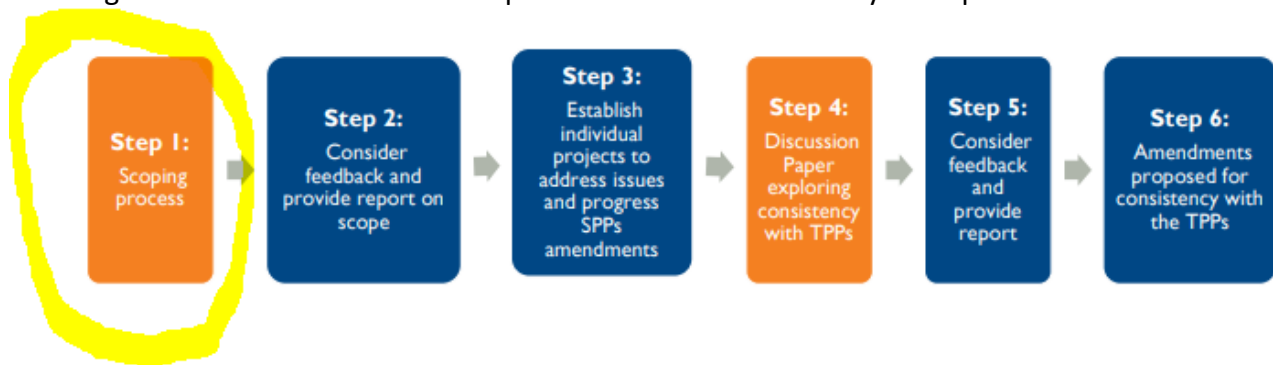


Figure 1 - The SPP review process

LGAT Planning and Development Group

The LGAT Planning & Development Group, of which we are a participant, has held a TEAMS meeting to discuss the scope of matters a LGAT submission may include. Michael Edrich, Senior Policy Officer, LGAT convened a TEAMS meeting on 21 June 2022 at which time scope of issues, format of scope of issues and central depository of matters was discussed. At the time of writing this report, no Council had yet uploaded their draft scope of matters to be considered in the review. LGAT would appreciate a copy of any Break O'Day Council submission.

Supporting Documentation – Summary of Issues

The State Planning Office has provided a summary of issues (attached) that have previously been raised regarding the SPPs. These issues have been collated from reports from Councils operating under the SPPs as well as s35G reports submitted by Local Governments. This provides a sound basis for BOD to consider and generate awareness.

As part of this submission process, I have also reviewed examples of s35G reports uploaded to the TPC website.

DISCUSSION:

- The Senior Planning Officer's report includes a listing of issues that could be considered and if approved by council will be submitted.
- Clr McGuiness indicated he is happy with the report however he is concerned that given the complexity nothing will happen within the next five (5) years.
- Clr Chapple noted that when looking at the rural living zone there is not much land within the municipality which falls into this category. Given the ageing population is it possible that rural resource zoning can be added into the multiple dwelling part of the report as it includes a much larger portion of land within the municipality.
- The Senior Planning Officer advised that rural living is important because of the proximity of services, rural resource zoning will become agricultural zone or rural zone and multiple dwellings may be possible to be considered for the rural zone.
- Clr LeFevre and Clr McGiveron supported Clr Chapple's thoughts.

COUNCIL DECISION:

07/22.6.6.137 Moved: Clr G McGuinness/ Seconded: Clr K Chapple

1. Council review and discuss the Break O'Day response to the request from the State Planning Office to put forward issues / matters to be included in the review of the State Planning Provisions (SPPs).
2. Development Services continue their participation in the review of the SPPs which may include participation in reference groups or consultative groups and further submissions on behalf of Council.
3. Break O'Day Council share their submission with the Local Government Association of Tasmania (LGAT).
4. Development Services prepare a submission to the State Planning Office outlining suggested scope of the review in line with the report.

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.

07/22.7.0 COUNCIL MEETING ACTIONS

07/22.7.1 Outstanding Matters

The report was received.

