



COUNCIL MEETING AGENDA

Monday 15 January 2024
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
9 January 2024

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NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 15 January 2024 commencing at 10.00am.

CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.



JOHN BROWN
GENERAL MANAGER

Date: 9 January 2024

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

We 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.

01/24.1.0 ATTENDANCE

01/24.1.1 Present

Mayor Mick Tucker
Councillor Gary Barnes
Councillor Ian Carter
Councillor Janet Drummond
Councillor Liz Johnstone
Councillor Barry LeFevre
Councillor Vaughan Oldham
Councillor Kylie Wright

01/24.1.2 Apologies

Deputy Mayor Kristi Chapple

01/24.1.3 Leave of Absence

01/24.1.4 Staff in Attendance

General Manager, John Brown
Corporate Officer, Bec Wood

01/24.2.0 PUBLIC QUESTION TIME

01/24.3.0 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.

01/24.4.0 CONFIRMATION OF MINUTES

01/24.4.1 Confirmation of Minutes – Council Meeting 18 December 2023

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 December 2023 as previously circulated be confirmed.

01/24.4.2 Receipt of Unconfirmed Minutes – Annual General Meeting 12 December 2023

OFFICER'S RECOMMENDATION:

That the unconfirmed minutes of the Annual General Meeting held on 12 December 2023, as previously circulated, be received and noted.

01/24.5.0 COUNCIL WORKSHOPS HELD SINCE 18 DECEMBER 2023 COUNCIL MEETING

There have been no workshops held since 18 December 2023 Council Meeting.

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.

ACTION	DECISION
COUNCIL MEETING DATE	15 January 2024
PROPONENT	Neil Shephard & Associates
OFFICER	Deb Szekely, Senior Town Planner
FILE REFERENCE	221-2023
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> 1. Subdivision Plans 2. Bushfire Hazard Report 3. Coastal Vulnerability Report 4. Applicant response to planning scheme 5. Natural Values Assessment 6. Applicant Response to Request for Further Information 7. Engineering Report 8. On-Site Domestic Wastewater Capability 9. Representation 10. Applicant Response to Representations 11. Traffic Impact Assessment 12. Planning Scheme Assessment

OFFICER'S RECOMMENDATION:

A. Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for SIX (6) LOT SUBDIVISION on land situated at 1771 TASMAN HIGHWAY, BEAUMARIS described in Certificate of Title 211882/1 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Subdivision	GOODZ01 14409-00 Rev C	Rogerson & Birch Surveyors	30/10/2023
Existing Overlays # 1	GOODZ01 14409-00 Rev C	Rogerson & Birch Surveyors	30/10/2023
Existing Overlays # 2	GOODZ01 14409-00 Rev C	Rogerson & Birch Surveyors	30/10/2023
Existing Overlays # 3	GOODZ01 14409-00 Rev C	Rogerson & Birch Surveyors	30/10/2023
Coastal Vulnerability Compliance with the Tasmanian Planning Scheme	-	William C Cromer Pty Ltd Environmental, engineering and groundwater geologist.	03/02/2023

Natural Values Assessment	Beaumaris Tasmania	Environmental Consulting Options Tasmania (ECOtas)	22/11/2022
Engineering Report	PID 7689859 BEAUMARIS – ENGINEERING	POORTENAAR Consulting	03/04/2023
Traffic Impact Assessment	Revision 1	Midson Traffic Pty Ltd	18/08/2023
On-site Domestic Wastewater Capability	Proposed 6-Lot Subdivision Tasman Highway Beaumaris	William C Cromer Pty Ltd Environmental, engineering and groundwater geologist.	02/02/2023

Plans / Documents to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Bushfire Hazard Management Plan	50646-02	Lark & Creese Pty Ltd Land & Engineering Surveyors	09/08/2023
Bushfire Hazard Report	50646-02 Tasman Highway Beaumaris	Lark & Creese Pty Ltd Land & Engineering Surveyors	09/08/2023

CONDITIONS

CONDITION		TIMING
1	Approved Plans and/or Document	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
2	Amended Plan Required	
A	Submit an amended Bushfire Hazard Management Plan incorporating the following: <ul style="list-style-type: none"> Amended hazard management area for Lot 2 that does not extend into or impact the Waterway and Coastal Protection Area overlay 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Obtain approval from Council for the amended Bushfire Hazard Management Plan in accordance with (A) above.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
C	Implement the requirements and recommendations of the approved plan(s). The	Prior to submitting to the Council any request for approval of a plan

	approved amended plan(s) will form part of the approval.	of subdivision (i.e. a survey plan).
3	Amended Document Required	
A	Submit an amended Bushfire Hazard Report incorporating the following: <ul style="list-style-type: none"> Amended Bushfire Hazard Management Plan in accordance with Condition 2. 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Obtain approval from Council for the amended Bushfire Hazard Report in accordance with (A) above.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
C	Implement the requirements and recommendations of the approved document / report. The approved document / report will form part of the approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
4	Lots	
A	Approval is for Lots 1 - 6.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
5	Internal Access Road and Stormwater Management	
A	Submit and have approved by Council, design drawings for the internal access road. Design drawings should include the following: <ul style="list-style-type: none"> Demonstrate the internal access road is constructed with a durable all weather pavement; Ensures the internal access road avoids any changes to the hydrological regime of the wetland and associated buffer area contained on Lot 1. The natural values of the ASF vegetation community and 20m ASF buffer area must not be impacted by the development of the right of way; Drained to ensure stormwater is contained onsite; Complies with relevant Australian Standards and Tasmanian Municipal Standards. <p>Design drawings should also include the design life of the internal access road and compliance with current version of Australian Rainfall and Runoff</p>	Prior to commencement of works associated with this condition.

	incorporating Tasmanian requirements for Climate Change and sea-level rise.	
B	Design drawings must be prepared and certified by a qualified professional engineer practicing in the fields of hydrology and hydraulics.	Prior to commencement of works associated with this condition.
C	Construct and upgrade where required, storm water infrastructure within the boundaries of the development site, to service the development at no cost to Council and in accordance with the approved plans and documents of development.	Prior to submitting to Council any request for approval of a plan of subdivision (i.e. a survey plan).
6	Covenants	
A	<p>Suitable covenants must be included in the Schedule of Easements with respect to the protection and conservation of:</p> <p>A.</p> <ol style="list-style-type: none"> 1. ASF Vegetation Community (Wetland) and 20m buffer area surrounding the wetland on Lot 1 (Plan "Existing Overlays # 3 dated 30/10/2023); 2. 30m buffer along southern side boundary of Lot 1 to provide protection and conservation of <i>Zieria veronicea</i> (Plan "Existing Overlays # 3 dated 30/10/2023); 3. ARS Vegetation Community and buffer area (Plan "Existing Overlays # 3 dated 30/10/2023); 4. Land identified to be managed in accordance with an approved Land and Vegetation Management Plan that incorporates the protection and conservation of known occurrences of <i>Plantago debilis</i> (Existing Overlays #3 Revision C and dated 30/10/2023); 5. Land and aquatic environments associated with Wrinklers Creek (extent within titles) and Waterway and Coastal Protection Area overlay; and <p>B.</p> <ol style="list-style-type: none"> 6. Management of Coastal Heathland (Vegetation Community Code SCH) within Lot 1 and identified in Figure 10, page 33 of approved ECOTas report dated 22/11/2022, to retain existing values as much as practicable. 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

	7. 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.	
B	Covenants must incorporate the recommendations of the approved Natural Values Management Plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
C	Alert to Covenant information is adequately noted on the final plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
7	Easements to be created	
A	An Easement must be created over the internal access road servicing Lots 1 – 6.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Such easements must be created on the final plan to the satisfaction of the General Manager and must detail construction and ongoing maintenance responsibilities for each lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
8	Building Envelopes	
A	The Final Plan and Schedule of Easements for Lots 1 – 6 must describe a residential building envelope for each lot generally in accordance with the approved subdivision plan and approved amended Bushfire Hazard Management Area plan, outside of which no residential building is to be constructed.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Such building envelopes must be created on the final plan to the satisfaction of the General Manager.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
9	Natural and Landscape Values Management Plan	
A.	<p>Submit a Natural and Landscape Values Management Plan prepared by a suitably qualified person and including scaled plans and supporting documentation that provides for the continued management of the following:</p> <ol style="list-style-type: none"> 1. Matters to be included within the required Covenant (Condition 6 A) 2. Identification of area restricting and/or prohibiting boundary fencing; 	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

	<p>3. Vegetation management within Scenic Road Corridor</p> <p>4. Weed and disease management;</p>	
B.	Obtain approval from Council for the Management Plan in accordance with (A) above.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
C	Incorporate the approved Management Plan recommendations into the required Covenant (Condition 6)	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
10	Erosion and Sediment Control	
A	Submit an Erosion and Sediment Control Plan prepared by a suitably qualified person and prepared in accordance with the Tasmanian Government publication 'Soil & Water Management on Building & Construction Sites'. The plan will address the construction of the internal access road.	Prior to commencement of works and to be maintained current at all times during construction.
B	The plan must ensure that pollutants such as mud, silt or chemicals are not released from the site or transported onto the road reserve (including nature strip, footpath and road pavement).	At all times
C	Obtain approval from Council for the Control Plan	Prior to the commencement of works.
D	Implement the requirements and recommendations of the Erosion and Sediment Control Plan.	During site works and for any period of maintenance identified within the Plan.
11	Weed and Disease Hygiene Management	
A	<p>Submit a Weed and Disease Hygiene Management Plan that:</p> <ol style="list-style-type: none"> 1. Minimizes the risk of introducing weeds and pathogens to site during subdivision works including internal access road construction; 2. Machinery and vehicle hygiene protocols; 3. Sourcing gravel and other such materials from a facility certified as weed- and disease- free; and 4. Post-construction monitoring and weed control. 	Prior to commencement of works and to be maintained current at all times during construction.

B	Obtain approval from Council for the Management Plan	Prior to commencement of works and to be maintained current at all times during construction.
C	Carry out works in accordance with the approved Management Plan.	At all times
12	Driveway Crossover	
A	Construct a driveway crossover from the road carriageway to the property boundary to proposed Lot 1 in accordance with the requirements of the Department of State Growth and recommendations of the approved Traffic Impact Assessment prepared by Midson Traffic and dated 18/08/2023.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by the Department of State Growth.	Following construction and then maintained at all times.
13	Municipal standards & certification of works	
	Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's Subdivision Design Guidelines to the satisfaction of the Works Department. Any construction, including maintenance periods, must also be completed to the approval of the Works Department.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
14	Works in State Road Reserve	
A	The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.	Prior to undertaking any works in State Road Reserve.

B	<p>Application requirements and forms can be found at transport.tas.gov.au.</p> <p>In accordance with the Roads and Jetties Act 1935, works must not be commenced within the State Road reservation until a permit has been issued.</p>	Prior to undertaking any works in State Road Reserve.
15	Infrastructure Repair	
A	<p>The owner must, at their expense, repair any Council services (e.g. pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.</p> <p>If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
16	Temporary Exclusion Barrier	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing/barriers/means of identification, to prevent accidental felling.	During site works.
17	Covenants on Subdivisions	
A	Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purpose.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
18	Final Plan Endorsement	
A	The final plan is to be endorsed to the effect that TasWater cannot provide a supply of water nor a means of sewage disposal to the lots on the plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
19	New Works & Infrastructure Construction	
A	All works, where relevant, must be in accordance with Council Policy No. AM08: Subdivision New Works and Infrastructure Construction	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
20	Final Plan of Survey	

A	<p>A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing.</p> <p>Advice: the plan will not be sealed until such time as all conditions on this permit have been complied with.</p>	On completion and satisfaction of all conditions on this permit.
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ADVICE

1. All works associated with the development should be conducted in accordance with *Guidelines for Soil and Water Management*, Hobart City Council, available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

2. 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.

3. TasNetworks Advice:

"Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks on 1300 137 008 or our Negotiated Connections team at Negotiated.Connections@tasnetworks.com.au at their earliest convenience."

4. 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

B. That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit).

	Applicable Y/NA	Referral Agency
That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit)	Yes	Department of State Growth;

C. That the following information be included in the Permit.

Development Permit Information

	Details
Development Description	Six (6) Lot Subdivision
Relevant Period of Approval	2 Years
Other Necessary Permits	DSG Permit – New access onto a State controlled road
Attachments	Nil
Representations	One

INTRODUCTION:

The applicant is seeking approval for the reconfiguration of lot 1 on folio plan 211882 to create six (6) new and additional lots. The six-lot subdivision is proposed at Tasman Highway Beaumaris and is within the Landscape Conservation Zone. The parent title has a land area of approximately 121.46 hectares with a frontage to the state managed Tasman Highway.

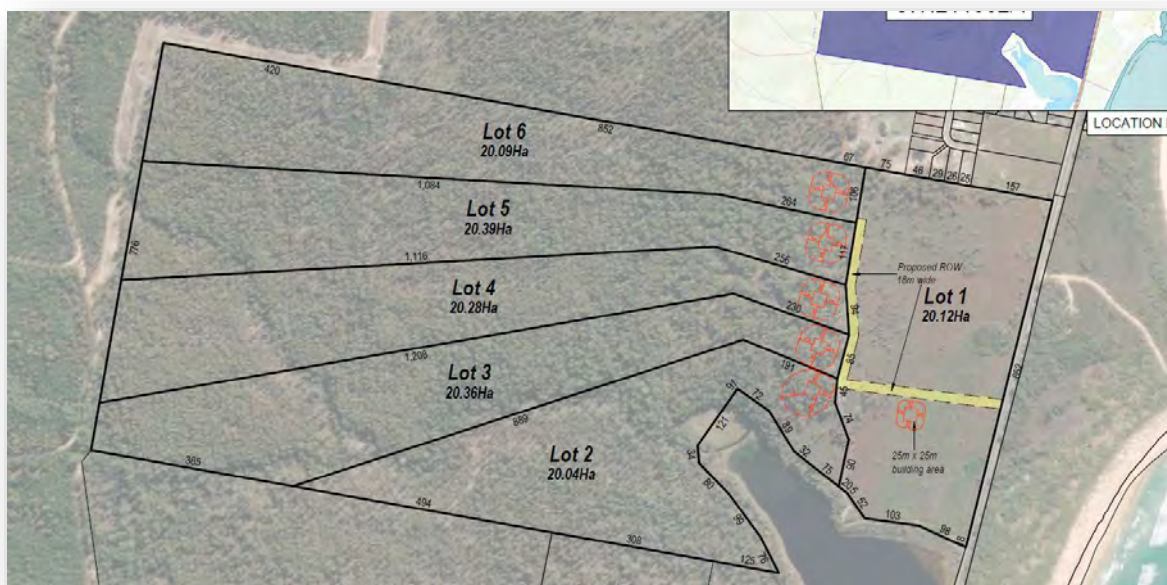
PREVIOUS COUNCIL CONSIDERATION:

Nil

OFFICER'S REPORT:

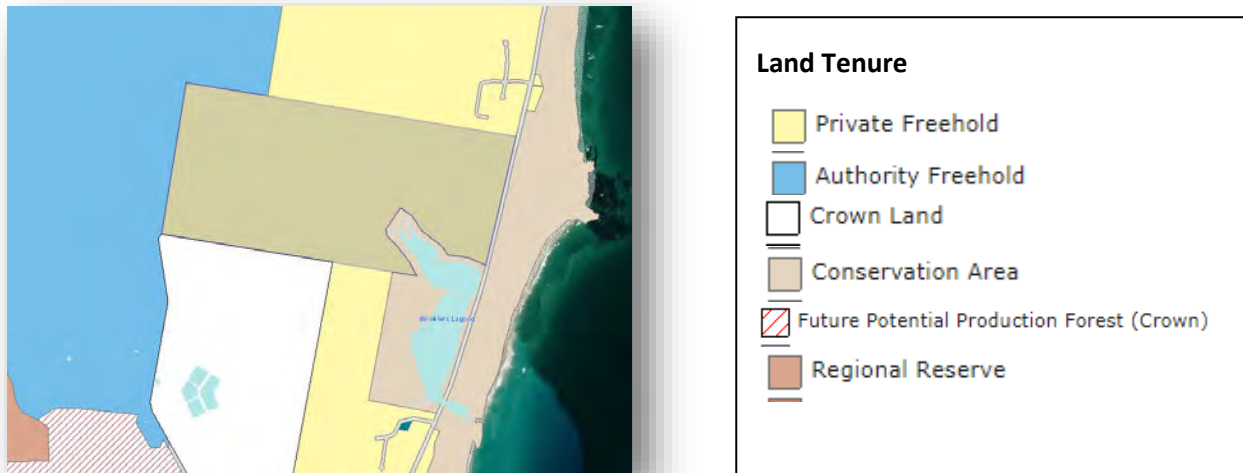
1. The Proposal

The irregular shaped and large lot is proposed to create 6 lots with only Lot 1 having frontage to the Tasman Highway. The subdivision design proposes lots 2 – 6 to gain access to the Highway via an internal right-of-way (ROW) benefitting these lots and burdening Lot 1.



Proposed subdivision plan

The parent title is a heavily vegetated lot that adjoins Wrinklers Lagoon to the south. Wrinklers Lagoon forms part of the Scamander Conservation Area managed by Tasmania Parks and Wildlife Service. The southern side boundary of the parent title also adjoins a freehold title as well as Crown Land supporting a sewerage treatment plant. To the east of the parent title and extending partially along the northern side boundary is land managed by Sustainable Timber Tasmania (Authority Freehold tenure). The remainder of the adjoining land to the north is within private freehold tenure.



The subdivision site is within the Landscape Conservation Zone in accordance with the Break O'Day Local Provisions Schedule (LPS). The Landscape Conservation Zone (LCZ) was applied in accordance with LCZ 2 being land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values. The large, extensively vegetated lot has undergone an assessment of the natural values of the site and a natural values report (the report) prepared by a suitably qualified person was accepted as part of the application materials.

As a result of this investigation and ground-truthing by the author (ECOTas) the vegetation mapping for the title has been revised. The revised vegetation mapping is illustrated below.



Vegetation Communities

Source: ECOtas (2022) p. 33

A description of these vegetation communities has been reproduced from the report below.

