



COUNCIL MEETING MINUTES

Monday 27 June 2022
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
27 June 2022

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CONTENTS

CONTENTS	3
AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL	5
OPENING	5
ACKNOWLEDGEMENT OF COUNTRY.....	5
06/22.1.0 ATTENDANCE	5
06/22.1.1 Present	5
06/22.1.2 Apologies.....	5
06/22.1.3 Leave of Absence	6
06/22.1.4 Staff in Attendance	6
06/22.2.0 PUBLIC QUESTION TIME.....	7
06/22.2.1 Speed on Approach to St Marys – Ms B Grantham, St Marys	7
06/22.2.2 BODCs Aquatic Centre and BODC Processes - Ms N Stevens, Ms K Martin & Ms S Ashley, St Helens	8
06/22.2.3 Speed on Approach to St Marys – Ms B Grantham, St Marys	14
06/22.2.4 Ochre Health – Ms S Weber, St Helens.....	14
06/22.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE	15
06/22.4.0 CONFIRMATION OF MINUTES.....	15
06/22.4.1 Confirmation of Minutes – Council Meeting 16 May 2022	15
06/22.5.0 COUNCIL WORKSHOPS HELD SINCE 16 MAY 2022 COUNCIL MEETING	16
06/22.6.0 PLANNING AUTHORITY	16
06/22.6.1 DA068 – 2022 - Alterations to an Existing Building and a Change of Use – Gallery to Café – 37 Main Street, St Marys	16
06/22.6.2 DA286 – 2021 – Legalisation of Shed and New Pod for Visitor Accommodation – 20742 Tasman Highway, Chain of Lagoons	20
06/22.6.3 Report on Representations to the Draft Break O’Day Council Local Provisions Schedule (LPS)	25
06/22.7.0 COUNCIL MEETING ACTIONS	28
06/22.7.1 Outstanding Matters.....	28
06/22.8.0 PETITIONS.....	29
06/22.8.1 Petition – Speed Limit Reduction for Falmouth.....	29
06/22.9.0 NOTICES OF MOTION	30
06/22.10.0 COUNCILLOR’S QUESTIONS ON NOTICE	30
06/22.11.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE	30
06/22.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS.....	30
06/22.12.1 Mayor’s Communications for Period Ending 27 June 2022.....	30
06/22.12.2 Councillor’s Reports for Period Ending 27 June 2022.....	31
06/22.13.0 BUSINESS AND CORPORATE SERVICES.....	32

06/22.13.1 Corporate Services Department Report	32
06/22.13.2 Monthly Financial Report.....	33
06/22.13.3 Visitor Information Centre Report	34
06/22.13.4 Adoption of 2022 – 2023 Budget Estimates	34
06/22.13.5 Policy Review – LG47 – Personal Information Protection Policy.....	41
06/22.13.6 Audit Panel – Receipt of Minutes	42
06/22.14.0 WORKS AND INFRASTRUCTURE	43
06/22.14.1 Works and Infrastructure Report.....	43
06/22.14.2 Animal Control Report	45
06/22.14.3 Legge Street, Falmouth	46
06/22.15.0 COMMUNITY DEVELOPMENT	47
06/22.15.1 Community Services Report.....	47
06/22.15.2 Bendigo Bank Community Stadium – Review of Fees	48
06/22.15.3 Outdoor Exercise Equipment - Scamander	49
06/22.16.0 DEVELOPMENT SERVICES.....	50
06/22.16.1 Development Services Report.....	50
06/22.16.2 NRM Committee Meeting Minutes – 12 April 2022	51
06/22.16.3 Appointment of Break O’Day Council Natural Resource Management (NRM) Committee Representatives	52
06/22.17.0 GOVERNANCE.....	53
06/22.17.1 General Manager’s Report.....	53
06/22.17.2 2022 – 2023 Annual Plan	54
06/22.17.3 Emergency Accommodation	55
06/22.18.0 CLOSED COUNCIL	57
06/22.18.1 Confirmation of Closed Council Minutes – Council Meeting 16 May 2022.....	57
06/22.18.2 Outstanding Actions List for Closed Council	57
06/22.18.3 General Manager’s Performance Review – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015	57

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.

06/22.1.0 ATTENDANCE

06/22.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Margaret Osborne OAM – arrived at 10.03am
Councillor Lesa Whittaker – left at 12:18pm
Councillor Kylie Wright

06/22.1.2 Apologies

Councillor Glenn McGuinness

06/22.1.3

Leave of Absence

Nil

06/22.1.4

Staff in Attendance

General Manager, John Brown

Executive Assistant, Angela Matthews

Administration Officer, Bec Wood

Manager Infrastructure and Development Services, David Jolly (*Item 1.0 - 17.3*)

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

Manager Corporate Services, Bob Hoogland (*Item 1.0 – 14.1*)

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

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

Planning Officer, Kathryn Clausen (*Item 1.0 – 6.2*)

NRM Officer, Polly Buchhorn (*Item 14.1 – 17.1*)

Seven (7) 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.

06/22.2.1**Speed on Approach to St Marys – Ms B Grantham, St Marys**

How does Break O'Day Council address the calming of the eastern highway approach to St Marys in concert with Council's stated Services Goal and Strategy - taking into consideration the lack of speed sign enforcement, the pollution, the noise from air brakes, road noise and engine noise, and the Council responsibility for pedestrian security in the town of St Marys?

Reply:

Council takes an advocacy role:

1. A Council officer will forward any letter or other form of correspondence received about a matter pertaining to road issues to the Road Authority and other relevant authorities depending on the content of correspondence received. The Road Authority in this case is the Department of State Growth with the enforcement authority being Tasmania Police. Each authority is requested to provide a response in relation to matters raised. The Authority may elect to take no action, respond directly to the writer or provide a response to Council officers to pass onto the writer.

For this matter: Correspondence received from Ms Grantham was forwarded to the Department of State Growth on 12 May 2022 by Councils Works Administration Officer with a request to provide a response. Ms Grantham was advised in writing that this had occurred.

Tasmania Police were provided with the same correspondence on 16 May 2022 by Councils Community Services Manager.

2. Council will follow-up with the authority to ascertain what action may be being considered by the authority with the view of ensuring that a response is forthcoming.

On 17 May 2022 Councils Manager Infrastructure and Development Services Manager met with an officer from the Department of State Growth (Traffic Engineering). The Department of State Growth will consider each specific issue raised and provide a response to both Ms Grantham and Council.

Tasmania Police have noted the information provided and advise that they undertake routine patrols of the Esk Main Road including town centres and do issue traffic infringement notices to motorists – speeding and other.

Pedestrian Security

The Department of State Growth establish speed limits for all roads within Tasmania including those on the approaches to towns and within town boundaries. Council may request that a speed limit is reviewed based on but not limited to broader community concern, observable driver behaviour, road alignment vs default State speed limits, accident history, environmental factors, formal road safety audit and risk assessment, design change.

Tasmania Police are responsible for speed enforcement, not Council. Council regularly provides measured traffic flow data collected on the Council Road network to Tasmania Police and where speeding hotspots are identified and includes areas within town boundaries where there is a potential conflict between motorists and pedestrians, such as school zones, community facilities and road work zones.

Council provides town infrastructure within the road containment being parking bays, pedestrian footpaths, kerb and channel and nature strips.

06/22.2.2 BODCs Aquatic Centre and BODC Processes - Ms N Stevens, Ms K Martin & Ms S Ashley, St Helens

In today's BODC agenda - Monday 25th of June 2022 - Pg 189 under St Helens Spots Complex – Conceptual Plan it states:

“Council staff are collating all feedback that was received during the engagement period. A report will be prepared and presented at a future Council workshop for Councillors information.”

Q1: This is the same statement as in May's agenda – when will this report be available to the public?

Reply

This will be reviewed by Council at their workshop on 4 July 2022. If no changes are required, the Report will progress to the Agenda for the July 2022 Council Meeting for discussion.

On page 11 under Council Workshops the last bullet point is Aquatic Centre Project Research Report. On page 227 it states
“a draft report developed for consideration by Council. The sites examined include Smithton, Oatlands, George Town, and Scottsdale.”

Q2: As this report has been shared and discussed by council in the workshop - why hasn't this information been made public?

Reply

The report is under further development.

Q3: When will this report be made public?

Reply

The timing of this is yet to be determined and is dependent on finalisation of the report.