07/22.8.0 PETITIONS

Nil.

07/22.9.0 NOTICES OF MOTION

Nil.

Nil.

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

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

Nil.

28.06.2022	St Helens	– Regional Cabinet Meeting and various meetings and media events with Ministers
01.07.2022	Hobart	– Local Government Association of Tasmania (LGAT) – Annual General Meeting
04.07.2022	St Helens	– Council Workshop
10.07.2022	St Helens	– St Helens History Room - Book Launch – Gary Richardson's Safe Passage – Deputy Mayor attended on behalf of the Mayor
13.07.2022	Launceston	– Northern Tasmania Development Corporation (NTDC) – Strategic Planning Workshop
18.07.2022	St Helens	– Council Meeting

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

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

- The next meeting is scheduled for 19 July 2022.

NRM Special Committee – Clr Janet Drummond

- Nil.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- An online awards meeting was held last week.
- Discussion took place about how successful businesses within the community will be acknowledged for the next 8-9 months.

Mental Health Action Group – Clr Barry LeFevre

- Nil.

Disability Access Committee – Clr Janet Drummond

- Nil.

Bay of Fires Master Plan Steering Committee – Clr Glenn McGuinness

- Meeting will be following the tender process.

07/22.13.0 BUSINESS AND CORPORATE SERVICES

07/22.13.1 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:

Acting Manager Corporate Services advised that it appears we had quite a good year last year.

COUNCIL DECISION:

07/22.13.1.138 Moved: Clr LeFevre / Seconded: Clr McGuinness

That the report be received.

CARRIED UNANIMOUSLY

07/22.13.2 Monthly Financial Report

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

That the following reports for the month ending 30 June 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:

Acting Manager Corporate Services advised he has reviewed the financial report and all appears normal.

COUNCIL DECISION:

07/22.13.2.139 Moved: Clr McGiveron/ Seconded: Clr Chapple

That the following reports for the month ending 30 June 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

07/22.13.3 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:

- Acting Manager Corporate Services advised that numbers are picking up and he will be meeting with staff this week. Due to Covid numbers have been dropping statewide and any increase is a good increase.
- Clr LeFevre stated that it was sad to see the former Manager Corporate Services leave and felt his work with the Visitor Information Centre was very important and he valued that face to face contact. The person who takes over that role needs to continue that work and the use of volunteers in the community is very important as well.

COUNCIL DECISION:

07/22.13.3.140 Moved: Clr McGuiness / Seconded: Clr Chapple

That the report be received.

CARRIED UNANIMOUSLY

07/22.13.4 **Amendment to 2022 / 2023 Schedule of Fees & Charges**

FILE REFERENCE	018\017\004\
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OFFICER'S RECOMMENDATION:

That Council amend the Schedule of Fees & Charges 2022/2023 for 132 and 337 Council Certificates:

- 132 Certificate - \$53.45
- 337 Certificate - \$227.70

INTRODUCTION:

In adopting Council's Schedule of Fees & Charges, the Certificate fees did not take into account the mandatory administrative fee.

DISCUSSION:

- Clr Chapple noted that increased fees and charges are normally adopted annually as part of the budget process and asked why are we doing it separately this year.
- General Manager advised it is due to the State Government fees coming through to us a little later this year.

COUNCIL DECISION:

07/22.13.4.141

Moved: Clr LeFevre / Seconded: Clr Chapple

That Council amend the Schedule of Fees & Charges 2022/2023 for 132 and 337 Council Certificates:

- 132 Certificate - \$53.45
- 337 Certificate - \$227.70

CARRIED UNANIMOUSLY

07/22.14.0 **WORKS AND INFRASTRUCTURE**

07/22.14.1 **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:

No discussion took place on this item.