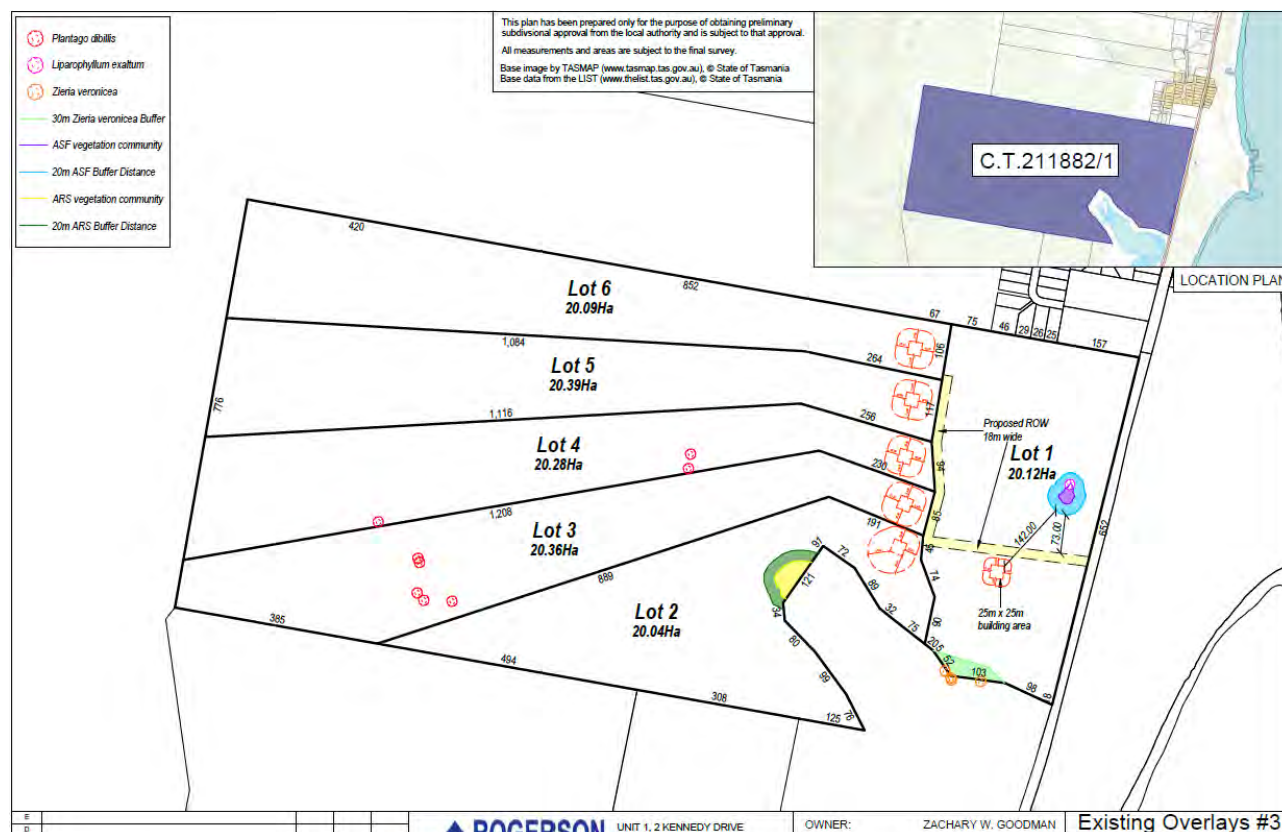
Source: ECOtas (2022) p.29

TASVEG mapping unit	Conservation Priority <i>NCA</i> <i>EPBCA</i>	Comments
DRY EUCALYPT FOREST AND WOODLAND		
<i>Eucalyptus sieberi</i> forest and woodland not on granite (DSO)	not threatened <i>not threatened</i>	<p>DSO occurs across the forested part of the title, largely as even-aged fire-induced regrowth forest with only small pockets of more mature trees on slopes above Wrinklers Creek and Wrinklers Lagoon. There are minor pockets of sparse eucalypt canopy replaced by locally dominant <i>Allocasuarina littoralis</i> but these areas are all too small to separate as <i>Allocasuarina littoralis</i> forest (TASVEG code: NAV). Similarly, <i>Eucalyptus globulus</i> is occasional to locally sub-dominant but nowhere obviously dominant such that no areas of <i>Eucalyptus globulus</i> dry forest and woodland (TASVEG code: DGL) have been mapped.</p> <p>Much of the DSO is regrowth in form from past fire events, forestry activities with several tracks noted and</p>

		diggings possibly associated with mining exploration activities. Aside from the disturbance history, the area mapped as DSO is in good condition with no weeds or symptoms of disease noted.
NON-EUCALYPT FOREST AND WOODLAND		
<i>Bursaria</i> – <i>Acacia</i> woodland and scrub (NBA)	not threatened <i>not threatened</i>	NBA is localised to a well-drained low ridge in the east of the title adjacent to the Tasman Highway. NBA is characterised by the dominance of shrubs/small trees of <i>Acacia dealbata</i> over an understorey of bracken and sagg. NBA is gradational with SCH. The area mapped as NBA is in good condition with no weeds or symptoms of disease noted.
SCRUB, HEATHLAND AND COASTAL COMPLEXES		
<i>Acacia longifolia</i> coastal scrub (SAL)	not threatened <i>not threatened</i>	SAL is localised to the well-drained and previously disturbed areas in the east where coast wattle has invaded these sites on well-drained sandy soils. SAL is characterised by the dominance of shrubs of <i>Acacia longifolia</i> subsp. <i>sophorae</i> over a variable understorey. SAL is gradational with SCH. The area mapped as SAL is in good condition with no weeds or symptoms of disease noted.
<i>Melaleuca squarrosa</i> scrub (SMR)	not threatened <i>not threatened</i>	SMR is localised to very poorly-drained/seasonally flooded areas in the east of the title adjacent to the Tasman Highway. SMR is characterised by a tall shrub layer of <i>Melaleuca squarrosa</i> over scattered <i>Gahnia grandis</i> . SMR is gradational with SHW, ASF and SCH. The area mapped as SMR is in good condition with no weeds or symptoms of disease noted.
wet heathland (SHW)	not threatened <i>not threatened</i>	SHW is localised to a poorly-drained area in the southeast of the title adjacent to the Tasman Highway. SHW is characterised by a diverse layer of low shrubs, herbs and sedges. SHW is gradational with SCH and forms abrupt boundaries with SAL. The area mapped as SHW is in good condition with no weeds or symptoms of disease noted.
coastal heathland (SCH)	not threatened <i>not threatened</i>	The front portion the title between the Tasman Highway and the forest edge to the west is best classified as SCH, although locally dense pockets of bracken could be mapped as <i>Pteridium esculentum</i> fernland (TASVEG code: FPF); however, FPF is just a minor temporal artefact of repeated fires.

		The area mapped as SCH has almost certainly been cleared in the past with several tracks and fence lines noted. Introduced herb and grass species are common possibly from past grazing of the area.
SALTMARSH AND WETLAND		
saline sedgeland/rushland (ARS)	not threatened <i>not threatened</i>	ARS occurs on the northwestern margin of Wrinklers Lagoon associated with the small delta of Wrinklers Creek. This area has not been examined in detail at this stage because it is presumed no development will occur within or near it. The area mapped as ARS is in good condition with no weeds or symptoms of disease noted.
freshwater aquatic sedgeland and rushland (ASF)	threatened <i>not threatened</i>	ASF occupies a small depression in the east of the title near the Tasman Highway. The wetland is ephemeral and is characterised by the dominance of sedge and herb species. ASF is gradational with SMR as drainage improves on the margin of the wetland. The area mapped as ASF is in good condition with no weeds or symptoms of disease noted.

In addition to re-defining the vegetation communities on site, the Natural Values Assessment also identified threatened flora with the location of the same illustrated on plan "Existing Overlays #3" and dated 30/10/2023.



It is important that the natural and landscape values of the site are understood to ensure the purpose of the Landscape Conservation Zone is observed.

“The purpose of the Landscape Conservation Zone is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.”

To this end, the proposed subdivision has been conditioned to:

- A. Appropriately site any future residential development through application of building envelopes that are inclusive of bushfire hazard management areas;
- B. To provide a management plan for the ongoing management of natural and landscape values that is administered via a covenant;
- C. Ensure the benefit and ongoing management and maintenance of the internal right of way is managed via an easement;
- D. Ensure the construction of the internal access does not compromise the integrity of the identified freshwater wetland and threatened vegetation (ASF and surrounding buffer area) community through further consideration of stormwater design drawings;
- E. Ensure the continued management of natural and landscape values outside of the building envelopes by ensuring future land owners have the necessary management information including areas where fencing of boundaries is not permitted (to be identified in a submitted Natural and Landscape Values Management Plan – further assessment required as part of compliance with conditions).
- F. Manage weeds and pathogens;
- G. Provide necessary buffers to Scamander Conservation Area (Wrinklers Lagoon) by identifying important vegetation and providing buffers. Additionally by ensuring all development is outside of the Waterway and Coastal protection overlay (including Lot 2 bushfire hazard management area).

Any future Residential use of the lots will be managed through application of building envelopes and covenants in addition to further assessment under the Tasmanian Planning Scheme. Other uses permitted within the Landscape Conservation Zone will require further assessment against the Scheme and will be informed by current information obtained as part of this process and and further information required to be submitted as part of any application.

2. Applicable Planning Assessment

- 22.0 Landscape Conservation Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C8.0 Scenic Protection Code
- C10.0 Coastal Erosion Hazard Code
- C11.0 Coastal Inundation Hazard Code
- C13.0 Bushfire Prone Areas Code
- C15.0 Landslip Hazard Code

3. Referrals

A. TasNetworks

“Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations.

As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks on 1300 137 008 or our Negotiated Connections team at Negotiated.Connections@tasnetworks.com.au at their earliest convenience.”

B. Department of Natural Resources and Environment Tasmania

“Thanks for the opportunity to comment to the advertised application.

PWS has no objection to the proposal, subject to the proposed building areas, as indicated in the attached ‘Proposed Subdivision’ (Rev B, dated 28/8/2023, Rogerson & Birch Surveyors, 1 page) being retained as the building areas on final plans for sealing, as well as suitable conditions forming part of any approval; that stormwater and wastewater discharge is retained on-site; as provided in the accompanying report (‘Application for Planning Permission’, Neil Shephard and Associates, dated 21/8/2023, page 7 of 46).”

C. Depart of State Growth

“Following a review of the related development, the Department has no objections. However, a permit will be required prior to any access works are undertaken within the State Road Reservation, as per the link below.

https://www.transport.tas.gov.au/road_permits/permits_and_bookings/new_or_altered_access_onto_a_road_driveways “

D. Council’s Environmental Health Officer

“Assessed and suitable for subdivision in terms of wastewater. Satisfactory wastewater report.”

E. Sustainable Timbers Tasmania

No response.

4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

Tasmanian Planning Scheme – State Planning Provisions Version No. 5:

- 22.0 Landscape Conservation Zone -22.5 Development Standards for Subdivision
 - 22.5.1 Lot Design P1, P2, P4
- C7.0 Natural Assets Code - C7.6 Development Standards for Buildings and Work
 - C7.6.2 Clearance within a priority vegetation area P1
- C7.0 Natural Assets Code - C7.7 Development Standards for Subdivision

- C7.7.2 Subdivision within a priority vegetation area P1
- C8.0 Scenic Protection Code - C8.6 Development Standards for Buildings and Works
 - C8.6.2 Development within a scenic road corridor P1, P2.

Detailed assessment against the provisions of the *Tasmanian Planning Scheme – State Planning Provisions* version 5 where the proposal was reliant on satisfying the performance criteria, is provided below. **The proposal is deemed to comply with the performance criteria applicable.**

Planning Assessment

22.0 LANDSCAPE CONSERVATION ZONE

22.5 DEVELOPMENT STANDARDS FOR SUBDIVISION

22.5.1 Lot Design

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <p>(a) have an area of not less than 50ha and:</p> <p>(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant Acceptable Solutions for development of buildings on the lots;</p> <p>(b) existing buildings and the location of intended buildings on the lot;</p> <p>(c) the ability to retain vegetation and protect landscape values on each lot;</p> <p>(d) the topography of the site; and</p> <p>(e) the pattern of development existing on established properties in the area,</p> <p>and must have an area not less than 20ha.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p>	

The proposed 6 lot subdivision achieves a lot size of just over 20 hectares for each new lot and is unable to satisfy the acceptable solution in its entirety.

Clause 6.2.6 of the State Planning Provisions directs that development which is for subdivision does not need to be categorised into one of the Use Classes. Clause 6.8.2 gives the planning authority discretion to refuse or permit a development that is not required to be categorised and gives guidance for the same. As the proposed subdivision relies on Performance Criteria to demonstrate compliance with certain standards, may be approved at the discretion of the planning authority and the planning authority must have regard to:

- (a) the purpose of the applicable zone; and
- (b) the purpose of any applicable code.

The purpose of the zone requires the planning authority to

- provide for the protection, conservation and management of landscape values; and
- to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

Landscape values are not defined within the State Planning Provisions. The guidelines for the application of the Landscape Conservation Zone provides assistance by further explaining landscape values to include bushland areas, large areas of native vegetation or areas of important scenic values. The primary purpose of the zone is to protect and conserve landscape values. The landscape values have been further explained within the submitted Natural Values Report by identifying the flora and fauna associated with the site and providing recommendations for the continued management of the values.

Each of the proposed lots have a land area slightly more than 20 hectares and enables a dwelling / structure to be sited that observes the required setbacks of the zone. The building area located forward of the proposed lots ensures their siting reflects the identified values and is clear of relevant overlays associated with the Natural Values Code. Additionally it provides for the majority of each lot to retain important vegetation to the west and adjoining Wrinklers Lagoon. The location of the building areas enables siting of structures around the 25m - 30m AHD contour (lots 3-6), with Lot 1 at around the 15m – 20m contour and lot 1 building sited around the 10m AHD contour.

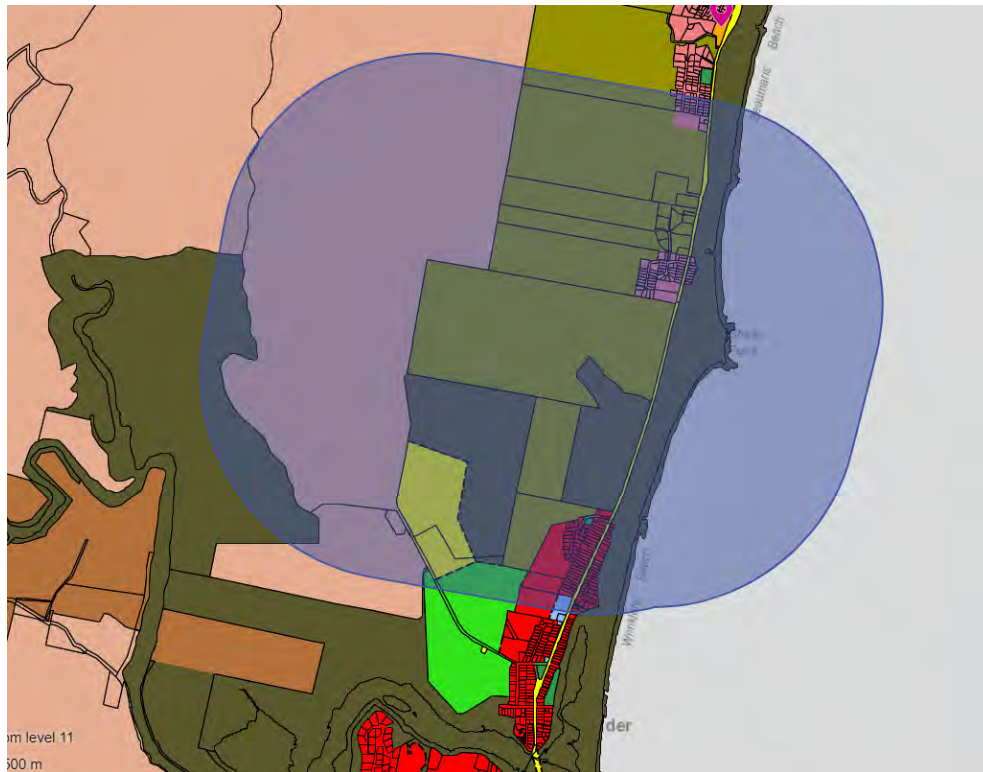
The pattern of development along this part of the Wrinklers Beach / Beaumaris Beach area on the western side of the Tasman Highway can only be described as mixed. Within 1km of the site there exists 8 different zones (potentially 9 zones) including:

- Environmental Management Zone;
- Landscape Conservation Zone;
- Utilities zone;
- General Residential Zone;
- Recreation Zone;
- Local Business Zone;
- Open Space Zone
- Low Density Residential Zone; and
- Rural Living Zone (once the amendments to the LPS are finalized).

Land sizes vary from 700 m² through to greater than 70 ha with the three similarly zoned lots to the north of the site having a land area of approximately 33 ha, 14ha and 21 ha. The variation in pattern of development is further enhanced as the area being considered is enlarged. Lots are irregular in size and shape along the coastline. The proposed subdivision continues the relatively large lot size within the zone and is separated from the immediate coastal foreshore by the Tasman Highway.

The Landscape Conservation Zone limits subdivision to ensure an absolute minimum lot size of 20ha is able to be considered. The development will also be conditioned to further ensure that the Zone Purpose and the Objective of the provision is observed.

The proposed development is able to satisfy the performance criteria.



Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<p>P2</p> <p>Each lot, or a proposed lot in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (b) the topography of the site; (c) the functionality and useability of the frontage; (d) the anticipated nature of vehicles likely to access the site; (e) the ability to manoeuvre vehicles on the site;

	<p>(f) the ability for emergency services to access the site; and</p> <p>(g) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The proposed development is for a 6-lot subdivision. Proposed Lot 1 is able to satisfy the acceptable solution, however lots 2 – 6 will rely on a Right of Way over lot 1 and as such will not have a frontage (boundary of a lot which abuts a road). Instead, the application relies on satisfying the performance criteria.</p> <p>The development proposes that lots 2 – 6 will be serviced via a Right of Way on Lot 1, providing an access point to each of the titles. The performance criteria requires these access arrangements to be sufficient for the intended use. The development application was also supported by a Traffic Impact Assessment (TIA) that considered the lot layout, the shared right of way through lot 1 and with access to Lot 1 off the Tasman Highway. In determining whether the right of carriageway was sufficient for the intended use, the traffic generation considered a residential use with single dwellings (7.4 daily vehicle trips per dwelling). In relation to the Tasman Highway access this equated to 44 vehicles per day with a peak of 5 vehicles per hour. The TIA also provided recommendations in terms of the access design from the Tasman Highway, that will be conditioned. This matter has been considered by the Department of State Growth who are satisfied with the TIA and subsequent recommendations. The TIA has considered the functionality and useability of the frontage, the anticipated nature of vehicles likely to access the site, the ability to manoeuvre vehicles on site and further requirements contained within the performance criteria.</p> <p>Prior to sealing of any plan, a schedule of easements will be required to be considered to ensure the terms of the Right of Way and any maintenance requirements is fully outlined.</p> <p>Access arrangement has considered a residential use for the purposes of the subdivision. These arrangements will inform use of the sites.</p> <p>The development is able to satisfy the performance criteria.</p>	

Acceptable Solutions	Performance Criteria
<p>A4</p> <p>No Acceptable Solution.</p>	<p>P4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The development application materials has included a report prepared by a suitably qualified person that has considered the 6 lot subdivision and its ability to support on-site domestic</p>	

wastewater capability. The report was referred to Council's Environmental Health Officer who has assessed the report and concluded that onsite wastewater management is suitable for the proposed subdivision and the report is satisfactory. On-site wastewater systems for future uses will require further assessment by the building and plumbing authority at the time of application. The proposed development is able to satisfy the performance criteria.

C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE

The proposed development has been determined to satisfy all relevant Use Standards and Development Standards of the Parking and Sustainable Transport Code.

C3.0 ROAD AND RAILWAY ASSETS CODE

The proposed development has been determined to satisfy all relevant Use Standards and Development Standards of the Road and Railway Assets Code.

C7.0 NATURAL ASSETS CODE

C7.6 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

C7.6.2 Clearance within a priority vegetation area

Acceptable Solutions	Performance Criteria
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or

	<p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of buildings and works and any constraints such as topography or land hazards; (b) any particular requirements for the buildings and works; (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings; (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation; (e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site.
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Assessment against the Performance Criteria is required.

Performance Criteria Assessment

The development site is largely affected by the Priority Vegetation Area overlay. ECOtas were commissioned by the applicant to prepare and submit a Natural Values Assessment. This assessment was referred internally to Council's Natural Resources Facilitator for consideration.

P1.1

As part of the subdivision, the ROW will need to be established to service the lots. This will require a level of clearing of native vegetation with a priority vegetation area due to the overlay affecting the majority of 121.3 hectare site. This matter is however also addressed within the Subdivision provisions.

The assessment of onsite vegetation and vegetation communities confirms that the proposed ROW (representing 'works' in the form of creating an internal accessway and clearing vegetation for the same) occurs within vegetation community Coastal Heathland TASVEG Code SCH.

The proposed right of way clearing required is considered to be of limited scale relative to the extent of priority vegetation area overlay on the site. The application materials have included a Natural Values Assessment that has considered the proposed subdivision design with the ROW being sited in vegetation described as coastal heathland (SCH). The report cites that the area

mapped as SCH has “almost certainly been cleared in the past with several tracks and fence lines noted. Introduced herb and grass species are common possibly from past grazing of the area.” As the proposed ROW is limited to this area it is considered to satisfy P1.1 (f).