On page 227 under the title Aquatic Centre regarding the Aquatic Centre Project Research Report it states:

(the information received is...) “reinforcing the need to engage consultants to examine the feasibility of such a project in the Break O’Day area including developing an understanding of the levels of demand which exist for each element. Engagement with the community will need to focus on the level of demand as well as the operational financial model. Provision has been made within the 2022-2023 Budget to engage a consultant to undertake this work.”

Q4: How many consultants’ reports do the council require on the Aquatic Centre before taking action to move to design concepts, costing, budgeting, planning and funding sourcing?

Reply

The 2004 Thompson Tregear Report is now 18 years old and the information contained in that report did not quantify the actual demand for the different elements under current consideration. This Report is the only report Council has commissioned which specifically focussed on a potential Aquatic Centre. Other reports have referred to an Aquatic Centre in a broad sense.

In **1999** the Break O’Day Council’s Sport and Recreation Plan “Moving Forward” identified as one of its medium to longer term strategies the development of an indoor aquatic and hydrotherapy centre.

Q5: Please provide a full copy of this report and the cost to BODC of developing the report.

Reply

A copy of this report has been uploaded to Council’s website. It is noted that this Report was a Sport and Recreation Plan and not specifically about an Aquatic Centre. This report cost the Break O’Day Council \$10,000.

In **2004** Feasibility Study for the Development of an Aquatic Centre in the Break O’Day Municipality, Thompson Tregear Pty Ltd, (consultants) This report is available on the BODC website, which supports an Aquatic Centre.

Q6: How much did this report cost BODC?

Reply

This report cost the Break O’Day Council \$15,500.

In **2005**, David H Brown, Feasibility Study for the Development of an Aquatic Centre in the Break O'Day Municipality, for design and site location.

Q7: Please provide a full copy of this report and the cost to BODC of developing the report.

Reply

A copy of this report has been uploaded to Council's website. This was a report prepared by an interested member of the community and provided to Council. There was no cost to Council.

In **2013** Break O'Day Council & Jennifer Binns created a Briefing Document, St Helens Sport and Recreation Ground.

Q8: Please provide a full copy of this report and the cost to BODC of developing the report.

Reply

A copy of this report has been uploaded to the website. It is noted that this Briefing Document was prepared for Federal election lobbying activities and the plans prepared by Jen Binns are dated January 2012 and are for the St Helens Sports Complex and not specifically about an Aquatic Centre. The cost to Break O'Day Council was \$3,420.00.

In **2014** as part of the Break O'Day Council Municipal Management Plan, TCG Planning, (consultants) created the Recreation & Open Space Strategy. available on the BODC website, which supports an Aquatic Centre.

Q9: How much did this report cost BODC?

Reply

It is noted that this was a Recreation & Open Space Strategy and not specifically about an Aquatic Centre. The cost to Break O'Day Council was \$17,715.20.

Regarding the BODC Processes for Building Community Infrastructure

Q10: What was the process and timeframes for BODC to take the St Helens Stadium (Bendigo Bank Community Stadium) from council motion/decision through to up and running? Please confirm timeframes:

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

Reply

- Community engagement was undertaken with users of the sports complex as part of the process leading to the 2013 Briefing Document, St Helens Sport and Recreation Ground by Break O'Day Council and Jen Binns. This engagement commenced on 23 August 2011 with a meeting of user groups culminating in plans dated January 2012 by Jen Binns. A contract for design was awarded on 18 August 2014.
- Open date February 2016.

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

Reply

A funding application was lodged in November 2012 and in March 2013 Council was advised it had been successful in receiving \$500,000 in Federal funding Stage 1 – Stadium.

- c. From awarding of contracts to opening.

Reply

18 August 2014	Awarding of Contract for design – AC/631
7 December 2015	Practical Completion – 15/23584
16 February 2016	Official Opening

Q11: What is the total expenditure of BODC to date on the St Helens Stadium on top of any funding received from State and Federal grants.

Reply

Total capital expenditure to date on the Stadium is \$2,235,693 and Council has received grant funding of \$800,000 to date towards the Stadium. The cost to Council has been \$1,435,693.

Q12: What was the total amount of funding received from State and Federal grants for the St Helens Stadium?

Reply

\$500,000	Federal Government
\$250,000	State Government
\$50,000	Tasmanian Community Fund

Q13: How much does each Break O'Day Ratepayer pay towards the St Helens Stadium yearly?

Reply

Ratepayers are not levied a separate charge in relation to the operation of the Stadium.

Q14: How many people use the St Helens Stadium yearly?

Reply

The following are the sporting group participant estimates and they do not include spectators - these are approximate as they change during the season.

Netball – 300
Basketball – 250
Football – 60
Tennis – 20

Please see table below for attendee numbers listed for each external event.

Q15: How many events outside normal sporting fixtures have been held at the St Helens Stadium?

Reply

Please note that the attendees are listed on the application forms when lodging the event with Council

2016

Name of Event	Duration	Attendees
Tasmania Police SAREX	3 Days	150
TS Argonaut Parade	2 Days	70
Tasmanian State League Netball Match	1 Day	200

2017

Name of Event	Duration	Attendees
Bendigo Bank Community Launch	1 Day	150
St Helens Athletics Carnival, including Car Show	1 Day	300
East North East School Sports Carnival	2 Days	200
St Helens District High School – 3 x Sports Day, Athletics Carnival and Inter High Athletics	3 Days	100-300 per event
Shell Questacon Science Circus	1 Day	500+
St Helens Hospital Auxilliary Progressive Dinner	1 Day	100
Youth Mental Health Week	1 Day	500+
Tasmanian State League Netball Match	1 Day	220

2018

Name of Event	Duration	Attendees
St Helens Athletics Carnival, including Car Show	1 Day	200
St Helens District High School – 3 x Sports Day, Athletics Carnival and Inter High Athletics	3 Days	100-300 per event
JJJ One Night Stand	1 Day	30,000
Australian Qualifier for World XPD	10 Days	300
Tasmanian State League Netball Match	1 Day	180
Collingwood Magpies Netball Clinic	1 Day	100
Parks & Wildlife Family Friendly Sports Day	1 Day	100
St Helens District High School Chaplaincy Committee Fun Run	1 Day	50

2019

Name of Event	Duration	Attendees
St Helens Neighbourhood House Fun Run	1 Day	110
St Helens Athletics Carnival, including Car Show	1 Day	300
St Helens District High School – 3 x Sports Day, Athletics Carnival and Inter High Athletics (3 schools)		
Launceston Church Grammar School	4 Days	70
Tasmanian State League Netball Match	1 Day	180
St Helens District High School Chaplaincy Committee Fun Run	1 Day	50
Pain and Gain Fitness	10 week booking (2 sessions per week)	20

2020

Nil – COVID

2021

Name of Event	Duration	Attendees
Dragon trail MTB - International	3 Days	350
Wellbeing Festival	1 Day	310
St Helens Game Fishing Club Game Fishing Classic and Presentation Dinner	2 Days	150

2022

Name of Event	Duration	Attendees
Vaccination Clinic	2 Days	800
Dragon trail MTB - International	3 Days	350
St Helens Game Fishing Club Game Fishing Classic and Presentation Dinner	2 Days	150

Q16: How much money has the Bendigo Bank contributed to the St Helens Stadium including naming rights?

Reply

This matter is Commercial in Confidence.

06/22.2.3 Speed on Approach to St Marys – Ms B Grantham, St Marys

Can Council help Ms Grantham negotiate with Tasmania Police and the Department of State Growth to see what can be done to help her with regards to people speeding through the area and the use of air brakes that take place in the early hours of the morning past Irish Town Road, St Marys.

Reply

Council cannot negotiate with Tasmania Police and the Department of State Growth on the matters raised. Council can forward a concern or a complaint to the relevant department and request they respond directly to an individual.

A representative from Tasmania Police has met with Ms Grantham after a request to do so by Council to discuss concerns raised. Council will make a repeat request to Department of State Growth to do the same and in addition review the effectiveness and placement of the existing of the Exhaust Brake Sign near her property.

06/22.2.4 Ochre Health – Ms S Weber, St Helens

Our local and only medical clinic Ochre Health has recently made changes to its payment structures. These changes mean that many residents will be paying very heavy fees for medical appointments for which they were previously bulk billed. This will affect many many vulnerable patients in this region. Is it possible for the Council to make contact with Ochre Health and point out to them the extremely negative impact of this change.

Reply

Mayor Tucker has been in touch with head of Ochre Health and we are waiting on a call today (Monday) to give more clarity of what is happening. We need to be clear of the structure for charging. We will await the call to get an update as to how it operates – the Doctors may be the ones who have control over the price setting.