COUNCIL DECISION:

07/22.14.1.142

Moved: Clr McGiveron / Seconded: Clr Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

07/22.14.2 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:

07/22.14.2.143 Moved: Clr Chapple/ Seconded: Clr LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

07/22.14.3 Falmouth Township – Request for Speed Limit Change

FILE REFERENCE	032\005\013\
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OFFICER'S RECOMMENDATION:

1. That Council seek Transport Commissioner authorisation for a 60km/hr speed limit on Falmouth Road (between the Tasman Highway and the Falmouth Township) in accordance with the recommendation made by Traffic & Civil Services.
2. That Council seek Transport Commissioner authorisation for a 40km/hr Area speed limit for Falmouth in accordance with the recommendation made by Traffic & Civil Services.
3. That Council install Pedestrian warning signs W6-1A with Florescent yellow-green background sheeting on Grant Street and Hammond Street approaches to Grant Street boat ramp and beach access area.

INTRODUCTION:

Council has received a request to reduce the speed limit in Falmouth and install pedestrian friendly signage. Please refer to attached request and community petition.

The following actions have been requested to reduce traffic speed and increase pedestrian safety:

1. Reduction of the speed limit throughout Falmouth to 40km/hr (research indicates that a 10 km/h reduction in travelling speeds can lead to a 25 percent reduction in deaths and serious injuries to pedestrians and cyclists).
2. Installation of two (2) advisory warning signs, one (1) on Grant Street heading north approximately opposite 122 Grant Street and the other on the existing signpost on Hammond Street at the junction with Legge Street for traffic heading downhill (west).
3. Installation of two (2) "Watch Out for Pedestrians" signs, one (1) for traffic leaving the lagoon parking lot and the other as a replacement of the existing icon-only sign for traffic entering Falmouth.
4. Installation of stop signs on Morrison Street at Franks Street and on Franks Street at Falmouth Main Road.

The purpose of this report is to provide the Council with additional qualified advice and to provide recommendation(s) to the Council for consideration.

DISCUSSION:

- Cllr LeFevre stated that the three (3) recommendations are full of common sense.
- Cllr McGuinness stated that this has been well researched and will achieve local support, thoroughly recommended.

COUNCIL DECISION:

07/22.14.3.144

Moved: Cllr LeFevre / Seconded: Cllr McGuinness

1. That Council seek Transport Commissioner authorisation for a 60km/hr speed limit on Falmouth Road (between the Tasman Highway and the Falmouth Township) in accordance with the recommendation made by Traffic & Civil Services.
2. That Council seek Transport Commissioner authorisation for a 40km/hr Area speed limit for Falmouth in accordance with the recommendation made by Traffic & Civil Services.
3. That Council install Pedestrian warning signs W6-1A with Florescent yellow-green background sheeting on Grant Street and Hammond Street approaches to Grant Street boat ramp and beach access area.

CARRIED UNANIMOUSLY

07/22.14.4 St Helens Foreshore Playground Sun Shade

FILE REFERENCE	004\008\013\
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OFFICER'S RECOMMENDATION:

That Council receive this report as the closing report for Council decision 02/20.8.1.13.

INTRODUCTION:

The purpose of this report is to provide a progress update to the Council and to consider the Officer's recommendation.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/22.14.4.145 Moved: Clr LeFevre / Seconded: Clr Chapple

That Council receive this report as the closing report for Council decision 02/20.8.1.13.

CARRIED UNANIMOUSLY

07/22.14.5 Policy Review – AM15 – Asset Disposal

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

That Policy AM15, Asset Disposal be accepted with minor amendment.

INTRODUCTION:

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

DISCUSSION:

Works Operations Manager advises minor detail changes only.

COUNCIL DECISION:

07/22.14.5.146 Moved: Clr McGiveron/ Seconded: Clr Lefevre

That Policy AM15, Asset Disposal be accepted with minor amendment.

CARRIED UNANIMOUSLY

07/22.14.6 Policy Review – AM11 – Roads Infrastructure Policy

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

That Policy AM11, Roads Infrastructure Policy, be accepted with minor amendment.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/22.14.6.147 Moved: Clr LeFevre/ Seconded: Clr McGuiness

That Policy AM11, Roads Infrastructure Policy, be accepted with minor amendment.