P1.2

The applicant was required to submit amended plans that clearly identified the location of

- ground-truthed vegetation communities / types;
- occurrence of TASVEG code ASF (freshwater aquatic sedgeland and rushland) as this community equates to a native vegetation community threatened on Schedule 3A of the Tasmanian Nature Conservation Act 2002. ASF is considered to meet the definition of ‘priority vegetation’.

- SMR (*Melaleuca squarrosa* scrub) – vegetation around the wetland ASF containing *Liparophyllum exaltatum*.

- Occurrences of threatened flora *Plantago debilis* and *Zieria veronica* subsp *veronica* (adjacent reserve).

These vegetation communities and species location were considered in relation to the proposed ROW.

In clearly identifying the location of the vegetation communities and identified priority vegetation, it was possible to ensure that all clearance in association with the ROW minimised any impact on priority vegetation. The ROW will be conditioned to be formed to ensure that flows to the freshwater wetland are not interrupted and effects on remaining vegetation is not affected including weed control.

Bushfire hazard management areas are well clear of the identified vegetation. No offsets are proposed.

The ROW has been sited to ensure any impact is minimised on identified vegetation communities identified in the Natural Values Assessment and site survey.

The proposed development is able to satisfy the performance criteria.

C7.7 DEVELOPMENT STANDARDS FOR SUBDIVISION

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <ul style="list-style-type: none"> (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.

<p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p>	
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The waterway and coastal protection area overlay affects all lots, however when the provisions of A1 (e) are considered in conjunction with the submitted materials, no works or bushfire hazard management area or vehicular access is proposed within mapped overlay areas. There is however a discrepancy within the Bushfire Hazard Management Plan that indicates the management area for proposed Lot 2 may extend into the overlay. The remaining materials state the hazard area does not encroach within the overlay area. It will be conditioned that the Bushfire Hazard Management area for Lot 2 must be confirmed as being outside the overlay area prior to sealing of the plan.</p> <p>Any proposed works including the bushfire hazard management area are outside of the future coastal refugia area.</p> <p>The proposed development is conditioned to comply with the acceptable solution A1 (e). This matter whilst satisfying the acceptable solution, has been included within this section for information and transparency.</p>	

C7.7.2 Subdivision within a priority vegetation area

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none"> (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. 	<p>P1.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person; (b) subdivision for the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and

	<p>economic benefits and there is no feasible alternative location or design;</p> <p>(e) subdivision involving clearance of native vegetation where it is demonstrated that on- going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The development site is almost completed affected by the priority vegetation area overlay.</p>	



The proposed subdivision is unable to satisfy the acceptable solution as vehicular access, building area and bushfire hazard management areas are proposed to be within the priority vegetation area which ultimately covers the whole site.

P1.1

Subdivision is proposed to create 6 new lots. Whilst the residential use class has not been applied, it is a reasonable expectation that future proposed uses will be for a residential use given the identification of building areas and bushfire hazard management areas for the same.

The parent title has a land area of approximately 121.3 hectares with 6 new lots proposed each a minimum of greater than 20 hectares. The subdivision plans indicate a building area and associated bushfire hazard management area with an internal access right of way. All demonstrating the extent of likely vegetation removal associated with possible future dwellings. The application materials also included a Natural Values Assessment that identified and ground truthed vegetation communities, presence and/or likelihood of native fauna, threatened flora and relevant recommendations.

Recommendations contained within the report that demonstrate clearance of native vegetation is of limited scale relative to the extent of priority vegetation on the site include:

- TASVEG ASF (freshwater aquatic sedgeland and rushland) be excluded from disturbance associated with the subdivision;
- Provide a 20m buffer of retained vegetation around the wetland
- Ensure any nearby roadworks avoid/minimise impact to the wetland and buffer including changes to hydrological regime of the wetland;
- Sites supporting threatened flora be excluded from disturbance and occupation of lots including mapped *Plantago debilis*, *Liparophyllum exaltatum* (wetland in above points) and *Zieria veronica* on adjoining reserve.
- Maintain a network of retained forest and non-forest native vegetation across the lots created within the parent title. Examples include the tributaries of Wrinklers Creek, a buffer along the Tasman Highway and along the title bordering the Scamander Conservation Area.

Plantago debilis is a threatened flora associated with rocky creek lines along Wrinklers Creek. The proposed building areas and bushfire hazard management areas are clear of these known sites. *Zieria veronica* is located on the adjacent Scamander Conservation Area but is in close proximity to Lot 1. Amended plans were required demonstrating a 30m buffer to the known location and conditions will be imposed to protect this area. However, it is also proposed to impose conditions that ensure the wider management of land adjoining Wrinklers Lagoon and Scamander Conservation Area and the western portion of lots 2-6 recognises the natural values of the parent title and its role in the wider maintenance of biodiversity and fauna movement. This ensures performance criteria P1.1 (f) is observed.

P1.2

P1.2

The applicant was required to submit amended plans that clearly identified the location of

- ground-truthed vegetation communities / types;
- occurrence of TASVEG code ASF (freshwater aquatic sedgeland and rushland) as this community equates to a native vegetation community threatened on Schedule 3A of the *Tasmanian Nature Conservation Act 2002*. ASF is considered to meet the definition of 'priority vegetation'.
- SMR (*Melaleuca squarrosa* scrub) – vegetation around the wetland ASF containing *Liparophyllum exaltatum*.
- Occurrences of threatened flora *Plantago debilis* and *Zieria veronica* subsp *veronica* (adjacent reserve).

These vegetation communities and species location were considered in relation to the proposed ROW.

In clearly identifying the location of the vegetation communities and identified priority vegetation, it was possible to ensure that all clearance in association with the ROW minimised any impact on priority vegetation. The ROW will be conditioned to be formed to ensure that flows to the freshwater wetland are not interrupted and effects on remaining vegetation is not affected including weed control.

Bushfire hazard management areas are well clear of the above identified vegetation. No offsets are proposed.

The ROW has been sited to ensure any impact is minimised on identified vegetation communities identified in the Natural Values Assessment and site survey.

The proposed building areas and associated bushfire hazard management area has avoided more sensitive locations on the site. The proposed building areas for future development e.g. residential use have been located in more disturbed areas of the parent title within TASVEG DSO (*Eucalyptus sieberi* forest and woodland not on granite) and TASVEG SCH (coastal heathland) both of which are not threatened. There is however an intention to recognise how coastal heathland can be degraded by development within the coastal zone by conditioning the future management of the land.

The Natural Values report provides guidance on the subdivision design and any conditions necessary to ensure adverse impacts on the priority vegetation overlay are minimised in terms of the ongoing use of the lots. Specific recommendations are also given in regard to weed and disease management and buffering to the adjoining Scamander Conservation Area. These will be reflected in conditions relating to the permit that promote the Code Purpose and notably the following:

- Minimise impacts on water quality, natural assets including native riparian vegetation and the natural ecological function of watercourses and wetlands;
- Minimise impacts on coastal assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast;
- Minimise impacts on identified priority vegetation;

No biodiversity offsets are proposed.

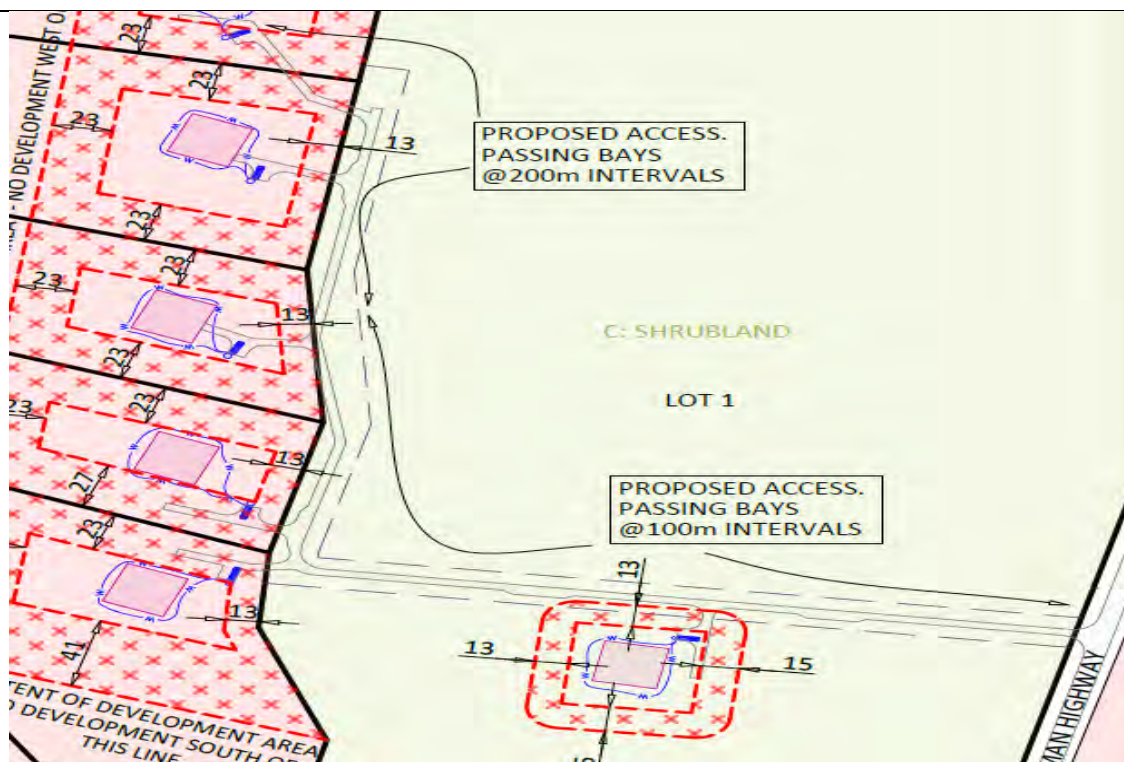
The proposed development is able to be conditioned to satisfy the performance criteria.

C8.0 SCENIC PROTECTION CODE

C8.6 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

C8.6.2 Development within a scenic road corridor

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Destruction of exotic trees with a height more than 10m, native vegetation, or hedgerows within a scenic road corridor must not be visible from the scenic road.</p>	<p>P1</p> <p>Destruction of exotic trees with a height more than 10m, native vegetation, or hedgerows within a scenic road corridor must not cause an unreasonable reduction of the scenic value of the road corridor, having regard to:</p> <p>(a) the nature, extent and location of the exotic trees, native vegetation and hedgerows; and</p> <p>(b) the purpose of any management objectives identified in the relevant Local Provisions Schedule.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The Scenic Protection Code does not apply to subdivision not involving any works. This application for subdivision does include works in order to establish the internal right of way. This works will require the removal of an amount of native vegetation but is within a relatively disturbed area. The amount of vegetation removal will be minimal in comparison to the size of the parent lot (>120 ha). The internal ROW is approximately 610m in total length and 18m in width. It is expected road verges will also need to be maintained (approximately 1 ha) which is included in this estimate.</p>	



Vegetation bordering the frontage and on either side of the right of way will be retained with the scenic values from the road corridor substantially retained. No buildings are proposed and the view of the internal access right of way a similar view to that experienced on all titles abutting the scenic road corridor.

The works involves the removal of vegetation for the creation of an internal Right of Way which is at ground level and interrupted visually by the differing contour levels of the site and retained vegetation. Visually any segmented vision of the internal ROW will be consistent with property entrances, access points and pedestrian walkways along the Tasman Highway.

The proposed development satisfies the performance criteria.

Acceptable Solutions	Performance Criteria
A2 Buildings or works within a scenic road corridor must not be visible from the scenic road.	P2 Buildings or works within a scenic road corridor must not cause an unreasonable reduction of the scenic value of the road corridor, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) proposed reflectance and colour of external finishes; (c) design and proposed location of the buildings or works; (d) the extent of any cut or fill required; (e) any existing or proposed screening;

	<p>(f) the impact on views from the road; and</p> <p>(g) the purpose of any management objectives identified in the relevant Local Provisions Schedule.</p>
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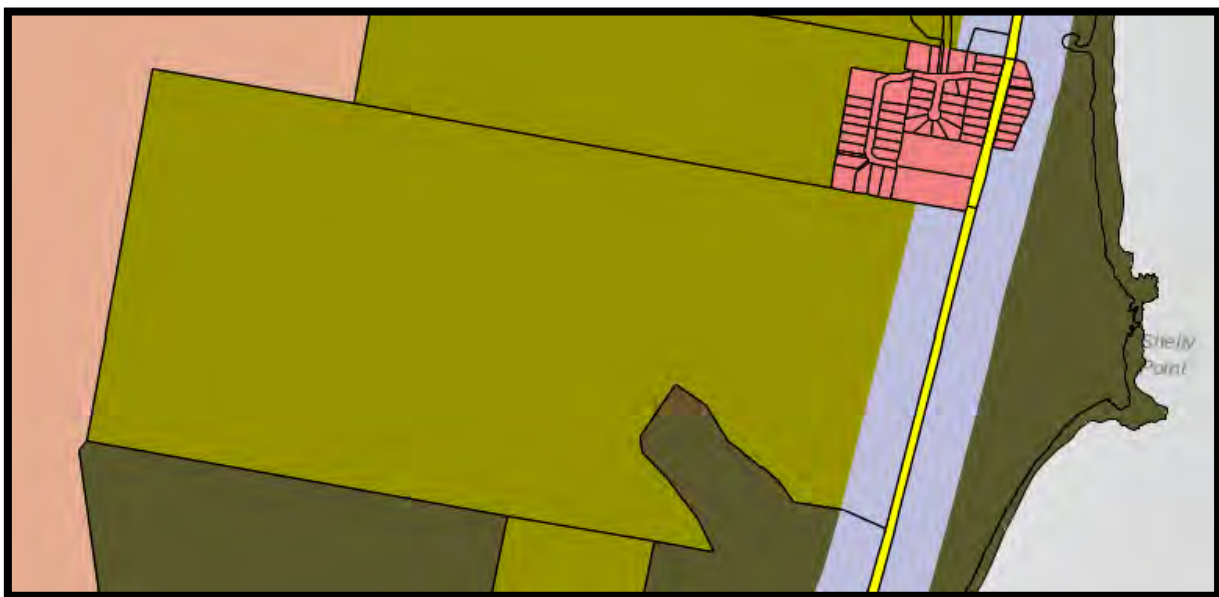
Assessment against the Performance Criteria is required.

Performance Criteria Assessment

The Scenic Protection Code does not apply to subdivision not involving any works. This application for subdivision does include works in order to establish the internal right of way. This works will require the removal of an amount of native vegetation but is within a relatively disturbed area. The amount of vegetation removal will be minimal in comparison to the size of the parent lot (>120 ha). Vegetation bordering the frontage and on either side of the right of way will be retained with the scenic values from the road corridor substantially retained. No buildings are proposed and the view of the internal access right of way is a similar view to that experienced on all titles abutting the scenic road corridor. Materials used for the internal access ROW (compacted gravel) will not have a reflective finish and will be of natural tones.

The works involves the removal of vegetation for the creation of an internal Right of Way which is at ground level and interrupted visually by the differing contour levels of the site and retained vegetation. Visually any segmented vision of the internal ROW will be consistent with property entrances, access points and pedestrian walkways along the Tasman Highway.

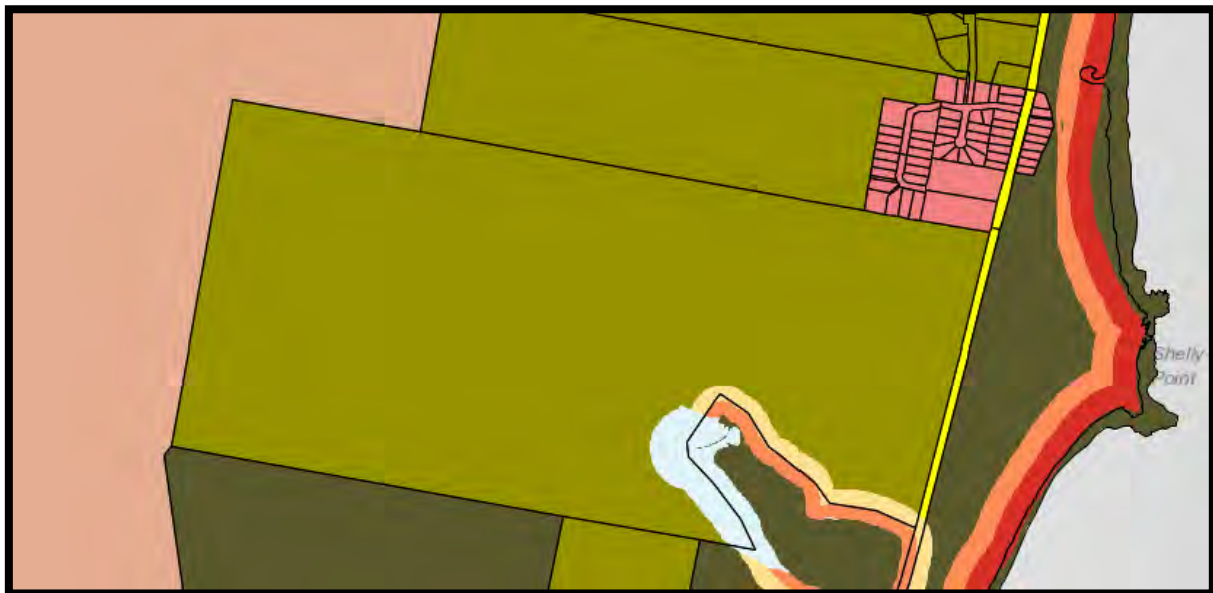
The proposed development satisfies the performance criteria.



Above: Extent of the Scenic Road Corridor overlay

C10.0 COASTAL EROSION HAZARD CODE

The proposed development has been determined to satisfy all relevant acceptable solutions of the Development Standards for Subdivision within the Coastal Erosion Hazard Code.



Above: Extent of the Coastal Erosion Hazard Area overlay

C11.0 COASTAL INUNDATION HAZARD CODE

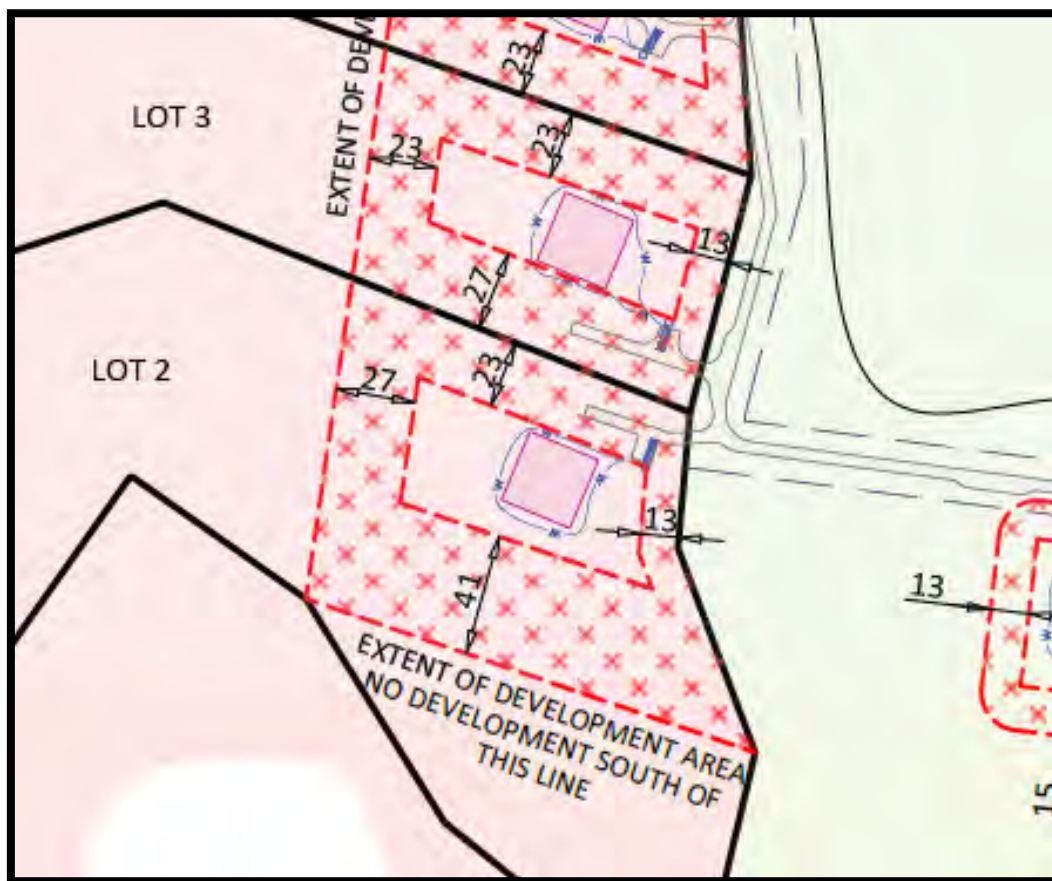
The proposed development has been determined to satisfy all relevant acceptable solutions of the Development Standards for Subdivision within the Coastal Inundation Hazard Code.