06/22.3.0

DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr J Drummond declared an interest in Agenda Item 06/22.6.3 – Report on Representations to the Draft Break O’Day Council Local Provisions Schedule – Representation Number 7.

06/22.4.0

CONFIRMATION OF MINUTES

06/22.4.1

Confirmation of Minutes – Council Meeting 16 May 2022

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 16 May 2022 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/22.4.1.105 Moved: Clr K Chapple / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 16 May 2022 be confirmed.

CARRIED UNANIMOUSLY

06/22.5.0 COUNCIL WORKSHOPS HELD SINCE 16 MAY 2022 COUNCIL MEETING

There was a Workshop held on Monday 6 June 2022 and the following items were listed for discussion.

- 2022 – 2023 Annual Plan
- Rates Estimates 2022 / 2023
- Adoption of 2022 – 2023 Budget Estimates
- Falmouth Township – Request for Speed Limit Change
- Roundabout – Quail Street / Medea Street, St Helens
- Legge Street, Falmouth
- Bendigo Bank Community Stadium – Review of Fees
- Outdoor Exercise Equipment – Scamander
- Pending Development Application Updates
- Review of Delegation for Planning Authority
- NRM Committee Meeting Minutes 12 April 2022
- Appointment of Break O’Day Council Natural Resource Management (NRM) Committee Representatives
- Climate Action Update: Scamander River Mouth Project and Climate Change Conference
- Local Government Elections – Compulsory Voting
- 2 Annie Street, St Helens – Housing Project Research Report
- Aquatic Centre Project Research Report

06/22.6.0 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.

06/22.6.1 DA068 – 2022 - Alterations to an Existing Building and a Change of Use – Gallery to Café – 37 Main Street, St Marys

FILE REFERENCE	DA 068-2022
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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 ALTERATIONS TO AN EXISTING BUILDING AND A CHANGE OF USE – GALLERY TO CAFÉ on land situated at 37 MAIN STREET, ST MARYS described in Certificate of Title 103550/1 (**Attachment A**) 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
Locality Plan (Aerial Image)	D001 A	Landsformation Design	March 2022
Existing part site plan	D002 A	Landsformation Design	7 March 2022
Floor Plan	D101 A	Landsformation Design	6 April 2022
Elevations	D102 A	Landsformation Design	6 April 2022
Written Description of proposed use	Letter – Maple on Main	Nicole Mathers	Received by the Council by email of 7 April 2022

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2022/00770-BODC** as attached to this permit.
3. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
4. Commercial vehicles associated with the use must only operate between 6.00am and 10.00pm Monday to Sunday.
5. Noise levels at the boundary of the site with any adjoining land must not exceed:
 - a) 50dB(A) day time; and
 - b) 40dB(A) night time; and

At any time, should the approved use be subject to a noise complaint from nearby sensitive uses, the Council may require that the owner of the business provides an acoustic assessment prepared by a suitably qualified person, which demonstrates compliance with the above noise levels.

6. During the period of building, 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

9. 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 seeks planning consent for the change of use of an existing building located at 37 Main Street, St Marys, from a commercial gallery to a café. The applicant also proposes minor internal and external alterations to the building.

DISCUSSION:

- The Planning Officer advised that this application was discretionary on three (3) matters. Two (2) matters have been address by conditions of approval and the other matter is in relation to car parking. The Change of Use changes the theoretical demand for parking. This application was referred to the Department of State Growth and they advised that a Traffic Impact Assessment (TIA) was not required and had no further comment.
- One (1) representation was received and two (2) concerns were raised. The first concern was in regards to the viability of another café in St Marys and this is not a planning consideration, the second was regarding the car parking shortfall. This site has no onsite car parking and investigations concluded that it met the relevant performance criteria in an area where the demand is split between the various businesses in the area who also rely on on-street parking.
- Clr Drummond asked, is the car parking worked out on the entire floor space of the structure. The Planning Officer advised that it is worked out on the net floor area, there are no discounts to cover that they are only utilising a portion of that building.
- Clr Wright asked, what is the requirement of other businesses in the area such as the supermarket across the road with regard to car parking. The Planning Officer stated that at the time there was no requirement for the supermarket to provide parking.
- Clr LeFevre stated that he thinks this is a really good development, it is good for St Marys and he is glad to see that commonsense has prevailed regarding the car parking.
- Clr McGiveron stated that he agrees with Clr LeFevre and also stated that it is good to see a business on the eastern side of the bridge.

COUNCIL DECISION:

06/22.6.1.106 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 ALTERATIONS TO AN EXISTING BUILDING AND A CHANGE OF USE – GALLERY TO CAFÉ on land situated at 37 MAIN STREET, ST MARYS described in Certificate of Title 103550/1 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
Locality Plan (Aerial Image)	D001 A	Landsformation Design	March 2022
Existing part site plan	D002 A	Landsformation Design	7 March 2022
Floor Plan	D101 A	Landsformation Design	6 April 2022
Elevations	D102 A	Landsformation Design	6 April 2022
Written Description of proposed use	Letter – Maple on Main	Nicole Mathers	Received by the Council by email of 7 April 2022

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2022/00770-BODC** as attached to this permit.
3. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
4. Commercial vehicles associated with the use must only operate between 6.00am and 10.00pm Monday to Sunday.
5. Noise levels at the boundary of the site with any adjoining land must not exceed:
 - a) 50dB(A) day time; and
 - b) 40dB(A) night time; and

At any time, should the approved use be subject to a noise complaint from nearby sensitive uses, the Council may require that the owner of the business provides an acoustic assessment prepared by a suitably qualified person, which demonstrates compliance with the above noise levels.

6. During the period of building, 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

9. 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 286-21
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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 LEGALISATION OF SHED & NEW POD FOR VISITOR ACCOMMODATION on land situated at 20742 TASMAN HIGHWAY, CHAIN OF LAGOONS described in Certificate of Title 209692/1 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
Cover page		Building Designers Australia	-
Site Plan Full	Drawing No 01 of 09	Building Designers Australia	16 May 2022
Site Plan Focused	Drawing No 02 of 09	Building Designers Australia	16 May 2022
Plan (As constructed plans for existing shed)	Drawing No 03 of 09	Building Designers Australia	16 July 2021
Elevations (As constructed plans for existing shed)	Drawing No 04 of 09	Building Designers Australia	16 July 2021
Plan (Visitor Accommodation)	Drawing No 07 of 09	Building Designers Australia	16 May 2022
Elevations (Visitor Accommodation)	Drawing No 08 of 09	Building Designers Australia	16 November 2021
Bushfire Hazard Report	Proposed Residential Development – 20742 Tasman Highway Chain of Lagoons	Geo-Environmental Solutions	8 June 2021
Geo-Environmental Assessment	20742 Tasman Highway Chain of Lagoons	Geo-Environmental Solutions	7 June 2021

2. The shed is approved for non-habitable residential use only and may not be changed without written consent from Council.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. All car parking spaces designated for use by persons with a disability must be located closest to the main entry point to the visitor accommodation.

5. Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ 2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities or as amended.
6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
7. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
8. 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.
9. 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.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. 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).
12. 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*.
13. 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*.
14. 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.
15. 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

16. The Department of State Growth has advised that the informal cut through track between the access and the internal driveway is to be removed and revegetated so that the main driveway is clearly defined. You are advised to make contact with Parks and Wildlife Tasmania (Regional Planning North) to discuss further.
17. 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.
18. 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.
19. 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 retrospective approval for an existing outbuilding and existing building for the purposes of visitor accommodation. The development site is located at 20742 Tasman Highway, Chain of Lagoons and has a land area of 6.159 hectares. The site is zoned Environmental Living.

DISCUSSION:

- The Senior Planning Officer advised that this application relied on four (4) performance criteria.
- The Senior Planning Officer advised that one (1) representation was received in relation to the advertised materials stating that it didn't include a written response to the Planning Scheme. The Senior Planning Officer advised that it did provide responses, the information was provided within the plans.
- The Senior Planning Officer stated that part of the application is for a new access for the visitor accommodation and advised that this is through Crown Land and referrals to the appropriate agencies was undertaken.
- Cllr McGivern stated that he knows the site pretty well and thinks it is a good application.
- Cllr Wright stated that she is concerned that we have people continuing to do things first and then seek approval later.
- Cllr Drummond stated that she doesn't really like people doing as they feel like and then coming to Council.
- Cllr Chapple asked, how old is the shed, when was it constructed. The Senior Planning Officer stated that it is fairly recent and the colours and materials are keeping with the site.
- Cllr Wright asked in relation to the land clearing of the site as this concerns her. The Senior Planning Officer stated that the site has been historically cleared.