CARRIED UNANIMOUSLY

07/22.14.7 Policy Review – EP06 – Tree Management Policy

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

That Policy EP06, Tree Management, be accepted without amendment.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/22.14.7.148 Moved: Clr McGiveron/ Seconded: Clr Chapple

That Policy EP06, Tree Management, be accepted without amendment.

CARRIED UNANIMOUSLY

07/22.14.8 Free Use of St Marys Town Hall

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

That the group that would like to set themselves up to create a Repair Café meet with Council staff to work through the logistics of the project and what their requirements would be.

INTRODUCTION:

The purpose of this report is to address the Notice of Motion from Clr J Drummond, May 2022 Council Meeting.

DISCUSSION:

- Clr McGiveron supported the idea being proposed but has concerns about how it would operate and does not want to see the back of the hall turned into a workshop. It seems an inappropriate space and we should look for an alternate location.
- Clr Chapple asked if the Council has had contact with the group since the workshop.
- Community Services Manager advised that we hadn't and this will be discussed further at the next workshop.
- Clr McGiveron asked could the old gym building at St Marys be used. General Manager advised the old gym is intended to be removed.
- Clr LeFevre suggested the makers market could be a possibility.
- Mayor Tucker stated that this matter will come back to Council for further discussion as needed.

COUNCIL DECISION:

07/22.14.8.149 Moved: Clr McGuinness/ Seconded: Clr Chapple

That the group that would like to set themselves up to create a Repair Café meet with Council staff to work through the logistics of the project and what their requirements would be.

CARRIED UNANIMOUSLY

07/22.14.9 Maintenance and Improvements to Boat Launching Ramps at Stieglitz Beach

FILE REFERENCE	004\007\007\
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OFFICER'S RECOMMENDATION:

That Council receive this report as the closing report for Council decision 10/21.14.3.223.

INTRODUCTION:

The purpose of this report is to provide a progress update to the Council and to consider the Officer's recommendation.

DISCUSSION:

Clr LeFevre stated that this was a very good report based on common sense and needs to be moved to deeper water.

COUNCIL DECISION:

07/22.14.9.150 Moved: Clr Lefevre/ Seconded: Clr McGiveron

That Council receive this report as the closing report for Council decision 10/21.14.3.223.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 10:55am

Meeting resumed at 11:07am

07/22.15.0 COMMUNITY DEVELOPMENT

07/22.15.1 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:

- Manager Community Services advised that the volunteer strategy update has been postponed due to sickness.
- Community services are currently working with community groups who are concerned regarding Covid.
- Clr McGiveron asked if, following the Cabinet Meeting, have we heard anything back from the government regarding the possibility of emergency accommodation at the old hospital site. Manager Community Services advises that no we haven't.

COUNCIL DECISION:

07/22.15.1.151

Moved: Clr LeFevre / Seconded: Clr McGuiness

That the report be received.

CARRIED UNANIMOUSLY

07/22.16.0 DEVELOPMENT SERVICES

07/22.16.1 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:

- Acting Development Services Coordinator advised that:
 - o Statistics are demonstrating that planning applications have not slowed down and building statistics seem to be mirroring what is happening in the planning department.
 - o No response has been received yet regarding lighting.
- Mayor Tucker says it is interesting to note the speed of development applications going through and this is good to see. Acting Development Services Coordinator says we are always working towards improvement.

COUNCIL DECISION:

07/22.16.1.152

Moved: Clr McGiveron/ Seconded: Clr McGuiness

That the report be received.