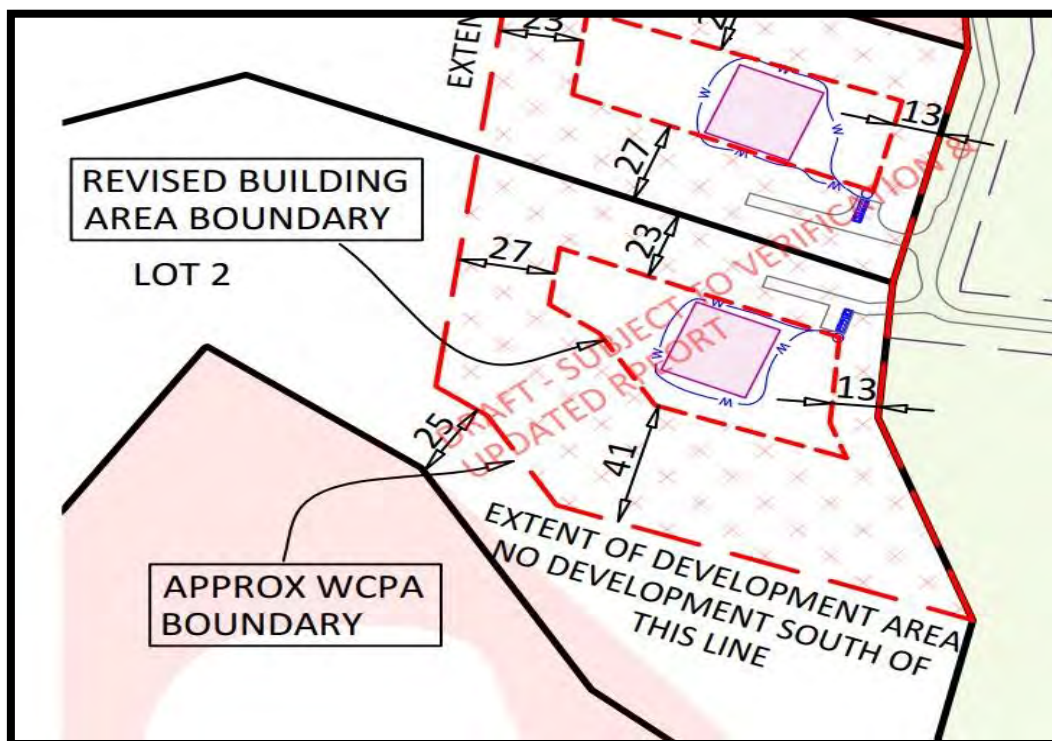
Above: Extent of Coastal Inundation Hazard overlay.

C13.0 BUSHFIRE PRONE AREAS CODE

Discussion was had with the author of the Bushfire Hazard Report to discuss the Bushfire Hazard Management Area (BHMA) for Lot 2 encroaching into the Waterway and Coastal Protection Area overlay. Discussion centred on the requirement to ensure clearing of vegetation for bushfire hazard management purposes did not impact on this overlay area. Modelling was performed by the author and he was able to demonstrate that it is achievable to site a dwelling and BHMA within Lot 2 without encroaching within the overlay area. A condition has been imposed for an amended Bushfire Hazard Report and BHMA prior to sealing of the plan.



Above: Submitted BHMA for Lot 2.



Above: Revised BHMA for Lot 2



Above: Extent of the Waterway and Coastal Protection area overlay

C15.0 LANDSLIP HAZARD CODE

The following use or development is exempt from this Code – (e) development, including subdivision, on land within a low landslip hazard band, if it does not involve significant works. No significant works is proposed within the overlay area and the development is therefore exempt from this Code.



Above: Extent of the Low Landslip Hazard Band overlay

5. Representations

The application was advertised 2 December, 2023 until close of business on 15 December, 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

Issue	Response
Compliance with State Coastal Policy 1996.	<p>The State Planning Provisions have been determined by the State Government as consistent with the State Coastal Policy 1996 and compliant with S15 SPPs criteria of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>. The purpose and objectives within the Landscape Conservation Zone are contained within the State Planning Provisions as are the relevant Codes. The development has been assessed against each relevant zone and code provision within the State Planning Provisions.</p> <p>Additionally, the zone Landscape Conservation has been applied to the subject site within the Break O'Day Local Provisions Schedule. The Tasmanian Planning Commission has approved the BOD LPS as being consistent with each State policy (S34 (2) (d) LUPAA).</p> <p>The Break O'Day has transitioned to the Tasmanian Planning Scheme, including the Break O'Day Local Provisions Schedule and as such a separate assessment against the State Coastal Policy 1996 is not required.</p>
The development application is inconsistent with the Tasmanian Planning Scheme.	The development application has been assessed against the Tasmanian Planning Scheme. Details are contained within the report
Lot design contributing to landscape fragmentation and edge effects due to fencing.	This matter had already been considered and conditions imposed.
Protection for native vegetation outside of building envelopes.	This matter had already been considered and conditions imposed.
Building sites in visually prominent location.	The development has been assessed against the Scenic Protection Code.
Waste water treatment	The development has been assessed against the Landscape Conservation Zone and any

	future development will require waste water management to be assessed again.
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The recommendation for approval has been made following due consideration of the representation and comments.

6. Mediations

No mediation has occurred.

7. Conclusion

In accordance with 6.10 of State Planning Provisions (Tasmanian Planning Scheme – Break O’Day), the application has been assessed against the objectives of the SPP, in particular the Landscape Conservation Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and seven (7) Performance Criterion. The received representation has been considered.

It is recommended for approval with conditions normally set to this type of development.

STRATEGIC PLAN & ANNUAL PLAN:

Break O’Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

LEGISLATION & POLICIES:

Tasmanian Planning Scheme – Break O’Day

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable, all costs of the development are the responsibility of the developer.

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
COUNCIL MEETING DATE	15 January 2024
PROPONENT	White Sands Estate Obo Delta Hydraulics Pty Ltd
OFFICER	Deb Szekely, Senior Town Planner
FILE REFERENCE	DA 109-2022
ASSOCIATED REPORTS AND DOCUMENTS	<ol style="list-style-type: none"> 1. Historical Imagery 2. Wave Climate Breakwater and Ramp Assessment 3. Natural Values Assessment – Elgin 4. Natural Values Assessment – Enviro-Dynamics 5. Coastal Inundation Hazard Report 6. White Sands Boat Ramp and Breakwater Planning Report 7. Construction Environmental Management Plan 8. PWS Reserve Activity Assessment – Level 2 to 4 9. Plans 10. Image 11. Representation 12. Applicant Response to Representation 13. Planning Scheme Assessment

OFFICER'S RECOMMENDATION:

A. Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O'Day*, that the application for RESERVE ACTIVITY ASSESSMENT (LVL 3) – BOAT RAMP on land situated at CROWN LAND described in Certificate of Title 123961/3 and undefined Crown Land (Parks and Wildlife Service) and accessed via 125938/0 (Strata Corporation Number 125938) and 123961/2 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Drawing List, Notes and Location Plan	1254-01 Rev 0	Burbury Consulting	18/04/2023
Existing Arrangement Plan	1524-02 Rev 0	Burbury Consulting	18/04/2023
Outer General Arrangement Plan	1524-03 Rev 0	Burbury Consulting	18/04/2023

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Works Breakwater General Arrangement Plan	1524-04 Rev 0	Burbury Consulting	18/04/2023
Typical Sections	1524-05 Rev 0	Burbury Consulting	18/04/2023
Typical Details	1524-06 Rev 0	Burbury Consulting	18/04/2023
Concrete Ramp Details 1/2	1524-07 Rev 0	Burbury Consulting	18/04/2023
Concrete Ramp Details 2/2	1524-08 Rev 0	Burbury Consulting	18/04/2023
Wave Climate, Breakwater and Ramp Assessment	Revision 0	Burbury Consulting	21/12/2022
Natural Values Assessment of two rock groynes and a boat ramp at White Sands Resort, Ironhouse Point, Tasmania	Final Report (Rev 1)	Elgin Associates	20/03/2023
Natural Values Assessment of coastal reserve area at Ironstone Point	Amended June 2023	Enviro-dynamics Pty Ltd	June 2023
Coastal Inundation Hazard Report for Planning Authority	Job Number 1524	Burbury Consulting	20/11/2023
Construction Environmental Management Plan – Boat Ramp & Breakwater Remediation	Revision No. B	Burbury Consulting	12/07/2023
PWS Reserve Activity Assessment – Level 2 to 4	RAA3866 White Sands Estate – Boat Ramp,	Tasmania Parks & Wildlife Service	8/08/2023

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
	Rock Groynes and Foreshore Access		

CONDITIONS

CONDITION		TIMING
1	Approved Plans and/or Document	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	Erosion and Sediment Control	
A	Carry out Erosion and Sediment control measures as detailed within the approved Construction Environmental Management Plan (CEMP) prepared by Burbury Consulting and dated 12/07/2023.	Prior to commencement of works and to be maintained current at all times during construction.
B	Runoff from the access road and parking area must be managed to prevent soil/sediment/gravel transfer from entering the beach and degrading the potential foraging habitat for shorebirds.	During site works and maintained at all times.
C	Keep a copy of the CEMP on site and able to be accessed by all staff and contractors.	Prior to and during site works.
3	Stockpiles of Construction and Landscaping Materials	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain or watercourse or marine/coastal environment.	During site works.
4	Temporary Exclusion Fencing/Barrier	
	Delineate areas within crown land where vegetation and coastal foreshore areas are excluded from site works and proposed to be retained and protected with exclusion	During site works.

	fencing/barriers/means of identification, to prevent accidental damage or destruction of coastal foreshore attributes or habitat.	
5	Stormwater	
A	The proposed car/trailer parking areas must be constructed in accordance with water sensitive urban design principles. Measures such as bio-retention swales and porous pavement or turf cells should be considered to provide on-site stormwater infiltration and treatment. Stormwater management is not to result in a concentration of flow onto other property, or cause other stormwater nuisance such as movement of sediment to the marine environment or coastal foreshore.	Prior to the commencement of use and maintained at all times.
6	CAR PARKING	
	<p>The areas shown to be set aside for vehicle access and car/trailer parking must be:</p> <ul style="list-style-type: none"> 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; d. Surfaced with an pervious dust-free surface; e. drained in accordance with Condition 5; 	Prior to use and maintained at all times.
7	Nuisance	
A	Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.	At all times.
8	Weed Management Plan	
A	Implement the approved Weed Management Plan contained within Appendix 2 of Natural Values Assessment of coastal reserve area at Ironstone Point, prepared by Enviro-dynamics and dated 'Amended June 2023'.	Prior to and during site works and maintained at all times.
9	Site Works	

A	Site works must be scheduled outside of the breeding cycle of the hooded plover to minimize disturbance to the species.	At all times.
10	Access Licence	
A	An access licence must be gained from Crown Land Services for the use of crown land for access and vehicle/trailer parking to serve the existing crown licence providing for the boat ramp.	Prior to use and maintained at all times.
B	Application must be made to Property Services within 3 months from the date of this permit and evidence provided to Break O'Day Council to demonstrate the same	Within 3 months from the date of this permit.
11	Material Source	
A	All construction materials for the development including driveway materials, rock groyne materials and materials utilised in the construction of the boat ramp must be sourced from: <ul style="list-style-type: none"> a. A location with the relevant State and/or Local Government approvals and/or permits. b. Free of declared and environmental weeds and pathogens (Break O'Day Local Provisions Schedule - BRE-P1.8.1 Environmental Weeds) 	Prior to and during site works.
B	Provide written certification from a suitably qualified person that the materials comply with this condition	Prior to site works.

ADVICE

5. 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.
6. 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.
7. 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

B. That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit).

	Applicable Y/NA	Referral Agency
That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit)	Yes	1. Tasmania Parks and Wildlife Service

C. That the following information be included in the Permit.

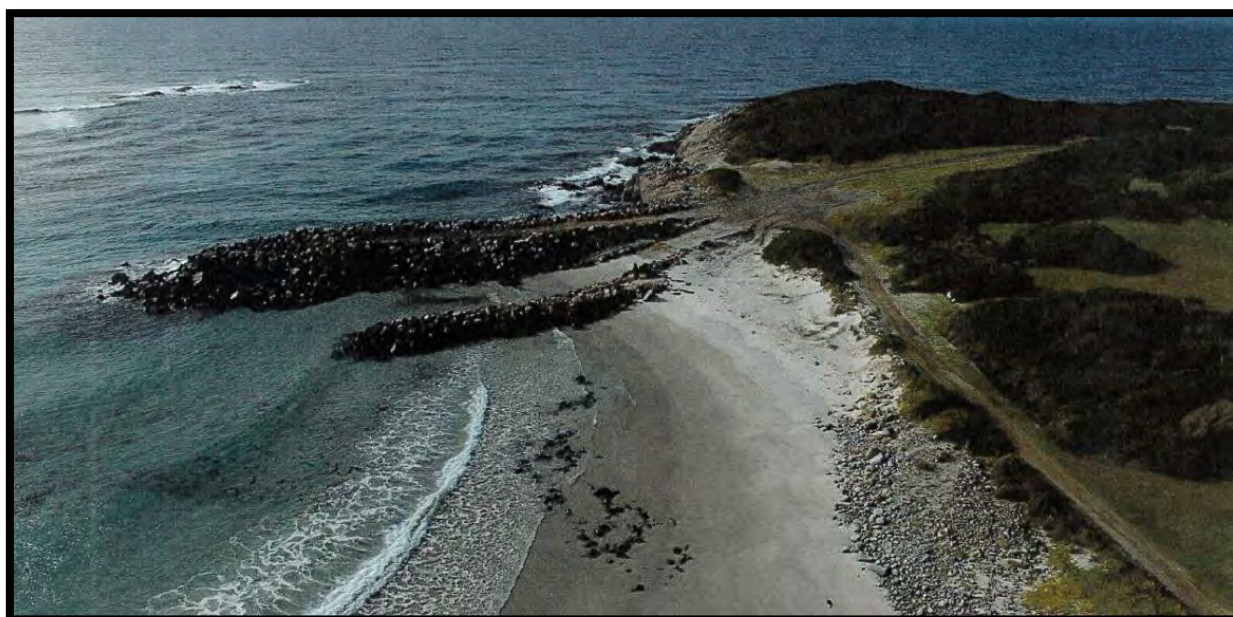
Development Permit Information

	Details
Development Description	RESERVE ACTIVITY ASSESSMENT (LVL 3) – BOAT RAMP
Relevant Period of Approval	2 Years
Other Necessary Permits	Undertaking works on Crown land
Attachments	Nil
Representations	One (1)

Report Prepared by:	Deb Szekely
Date:	02 January 2024

INTRODUCTION:

The applicant is seeking retrospective approval for foreshore works involving the construction of a boat ramp and associated rock wall groynes. The application also seeks approval for remediating, upgrading and improving the existing eastern rock groyne and extending the existing boat ramp.



PREVIOUS COUNCIL CONSIDERATION:

Nil




OFFICER'S REPORT:

1. The Proposal

Retrospective approval is being sought for an existing breakwater and boat ramp development on crown land (conservation area) situated at Ironhouse Point. The mapping below demonstrates the tenure of the development area. Access is via the Tasman Highway entrance for White Sands Estate with an existing crown licence servicing the adjacent crown land. The existing boat ramp and associated infrastructure is historic with evidence of development as early as 1987 (see below photo).



Development site and Land Tenure

 Conservation Area  Public Reserve  Private Freehold



Historic Imagery 1987



Historic Imagery 1979

The application also seeks approval for remediating, upgrading and improving the existing eastern rock groyne and extending the existing boat ramp. The modifications and repair works aim to reinstate the rock breakwater to facilitate improved wave protection and reduce siltation of the ramp. The existing outer breakwater has reportedly experienced considerable damage thought to be during the June 2016 east coast swell event. “This may have been due to design wave conditions being exceeded however the placement, sizing and batter of the armour rock during construction would have also contributed to the failure of the structure” (Burbury Consulting, 21/12/2022).

The proposed development has been referred to and considered by the Tasmania Parks and Wildlife Service and a Reserve Activity Assessment (RAA) conducted. Tasmania Parks and Wildlife Service has provided a signed RAA (3866) with the concept supported. The RAA (3866) has approved the activity with conditions in the form of the Activity Plan. The Activity Plan forms part of the approved plans and documents.

2. Applicable Planning Assessment

- 23.0 Environmental Management Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C11.0 Coastal Inundation Hazard Code

3. Referrals

1. Department of State Growth

“DSG have no comment to make on this application.”

2. Marine and Safety Tasmania

“MAST has no issues with the proposal”.

3. Tasmania Parks and Wildlife Service

Reserve Activity Assessment submitted to Break O’Day Council.

4. Aboriginal Heritage Tasmania

“Thank you for referring this DA to Aboriginal Heritage Tasmania (AHT).

I can advise that we have previously reviewed and accepted the Aboriginal heritage assessment report prepared by Gondwana Heritage Solutions. As outlined in the report, there is no known Aboriginal heritage within the footprint of the boat ramp, though there is Aboriginal heritage recorded within the immediately surrounding area.

As no Aboriginal heritage is proposed to be impacted by the works a permit is not required under the Aboriginal Heritage Act 1975. All works should be guided by the Unanticipated Discovery Plan and the proponent should note and adhere to the recommendations made within the Aboriginal heritage assessment report.”

4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

State Planning Provisions Version 5

- C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1;
- C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area P1;
- C11.5.1 Use within a high coastal inundation hazard band P1;
- C11.6.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area P1.

Detailed assessment against the provisions of the *Tasmanian Planning Scheme – Break O’Day* version 5 where the proposal was reliant on satisfying the performance criteria, is provided below.
The proposal is deemed to comply with the performance criteria applicable.

Planning Assessment

23.0 ENVIRONMENTAL MANAGEMENT ZONE

The proposed development was able to satisfy all relevant acceptable solutions of the Use Standards and Development Standards of the Environmental Management Zone.

C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE

The proposed development was able to satisfy all relevant acceptable solutions of the Use Standards and Development Standards of the Parking and Sustainable Transport Code.

C3.0 ROAD AND RAILWAY ASSETS CODE

C3.5. USE STANDARDS

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Acceptable Solutions	Performance Criteria
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none">(a) a new junction;(b) a new vehicle crossing; or(c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none">(a) the amounts in Table C3.1; or(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none">(a) any increase in traffic caused by the use;(b) the nature of the traffic generated by the use;(c) the nature of the road;(d) the speed limit and traffic flow of the road;(e) any alternative access to a road;(f) the need for the use;(g) any traffic impact assessment; and(h) any advice received from the rail or road authority.