- Clr LeFevre stated that he agrees, he doesn't like retrospective approvals either and hopes these minimise in the future.
- Clr Whittaker asked, is there any option for fines for people who do this retrospectively. The Senior Planning Officer stated that we do have increased fees in building and planning for retrospective approval which is quite substantial. The risk to the applicant could be more through the building process if things are not done correctly.
- Clr Wright asked, what if things are not built to code. The Senior Planning Officer stated that she is not a Building Surveyor so she can't provide a qualified response on this.

COUNCIL DECISION:

06/22.6.2.107

Moved: Clr M Osborne / 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 LEGALISATION OF SHED & NEW POD FOR VISITOR ACCOMMODATION on land situated at 20742 TASMAN HIGHWAY, CHAIN OF LAGOONS described in Certificate of Title 209692/1 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
Cover page		Building Designers Australia	-
Site Plan Full	Drawing No 01 of 09	Building Designers Australia	16 May 2022
Site Plan Focused	Drawing No 02 of 09	Building Designers Australia	16 May 2022
Plan (As constructed plans for existing shed)	Drawing No 03 of 09	Building Designers Australia	16 July 2021
Elevations (As constructed plans for existing shed)	Drawing No 04 of 09	Building Designers Australia	16 July 2021
Plan (Visitor Accommodation)	Drawing No 07 of 09	Building Designers Australia	16 May 2022
Elevations (Visitor Accommodation)	Drawing No 08 of 09	Building Designers Australia	16 November 2021
Bushfire Hazard Report	Proposed Residential Development – 20742 Tasman Highway Chain of Lagoons	Geo-Environmental Solutions	8 June 2021
Geo-Environmental Assessment	20742 Tasman Highway Chain of Lagoons	Geo-Environmental Solutions	7 June 2021

2. The shed is approved for non-habitable residential use only and may not be changed without written consent from Council.

3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. All car parking spaces designated for use by persons with a disability must be located closest to the main entry point to the visitor accommodation.
5. Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ 2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities or as amended.
6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
7. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
8. 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.
9. 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.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. 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).
12. 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*.
13. 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*.
14. 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.

15. 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

16. The Department of State Growth has advised that the informal cut through track between the access and the internal driveway is to be removed and revegetated so that the main driveway is clearly defined. You are advised to make contact with Parks and Wildlife Tasmania (Regional Planning North) to discuss further.
17. 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.
18. 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.
19. 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

06/22.6.3 Report on Representations to the Draft Break O'Day Council Local Provisions Schedule (LPS)

FILE REFERENCE	031\011\021\
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OFFICER'S RECOMMENDATION:

1. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993* and forward to the Tasmanian Planning Commission **excluding the content of Representation No 7** and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.
2. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993* and forward to the Tasmanian Planning Commission **relating to the content of Representation No 7** and the Planning Authority is satisfied that the draft LPS meets the LPS criteria..

3. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Development Services Coordinator (or persons acting in those positions) its powers and functions to:
 - a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and
 - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

INTRODUCTION:

The purpose of this report is to determine the Planning Authorities position on the representations that were lodged to the exhibition of the Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (Commission) pursuant to section 35F of the Land Use Planning and Approvals Act 1993 (Act).

DISCUSSION:

- The General Manager stated, as noted to Councillors previously there was a question raised regarding the validity of the meeting where this was previously considered and the decision was made to reconsider to clear the air on this matter.
- Mayor Tucker stated that we have been through this in quite a lot of detail previously.
- Cllr Wright stated that she struggled to navigate her way through and wanted to read representations and see how they reflected with the scheme so she could understand why changes were made. Cllr Wright stated that she finds it difficult to give it a good affirmative answer as there is so much there.
- Cllr Drummond stated that as this was raised last Monday that this would be reconsidered she was wondering why these reports were not reformatted and page numbers not provided to enable Councillors to undertake due diligence and it was brought back with no page numbers or proper formatting. Cllr Drummond stated that she believes the deletion of the 1km of prohibition on subdivisions is a concern – we as a Council should have pursued this as it is our role that we represent our constituents and this should have been taken to the Tasmanian Planning Commission (TPC) and challenged. The Senior Planning Officer stated that the 1km prohibition would relate to the body of the State Planning Provisions (SPP) – the provision for subdivision happens within the main body of the SPP not the LPS. This will come to Council through a review of the SPP.
- Cllr Drummond stated that she feels that in light of climate change and the coastal situation our municipality has been identified as at great risk and we should be protecting our residents of this into the future. This is something we should have taken to the TPC and had a discussion with them, this is bigger than us and we are doing a disservice to our community by not pursuing this. The General Manager advised that this was taken to the TPC at the very start and they were told that Council wanted to have this and the clear direction back from the TPC was that it would not be included so we had nowhere to go and nothing to take it forward. If there is an amendment to the SPP moving forward there is an opportunity to run the argument through that process. The argument around climate change is getting clearer and clearer.

- Clr Chapple asked, if the 1km zone was not in the SPP we would then put something in our LPS and if we were to do this now it would be in there twice. The Senior Planning Officer stated that there is no mechanism to put it in the LPS as it is within the subdivision provisions and they are looked at within the SPP. This process is about the LPS not the SPP.
- Clr Whittaker stated that she agreed with Clr Drummond and also congratulated all of the representors for the representations that we received for this, a lot of people put a lot of time and effort into this.
- Clr LeFevre acknowledged the staff that have worked on this as it is a very comprehensive report which would have taken many hours. It is one of those untenable situations that you will never make everyone happy no matter what you do.

COUNCIL DECISION:

06/22.6.3.108 Moved: Clr B LeFevre / Seconded: Clr M Osborne

1. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993* and forward to the Tasmanian Planning Commission **excluding the content of Representation No 7** and the Planning Authority is satisfied that the draft LPS meets the LPS criteria.

FOR	Clr J McGiveron, Clr K Chapple, Clr M Osborne, Clr B LeFevre, Clr M Tucker
AGAINST	Clr L Whittaker, Clr J Drummond (Abstained), Clr K Wright (Abstained)
CARRIED	

Clr Drummond abstained for the same reasons as last time as follows:

- *Being provided with two (2) documents, containing approximately over 1,000 pages which contained the representations. These documents were provided without page numbers therefore making it impossible for her to conduct due diligence;*
- *And again since last Monday we have again been presented with the same documents with no page numbers and no functional index, that made it possible to conduct due diligence whilst reading the representations;*
- *I raised the question as to why we could not have been provided with this over 1,000 pages of representations in the previous months, when submissions had closed in December 2021. This would have allowed Councillors to become familiar with the content in preparation for reading the Officers Report.*
- *On Wednesday 13 April we were presented with these documents plus an agenda of 680 pages for the Council Meeting which meant we had approximately 2,000+ pages of documentation to read in a 13 day period which contained both the Easter long weekend and the Anzac Day holiday.*

Clr Wright abstained for the same reasons as Clr Drummond.

Clr Drummond left the meeting at 10.39am.

06/22.6.3.109 Moved: Clr K Chapple / Seconded: Clr B LeFevre

2. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993* and forward to the Tasmanian Planning Commission **relating to the content of Representation No 7** and the Planning Authority is satisfied that the draft LPS meets the LPS criteria..

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

Clr Drummond returned to the meeting at 10.40am.

06/22.6.3.110 Moved: Clr B LeFevre / Seconded: Clr K Chapple

3. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Development Services Coordinator (or persons acting in those positions) its powers and functions to:
- a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and
 - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

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

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.

06/22.7.0 COUNCIL MEETING ACTIONS

06/22.7.1 Outstanding Matters

The report was received.

06/22.8.0 PETITIONS

06/22.8.1 Petition – Speed Limit Reduction for Falmouth

FILE REFERENCE	017\007\002\
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OFFICER'S RECOMMENDATION:

That Council receive the petition and note that the Manager Infrastructure and Development Services will provide a full report on this matter.

INTRODUCTION:

The petition which was received on the 19 May 2022 and the following was proposed on the petition:

We as electors of the Break O'Day Municipality, local residents and/or visitors to the area petition the Council as the owner of the roads in Falmouth to apply to the Commissioner for Roads for a reduction of the speed limit to 40km/hr throughout the village and to erect warning advisory signs as shown on the attached map.