CARRIED UNANIMOUSLY

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised that he had attended a Strategic Planning workshop last week as part of the external review undertaken of the Northern Tasmania Development Corporation (NTDC) to look at opportunities for improvement and changes that may be required. Last week's meeting was very positive and discussions were open and honest. From this it is clear that NTDC has done some good work but we haven't got the structure quite right yet. NTDC will be going to quarterly meetings with Council members and working towards the setting of clear expectations. Early next year we will be looking at whether to continue funding or not.
- Mayor Tucker would like to reinforce what the General Manager said and understands the importance of having a regional voice.
- The General Manager provided an update on the Local Government Review process, we are expecting a report within the next 10 days which will be sent on to Councillors for review.
- The General Manager provided an operational update that we are running lean between influenza, Covid and other issues and this is having some impact on service delivery.
- Cllr Chapple says emergency housing was brought up at Regional Cabinet but what happens now. Mayor Tucker advised that he had received a call and they have advised they will be starting an investigation into what has been put forward but this will be dependent on the contract with the Covid clinic. The General Manager says there are a few layers which affect this and in relation to the use of the Hub4Health building as an alternative location for the Covid clinic, there are already other tenants using this building and this will need to be worked through.
- Cllr McGuinness asked if anybody was able to press the Minister on what his expectations are for Councils with regard to the Local Government Review. The General Manager referred to a radio interview on Friday morning when the Minister was asked a question about Council amalgamations and he said that he feels there is room for Council amalgamations however the State Government position is that there will be no forced amalgamations.

COUNCIL DECISION:

07/22.17.1.153 Moved: Clr McGiveron/ Seconded: Clr Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

07/22.17.2 **Draft Community Engagement Strategy – Report and Review**

FILE REFERENCE	002\019\010\
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OFFICER'S RECOMMENDATION:

That Council formally adopts the Community Engagement Strategy.

INTRODUCTION:

Our Community Engagement Strategy outlines a consistent approach for how Council will engage across all areas with our community. The strategy will be the key public document of a Community Engagement Framework. Once consultation has concluded a procedure will be developed for internal implementation.

The Strategy utilises the International Associations for Public Participation (IAP2) framework which is an internationally recognised communication tool and endorsed by the LGA. We have developed this Strategy in line with the Strategic directions, values and policies of BODC at the forefront and have presented them in a simple and easy to understand format.

The community has now provided feedback on the document and this has been reviewed and incorporated into the document.

DISCUSSION:

- Clr McGuiness said the policy captures all those who want to engage with Council.
- Communications Coordinator advised that we can't force people to engage with us but we can give them as much opportunity as possible to be able to engage with us.

COUNCIL DECISION:

07/22.17.2.154 Moved: Clr McGuiness/ Seconded: Clr Chapple

That Council formally adopts the Community Engagement Strategy.

CARRIED UNANIMOUSLY

FILE REFERENCE	015\009\001\
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OFFICER'S RECOMMENDATION:

That Council adopt LG55 – Local Government Election – Caretaker Period Policy.

INTRODUCTION:

Correspondence was received from the Minister for Local Government in relation to the recent approval of the *Local Government Amendment (Elections) Act 2022* by Parliament. Within this correspondence it was recommended that Council consider adopting such policy.

DISCUSSION:

- The General Manager advised this is a new policy and was initiated by Kingborough Council. A lot of this policy is common sense and cements in place something we mainly already do. The key elements are around major decisions.
- Clr McGiveron this is common sense and good idea.
- Clr LeFevre stated that it is common sense and stops anyone from doing anything dodgy.
- Clr McGuinness stated that it means the outgoing councillors can't bind incoming councillors to decisions made by them.
- The General Manager advised it also means people cannot put signs up, park vehicles etc with election material on Council property which means we now have the ability to do something about this.

COUNCIL DECISION:

07/22.17.3.155

Moved: Clr McGiveron/ Seconded: Clr Lefevre

That Council adopt LG55 – Local Government Election – Caretaker Period Policy.

CARRIED UNANIMOUSLY

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

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

IN CONFIDENCE

07/22.18.0 **CLOSED COUNCIL**

07/22.18.1 **Confirmation of Closed Council Minutes – Council Meeting 27 June 2022**

07/22.18.2 **Outstanding Actions List for Closed Council**

07/22.18.3 **General Manager’s Review – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

TO BE PUBLISHED IN THE PUBLIC MINUTES:

Due to the Personal nature of this item, nothing will be recorded in the Public Minutes.

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

Moved: Cllr J McGiveron / Seconded: Cllr B LeFevre

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.51am.

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MAYOR

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DATE