Assessment against the Performance Criteria is required.

Performance Criteria Assessment

A1.1 NA

A1.2 NA

A1.3 NA

A1.4 No

A1.5 Yes

A1.1 Tasman Highway is not a Category 1 road.

A1.2 The access is not a new access but is existing and services the White Sands facility.

A1.3 Does not involve the rail network.

A1.4 The application is seeking approval for an existing boat ramp in addition to extending the boat ramp and repairing the rock groyne. The assessment of this standard has been conducted as if the boat ramp is not existing as it does not have the necessary approvals. As such it is reasonable to assume that there will be an increase in vehicle movements. The application was referred to the Department State Growth who had no comment to make on the application. The current access arrangements includes a dedicated turning lane into the site. As the boat ramp is existing the existing access currently services this use. The design of the access allows for separated access from the highway with southbound traffic able to continue despite turning traffic. The road authority, Department State Growth have been provided with all relevant information regarding the application and have no comment to make and have not requested a Traffic Impact Assessment.

Traffic can leave and access in a forward direction.

The proposed development is able to satisfy the performance criteria.

C7.0 NATURAL ASSETS CODE

C7.6 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none">(a) be within a building area on a sealed plan approved under this planning scheme;(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none">(a) impacts caused by erosion, siltation, sedimentation and runoff;(b) impacts on riparian or littoral vegetation;(c) maintaining natural streambank and streambed condition, where it exists;

<p>shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<ul style="list-style-type: none"> (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the <i>Wetlands and Waterways Works Manual</i>; and (n) the guidelines in the <i>Tasmanian Coastal Works Manual</i>. <p>P1.2</p> <p>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity;
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	<p>(e) provision of essential utility or marine infrastructure; or</p> <p>(f) provisions of open space or for marine-related educational, research, or recreational facilities</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The development application is for proposed foreshore works on the Western end of McIntyres Beach, accessed from White Sands Estate.</p> <p>The existing rock groyne wall and boat ramp are seeking retrospective approval as well as works to repair the rock groyne wall and extend the length of the boat ramp (concrete).</p> <p>The development includes the maintenance of an existing rock groyne wall to repair and reinstate the same. The extension of the boat ramp provides for safe access for boat users. The proposal supports the operations of the White Sands Estate.</p> <p>As the boat ramp and groyne is seeking retrospective approval, the development has been considered as if it was not existing and is therefore unable to satisfy the acceptable solution (A1(c)).</p> <p>The development occurs within the spatial extent of tidal waters with the car parking area also contained within the waterway and coastal protection area overlay.</p> <p>The car park and access to the boat ramp is compacted gravel resisting erosion and sediment runoff. The boat ramp is constructed of concrete. The development does not require the removal of any vegetation nor impact on any watercourses. The proposal does not include any changes to natural drainage or impact on natural flows. There is no filling of wetlands proposed. Historically the site has supported the boat ramp since approximately the 1980s.</p> <p>The design of the proposed boat ramp extensions and groyne remediation has been investigated in a report prepared by Burbury Consulting in order to conduct a wave climate, breakwater and ramp assessment.</p> <p>The application materials also included a Natural Values Assessment conducted by Elgin Associates. This document was reviewed and referred also to Conservation Assessments a department of the Department of Natural Resources. They identified further work to be conducted and as a result an amended report dated 20 March 2023 was provided. This revision updated the report and included matters raised by Conservation Assessments. Additionally a further Natural Values Assessment was carried out by Enviro-Dynamics.</p> <p>Both of these reports identified that the major disturbance to the area had already occurred in the historic use of the area dating back to 1979. The additional works proposed “will not have any direct impacts on terrestrial vegetation or flora and fauna values provided that all vehicles and machinery used for groyne works remain on existing hardened surfaces to prevent any impact on the adjacent vegetation occurred. Ongoing impacts of the development are limited to the spread of weeds, coastal processes and ongoing disturbance of foraging habitat for the hooded plover.” Recommendations were made by the authors mainly around weed management and preventing road base materials moving to the beach. Appropriate conditions will be made to address the same.</p>	

Consideration has been given to coastal processes by submitting a Wave Climate, Breakwater and Ramp Assessment prepared by Burbury Consulting (appropriately qualified). The report acknowledges that historical development on the site (since 1979) has impacted sand movement around the site and causes a build-up of sediment on the ramp. It further states there is no sign of increasing erosion on the beach to the north of the ramp. Extending the groyne may simply extend the build-up of sediment further and still require ongoing maintenance. The existing outer breakwater has sustained considerable damage during large swell events, in particular the June 2016 east coast swell event and in its current condition the breakwater is likely to experience further damage. The report has considered:

- site characteristics and coastal processes
- existing structures
- proposed breakwater design
- Materials and quantities
- Ramp design
- Sediment transport.

The authors have concluded:

“The current degraded condition of the breakwall, significantly reduces its durability to withstand further storm damage unless remediation takes place to return the crest to design height, batter slopes returned to correct grades and armour arranged appropriately.

Continual sedimentation of the facility will take place as there is a barrier between North-South sediment transport although an extended ramp and associated reduced ramp channel may reduce the quantity and rate of sediment deposition.”

These reports have been considered by Tasmanian Parks and Wildlife Service with a Reserve Activity Assessment released. The RAA states the need for the project is based on seeking approval for works performed on Crown land and to improve the boating safety access for users of the facility. The boat ramp is the only ocean accessible boat ramp before St Helens that provides a form of protection to wave action, particularly the easterly seas.

The RAA concluded that:

“The site assessments for marine, terrestrial, aboriginal and coastal have all been completed and are attached to this RAA. All assessments indicate that the proposed works will not result in a detrimental impact to the natural environments and nominated mitigations for managing the works, improving rock protection design of the breakwater to reduce rock movement will result in improved environment for the marine and terrestrial species in the area”.

The submitted natural values assessment acknowledges that the rock groyne and boat ramp has been in place for quite some time without necessary approvals and concludes:

“The majority of the potential impacts from the previous or future works are expected to be highly localised and/or restricted to periods of construction activities. It is also recognised that the placement of rock and coastal modifications at the site have been ad-hoc for more than 10 years. Consequently, much of the disturbance to any natural values has already occurred. Impacts to natural values from previous construction activities likely include habitat disturbance and loss of taxa during excavation works, trampling by machinery and during placement of rock armour.”

The report considered the potential impacts to natural values by future works against a ‘do nothing’ scenario which ignores improving the safety of ramp users.

The proposed design aims to repair the existing groyne but not extend beyond the existing footprint and will stabilise the structure currently experiencing deterioration. Any adverse impacts during the construction phase have been addressed in the Construction Environmental

Management Plan. It is acknowledged that the majority of the development area has been highly modified by construction of the rock groyne and boat ramp with modification of the boat ramp to extend it by approximately 12m. Engineering review concluded that “the remediation of the breakwater and slight adjustment in length of the boat ramp will retain similar processes of the site and on-going maintenance of the ramp for sand removal will be required”. This is because it was determined by coastal engineers that the sand build up at the groyne is due to southerly moving sands likely from north to north easterly driven waves. The report further stated that there is no strong evidence of the beach to the north of the groyne being starved of sand.

The Construction Environmental Management Plan identifies the activity and recommendations for addressing any impacts of these activities e.g. turbidity, erosion and sediment control etc.

The proposed development is able to satisfy relevant performance criteria.

C11.0 COASTAL INUNDATION HAZARD CODE

C11.5 USE STANDARDS

C11.5.1 Use within a high coastal inundation hazard band

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>A use within a high coastal inundation hazard band must be for a use which relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of an essential utility or marine infrastructure; (f) provision of open space or for marine-related educational, research or recreational facilities; (g) any advice from a State authority, regulated entity or a council; and (h) the advice obtained in a coastal inundation hazard report. <p>P1.2</p> <p>A coastal inundation hazard report also demonstrates that:</p> <ul style="list-style-type: none"> (a) any increase in the level of risk

	<p>from coastal inundation does not require any specific hazard reduction or protection measures; or</p> <p>(b) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.</p>
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The proposed development is for the retrospective approval of a rock groyne and boat ramp including car park for pleasure boat use. As such there is a need to access coastal waters from a coastal location. The site is within crown land and there is a crown licence in place.</p> <p>The application has been referred Tasmania Parks and Wildlife Service and undergone a Reserve Activity Assessment. Submitted documents have been considered by the referral agency including:</p> <ul style="list-style-type: none"> • Natural Values Assessment – Marine Based Survey performed by Elgin Associates; • Natural Values Assessment – Land Based Survey performed by Enviro-Dynamics; • Aboriginal Heritage Survey performed by Gondwana Heritage Solutions; • Engineering Design Review (existing structures) by Burbury; • Concept Design Development (recommendation for upgrades/improvements) by Burbury; and • Coastal Vulnerability Assessment (existing and proposed structures) by Burbury • Final 'For Construction' Drawings. <p>The RAA lists control options that are management actions to be taken to avoid or minimise any likely negative impacts. The development will be conditioned appropriately to include these management actions.</p> <p>The applicant has provided a coastal inundation hazard report that concludes the breakwater and ramp have been designed to be inundated and maintain a tolerable risk for the intended life of the development. Under extreme high-water level conditions access to the ramp/breakwater will be managed in accordance with marine safety alerts.</p> <p>The breakwater has been designed with consideration to the increase in sea level of 0.8m by 2100 and the associated impact on the design wave climate.</p> <p>Given the structures are designed for inundation, there is no foreseeable change to the level or risk of inundation.</p> <p>The proposed development satisfies the performance criteria.</p>	

C11.6 DEVELOPMENT STANDARDS FOR BUILDING AND WORKS

C11.6.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to:</p> <ul style="list-style-type: none"> (a) whether any increase in the level of risk from coastal inundation requires any specific hazard reduction or protection measures; (b) any advice from a State authority, regulated entity or a council; and (c) the advice contained in a coastal inundation hazard report. <p>P1.2</p> <p>A coastal inundation hazard report also demonstrates that the building or works:</p> <ul style="list-style-type: none"> (a) do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works.
<p>Assessment against the Performance Criteria is required.</p> <p>Performance Criteria Assessment</p> <p>The applicant has provided a coastal inundation hazard report that concludes the breakwater and ramp have been designed to be inundated and maintain a tolerable risk for the intended life of the development. Under extreme high-water level conditions access to the ramp/breakwater will be managed in accordance with marine safety alerts.</p> <p>The breakwater has been designed with consideration to the increase in sea level of 0.8m by 2100 and the associated impact on the design wave climate.</p> <p>Given the structures are designed for inundation, there is no foreseeable change to the level or risk of inundation.</p> <p>The submitted Wave Climate, Breakwater and Ramp Assessment prepared by Burbury Consulting Engineering and Project Management, has considered the structural / design aspects and wave climate with the breakwater crest height, batter slopes and materials grade assessed to ensure the design is compatible with the marine environment.</p> <p>The proposed development satisfies the performance criteria.</p>	

5. Representations

The application was advertised 25 November 2023 until close of business on 8 December, 2023 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

Issue	Response
Sustainable Development Principles - RMPS	The development has been assessed against the Tasmanian Planning Scheme – Break O’Day which has been deemed by the State Government to satisfy the requirements of the Land Use Planning and Approvals Act 1993 and forms part of the Resource Management and Planning System (RMPS).
State Coastal Policy	<p>The State Planning Provisions have been determined by the State Government as consistent with the State Coastal Policy 1996 and compliant with S15 SPPs criteria of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>. The purpose and objectives within the Environmental Management Zone are contained within the State Planning Provisions as are the relevant Codes. The development has been assessed against each relevant zone and code provision within the State Planning Provisions.</p> <p>Additionally, the zone Environmental Management has been applied to the subject site within the Break O’Day Local Provisions Schedule. The Tasmanian Planning Commission has approved the BOD LPS as being consistent with each State policy (S34 (2) (d) LUPAA).</p> <p>The Break O’Day has transitioned to the Tasmanian Planning Scheme, including the Break O’Day Local Provisions Schedule and as such a separate assessment against the State Coastal Policy 1996 is not required.</p>
Break O’Day Planning Scheme – does not comply with the scheme.	The proposed development has been assessed against the relevant provisions of the Tasmanian Planning Scheme. This assessment is contained within the body of the report.
Precedent	The application has been received in accordance with the requirements of the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme – Break O’Day.

	Council as the planning authority is obliged to accept applications in accordance with the statutory requirements.
Rock Material source	The applicant has advised that the rock material has been sourced from the establishment of the vineyards on the adjoining property (White Sands Estate). The development has also been conditioned appropriately.

The recommendation for approval has been made following due consideration of the representation and comments.

6. Mediations

Nil.

7. Conclusion

In accordance with 6.10 of the *State Planning Provisions*, the application has been assessed against the objectives of the Scheme, in particular the Environmental Management Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and four (4) Performance Criterion. The received representation has been considered.

It is recommended for approval with conditions normally set to this type of development.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Key Focus Area:

Appropriate Development. Encourage sensible and sustainable development through sound land use planning, building and design.

LEGISLATION & POLICIES:

Tasmanian Planning Scheme – Break O'Day

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not applicable, all costs of the development are the responsibility of the developer.

VOTING REQUIREMENTS:

Simple Majority

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.



COUNCIL RESOLUTIONS - MEETINGS - PUBLIC

09/01/2024

27

GOALS

57%

GOAL COMPLETION

COUNCIL RESOLUTIONS PLAN

COUNCIL RESOLUTIONS - DECEMBER 2023

Current Completion	Meeting	Date Due	Goal	Resolution / Action	Update	Owner
100%	18/12/2023	08/01/2024	12/23.6.1.263 DA 041 -2023 Residential – Construction of a Dwelling, Carport & Shed	After due consideration of the application received and Pursuant to Section 57 of the <i>Land Use Planning & Approvals Act 1993</i> and the <i>Break O'Day Interim Planning Scheme 2013</i> that the application for RESIDENTIAL – CONSTRUCTION OF A DWELLING, CARPORT & SHED	Planning Permit issued 21st December 2023	Development Services Coordinator
31%	18/12/2023	08/01/2024	12/23.14.3.273 Trial of Green Waste – Fee free days at the Ansons Bay WTS	That Council trial Green Waste 'fee free days' at the Ansons Bay Waste Transfer Station in the current financial year.	Free Sunday green-waste trial at Ansons Bay commenced from Sunday 24 Dec 2024.	Manager Infrastructure and Development Services
100%	18/12/2023	08/01/2024	12/23.15.2.275 C609 - Interim Safeguarding Children and Young People Policy	That Policy No C609 – Interim Safeguarding Children and Young People Policy be adopted.	Policy adopted and included in Policy Register. Implementation processes are being progressively developed based on advice and guidance received.	Corporate Services Coordinator
25%	18/12/2023	08/01/2024	12/23.16.2.278 Draft Amendments – Break O'Day Local Provisions Schedule	The Break O'Day Council, acting as the planning authority, submits the attached Section 40K Report to the Tasmanian Planning Commission in response to the exhibited substantial modifications to the Break O'Day Local Provisions Schedule.	Section 40K Report, a copy of the representations and a copy of the Council Minutes (December 18) were forwarded to the TPC on 21/12/2023 the day on which the council minutes were released. We now await a response from the TPC in relation to the date of the Hearings.	Senior Town Planner

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	18/12/2023	08/01/2024	12/23.17.3.281 Managing conflicts of interests of Councillors Framework Review	That Council provide a submission based on the comments in this report and additional comments provided by Councillors	Timeframe for consultation extended and item relisted with draft submission for January Council meeting	General Manager
75%	18/12/2023	29/02/2024	12/23.17.4.282 Future of Local Government Review – Final Report	That Council provide a submission by the end of February as discussed in Council Meeting.	Item relisted for discussion at the January 2024 Council meeting	General Manager
100%	18/12/2023	08/01/2024	12/23.17.5.283 Review – LG01 – Elected Members Allowances and Support Policy	That Draft Policy LG01 – Councillors Allowances, Expenses and Support Policy as amended, be adopted.	Adopted policy included in Policy register for implementation	Corporate Services Coordinator
100%	18/12/2023	08/01/2024	12/23.17.6.284 The lease of a portion of 29 Talbot Street, Fingal to Centacare Evolve Housing	That Council, by absolute majority: Resolves to receive the General Manager's recommendation to progress the lease of a portion of 29 Talbot Street, Fingal to the Centacare Evolve Housing. Resolve pursuant to Section 178 (6) of the Act that Council provide notice in writing within 7 days after making a decision, advise all persons who lodged an objection of the decision and the right to appeal against that decision under section 178A.	Notification provided to Representors in accordance with legislative requirements and legal advice.	General Manager
100%	18/12/2023	31/01/2024	12/23.8.1.264 Upper Esk Road Access Petition	That a response be prepared by Council Officers.	Response sent to the Petitioners based on Councils decision and advising that the matter would be raised with Sustainable Timber Tasmania and that the situation with Old Roses Tier Road would be assessed.	General Manager
20%	18/12/2023	29/02/2024	12/23.9.1.265 Indigenous name for St Patricks Head – Cllr J Drummond	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i> That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.	The matter has been raised with Parks & Wildlife Service seeking their guidance on the request.	General Manager
30%	18/12/2023	31/01/2024	12/23.9.2.266 Break O'Day Council to partner with the Sarah Road Safety Group – Mayor M Tucker	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i> That Council consider becoming a partner with the Sarah Road Safety Group.	The Manager Infrastructure & Development Services has contacted the SARAH Group regarding partnering with the organisation. Information when received will be provided to the Council for information and discussion. at the earliest opportunity.	Manager Infrastructure and Development Services

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
0%	18/12/2023	31/01/2024	12/23.9.3.267 Community landscape plan or policy for our townships– Deputy Mayor K Chapple	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</p> <p>That Council develop a community park / garden landscape plan / and or policy for our townships.</p>	Activity not commenced at this stage.	Manager Infrastructure and Development Services

COUNCIL RESOLUTIONS - NOVEMBER 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
100%	20/11/2023	12/12/2023	11/23.16.2.256 Draft Land Use Planning and Approval (Development Assessment Panel) Amendment Bill 2023	The proposed draft submission, with any required amendment by the Break O'Day Council, be forwarded to the State Planning Office and a copy sent to the Local Government Association of Tasmania in response to their request for comment on the Position Paper – DAP Framework.	Following the discussion at the Council meeting, the submission was then forwarded to the Tasmanian Planning Office and a copy given to the Local Government Association Tasmania. Following the consultation period, the advice provided is that the DAP framework will be modified, and the Government will prepare a draft amendment to the Act. There will be a further consultation phase regarding the legislative amendments. The state government expects to present a Bill to Parliament in early 2024.	Senior Town Planner
90%	20/11/2023	31/03/2024	11/23.16.3.257 Proposed Environmental Health By-Law	1. In accordance with section 159 of the <i>Local Government Act 1993</i> (LGA), Council consider all submissions made in relation to the proposed Environmental Health By Law; 1. That Council resolve by absolute majority to: 1. adopt the recommended alterations to the proposed by-law as outlined in this report and the draft by-law attached; and 2. Authorise the affixing of the Council's Common Seal to the Break O' Day Council Environmental Health By-Law No.1 of 2023, as attachment 3 to the agenda of 20/11/2023, and its subsequent certification by the General Manager and a legal practitioner.	The Environmental by-Law is now certified and in operation. Final step is for the by-law to be tabled in Parliament, currently proposed to occur in March 2024	Development Services Coordinator
0%	20/11/2023	12/12/2023	11/23.17.2.259 Council Meeting Dates and Workshop Dates for 2024	That the following dates and times be approved for Council Meetings and Workshops to be held in 2024.	Advertising of meeting dates will be undertaken in January	General Manager
100%	20/11/2023	12/12/2023	11/23.17.4.261 Tasmania Fire and Emergency Service Bill	That Council provide feedback to the draft <i>Tasmania Fire and Emergency Service Bill</i> based on the points identified below.	Feedback was provided on the draft Bill based on the discussion at the Council meeting	General Manager