DISCUSSION:

- Cllr Drummond asked, where we stand with employing traffic consultants and spending money when they are roads that are owned and maintained by Council, why do we have to go to traffic consultants with regards to reducing the speed limit on our road. The Manager Infrastructure and Development Services stated that we use traffic consultants because anything to do with the authority of the Department of State Growth requires justification and consultants put an objective view on what we want to do and the Department of State Growth like this objective view.
- Cllr Drummond asked, if they are roads owned by us do we still have to go to the Department of State Growth to reduce speed limits on Council owned roads. The Manager Infrastructure and Development Services advised that we do as the Transport Commissioner has this authority, Council does not have this authority. Council can put advisory signage on our network but we have no authority to change the speed limit.
- Cllr Drummond asked, if this goes ahead will it be advisory or actual speed limit change. The Manager Infrastructure and Development Services advised that if Council approves the proposal then it goes to the Department of State Growth with a covering letter for them to make the decision and then it will be an actual change.

COUNCIL DECISION:

06/22.8.1.111 Moved: Cllr B LeFevre / Seconded: Cllr J McGiveron

That Council receive the petition and note that the Manager Infrastructure and Development Services will provide a full report on this matter.

CARRIED UNANIMOUSLY

06/22.9.0

NOTICES OF MOTION

Nil.

06/22.10.0

COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

06/22.11.0

COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

Nil.

06/22.12.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

06/22.12.1

Mayor's Communications for Period Ending 27 June 2022

19.05.2022	St Helens	– Volunteer Thank You Morning Tea
20.05.2022	St Helens Via Web	– Australian Local Government Association (ALGA) Federal Election Sub-Committee Meeting
25.05.2022	Launceston	– Local Government Association of Tasmania (LGAT) – Climate Change Conference
27.05.2022	St Helens Via Web	– Australian Local Government Association (ALGA) Federal Election Sub-Committee Meeting
30.05.2022	St Helens	– Georges Bay Activation Strategy Meeting
06.06.2022	St Helens	– Council Workshop
07.06.2022	St Helens Via Web	– Northern Tasmania Development Corporation (NTDC) – Quarterly Mayors Meeting
10.06.2022	St Helens Via Web	– Local Government Association of Tasmania (LGAT) – General Management Committee (GMC) Meeting
10.06.2022	St Helens	– Bay of Fires Winter Arts Festival – Official Opening
11.06.2022	St Helens	– Bay of Fires Winter Arts Festival – Opening of the Youth Art Prize
23.06.2022	St Helens	– St Helens MTB Network – BOD Trails Collective Inc – Trail Ambassador Meet and Greet
27.06.2022	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

- Clr Osborne advised that both her and the Mayor attended the last meeting and Clr Osborne asked the Mayor to speak about the swimming pool and the Local Government Review and he answered a lot of questions.

NRM Special Committee – Clr Janet Drummond

- Last meeting was on the 25 February and there are two (2) items listed later in the agenda.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Clr LeFevre advised that the last meeting was held at Sapphire Resort, Coles Bay on Monday 20 June.
- There was discussion around advertising for a new CEO of ECTT as the CEO will vacate the position later this year. Advertising will be far and wide with an expectation that the successful applicant will reside on the East Coast if possible.
- Changes to staff roles within ECTT have been activated and seem to be working well.
- Updates were given regarding;
 - Bay Of Fires Master Plan
 - East Coast Master Plan
- Discussion took place about opportunities for mountain bike trails on the Southern end of the East Coast. This is only at an exploration stage at the moment but momentum seems to be growing.
- Brand Review - the cost will be \$50,000 for stage one and a submission for funding is being prepared.
- ECTT will work with Destination Action Plan (DAP) groups to improve notice boards throughout townships.
- Discussion took place regarding funding for the future. Glamorgan Spring Bay will make a decision shortly as to whether they continue to support ECTT financially.
 - During this discussion I spoke about the fact that as a Councillor of Break O'Day I wanted to see value for money for ratepayers in relation to Council funding for the organisation. As a result of this discussion I will seek feedback from several groups within Break O'Day concerning ECTT role, successes and areas for improvement.
- I raised concern about the imbalance of board members, only two (2) representing Break O'Day.
- The ECTT app is functioning well and is comprehensive.
- The Strategic Plan was adopted.

Mental Health Action Group – Clr Barry LeFevre

- 13-20 June was Mens Health week and on Wednesday 15 June there was a bbq at St Helens Mitre 10 for the tradies and then they fired another bbq at lunch at the Supa IGA. St Helens Marine Rescue cooked the bbq at Supa IGA and they got a good number of men (80-90) through there and they did blood pressure checks at the same time.

Disability Access Committee – Cllr Janet Drummond

- Meeting last week – talked about the process for hiring out the beach chair for community members.

Bay of Fires Master Plan Steering Committee – Cllr Glenn McGuinness

- The Manager Community Services provided an update in Cllr McGuinness' absence and advised that we received eight (8) Tenders through the tender process and these are now with the assessment committee to be scored against the matrix.

Mayor Tucker congratulated and thanked Bob Hoogland for his service for everything he has done as Manager Corporate Services over the last 10 years noting that he is moving on from Council.

06/22.13.0 BUSINESS AND CORPORATE SERVICES

06/22.13.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services stated that there is a lot more activity in creditors since the preparation of the agenda due to the changing over to a new financial system.

COUNCIL DECISION:

06/22.13.1.112 Moved: Cllr L Whittaker / Seconded: Cllr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

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

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

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services stated that there are notes through the reports.
- The Manager Corporate Services advised that the prepayment of the Financial Assistance Grants (FAGS) has hit our account this month now we will have a positive outcome at the end of the financial year.
- Cllr Drummond asked in relation to item #1998 – what is the \$43,000 on the Recreational Trails for. The General Manager advised that would be part of the payment structure for the Recreational Trails Strategy. The payments are staged and based on deliverables.

COUNCIL DECISION:**06/22.13.2.113**Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

That the following reports for the month ending 31 May 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

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:

Nothing further to add.

COUNCIL DECISION:

06/22.13.3.114 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

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

That Council adopt the 2022/2023 Budget Estimates document inclusive of:

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

and,

That in accordance with the provisions of the *Local Government Act 1993*, Council adopts the rates and charges for the period 1 July 2022 to 30 June 2023 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2022 and ending 30 June 2023, namely a rate of 6.35200 cents in the dollar on the assessed annual value (as adjusted) of the land.

- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$589.30.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
- (a) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 10.77017 cents in the dollar of the assessed annual value (as adjusted) of the land
 - (b) for land which has the defined use, of commercial, in accordance with the list provided by the Valuer General, a varied general rate of 7.831 cents in the dollar of the assessed annual value (as adjusted) of the land
 - (c) for land which has the defined use, of primary production, in accordance with the list provided by the Valuer General, a varied general rate of 5.41940 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2022 and ending on the 30 June 2023, namely:

2.1 Waste Management:

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

For the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$226.00.

2.1.2 Waste Collection Services

- (a) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$100.00 per bin; and
- (b) for each additional 140 litre mobile waste bin collection within each collection area, \$100.00 per bin.
- (c) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$164.00 per bin; and
- (d) for each additional 240 litre mobile waste bin collection within each collection area, \$164.00 per bin
- (e) for making available the service of a 240 litre mobile recycling collection within each collection area, \$103.00 per bin; and
- (f) for each additional 240 litre mobile recycling collection within each collection area, \$103.00 per bin.

2.1.3 Waste Collection Services – Exceptions

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

- (a) where land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (b) where improved land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but either of the following two conditions apply:
 - (i) the capital value is \$3,000 or less above the land value; or
 - (ii) is considered to not be habitable;vary the collection service charge to nil;
- (c) where land to which sub-paragraphs 2.1.2 (a), (c) or (e) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

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

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.3692080
General land	.2264350

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$44.00.

3. Separate Land:

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

4. Adjusted Values:

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

5. Instalment Payment:

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

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

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

- (i) The first instalment on or before 6 September 2022;
- (ii) The second instalment on or before 8 November 2022;
- (iii) The third instalment on or before 7 February 2023; and
- (iv) The fourth instalment on or before 2 May 2023.

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

6 Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 2% of the rates and charges if they are paid, and received by Council, by one payment on or before 6 September 2022.

7. Penalty and Interest:

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

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0222740% (8.13% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

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

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services stated that as per the report we have our Long Term Financial Plan (LTFP) and we had planned for a slight increase above CPI but the CPI was operating at almost nothing, however then it came it at a bigger number than expected so we have tried to balance the impact on Council's financials as well as the impact that it would have on the community so we have not gone through with an increase at CPI. We have gone with a 3.75% increase and amended the cents in the dollar to try and reduce that impact however we have a significant impact on our waste collection charges. The Manager Corporate Services stated that we have ended up with what we hope is a fairly balanced approach.
- Cllr Drummond stated that she knows we have to be fiscally responsible however with the cost of living pressures as huge as they are, the increase of 3.75% is still going to be challenging for some. It is a very well thought out figure but she feels uncomfortable putting more pressure on our residents.