COUNCIL RESOLUTIONS - OCTOBER 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
10%	16/10/2023	31/10/2023	10/23.16.2.242 Public Open Space Contributions Policy	Public Open Space Contributions Policy AM02 be amended to recognise that the Break O'Day Council has transitioned from the Break O'Day Interim Planning Scheme 2013 to the Tasmanian Planning Scheme, including the Break O'Day Local Provisions Schedule. The amendment removes references to the Interim Scheme.	Working with Development Services to update and publish in appropriate locations.	Corporate Services Coordinator
40%	16/10/2023	31/12/2023	10/23.17.3.246 State Election Priorities	That the following priorities form the basis of Council's lobbying activities for the next State Election 1. St Marys Pass 2. Bay of Fires Master Plan 3. Georges Bay Foreshore Trackt 4. St Helens District High School 5. St Marys Childcare Centre 6. St Marys Community Health Centre	Priority document under preparation drawing on information from State Budget Community consultation response	General Manager

COUNCIL RESOLUTIONS - AUGUST 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
25%	21/08/2023	31/12/2023	08/23.15.4.200 Bay of Fires Master Plan	<p>That Council does not proceed with the development of the Bay of Fires Master Plan due to additional funding not being received from the State Government.</p> <p>That Council as part of the State Election process lobby for a commitment from both the Liberal and Labor parties for funding of \$150,000 for the development of a Bay of Fires Master Plan.</p>	<p>Following Council's decision, an opportunity presented itself to raise the matter with Minister Jaensch during a recent meeting and discuss in detail Council's position. As part of lobbying activities for future elections the project is being submitted through the NTDC Priority Projects review process. It will also be included in the State Election Priorities</p>	Manager Community Services
28%	21/08/2023	31/12/2023	08/23.15.6.202 Reconciliation Action Plan	<p>That Council accept the quote of \$11,750.00 + GST as quoted by Reconciliation Tasmania (RT) to develop a Reconciliation Action Plan (RAP) for the Break O'Day Community. This cost excludes the cost of professional graphic art for RAP format, layout, artwork and photography, professional printing of the RAP document and associated promotional pieces – banners, flyers etc. as well as staff costs who will be working on the project.</p>	<p>Council approved the funding to undertake a Reconciliation Plan. Council will work with Reconciliation Tasmania to develop the plan for our community</p>	Manager Community Services

COUNCIL RESOLUTIONS - JUNE 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	26/06/2023	31/07/2023	06/23.9.2.131 Online Access Centre Funding – Cllr Carter	That Council write to the State Government requesting:	Follow up letter sent to Minister on 26/10/23 raising concerns. No response received as at 14/11/23.	General Manager
				<ol style="list-style-type: none"> 1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024. 2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023. 3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input 		

COUNCIL RESOLUTION MAY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
50%	15/05/2023	30/06/2023	05/23.17.6 Economic Development Strategy Review	That Council 1. Allocate funding within the 2023-2024 budget for the development of an Economic Development Strategy 2. Undertake an Expression of Interest (EOI) for a consultant to develop the Economic Development Strategy	Funding allocation included within draft 2023-24 Budget. Draft Consultants Brief has been prepared.	General Manager

COUNCIL RESOLUTIONS - MARCH 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
36%	20/03/2023	30/06/2023	03/23.15.7 St Helens Sports Complex	<ol style="list-style-type: none"> 1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project. 2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project. 	Meeting has been organised with staff to start developing a Brief for this project so that Expressions of Interest can be obtained in line with community feedback and usage.	Manager Community Services

COUNCIL RESOLUTIONS FEBRUARY 2023

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
75%	20/02/2023	30/06/2023	02/23.17.5 Live Streaming of Council Meetings	<ol style="list-style-type: none"> 1. That Council resolve to implement Live Streaming of Council Meetings; and 2. That the cost for the implementation for associated hardware and software be considered as part of the 2023-2024 budget deliberations. 	Installation date scheduled for the week beginning the 11 December.	Corporate Services Coordinator

COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
65%	21/02/2022	31/03/2022	02/22.16.5.39 - Management of Freshwater Resources and Water Quality	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	The NRM committee continues to monitor issues of concern with freshwater water resources and water quality management. Work to bring information on freshwater and river management by the Tasmanian Government agencies and bodies to Break O'Day through Council continues to be delayed.	NRM Facilitator
75%	27/06/2022	31/10/2022	06/22.15.3.123 - Outdoor Exercise Equipment - Scamander	That Council seek external funding to cover the cost of this project.	A grant opportunity has been identified and will be finalised at the September 2023 Council meeting with Council seeking \$50k. The location of the equipment will be finalised through a community engagement process.	Manager Community Services

COUNCIL RESOLUTIONS 2021

Current Co...	Meeting ...	Due D...	Goal	Resolution / Action	Update	Owner
20%	15/02/2021	31/08/2021	02/21.16.4.50 - Draft Policy LG55 – Use of Conferencing Technology to Attend Council Meetings and Workshops Policy	That Council note the draft Policy LG55 – Use of Conferencing Technology to Attend Council Meetings and Workshops Policy and await the outcome of the Local Government Act review.	The LG Reform Rview has now been completed. Staff are still reviewing this document.	Executive Officer

Nil.

MOTION:

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

That council urgently petition State Government Department of State Growth for a speed limit reduction on the section of Tasman Hwy between St Helens and Beaumaris, from the current limit of 100KM P/H to 80KM P/H.

SUBMISSION IN SUPPORT OF MOTION:

Sections of this road are very unsafe, due to it being narrow, winding and with no sealed shoulders.

Over the past several years there have been numerous serious accidents on the stretch of road between the Break O'Day Archery club and Dianas Basin in particular. One of these accidents resulted in the tragic death of a local woman last year.

With the recent motion put forward by Mayor Tucker for council to partner with SARA (Safer Australian Roads and Highways), I feel this is a very appropriate action for Council to take. This will demonstrate our commitment to safer roads and highways within our municipality.

While there are future plans for widening and upgrading sections of this highway, it has been stated in previous council discussions that the next section to be budgeted for is the section from the bottom of St Marys pass to Scamander. The section between St Helens and Beaumaris, including the stretch around Dianas Basin is not budgeted for and it is likely to be several years before safety improvements, sealed shoulders, widening and realignment work is scheduled or budgeted for.

I am sure many of us have had close calls along this section of highway, due to some drivers trying to maintain the 100km limit in unsafe circumstances.

The speed limit is exactly that, a limit not a target.

We could lose more lives and will almost certainly see many more accidents on this stretch of road prior to funding becoming available and remedial work being carried out. Therefore, a reduction in the speed limit from 100kmph to 80kmph is critical in the interim.

Many of our local residents, especially parents of learner or newly licensed drivers, are extremely concerned about this section of road, and feel it to be very unsafe particularly with the current speed limit.

Previous comments have suggested that reducing speed limits will mean that it takes longer to travel to St Helens. I would suggest that reducing the speed limit on this section would increase the time taken for a journey from St Marys to St Helens to no more than 3 minutes. Road safety and saving lives are far more important than a few minutes additional travel time.

01/24.9.2 Binalong Bay Parking, Traffic and Pedestrian Safety – Mayor Tucker

MOTION:

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

Council Officers review the existing Binalong Bay Foreshore Master Plan and develop a project scope that can be used to engage an expert to provide a report on the following:

- 1) Improved Parking Accessibility
- 2) Assessment of Additional Parking Areas, traffic calming and pedestrian safety improvements.

SUBMISSION IN SUPPORT OF MOTION:

Council and the community are more than aware of the growing traffic and parking issues evident in the Binalong Bay Township at peak periods and this has again been raised by visitors and the community this summer. The Binalong Bay Foreshore Master Plan completed in January 2014 suggested some parking and traffic improvements to assist in dealing with the problem. Council has made good progress so far in implementing these but more needs to be done.

While Council has a role to play in improving parking availability, pedestrian and traffic safety it needs to be recognised that there are very limited options available to deal with the current and the likely future level of visitors that Binalong Bay and the Bay of Fires area attract. While Council has a small leased area on the foreshore of Binalong Bay, State regulations, Aboriginal heritage and environmental constraints limit what can be done by Council to solve these issues.

To make matters worse, the State Government walked away from funding the Bay of Fires Master Plan last year. It beggars' belief that an area where tourists are flocking to on mass has no agreed plan on how this will be managed into the future. Council can only do so much and for now I'd like to see what we can do to improve parking in Binalong Bay, ensure the town is safe to walk in and that traffic speeds are kept as low as possible. In the absence of the State Government playing its

role in protecting and supporting the Binalong Bay and Bay of Fires area these is little more we can do for now.

Council doesn't have the internal resources available to undertake this work given the existing projects being worked on. We will need to engage a consultant for this work, if staff can examine the situation and develop a project scope of work which needs to be done for Council to consider at the February meeting, we can then obtain an estimate of the likely cost with the aim of including a line item to deliver the project in 2024/2025.

We know this won't fix the issue overnight, but we must keep working with the Binalong Bay community to plan for the future as much as we can until the State Government comes to the table.

01/24.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

01/24.11.0 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.

01/24.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

01/24.12.1 Mayor's Communications for Period Ending 15 January 2024

09.01.2024	St Helens	– Meeting with Brett Whiteley regarding the East Coast Regional Partnership
10.01.2024	St Helens	– Break O'Day Council Awards Committee
15.01.2024	St Helens	– Council Meeting

01/24.12.2 Councillor's Reports for Period Ending 15 January 2024

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

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple
- NRM Special Committee – Clr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre
- Mental Health Action Group – Clr Barry LeFevre
- Access and Inclusion Advisory Committee – Clr Janet Drummond
- Bay of Fires Master Plan Steering Committee – Clr Ian Carter

01/24.13.0 BUSINESS AND CORPORATE SERVICES

01/24.13.1 Corporate Services Department Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Business Services Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Audit Panel

The Audit Panel meets quarterly to review and discuss matters agreed by Council in the Audit Panel Charter and Work Plan. The minutes of the meeting are provided to Council for endorsement at the next available Ordinary meeting.

Key deliverables reviewed and assessed by the Audit Panel at its last meeting included the following:

- 1) Review Policies and Procedures – LG01 Elected Members Allowances and Support Policy
- 2) Review Policies and Procedures – LG02 Councillor Learning and Development Policy
- 3) Review Performance of Plans, Strategies and Policies including Performance against identified benchmarks.
- 4) Review of financial and management reporting
- 5) External Audit Reports
- 6) Review Managements Implementation of Audit Recommendations
- 7) Annual Review of Risk Management Framework Policies
- 8) Review Information and Communications Technology Governance, Including Processes and Controls for Management and Use of Data, Information and Knowledge
- 9) Review Business Continuity Plan
- 10) Receive Material Risk Management Reports
- 11) Receive Work Health and Safety – 6 Monthly Report
- 12) Risk Register – Quarterly Report
- 13) Review Audit Panel Charter

State Grants Commission

Review of Financial Assistance Base Grant Methodology

The impacts of removing the per capita allocation to all councils and estimating councils' expenditure requirements based on the service population.

In November last year the State Grants Commission issued a 'conversation starter' relating to the distribution of the Financial Assistance Grants. The General Manager and Manager of Business Services reviewed the document and provided feedback on the proposal.

Tasmania Audit Office (TAO)

Private Works Audit

The TAO have undertaken a review into private works delivered by the local government sector. Staff have provided information as requested and engaged with the TAO in relation to the audit process and findings. The audit will be complete in the coming month with a report to be provided to Parliament in due course.

Investments

High term deposit rates and market competition for business continues to see Council's investment portfolio performing very well. The restructured approach to term deposit maturity and reinvestment continues to deliver strong returns while maintaining the cash flow flexibility required to support our operational needs.

Maturing/ Matured	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
18.09.2023	3	1,000,000.00	12,876.71	\$ 1,012,876.71	5.00%	Bendigo	MATURED
10.11.2023	12	1,007,022.43	42,882.05	\$ 1,049,904.48	4.27%	CBA	MATURED
10.11.2023	12	1,008,843.21	42,959.58	\$ 1,051,802.79	4.27%	CBA	MATURED
29.11.2023	12	1,500,000.00	64,921.64	\$ 1,564,921.64	4.34%	CBA	MATURED
18.12.2023	6	1,000,000.00	26,863.01	\$ 1,026,863.01	5.30%	Bendigo	CURRENT
24.01.2024	12	1,100,000.00	49,912.88	\$ 1,149,912.88	4.55%	Bendigo	CURRENT
05.02.2024	5	1,000,000.00	20,375.00	\$ 1,020,375.00	4.89%	CBA	CURRENT
19.03.2024	9	1,000,000.00	40,912.33	\$ 1,040,912.33	5.45%	Bendigo	CURRENT
02.04.2024	9	1,500,000.00	62,325.00	\$ 1,562,325.00	5.54%	CBA	CURRENT
09.05.2024	9	3,000,000.00	123,075.00	\$ 3,123,075.00	5.47%	CBA	CURRENT
08.05.2024	6	1,500,000.00	39,375.00	\$ 1,539,375.00	5.25%	CBA	CURRENT
05.06.2024	9	2,000,000.00	76,200.00	\$ 2,076,200.00	5.08%	CBA	CURRENT
16.06.2024	12	1,000,000.00	54,295.89	\$ 1,054,295.89	5.40%	Bendigo	CURRENT
20.09.2024	12	2,000,000.00	106,200.00	\$ 2,106,200.00	5.31%	CBA	CURRENT
08.11.2024	12	1,000,000.00	54,100.00	\$ 1,054,100.00	5.41%	CBA	CURRENT
		\$20,615,865.64	\$817,274.09	\$21,433,139.73			

2023/2024 Rates Summary - 3 January 2024

	2023/2024		2022/2023	
Rates Brought Forward	%	\$	%	\$
Outstanding Rate Debtors		695,682.00		470,736.59
Less Rates in Credit		-271,007.13		-280,014.02
Net Rates Outstanding at 30 June 2023	3.39	424,674.87	1.72	190,722.57
Rates and Charges Levied	96.06	12,025,740.76	97.71	10,827,668.09
Interest and Penalty Charged	0.55	69,185.95	0.57	63,543.08
Total Rates and Charges Demanded	100.00	12,094,926.71	100.00	10,891,211.17
Less Rates and Charges Collected	68.90	8,625,930.86	71.28	7,899,602.27
Less Credit Journals and Supp Credits	1.11	138,644.31	0.17	18,385.82
Remissions and Discount	4.88	610,760.55	5.06	560,662.31
Unpaid Rates and Charges 3 January	25.11	3,144,265.86	23.49	2,603,283.34

Remissions and Discounts

	2023/2024	2022/2023
Early Payment Discount	116,914.18	105,980.19
Pensioner Rebates	493,846.37	454,682.12
	610,760.55	560,662.31

Number Rateable Properties	6,866	6,554
Number Unpaid Rateable Properties	2,932	3,464
% Properties Not fully paid	42.70	52.85

Right to Information (RTI) Requests

Nil

132 and 337 Certificates

	132	337
December 2023	30	12
November 2023	45	24
December 2022	39	18

Debtors/Creditors @ 3 January 2024

DEBTORS INFORMATION

Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
44	\$ 13,714.53	439	63	493

CREDITORS INFORMATION

Payments Made

Current			Previous Year	
Month	Mth Value	YTD 23/24	Month	YTD 22/23
256	\$ 961,466.93	1856	255	1460

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Business Services Manager
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

That the following reports for the month ending 31 December 2023 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023

INTRODUCTION:

Presented to Council are the monthly financial statements.

PREVIOUS COUNCIL CONSIDERATION:

Council considers financial reports on a monthly basis.

OFFICER'S REPORT:

The financial statements as shown below show the financial position of Council as at 31 December 2023.

Profit and Loss

Break O'Day Council

For the 6 months ended 31 December 2023

Account	Actual YTD	Budget YTD	Budget Variance % YTD	Annual Budget	Notes
Trading Income					
Rates	11,920,419	11,845,314	1%	11,845,314	
User Fees	661,709	662,296	0%	1,383,879	
Operating Grants	319,565	1,196,553	-73%	3,897,036	1
Interest & Investment Income	370,254	408,228	-9%	816,457	
Contributions	33,497	7,950	321%	15,900	
Other Revenue	178,450	44,280	303%	88,550	2
Total Trading Income	13,483,893	14,164,621	-5%	18,047,136	
Gross Profit	13,483,893	14,164,621	-5%	18,047,136	
Capital Grants					
Grants - Commonwealth Capital	1,994,645	1,553,244	28%	3,106,489	
Grants - Roads to Recovery	49,270	323,500	-85%	647,000	
Grants - State Capital	107,544	492,500	-78%	985,000	
Total Capital Grants	2,151,459	2,369,244	-9%	4,738,489	
Other Non Operating Income					
Net Gain/Loss on Disposal of Assets	67,669	60,000	13%	120,000	
Total Other Non Operating Income	67,669	60,000	13%	120,000	
Total Non Operating Revenue	2,219,128	2,429,244	-9%	4,858,489	
Operating Expenses					
Employee Costs	2,898,727	3,057,052	-5%	6,114,089	
Materials & Services	3,352,707	3,926,704	-15%	7,026,009	3
Interest Expense	113,218	123,954	-9%	247,910	
Depreciation	2,322,975	2,328,894	0%	4,657,790	
Other Expenses	132,144	134,502	-2%	269,008	
Total Operating Expenses	8,819,771	9,571,106	-8%	18,314,806	
Operating Net Profit	4,664,123	4,593,515	2%	(267,670)	
Net Profit (Including Non Operating Revenue)	6,883,250	7,022,759	-2%	4,590,819	
Work in Progress					
Capital Work in Progress	1,976,361	0	0%	0	
Total Work in Progress	1,976,361	0	0%	0	

Notes

1. Operating grants are down \$877k on budget YTD, which primarily relates to receiving of the 23/24 Financial Assistance Grants in the prior financial year.
2. Other revenue is up \$134k on budget YTD which primarily relates to insurance recoveries.
4. Materials and services are down \$573k (15%) on budget YTD which relates to a combination of timing of some payments and some areas currently recording a lower level of spending than forecast for the YTD.

Balance Sheet

Break O'Day Council

As at 31 December 2023

Account	31 Dec 2023	30 Jun 2023
Assets		
Current Assets		
Cash & Cash Equivalents	17,953,230	14,434,952
Trade & Other Receivables	3,360,854	1,056,053
Inventory	197,801	242,538
Other Assets	2,838	2,838
Total Current Assets	21,514,724	15,736,380
Non-current Assets		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	190,806,885	193,139,070
Right of Use Asset	792,141	792,141
Intangible Assets	33,533	46,147
Investment in Water Corporation	33,959,804	33,959,804
Other Investments	30,000	30,000
Total Non-current Assets	225,636,754	227,981,554
Total Assets	247,151,478	243,717,934
Liabilities		
Current Liabilities		
Trade & Other Payables	639,881	902,701
Contract Liabilities	0	1,021,755
Lease Liability	60,783	60,783
Interest Bearing Loans & Borrowings	213,136	407,685
Provisions	947,362	947,362
Trust Funds and Deposits	748,236	742,459
Total Current Liabilities	2,609,399	4,082,745
Non-current Liabilities		
Lease Liabilities	741,882	741,882
Interest Bearing Loans & Borrowings	5,459,137	5,459,137
Provisions	766,323	766,323
Total Non-current Liabilities	6,967,342	6,967,342
Total Liabilities	9,576,741	11,050,087
Net Assets	237,574,738	232,667,847
Equity		
Accumulated Surplus	48,571,923	43,665,033
Reserves	189,002,814	189,002,814
Total Equity	237,574,737	232,667,847

Statement of Cash Flows

Break O'Day Council

For the 6 months ended 31 December 2023

Account	YTD	2023
Operating Activities		
Receipts from customers	831,655	1,409,618
Receipts from rates	9,162,370	10,670,679
Receipts from Operational Grants	320,597	4,840,072
Contributions	9,040	155,057
Interest received	176,254	546,447
Dividends received	194,000	465,600
Payments to employees	(2,993,013)	(5,738,665)
Payments to suppliers	(3,548,670)	(6,976,112)
Finance Costs	(135,350)	(343,938)
Cash receipts from other operating activities	750,034	232,623
Cash payments from other operating activities	729	421
Net Cash Flows from Operating Activities	4,767,644	5,261,801
Investing Activities		
Payment for property, plant and equipment	(2,200,629)	(5,069,745)
Capital Grants received	1,129,894	1,987,754
Net Cash Flows from Investing Activities	(1,070,735)	(3,081,991)
Financing Activities		
Proceeds of trust funds and deposits	11,691	57,599
Repayment of loans	(194,549)	(389,024)
Repayment of lease liabilities	0	773,131
Other cash items from financing activities	4,226	0
Net Cash Flows from Financing Activities	(178,631)	441,706
Net Cash Flows	3,518,279	2,621,516
Cash and Cash Equivalents		
Cash and cash equivalents at beginning of period	14,434,952	11,813,436
Net change in cash for period	3,518,279	2,621,516
Cash and cash equivalents at end of period	17,953,230	14,434,952

Break O'Day Council

Capital Works 2023-2024

for the period ending 31 December 2023

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024
Plant & Equipment				
Replace 1358 H66ZW - Kia Sportage - Building Surveying	-	40,000		40,000
Small Plant - VARIOUS	40,449		40,000	40,000
Replace 1050 - Crown LPG Forklift	198		25,000	25,000
Replace 1061 - John Deere 570B Grader	-		350,000	350,000
Replace 1223 - Hitachi EX7SUR-3 Excavator	-		150,000	150,000
Replace 1291 - Toro Mower	-		40,000	40,000
Replace 1329 - Toro Groundmaster 7200	-		30,000	30,000
Replace 1340 - Ferris IS3200 61" Mower	23,090		30,000	30,000
Replace 1360 - Dmax 4x4 Crew Cab	-		45,000	45,000
Replace 1361 - Kia Sportage H40ZN - Corporate Services	40,936		40,000	40,000
Replace 1363 - Toro Groundmaster 360	-		40,000	40,000
Replace 1364 - Ferris IS3200Z Mower	44,545		30,000	30,000
Replace 1379 - Toro G3 Z-Master 48"	19,288		17,148	17,148
Fuso Fighter (replace 1321)	17,060			-
All terrain Beach Wheelchair	2,843			-
Pavement Roller (replace 1097)	57,480			-
Total Plant & Equipment	245,888	40,000	837,148	877,148
Furniture & IT				
Desktop replacements 2022/23	15,425		14,400	14,400
Firewall	-		14,000	14,000
Livestream Equipment	-		8,000	8,000
Server Replacement	-		20,000	20,000
Phone system	-		25,000	25,000
Total Furniture & IT	15,425	-	81,400	81,400
Buildings				
Fingal Community Shed (Old Tas Hotel)	50,672	350,000		350,000
St Marys Indoor Recreation Facility	157,809	1,000,000		1,000,000
Portland Hall Upgrades	-	6,288	3,712	10,000
Scamander Sports Complex	15,988	50,000		50,000
St Marys Hall Upgrades	-			-
Stadium repaint of floors and replace damaged equipment	40,746	95,074		95,074
St Helens Sports Complex new lighting towers	10,586			-
Council Chambers additions and improvements	3,235	47,735	10,000	57,735
Falmouth Community Centre - New Toilet, Demolish Old, Internal Alterations	-			-
Pyengana Recreation Ground Improvements	-			-
Binalong Bay - Village Green BBQ Replacements	-			-
Memorial Park Toilet Block Replacement	-			-
Service Tasmania	1,108		20,000	20,000
Marine Rescue Building Renovations	4,773			-
St Marys WTS Tip Shop Additions	486	-	-	-
Total Buildings	285,402	1,549,097	33,712	1,582,809
Parks, Reserves & Other				
Special Project - Land Use Review Projects	-			-
Special Project - St Helens Wharf Foreshore Master Plan	70	50,000		50,000
Special Project - Feasibility Study Aquatic Centre & Hydrotherapy Pool	-	40,000	50,000	90,000
Special Project - Tas Police Project	151,475		200,000	200,000
Special Project - Parking Strategy St Helens and St Marys	-		20,000	20,000
Special Project: Scamander Coastal Hazards Project	2,189	30,000	70,865	100,865
Fingal Youth Playground/recreation hub	-	345,767		345,767
Pump Track/s	730	500,000		500,000
Playground equipment replacement program	5,489	64,261		64,261

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024
Dog exercise area St Helens Improvements	5,890	7,803		7,803
St Marys Dog Park	8	6,554		6,554
Cornwall Soldiers Park - Track upgrade and SW works	1,399	20,000		20,000
St Marys Cemetery Master Plan - Columbarium Wall & gate	27,931		5,000	5,000
St Helens Cemetery Master Plan improvements	-			-
Secret Sculpture Trail	7,000			
Totals Parks, Reserves & Other	202,041	1,064,385	345,865	1,410,250
Roads - Streetscapes				
LRCI Phase 4 - Cecilia St/ Georges Bay Esp Junction	24,404		130,000	130,000
Cecilia Street/Georges Bay Esplanade junction	-		30,000	30,000
Cecilia St - Northern End	-		15,000	15,000
Quail St Parking Bay	-	50,000	-	50,000
Total Streetscapes	24,404	50,000	175,000	225,000
Roads - Footpaths				
Main St Mathinna (Wilson St to Community Hall)	-	8,500		8,500
Parkside Foreshore Footpath	4,892	30,000		30,000
Grant Street Pathway, Falmouth	43,873		47,303	47,303
Young St. St Helens, Footpath	(1,219)			-
Maori Place, Akaroa	48			-
Irishtown Road	2,331			-
Total Footpaths	49,925	38,500	47,303	85,803
Roads - Kerb & Channel				
Penelope St St Helens	-			-
Total Kerb & Channel	-	-	-	-
Roads - Resheeting				
999 - Victoria St Part C	-	1,400		1,400
998 - Victoria St Part C	-	360		360
997 - Victoria St Part C	-	2,100		2,100
2138 - Franks St Fingal	-	3,795		3,795
1024 - Franks St Fingal	-	3,400		3,400
1081 - Sorell St	-	6,700		6,700
1053 - Louisa St	-	2,800		2,800
Fingal Streets	-	6,500		6,500
Canhams Road	30,405		39,250	39,250
Evercreech Road	-		64,160	64,160
Mathinna Plains Road	16,242		96,250	96,250
North Ansons Road	58,212		253,732	253,732
Macquarie Street	11,357		12,558	12,558
Champ St, Seymour	12,175		13,650	13,650
Davis Gully Road	-		38,800	38,800
Lyne Court	-		19,656	19,656
St Marys Area Resheeting	3,899			-
Total Resheeting	132,289	27,055	538,056	565,111
Roads - Reseals				
St Marys - Story Street Esk Main Road to Groom Street	-	55,084		55,084
794-Boronia St	4,326		6,730	6,730
656-Football Entry Rd	-		2,293	2,293
1036-Talbot St West C/W	8,319		5,328	5,328
1035-Talbot St West C/W	-		4,688	4,688
1004-Victoria St Part A	-		4,870	4,870
616-Charlotte Crt	50,416		29,250	29,250
621-Four Mile Creek Rd	50,995		18,206	18,206
644-Mangana Rd	104,137		30,108	30,108
307-Mangana Rd	-		39,597	39,597
306-Mangana Rd	-		10,051	10,051
305-Mangana Rd	-		33,069	33,069
636-Chapman St	1,788		3,574	3,574
623-Fonthill St	2,070		4,071	4,071
614-High St Mathinna	28,754		12,127	12,127
613-High St Mathinna	-		9,531	9,531
631-High St Mathinna	-		9,611	9,611
630-High St Mathinna	-		8,849	8,849
629-High St Mathinna	-		13,280	13,280
628-High St Mathinna	-		3,366	3,366
626-High St Mathinna	-		2,872	2,872
638-Wilson St	2,013		4,011	4,011

Project Details	YTD	Estimated Carried Forward @ 30/06/2023	New Budget Items 2023/2024	Estimated Carry Forward + Budget 2024
194-Mathinna Rd	14,677		14,942	14,942
572-Cherrywood Dve	1,542		5,420	5,420
543-Scamander Ave	-		18,121	18,121
565-Silver St	3,406		7,978	7,978
923-Ansons Bay Rd (Priory Rd)	11,013		53,861	53,861
432-Circassian St	-		11,935	11,935
439-Depot Rd	-		5,036	5,036
485-Nelball Rd	-		6,525	6,525
484-Nelball Rd	-		4,887	4,887
689-St Helens Point Rd	36,035		31,993	31,993
688-St Helens Point Rd	-		23,223	23,223
Quail Street - off traffic lane resealing	7,684	50,000		50,000
Totals Reseals	327,177	105,084	439,403	544,487
Roads - Construction, Digouts & Other				
Aerodrome ring road - Erosion mitigation	-		30,000	30,000
Digouts and road edge remediation to be allocated	-	25,000	250,000	275,000
218 - Mathina Plains Road	129,686	185,000		185,000
Medeas St/Circassian St Intersection upgrade	-	195	200,000	200,195
LRCI Phase 3 North Ansons Bay Sealing	4,430	139,000		139,000
Road Network - Sign Replacement	26,907		25,000	25,000
LRCI Program - Phase 4 Projects	-		890,844	890,844
- Sealing of Tasman Highway, Seymour LRCI 4	34,924			-
- Mt Paris Dam	19,206			-
Flood damage remediation works	169,766		300,000	300,000
Gardens Road - STAGE ONE	3,270			-
St Helens Point Road - Parkside	19,590			-
Digouts and Edge Remediation	141,931			-
Totals - Roads Construction, Digouts & Other	549,710	349,195	1,695,844	2,045,039
Totals Roads & Footpaths	1,083,505	569,834	2,895,606	3,465,440
Bridges				
B2293 - Cecilia St	4,103	216,499	5,000	221,499
B7027 - Mathina Plains Road	-	30,000	30,000	60,000
B1243 - Binns Road	-		28,600	28,600
B1245 - Clellands Road	117		29,400	29,400
B1675 - Lower Germantown Road	4,874		220,000	220,000
B1605 - St Columba Falls Road	46,675		-	-
B7010 - Railtrays Road	1,140		-	-
Total Bridges	56,908	246,499	313,000	559,499
Stormwater				
Minor stormwater Jobs	3,825		58,000	58,000
Osprey Drive	-	9,006		9,006
Falmouth Street	-	10,000		10,000
Penelope Street	6,469	113,521		113,521
Victoria Street, Fingal	24,489		108,000	108,000
Aulchs Lane, St Marys	-		10,000	10,000
Freswater St / Lade Court Beaumnaris	6,382		-	-
Treloggens Track	46,027		-	-
Total Stormwater	87,191	132,527	176,000	308,527
Waste Management				
Scamander WTS - Waste Paint Container Station	-	14,283		14,283
Scamander WTS - Replace sump pit & pump	-		20,000	20,000
Scamander WTS - Waste Compactor	-		20,000	20,000
Total Waste Management	-	14,283	40,000	54,283
Total Capital	1,976,361	3,616,625	4,722,731	8,339,356

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Business Services Manager
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**Visitor Information Report:**

- Main tourists this month were from VIC, QLD, NSW and we also had a lot of French tourists.
- Have had a few phone calls this month from tourists looking for accommodation on the East Coast over the Christmas and New Year period as they are unable to find any for themselves.
- Created a 'Things to Do on a Rainy Day' sheet which is proving quite popular as we get a lot of tourists in on rainy days looking for things to do.

The History Room Curator Report:

- **'Family, Friends, Fishing and Fun':** New local exhibition showcasing previous historic holidays within the town. On show until March 2024.
- **Backroom volunteer Christmas gathering:** 22 attended and a very convivial afternoon was had by all.
- **Arts Tasmania Grant:** This was unsuccessful for updating the historic bollards around town. An item for next year's budget will be developed for Council consideration.
- **'The Chinese Experience':** The movie is again up and running thanks to Max from .808 who was in the area at the time. We now have a procedure to enable us to keep the movie limping along throughout the summer season. An item for next year's budget will be developed for Council consideration.
- **Curator on Leave:** Returning to work on Tuesday 9th January 2024.
- **2023 Statistics :**

Visitation:	1630	(fourth highest figure since 2011)
Income:	\$ 6 393.30	(fifth highest total since 2009)
Volunteer hours:	1525 hours	averaging to 31 hours per week

Statistics:**Door Counts**

Month/Year	Visitor Numbers	Daily Average	History Room
December 2012	3,130	104.3	101
December 2013	3,598	119.9	133
December 2014	4,609	148.7	158
December 2015	4,439	147.9	81
December 2016	3,368	112.2	95
December 2017	2,939	97.9	60
December 2018	3,145	104.8	104
December 2019	3,152	105.07	112
December 2020	1,409	46.97	49
December 2021	1,301	43.37	39
December 2022	2692	86.83	99
December 2023	2963	95.58	87

Revenue 2022/2023

Month	VIC Sales	HR Entry	HR Donations
July	2,838.51	188.00	80.90
August	2,518.86	0	197.35
September	4,865.29	331.00	58.50
October	6,847.24	532.00	138.80
November	8,437.20	601.00	107.75
December	7,698.94	415.00	148.05
January	9,745.80	647.00	190.60
February	10,381.03	668.00	296.85
March	11,971.72	872.00	176.95
April	4,265.51	333.00	105.65
May	3,805.27	309.00	110.00
June	2,187.51	179.00	69.20

Revenue 2023/2024

Month	VIC Sales	HR Entry	HR Donations
July	3,108.79	174.00	149.50
August	4,459.92	0	131.05
September	5,654.13	311.00	85.20
October	6,891.47	356.00	162.80
November	8,255.03	519.00	127.50
December	7,284.50	369.00	51.00

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Business Services Manager
FILE REFERENCE	018\005\024\
ASSOCIATED REPORTS AND DOCUMENTS	Minutes of the Audit Panel Meeting 18 th of December 2023

OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel meeting of the 18th of December 2023.

INTRODUCTION:

The Council Audit Panel meets every three months and the minutes of each meeting are provided to Council.

PREVIOUS COUNCIL CONSIDERATION:

Provided as an agenda report after each meeting.

OFFICER'S REPORT:

As per the minutes, the Audit Panel received and reviewed various elements of Council's financial performance, internal and external audit activities, management of risk and review of policies. Legislation requires these minutes be provided to Council.

STRATEGIC PLAN & ANNUAL PLAN:Strategic Plan 2017-2027 (Amended March 2022)Goal

Services

To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategies

Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.

Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

Local Government (Audit Panels) Order 2014

Division 4 – Audit Panels of Local Government Act 1993

BUDGET AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority



AUDIT PANEL MINUTES

Monday 18 December 2023
Council Library, St Helens

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12/23.1.0 ATTENDANCE

12/23.1.1 Present

Mr A Gray (Chair)
Clr B LeFevre
Clr K Wright

12/23.1.2 Others in Attendance

General Manager, John Brown
Manager Business Services, Raoul Harper
Coordinator of Corporate Services, Angela Matthews

12/23.1.3 Apologies

Nil

12/23.2.0 DECLARATION OF PECUNIARY INTERESTS / CONFLICT OF INTEREST

Nil

| 12/23.1.1

Present

4

12/23.3.0 ADOPTION OF PREVIOUS MINUTES

12/23.3.1 Adoption of October 2023 Audit Panel Minutes

Minutes of 16 October 2023 received by Council. Resolution in the November 2023 Council Meeting minutes to receive the Audit Panel minutes can be found below.

11/23.13.4 Audit Panel Meeting Minutes – 16 October 2023

FILE REFERENCE	018\005\024\
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OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel meeting of the 16 October 2023.

INTRODUCTION:

The Council Audit Panel meets every three (3) months and the minutes of each meeting are provided to Council.

DISCUSSION:

- *The Manager Business Services advised that the Audit Panel reviewed the Annual Plan and the Long Term Strategic Asset Management Plan*

COUNCIL DECISION:

11/23.13.4.251. Moved: Cllr K Chapple/Seconded: Cllr V Oldham

That Council receive the minutes of the Audit Panel meeting of the 16 October 2023.

CARRIED UNANIMOUSLY

The Audit Panel noted the endorsement of the previous minutes.

12/23.4.0 BUSINESS ARISING

Nil

12/23.5.0 OUTSTANDING FROM PREVIOUS MEETING – ACTION SHEET

Nil.

12/23.6.0 GOVERNANCE AND STRATEGY

12/23.6.1 Review Policies and Procedures – LG01 Elected Members Allowances and Support Policy

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\024\001\
ASSOCIATED REPORTS AND DOCUMENTS	LG01 – Elected Members Allowances and Support Policy (Reviewed Nov 2023)

OFFICER'S RECOMMENDATION:

That Draft Policy LG01 – Councillors Allowances and Support Policy as amended, be adopted.

INTRODUCTION:

Council has a schedule for regular review of policies and this policy is due for review every four (4) years following a Council Election in line with Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 - **Minute No 03/12.15.4.069**
Amended April 2012 - **Minute No 04/12.15.8.112**
Amended December 2012 - **Minute No 12/12.15.5.354**
Council Workshop - August 2015
Amended August 2015 – **Minute No 08/15.11.5.216**
Council Workshop May 2019
Council Workshop June 2019

OFFICER'S REPORT:

An assessment of the appropriateness of Policy No LG01 has been completed and it was determined that the Policy was necessary and it was in order for the Policy to be reviewed and the existing Policy updated where required.

The yet changes in the attached draft Policy are:

1. Consistency in the use of Councillor or Elected Member, legislation refers to Councillor and the policy has been amended accordingly
2. Increased reference to the *Regulations*, including reference to *Regulation 43*
3. Deletion of 4.2.2, there is no requirement to maintain a separate Register of Allowances and Benefits Paid. Inclusion of new section 14. Reporting which is in line with the practice of reporting on this in the Annual Report.

4. Amendment to the manner in which Council meets the cost of meals and incidentals for overnight stays shifting from rates set by the Australian Taxation Office to reasonable expenses.
5. Update electronic tablet to Laptop computer in line with current practice

The reviewed Policy is attached with Track Changes to enable Councillors to see the changes proposed.

STRATEGIC PLAN & ANNUAL PLAN:

N/A

LEGISLATION & POLICIES:

Local Government Act 1993

Local Government (General) Regulations 2015

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

The Audit Panel noted the policy and discussed the revisions.

The change to 'reasonable expenses' was endorsed with some discussion around if there is a requirement for a register of individual Councillor expenses paid annually to be reported in the Annual Financial Statements or Annual Report? The General Manager noted that there is no specific legislative requirement to do so. Individual Councillor Expenses are tracked internally against the allocated budget expense line item.

Council adopted the revised LG01 – Elected Members Allowances and Support Policy at the December Ordinary Meeting. 12/23.17.5.283

ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\024\001\
ASSOCIATED REPORTS AND DOCUMENTS	Draft LG02 – Councillor Learning and Development Policy LG02 – Training and Development for the Mayor and Councillors Policy that is being replaced by the Draft

OFFICER'S RECOMMENDATION:

That Draft Policy LG02 – Councillor Learning and Development Policy be adopted replacing Policy LG02 Training and Development for the Mayor and Councillors.