- Clr LeFevre stated that the cost of living is increasing dramatically and everyone is doing it really hard but Council is also going to be doing it hard and he sees 3.75% as a really good compromise.

COUNCIL DECISION:

06/22.13.4.115

Moved: Clr B LeFevre / Seconded: Clr K Wright

That Council adopt the 2022/2023 Budget Estimates document inclusive of:

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

and,

That in accordance with the provisions of the *Local Government Act 1993*, Council adopts the rates and charges for the period 1 July 2022 to 30 June 2023 in accordance with the resolutions which follow.

1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2022 and ending 30 June 2023, namely a rate of 6.35200 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$589.30.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
 - (a) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 10.77017 cents in the dollar of the assessed annual value (as adjusted) of the land
 - (b) for land which has the defined use, of commercial, in accordance with the list provided by the Valuer General, a varied general rate of 7.831 cents in the dollar of the assessed annual value (as adjusted) of the land
 - (c) for land which has the defined use, of primary production, in accordance with the list provided by the Valuer General, a varied general rate of 5.41940 cents in the dollar of the assessed annual value (as adjusted) of the land

2. Service Charges:

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O'Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2022 and ending on the 30 June 2023, namely:

2.1 **Waste Management:**

Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure

For the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$226.00.

2.1.2 Waste Collection Services

- (a) for making available the service of a 140 litre mobile waste bin collection within each collection area, \$100.00 per bin; and
- (b) for each additional 140 litre mobile waste bin collection within each collection area, \$100.00 per bin.
- (c) for making available the service of a 240 litre mobile waste bin collection within each collection area, \$164.00 per bin; and
- (d) for each additional 240 litre mobile waste bin collection within each collection area, \$164.00 per bin
- (e) for making available the service of a 240 litre mobile recycling collection within each collection area, \$103.00 per bin; and
- (f) for each additional 240 litre mobile recycling collection within each collection area, \$103.00 per bin.

2.1.3 Waste Collection Services – Exceptions

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

- (a) where land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (b) where improved land is within a collection area pursuant to sub-paragraph 2.1.2(a), (c) or (e) but either of the following two conditions apply:
 - (i) the capital value is \$3,000 or less above the land value; or
 - (ii) is considered to not be habitable;vary the collection service charge to nil;
- (c) where land to which sub-paragraphs 2.1.2 (a), (c) or (e) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):

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

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.3692080
General land	.2264350

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$44.00.

3. Separate Land:

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

4. Adjusted Values:

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

5. Instalment Payment:

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

- (a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.
- (b) determines that the dates by which instalments are to be paid shall be as follows:
 - (i) The first instalment on or before 6 September 2022;
 - (ii) The second instalment on or before 8 November 2022;
 - (iii) The third instalment on or before 7 February 2023; and
 - (v) The fourth instalment on or before 2 May 2023.
- (d) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6 Discount:

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges, a discount of 2% of the rates and charges if they are paid, and received by Council, by one payment on or before 6 September 2022.

7. Penalty and Interest:

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

- (a) there is payable a penalty of 6% of the unpaid rate or instalment; and
- (b) there is payable a daily interest charge of 0.0222740% (8.13% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:

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

CARRIED UNANIMOUSLY

06/22.13.5 Policy Review – LG47 – Personal Information Protection Policy

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

That Policy LG47 Personal Information Protection be adopted as amended.

INTRODUCTION:

This Policy is overdue for review as part of the regular scheduled review of Policies.

DISCUSSION:

- The Manager Corporate Services stated that a number of policies are reviewed by the Audit Panel and this one and it has been recommended to Council from the Audit Panel.

COUNCIL DECISION:

06/22.13.5.116 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Policy LG47 Personal Information Protection be adopted as amended.

CARRIED UNANIMOUSLY

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

1. That Council receive the minutes of the Audit Panel meeting of 6 June 2022, and
2. That Council receive and endorse the Work Plan for 2022/2023, and
3. That Council receive the Audit Panel Annual Report for 2021/2022 and note the comments and recommendations.

INTRODUCTION:

Council's Audit Panel meets every three months and the minutes of each meeting are required to be provided to Council. The Audit Panel also annually reviews its performance and provides a report to Council and prepares an annual Work Plan for approval by Council.

DISCUSSION:

- The Manager Corporate Services stated that this one has two (2) additional elements which includes the annual work plan which is unchanged from the previous year and the Chair has also provided an Annual Report.

COUNCIL DECISION:**06/22.13.6.117**Moved: Clr K Wright / Seconded: Clr K Chapple

1. That Council receive the minutes of the Audit Panel meeting of 6 June 2022, and
2. That Council receive and endorse the Work Plan for 2022/2023, and
3. That Council receive the Audit Panel Annual Report for 2021/2022 and note the comments and recommendations.

CARRIED UNANIMOUSLY

Meeting adjourned for morning tea at 11.09am

Meeting resumed at 11.22

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services stated that we are limited as to where we can be at any point in time so people sometimes have to wait for us to get equipment and staff to areas. We are currently working in Upper Scamander Road area, Ansons Bay Road and soon moving to the Tyne Valley area.
- The Manager Infrastructure and Development Services stated that they are doing a lot of work around weed mitigation.
- The Manager Infrastructure and Development Services commented in relation to waste management – municipal general waste to landfill is still tracking high and recycling is tracking where it should be but we only have three (3) years of history for recycling.
- The Manager Infrastructure and Development Services stated that the new waste levy starts this Friday - \$20 per tonne for waste that goes into landfill. The levy does target inert waste that previously wasn't subject to the levy so we have had to increase fees and charges for this area. We are working towards how we can recover items eg building materials. We have to have a landfill management plan for the Environmental Protection Authority (EPA) in the next month and this will lock us in as to how we operate inert landfill going forward.
- The Manager Infrastructure and Development Services stated that the bigger projects are the foreshore path at Possum Tom – we have completed approximately 80% of this track and the hold up is materials to join the Talbot Street and Cunningham Street ends. These materials are due within the next month. Kirwans jetty is now completed including the reinstatement of name plates.
- Cllr Wright asked, where the foreshore track is being worked on at the bottom of Treloggens Track and the removal of vegetation is this concern with the landslip in that area. The Manager Infrastructure and Development Services advised that is not as we did a full assessment and the activity is about reinstating the erosion barrier, environmental management plans have been prepared and all approvals received.
- Cllr LeFevre commented that he noted the employment of trainees – is the staff running at full complement now or do we still need more staff. The Manager Infrastructure and Development Services stated that with the employment of the trainee and other positions we are where we should be.

- Cllr Drummond stated, in light of the levy increase with landfill can she have an update on what might be happening with the previous motion regarding tip vouchers and the collection of hard waste. The Manager Infrastructure and Development Services stated that he is about to finalise a report to bring to a workshop.
- Cllr Chapple asked for more explanation regarding the works under Treloggens Track. The Manager Infrastructure and Development Services stated that there are erosion works for 690m to the western end and this is pulling back the infill rock and reinstating the rock that has been washed into the bay. Some of this area is Crown and some is Parks & Wildlife Services. We have limited funds available - \$245,000 provided by the State Government to do this. It has taken nearly three (3) years to get the approvals in place and the aim is to do the 690m but if we run out of funds before that we will stop when the funds run out. The area is from Scout Shed on O'Connors Beach to the first sand beach if we can make it that far. Cllr Whittaker asked, is it just erosion works, it is not a walking track. The Manager Infrastructure and Development Services stated that the configuration there is bringing the track back to where it was which was a walking track the width of a vehicle with armour rock and geofabric at the front.
- Cllr Chapple asked, do we have a start time for roundabout on Medea Street and Quail Street. The Manager Infrastructure and Development Services stated that within the next fortnight this will be commencing, we have spent a lot of with the Department of State Growth finalising designs.

Mayor Tucker left the meeting at 11.35am and Deputy Mayor McGiveron took the Chair.

- The Manager Infrastructure and Development Services stated that the pedestrian crossings will be set back from the intersection of Medea Street and Quail Street.
- Cllr Drummond asked in relation to waste management, do we have any jurisdiction of inspecting waste that goes to the waste transfer stations (WTS's) and if not are we going to implement this at our WTS's. The Manager Infrastructure and Development Services stated that at St Helens we have that resource at the minor WTS's we rely on people to place items appropriately but we really can't direct people. It is a staffing resource at the sites. Cllr Drummond stated that as a Council we need to try and divert waste where possible and educate our community that we are trying to reduce our costs. Cllr Wright stated that at the gate if people have things that can be recycled do they get charged more if they choose not to recycle, could this be an incentive, also can we look at going forward weighing waste going into the WTS. The Manager Infrastructure and Development Services stated that at the moment all the material that goes to Copping landfill it is weighed at the weigh bridge which negates us having to weigh material. We don't get enough inert landfill to warrant us putting a weigh bridge in. At St Helens we do it by volumetric survey which is what we will be paying the levy on. The General Manager stated that it would be ideal to have a weigh bridge but the sort of structure you have to have to put a weigh bridge in place is substantial. We are not going to have a choice regarding increasing of fees there are going to have to be significant shifts. At the moment contamination has dropped and we are keeping stuff out of landfill as much as we can. Cllr Drummond stated that this goes back to her question regarding people on the gate policing what is coming through and directing people to the appropriate areas to drop off, it could be cost effective to have an extra employee at times to assist with directing people. The General Manager stated that the more we divert to tip shops is that there

becomes more build-up of goods at the tip shops so some things end up in land fill as people are not going to the tip shops to keep things moving on.

- Clr McGiveron stated that this waste discussion needs to come back to a workshop for proper discussion.

COUNCIL DECISION:

06/22.14.1.118

Moved: Clr L Whittaker / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

06/22.14.2

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:

- Clr Drummond asked regarding off lead dog area in St Marys – is this happening in the near future. The Manager Infrastructure and Development Services advised that it is in the budget that has just been adopted for 2022 - 2023.
- Clr Drummond commented in relation to signage with regards to dogs in townships being on leade, is this going to happen. The NRM Officer advised that he has received a quote for signs and they will be ordered in the next financial year.
- Clr Wright stated that she has concerns regarding better signage on beach areas where dogs are allowed on and off lead. The signage is not particularly clear. The NRM Officer stated that the signage for dog managemnt policy has been printed and waiting on Parks and Wildlife Services for it to be installed.

COUNCIL DECISION:

06/22.14.2.119

Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

06/22.14.3 Legge Street, Falmouth

FILE REFERENCE

032\005\003\

OFFICER'S RECOMMENDATION:

That Council assume ownership of and include Legge Street – Falmouth Transport Segment ID 6071347 in the Council road register and provide written advice to Property Services at the Department of Natural Resources and Environment Tasmania.

That Transport Segment ID 6071347 be managed as a Class 5 road.

INTRODUCTION:

Council has received a request to reclassify a section of Legge Street from the authority of DPIPW to Council (Transport Segment ID 6071347), attached. The request relates to a short transport segment of 101.4m in length shown on the map below.



Matters relating to the road segment are summarised in the Officers Report section of this report.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/22.14.3.120

Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council assume ownership of and include Legge Street – Falmouth Transport Segment ID 6071347 in the Council road register and provide written advice to Property Services at the Department of Natural Resources and Environment Tasmania.

That Transport Segment ID 6071347 be managed as a Class 5 road.

CARRIED UNANIMOUSLY

06/22.15.0 COMMUNITY DEVELOPMENT

06/22.15.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that reports for the St Helens Sports Complex and the Volunteer Strategy will be presented to the next workshop.
- The Manager Community Services advised that events are starting to happen again.
- The Manager Community Services advised that the Community Wellbeing project now has 17 people.
- Clr McGiveron commented in relation to Burns Bay Car Park. He advised that it took a number of weeks to get a response from Minister Petrusma but one has finally come. Parks and Wildlife Services are progressing a Aboriginal Heritage Assessment and construction cost estimates will also need to be undertaken. We don't know what is proposed as no stakeholders have seen any plans but they are going out for costings. The Manager Community Services stated that she will request a copy of the construction plans for what is being quoted on. The Manager Community Services stated that she was told that the Aboriginal Heritage Report has been done by Aboriginal Heritage Tasmania and some issues have come up. Clr LeFevre asked, when we meet with cabinet tomorrow he would like Clr McGiveron to outline the last 16 years and the process. Clr McGiveron stated that we have hit the wall no matter where we go.

COUNCIL DECISION:**06/22.15.1.121**Moved: Clr K Chapple / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY**06/22.15.2****Bendigo Bank Community Stadium – Review of Fees**

FILE REFERENCE	004\010\006\
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OFFICER'S RECOMMENDATION:

That Council adopt the new fee schedule set out below for the Bendigo Bank Community Multipurpose Stadium.

HOURLY RATE HIRE FEES						
			Day Rate		Night Rate	
			1 Court	2 Court	1 Court	2 Court
Sports (Team)						
	Casual Hire		\$29.70	\$49.50	\$37.10	\$61.80
	Regular User		\$26.70	\$44.50	\$33.40	\$55.70
	Key User Hire		\$23.75	\$39.60	\$29.70	\$49.50
Sports (Individual/Doubles)						
	Casual Hire		\$14.85	\$24.75	\$18.55	\$31.00
	Regular User		\$13.35	\$22.30	\$16.70	\$27.85
	Key User Hire		\$11.90	\$19.80	\$14.90	\$24.80
Community Activities						
	Casual Hire		\$23.75	\$39.60	\$29.70	\$49.50
	Regular User		\$21.40	\$35.60	\$26.70	\$44.50
	Key User Hire		\$19.00	\$31.65	\$23.75	\$39.60
Events						
	Casual Hire		\$59.35	\$99.00	\$74.20	\$123.60
Day Rate (8 Hours)					\$20.00	
Equipment	Tennant Walk Behind Scrubber Machine				\$120.00 per hour	
FACILITY HIRE FEES						
Change Room	Per Booking and Room				\$10.50	

INTRODUCTION:

This is the first review of the Bendigo Bank Community Stadium fees since the stadium was opened back in 2016. The Special Committee of Council proposes a 3 percent increase.

DISCUSSION:

- The Manager Community Services stated that the Committee didn't have the CPI figure at the time of reviewing these fees so it was agreed to go with a 3% increase.

COUNCIL DECISION:**06/22.15.2.122**Moved: Clr B LeFevre / Seconded: Clr K Chapple

That Council adopt the new fee schedule set out below for the Bendigo Bank Community Multipurpose Stadium.

HOURLY RATE HIRE FEES					
				Day Rate	
				Night Rate	
		1 Court	2 Court	1 Court	2 Court
Sports (Team)					
	Casual Hire	\$29.70	\$49.50	\$37.10	\$61.80
	Regular User	\$26.70	\$44.50	\$33.40	\$55.70
	Key User Hire	\$23.75	\$39.60	\$29.70	\$49.50
Sports (Individual/Doubles)					
	Casual Hire	\$14.85	\$24.75	\$18.55	\$31.00
	Regular User	\$13.35	\$22.30	\$16.70	\$27.85
	Key User Hire	\$11.90	\$19.80	\$14.90	\$24.80
Community Activities					
	Casual Hire	\$23.75	\$39.60	\$29.70	\$49.50
	Regular User	\$21.40	\$35.60	\$26.70	\$44.50
	Key User Hire	\$19.00	\$31.65	\$23.75	\$39.60
Events					
	Casual Hire	\$59.35	\$99.00	\$74.20	\$123.60
Day Rate (8 Hours)					520.00
Equipment	Tennant Walk Behind Scrubber Machine			\$120.00 per hour	
FACILITY HIRE FEES					
Change Room	Per Booking and Room			\$10.50	

CARRIED UNANIMOUSLY**06/22.15.3****Outdoor Exercise Equipment - Scamander**

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

- That Council work with the Scamander Community to decide on the following:
 - location of outdoor gym equipment to be placed; and
 - what pieces of equipment they would like to use in this space.
- That Council seek external funding to cover the cost of this project.

INTRODUCTION:

Council has received a letter from a Scamander resident seeking Council's support to install outdoor gym equipment in the Scamander Park near the Scamander River.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/22.15.3.123

Moved: Clr B LeFevre / Seconded: Clr M Osborne

1. That Council work with the Scamander Community to decide on the following:
 - location of outdoor gym equipment to be placed; and
 - what pieces of equipment they would like to use in this space.
2. That Council seek external funding to cover the cost of this project.

CARRIED UNANIMOUSLY

06/22.16.0 DEVELOPMENT SERVICES

06/22.16.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Acting Development Services Coordinator stated that Development Services are continuing the review of the new Strata Policy and she hopes to have this to Council shortly to look at.
- The Acting Development Services Coordinator stated that they have held three (3) different information nights regarding updates to building and planning requirements for stakeholders, builders, real estate etc where a lot of questions have been raised with regard to different processes etc.
- The Acting Development Services Coordinator stated that they are currently preparing to participate in the review of the State Planning Provisions (SPP) and a report has been prepared for the next workshop.
- Clr Chapple asked in relation to the St Helens Sports Complex and new lighting towers, do we have any timeframe on when the materials may be arriving for these. The Acting Development Services advised that she will take this question on notice and investigate the matter.

- Clr Drummond asked in relation to the weed steamer as she thought this was to do alongside waterways etc, have we used it. The Manager Infrastructure and Development Services stated that the purchase was to be used specifically in town centres.

COUNCIL DECISION:

06/22.16.1.124 Moved: Clr K Wright / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

06/22.16.2 NRM Committee Meeting Minutes – 12 April 2022

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

That Council receive the Minutes of the NRM Committee Meeting held on 12 April 2022 and consider any items from the Committee for further Council attention.

INTRODUCTION:

The Break O'Day NRM Special Committee met on 12 April 2022 in the Break O'Day Council Chambers.

DISCUSSION:

- The NRM Officer stated that we have got a week of meetings coming up with our Regional Climate Change Action worker.
- Clr LeFevre stated that over the the Anzac long weekend he was at Marourad Beach and he noted that there used to be a sign half way along the beach saying where you could and couldn't go There were seven (7) four wheel drive vehicles out there on the Sunday. The NRM Officer stated that Parks & Wildlife Services are well aware of it and it has come up in discussion in relation to the shorebird management.

COUNCIL DECISION:

06/22.16.2.125 Moved: Clr K Chapple / Seconded: Clr J Drummond

That Council receive the Minutes of the NRM Committee Meeting held on 12 April 2022 and consider any items from the Committee for further Council attention.

CARRIED UNANIMOUSLY

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

That Council appoint to its Natural Resource Management Committee, Aunty Jeanymaree Wilson, as a new member representing the Aboriginal community, Mr Adam Smith, representing the public land manager, Tasmania Parks and Wildlife Service.

That Council that reappoint as members of the NRM Committee continuing representatives: Mr Howard Jones (Community); Mr Todd Dudley (Community conservation), Mr Tim Rhodes (Agricultural sector) and Mr Craig Lockwood (Marine and aquaculture).

INTRODUCTION:

The Charter for Council's NRM Committee requires renewal of memberships and representation periodically.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**06/22.16.3.126**Moved: Clr K Wright / Seconded: Clr L Whittaker

That Council appoint to its Natural Resource Management Committee, Aunty Jeanymaree Wilson, as a new member representing the Aboriginal community, Mr Adam Smith, representing the Public Land Manager, Tasmania Parks and Wildlife Service.

That Council that reappoint as members of the NRM Committee continuing representatives: Mr Howard Jones (Community); Mr Todd Dudley (Community conservation), Mr Tim Rhodes (Agricultural sector) and Mr Craig Lockwood (Marine and Aquaculture).

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 we have a Regional Cabinet meeting tomorrow so we will be getting prepared for that and a lot of discussion will take place around our key priority areas which were previously discussed.
- The General Manager stated that we have got pressures with activity levels at the moment, we are getting an impact of people also getting the flu as well as Covid at the moment.
- The General Manager stated that we have some Taswater pilot projects coming up in relation to drinking water stations. We will have to put in top up funding for these. The sites previously identified are around Scamander, St Helens town and foreshore and St Marys.
- Cllr Whittaker asked in relation to the comments around the Aquatic Centre – how did the request for a pool and hydrotherapy pool now include a gymnasium. The General Manager stated that this has always been part of the considerations from the start so if it can be integrated in some form it is the cheapest part of the whole proposal but could be a value add.
- Cllr Wright stated similar to Cllr Whittaker as she is concerned that what we are really aiming for is a swimming pool but when we package as an aquatic centre it makes it sound like it is something bigger than what we need. The General Manager stated that what we have is an overarching title and we have a long way to go before we come to something. We need to identify what is needed, what is achievable and at what cost, how can it generate foot traffic – we don't want to exclude or include things at the moment we need to keep an open mind and let the investigations take its course.

Cllr Whittaker left the meeting at 12.18pm.

- Cllr Drummond asked, is the consultant that we are going to engage for the Aquatic Centre in the next financial year to do an audit of what reports have already been done. The General Manager stated that, that will be part of the background, however it will be looking at feasibility and demographics, etc. We need to effectively go back to square one as the previous reports are 18 plus years old. Cllr Drummond stated, so it is a fairly narrow, potentially short term project to prepare the report. The General Manager stated that it depends what you call short term, there needs to be extensive community consultation, investigations, etc before a final report is prepared. Cllr Chapple commented, that to see this coming this through again and then there still be no outcome she would find this extremely frustrating. The General Manager stated that the 2004 report was a report Council had done, the 2005 report was not done by Council, the Municipal Management Plan (MMP) was a broader recreational strategy. The 2004 report is the last targeted report, the Jen Binns report was a broader Master Plan which was more holistic for the entire site. Cllr Osborne asked, will this report take into consideration the motion the Mayor put to Council regarding looking at the pools at Smithton and Campbell Town with design and costing. The General Manager stated that this has already happened and George Town and Southern Midlands situations have also been looked at. Cllr Drummond stated that her concern still remains that the hydrotherapy pool is the domain of the State Government for rehabilitation. The General Manager stated that this is all part of the investigations that need to take place. Cllr LeFevre stated that he thinks we need to put this to bed one way or another and the feasibility study will help make this happen. After all of this, 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.

COUNCIL DECISION:

06/22.17.1.127

Moved: Cllr J Drummond / Seconded: Cllr K Wright

That the General Manager's report be received.

CARRIED UNANIMOUSLY

06/22.17.2

2022 – 2023 Annual Plan

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

That Council adopt the 2022 - 2023 Annual Plan.

INTRODUCTION:

Council's management team have prepared a draft 2022 - 2023 Annual Plan based on discussions which have occurred through Council workshops and the normal budget/planning process. The Annual Plan has been prepared to take into account the matters identified during the recent Strategic Plan review process; broader factors which are impacting Council; and reflecting continuity of existing projects and activities where this exists.

DISCUSSION:

The General Manager stated that this is a reasonable size work plan listed for the year ahead.

COUNCIL DECISION:

06/22.17.2.128 Moved: Clr K Chapple / Seconded: Clr J Drummond

That Council adopt the 2022 - 2023 Annual Plan.

CARRIED UNANIMOUSLY

06/22.17.3 Emergency Accommodation

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

That Council write to the relevant State Government Ministers and the Department of Communities Tasmania requesting that as a matter of urgency they investigate the potential of turning the old St Helens Hospital in Circassian Street into Emergency Accommodation as a temporary measure.

INTRODUCTION:

Council at its recent workshop discussed the current housing/accommodation crisis and requested that discussions take place with the relevant Ministers and Government agencies with regard to possible relocation of the Covid Clinic operated by Ochre Health and use the Old St Helens Hospital as emergency accommodation.

DISCUSSION:

- The General Manager advised that this will be raised with Regional Cabinet tomorrow.
- The General Manager stated that obviously the situation of this building and whether it is fit for purpose is one thing, we can't assume that it is all going to be ok but we are asking for consideration to be given.

COUNCIL DECISION:

06/22.17.3.129 Moved: Clr J Drummond / Seconded: Clr K Chapple

That Council write to the relevant State Government Ministers and the Department of Communities Tasmania requesting that as a matter of urgency they investigate the potential of turning the old St Helens Hospital in Circassian Street into Emergency Accommodation as a temporary measure.

CARRIED UNANIMOUSLY

Mayor Tucker returned to the meeting and resumed the Chair at 12.32pm

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

Moved: Clr M Osborne / Seconded: Clr J Drummond

CARRIED UNANIMOUSLY

IN CONFIDENCE

06/22.18.0 **CLOSED COUNCIL**

06/22.18.1 **Confirmation of Closed Council Minutes – Council Meeting 16 May 2022**

06/22.18.2 **Outstanding Actions List for Closed Council**

06/22.18.3 **General Manager's Performance Review – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

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: Clr K Wright / Seconded: Clr K Chapple

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 1.03pm.

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MAYOR

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DATE