INTRODUCTION:

Council has a schedule for regular review of policies and this policy is due for review every four (4) years following a Council Election in line with Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

PREVIOUS COUNCIL CONSIDERATION:

Adopted 19 March 2012 – Minute No 03/12.15.4.069

Amended 21 August 2014 – Minute No 08/14.15.5.255

Amended 17 December 2018 – Minute No 12/18.16.3.318

OFFICER'S REPORT:

An assessment of the appropriateness of the existing Policy No LG02 was undertaken having regard to the work which has been occurring through the Learning and Development Working Group which is being facilitated by the Office of Local Government. Part of that work has included the development of a model Policy for Council's to consider when undertaking a policy review.

The model Policy provided aligns closely with discussions which have underpinned the Framework which has been developed by the Working Group reflecting more accurately the importance of learning and development for a Councillor and how it occurs. The existing Policy whilst reasonably narrow in its focus still included some elements which the General Manager believes are important and should form part of the new Policy.

The General Manager has used the model Policy as the basis for the proposed new Policy LG02 with some modifications which includes:

- Making it more explicit that a Learning and Development Plan is created
- Linking the Plan development to the identified councillor core capabilities
- Including particular areas of interest beyond core capabilities

- Contributing to the cost of maintaining and developing the Local Government Learning and Development Framework
- Expanded clarification on approvals and costs
- Annual reporting on activities

The amended model Policy is attached with Track Changes to enable Councillors to see the changes proposed. The Policy to be replaced is also attached.

STRATEGIC PLAN & ANNUAL PLAN:

Not applicable.

LEGISLATION & POLICIES:

Local Government Act 1993

Local Government (General) Regulations 2015

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

The Audit Panel noted the Policy and endorsed it for Council consideration at the February workshop.

12/23.6.3 Review Performance of Plans, Strategies and Policies including Performance against identified benchmarks

Quarterly Report on Annual Plan performance presented at the October Audit Panel meeting.

No further discussion required.

12/23.7.0 FINANCIAL AND MANAGEMENT REPORTING

12/23.7.1 Financial Reports

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Manager Business Services, Raoul Harper
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

OFFICER'S RECOMMENDATION:

The Audit Panel review the following reports for the month ending 31 November 2023:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2023-2024

INTRODUCTION:

The Audit Panel review the financial statements.

OFFICER'S REPORT:

The financial statements as at 31 November 2023 are to be presented at the December Council Meeting.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

LEGISLATION & POLICIES:

Local Government Act 1993

The Audit Panel noted the financial statements presented. The Chair sought advice as to why user fees were down on budget? This primarily relates to the timing of caravan licenses and dog registration fees.

12/23.7.2 Review any Special Reports

Nil.

12/23.7.3 Review any Annual Finance Reports, Audit Reports or Representation

Nil

12/23.8.0 INTERNAL AUDIT

12/23.8.1 Internal Audit Reports

Nil

The Chair noted the need to allocate resources and time to the internal audit program as a matter of urgency.

The Audit Panel received the TAO Memorandum of Audit Findings 2023 FY Meeting at the October meeting.

New audit findings, as summarised in the table below, were identified during the final TAO audit of the Break O' Day Council for the year ended 30 June 2023.

Ref.	Finding	Risk	Corrective Action Date
Not yet resolved			
1.1	IT Policies and Controls	Moderate	Ongoing
1.2	Segregation of Duties	Moderate	Ongoing
1.3	Related Party Declarations	Low	Immediate

The Manager Business Services has reviewed the audit findings in detail and can inform the Panel that 'Related Party Disclosures' is now resolved. Due to staffing changes, a timing issue became evident during the audit process and measures are now in place to have the documentation signed in line with the TAO requirements.

In relation to IT Policies and Controls, the TAO noted the following:

'From review of Council's Information Technology (IT) environment, the following matters were identified:

1. The following IT documents have not been subject to regular review by Council:
 - Business Continuity Plan last reviewed in 2021
 - IT Continuity Plan last reviewed in 2016
 - IT security policy last reviewed in 2019
2. Council does not have policy or procedure documents covering the following areas:
 - IT strategic plan
 - Cybersecurity policy
 - Password policy
 - Change management policy

The current password parameters used do not meet the recommendations from the Australian Cyber Security Centre (ACSC) for password length, expiry or history.'

The Audit Panel endorsed name changes and position title revisions to the Business Continuity Plan at its December meeting in 2022. The Manager Business Services has undertaken a review of both the Business Continuity Plan, IT Continuity Plan and the IT Security Policy. As the TAO points out, all require a review and update.

A desktop rewrite of the Business Continuity Plan and IT Continuity Plan are complete. They now require internal review and consultation before presentation to the Audit Panel.

The Chair noted the positive actions that have been taken in relation to IT policies and controls and the growing need for the LG sector more broadly to allocate time, funds and effort to mitigate IT risk and controls. A verbal update on some of the key measures implemented post the Audit was provided with further information provided at item 12/23.10.2.

12/23.9.2 Review Managements Implementation of Audit Recommendations

Manager of Business Services to provide a verbal update on:

- Related Party Declarations – Resolved.
- IT Policies and Controls – Underway
- Segregation of Duties - Underway

The Audit Panel noted the update.

12/23.9.3 Performance Audit Reports

Nil

12/23.10.0

RISK MANAGEMENT AND COMPLIANCE

12/23.10.1

Annual Review of Risk Management Framework Policies

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Raoul Harper Manager Business Services
FILE REFERENCE	002\025\001\
ASSOCIATED REPORTS AND DOCUMENTS	Draft Risk Management Framework Policy

OFFICER'S RECOMMENDATION:

That the Audit Panel note the review of the Risk Management Framework Policy.

PREVIOUS COUNCIL CONSIDERATION:

Amended February 2023 – Minute No 02/23.13.4.022

INTRODUCTION

The Audit Panel work plan has a requirement to review the Risk Management Framework Policy annually.

OFFICER'S REPORT

The Manager Business Services and Council Health and Safety Officer have undertaken a review of the Risk Management Framework Policy and given the updates endorsed in February of this year, see no need to revise the Policy any further at this time.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

LEGISLATION & POLICIES:

Local Government Act 1993
Work Health & Safety Act 2012
Work Health & Safety (Transitional & Consequential Provisions) Act 2012
Work Health & Safety Regulations 2012
Work Health & Safety (Transitional) Regulations 2012

The Audit Panel noted the report.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper Manager Business Services
FILE REFERENCE	012\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

The report be received.

PREVIOUS COUNCIL CONSIDERATION:

Nil

INTRODUCTION

The Audit Panel work plan has a requirement to review Information and Communications Technology governance, including processes and controls for management and use of data, information and knowledge. During the reporting period, a key focus in this area has been on cyber-security and improving internal authorisation protocols.

OFFICER'S REPORT

Management have undertaken a significant amount of research in relation to cyber-security (CS) risk and controls since the start of last financial year. Council's insurers JLT required a self-assessment to be completed in relation to our existing control and CS mitigation measures prior to insurance being provided.

The report highlighted CS as a key risk that requires more controls and focus across the sector. The results for Break O'Day were in line with officers expectations of a small rural Council. Since that report, staff have made significant strides to improve our CS related controls.

To safeguard the security of our IT Services, Council has implemented a range of proactive measures, ensuring the resilience and integrity of our information technology infrastructure. These measures include:

1. **Daily Off-Site Backups:** We conduct daily backups of critical data from all key locations, including the Office, Depot, Visitor Information Centre, and History Room. These backups are securely stored off-site, both at the Depot and the Visitor Information Centre in St Helens.

2. **Comprehensive Virus Protection:** All servers and computers within the Council are equipped with robust virus protection measures. These safeguards help mitigate the risk of malware and cyber threats, maintaining the stability of our systems.
3. **Firewall Implementation (UTM):** We have implemented a robust Unified Threat Management (UTM) firewall, serving as a critical barrier between internal and external network access. This firewall bolsters our defences against unauthorized intrusion.
4. **Access Restriction:** Security levels have been established to restrict access to sensitive areas within our IT infrastructure. These access controls are designed to protect critical data and resources from unauthorized access.
5. **IT Consultants (Peak Computer Services):** Council have engaged the services of IT consultants, Peak Computer Services, to provide ongoing support for the security and integrity of our data. Their expertise contributes to maintaining the reliability of our IT systems.
6. **Employee Training and Awareness:** Council provides training programs to educate all staff members about cybersecurity best practices. Raising awareness and promoting a culture of cybersecurity vigilance among employees is critical.
7. **Multi-Factor Authentication (MFA):** MFA for accessing critical systems and data is in place. MFA adds an extra layer of security by requiring users to provide multiple forms of verification before gaining access.
8. **Regular Security Audits and Penetration Testing:** Working in conjunction with Tasmanian Government Cyber Security Team and the Australian Cyber Security Centre, regular security audits and penetration testing is undertaken to identify vulnerabilities and weaknesses in IT infrastructure. Addressing these issues proactively can prevent potential threats.
9. **Patch Management:** Peak Computers provide robust patch management to promptly apply security updates and patches to all systems and software.
10. **Threat Intelligence and Monitoring:** Working in conjunction with Tasmanian Government Cyber Security Team and the Australian Cyber Security Centre, Council is informed about emerging cybersecurity threats and trends. This partnership provides continuous monitoring of network traffic and system logs to detect anomalies and potential threats.

STRATEGIC PLAN & ANNUAL PLAN:

Strategic Plan 2017 – 2027

LEGISLATION & POLICIES:

Nil

The Audit Panel noted the report and the work undertaken to date.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Manager Business Services, Raoul Harper
FILE REFERENCE	002\025\001\
ASSOCIATED REPORTS AND DOCUMENTS	Business Continuity Plan

OFFICER'S RECOMMENDATION:

The Officers Report be noted.

INTRODUCTION:

The Audit Panel work plan required a review of the Business Continuity Plan.

OFFICER'S REPORT:

The Manger Business Services reviewed the Business Continuity Plan (BCP) for the main office and for the Depot in December last year. There were two (2) revision required:

- 1) Change position titles
- 2) Change of contact details

The revised job titles and contact details were not material and a simple change of names, titles and contact details was undertaken.

A detailed review of the Plan will be undertaken in the next FY.

The Audit Panel noted the report.

Risk Profile, Risk Management and Treatment and Periodical/Rotational Risk Review



Risk Register - Audit Panel Quarterly Report – DECEMBER 2023

OFFICER'S REPORT:

Ongoing discussions with the manager of business services and management team concerning health and safety as well as risk management matters. Regular meetings with the Human Resources Coordinator concerning HR and workers' compensation matters. Frequently aiding enquiries concerning community groups hiring of council facilities and assisting with the completion of risk management plans for public events.

Facilitated the Work Health & Safety and Risk Management Committee meeting and attended various staff meetings. Frequently participated in webinar events facilitated by Council's insurance broker, insurance advisers and various insurance companies.

RISK REGISTER QUARTERLY REPORT

Risk register review was undertaken by the appropriate risk owners on time, six-monthly or annually during **September, October & November 2023**.

Most risk owners promptly completed their review and updated their goals appropriately.

EXECUTIVE SUMMARY

- **379 Goals (94 risks) are listed on the risk register as of 20 September 2023 = 99% Goal Completion.**
- 08 Goals (2 risks) were reviewed by DSC on 19 October 2023
- 04 Goals (1 risk) was reviewed by WOM on 27 October
- 16 Goals (4 risks) were reviewed by MBS on 27 October
- 01 Goal (1 risk) was reviewed by GM on 30 October
- 24 Goals (6 risks) were reviewed by DSC on 8 November
- 03 Goals (1 risk) were reviewed by MIDS on 7 November
- 02 Goals (6 risks) were reviewed by MBS on 14 November
- **379 Goals (94 risks) are listed on the risk register as of 17 November 2023 = 99% Goal Completion. **

The next review of the risk register is scheduled for **15 February 2024**.

ARCHIVED & ADDED TO RISK REGISTER

None

WORK HEALTH & SAFETY – 6 MONTHLY REPORT (July 2023 to December 2023)

Summary of incidents/accidents involving workers

From July 2023 to December 2023 a total of 2 incident notifications were received, leading to 0 workers' compensation claims.

SUMMARY OF BODILY LOCATIONS
JULY 2022 to JUNE 2023


Head Eyes Ears

0


Neck & Shoulder

1


Arm, Elbow, Hand, Wrist, Fingers

0


Upper & lower back, hips & tail bone, chest & torso

1


Leg, knee, foot, Achilles heel, ankle

0
TOTAL
2


Workers' Compensation Claims lodged

0


Multiple injuries by a worker during the financial year

0



Risk Register - Audit Panel Quarterly Report – DECEMBER 2023

Summary of vehicle accidents involving workers

From July 2023 to December 2023 a total of **1 incident** involving Council vehicles was reported. This includes 1 windscreen glass replacement.

WHS induction process

From July 2023 to December 2023 a total of **5 worker/volunteer inductions** took place.

Training Opportunities were identified

From July 2023 to December 2023, workers participated in:

ChemCert training,
Restore Mobility sessions
Operate and Maintain Chainsaws
First Aid Refresher Training

Health and Wellbeing Initiatives 2023/2024

July 2023 to 29 Nov 2023	Take Care of Your Body sessions with Fiona Culley for outdoor and indoor staff
May 2024	Hearing Assessment for Outdoor Workers
June or Aug 2024	Biennial skin checks with a Doctor from Tamar Skin Clinic for Volunteers and Workers

The WHS / RM Committee made the following recommendations from July 2023 to December 2023

August 2023	Terms of Reference (TOR) for the Committee Committee members to develop and agree on TORs (Aug, Oct & Dec 2023)
-------------	--

The Audit Panel noted the report and the low level of accidents, claims and incident during the reporting period.

12/23.10.5 Any Major Claims, Law Suits or Incidents of Fraud

Nil

12/23.11.0 AUDIT PANEL PERFORMANCE

12/23.11.1 Review Audit Panel Charter and Make Recommendations for change to the Council for Adoption.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	Manager Business Services, Raoul Harper
FILE REFERENCE	
ASSOCIATED REPORTS AND DOCUMENTS	Review Audit Panel Charter

OFFICER'S RECOMMENDATION:

That the revised Audit Panel Charter be received by the Audit Panel for review.

INTRODUCTION:

The Audit Panel review the Charter.

OFFICER'S REPORT:

A review and update to the Charter was authorised in December 2022. The updated version is provided below. The Audit Panel may consider any further changes if required at this meeting.

The Audit Panel reviewed the current Charter as approved by Council in December 2022. No revisions are required.

12/23.12.0 OTHER BUSINESS

A discussion on the timing of the meetings took place. While holding the Audit Panel meeting on the morning of the Council meeting has some advantages in relation to the review of the financial reports, it does also limit the ability of the Panel to discuss matters more broadly due to the time constraint on the meeting itself. The Panel discussed changing the meeting dates from the current format and a desire to see other Councillors either attending the meetings as observers or applying

for a role on the Audit Panel. Cllr Lefevre and Cllr Wright have been long term appointments and ideally these positions should be rotated between Councillors post each election cycle. A workshop agenda item will be prepared for Council to discuss these matters in February 2024.

12/23.13.0 MEETING CLOSE / NEXT MEETING DATE

The next meeting of the Audit Panel has been scheduled for 18 March 2024.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Infrastructure and Development Services Manager
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This report provides summary detail on routine matters relating to Works Operations and Capital Projects for the reporting period December 2023.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Asset Management	
Aerodrome	<ul style="list-style-type: none"> Aerodrome is inspected 3 times per week, maintenance items are addressed and aerodrome is serviceable to aircraft. The aerodrome is also inspected after each major weather event to check for ongoing serviceability. Aerodrome strip mowed. CASA inspection/audit due in February 2024. No current NOTAM restricting operations.
Bridges	<ul style="list-style-type: none"> Annual inspection by AusSpan completed and bridge management system updated.
Facilities	<ul style="list-style-type: none"> Preventative Maintenance Inspections (PMI) of Council owned buildings and playgrounds.
Road network	<ul style="list-style-type: none"> Sealed and unsealed road patching. Drainage maintenance. Guidepost and sign replacement where required.
Stormwater	<ul style="list-style-type: none"> Stormwater system maintenance. Kerb & Channel cleaning and repair. Stormwater Asset Management Plan update in progress including an independent revaluation of system components.
Town & Parks	<ul style="list-style-type: none"> Mowing/ground maintenance. Garden/tree maintenance and weeding.

	<ul style="list-style-type: none"> Footpath maintenance and repairs. Boat Ramp – monthly inspections and cleaning undertaken. Routine playground inspections. Footpath edging program in progress. Community event support.
MTB	<ul style="list-style-type: none"> Routine track maintenance.

Weed Management Report – not available this month.

Waste Management – General Information

General Waste to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2023/24 (T)	187	232	224	214	240	TBA							1,097
2022/23 (T)	194	243	226	206	250	262	388	197	267	246	199	234	2,912
Difference (T)	-7	-11	-2	-8	-10								

Kerbside Recyclables Collection – JJ's Waste service													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	Total
2023/24 (T)	49	45	49	38	45	44							270
2022/23 (T)	53	56	66	64	67	65	81	63	69	61	50	61	756
Difference (T)	-4	-11	-17	-26	-22	-21							

Note: 2023-2024 year to-date reported recyclables quantities are less than expected quantities based on historical waste collection trend. The contractor is currently undertaking an investigation/analysis of their measurement system. Data updates will be provided in due course.

Green waste mulching at the St Helens and Scamander Waste Transfer Stations has been scheduled for late February 2024.

CAPITAL WORKS

Activity	Update
Aerodrome ring road – Erosion Mitigation	Completed
Bituminous Surfacing Works 2023-2024	In-progress.
Cornwall Soldiers Memorial Park	Completed
Cecilia Street/Georges Bay Esplanade Junction Upgrade	Pending land acquisition.
Dog Exercise Area – St Helens - Improvements	Completed with installation of dog exercise equipment.
Grant Street Pathway, Falmouth	Completed (Local Roads and Community Infrastructure – Phase 3 funded project).
Medea St/Circassian St Junction Upgrade	Roundabout design to be approved by State Growth. Works scheduled to commence in April 2024.
MTB Trail Repairs – works ex October 22 flood event	In-progress.

Mt Paris Dam Road Sealing	Completed
North Ansons Bay Road	Stage 1 sealing completed 1.8km. Stage 2 – majority of work completed with minor finishing works to be completed in January 2024.
North Ansons Bay Road Re-sheeting	Work in-progress.
Old Highway Seymour (LRCI stage 4)	Pavement pre work completed, final trim and seal 1 st quarter of 2024.
Road dig-out and road edge remediation	Work in progress. Key roads are: Gardens Road, Ansons Bay Road, Mangana Road and Mathinna Road.
Scamander WTS – Waste Compactor	In-progress: Preliminary costing to replace the compactor and altering the waste receiving bay being compiled.
Special Project – Tas Police Project	In-progress. New storm water main and sewer main have been installed.
St Columba Falls Road – shoulder widening and sealing	Works scheduled to commence the week of 8 th January 2024. The project is a Local Roads and Community Infrastructure – Phase 4 fully funded project.
St Marys Cemetery Master Plan	Completed
Storm water – Penelope Street, St Helens	Design finalised and materials ordered. Works to be scheduled post School Holidays.
Storm water – Victoria Street, Fingal	Design finalised, materials ordered and civil work quotations being sought.
Storm water – Minor storm water jobs	Engineering review of options to address local issue at Pacific Drive in progress.
Upper Scamander Road – embankment erosion works ex October 22 flood event	In-progress.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

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.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

Dog control – activity summary

1st December - 2nd January 2024															Reporting Period Total	2023- 2024
Category/Area	Ansons Bay	Binalong Bay, The Gardens	Cornwall	Fingal, Manganna	Falmouth	Four Mile Ck	Upper Esk, Mathinna, Evercreech	Beaumaris	Scamander	Seymour, Denison	Parnella, Stieglitz, Akarora	Goshen, Pyengana, Weldborough	St Helens	St Marys		
Dog - Attack on a person (Serious)															0	2
Dog - Attack on another animal (Serious)										1			1		2	5
Dog - Attack/Harassment - on another animal (Minor)									1						1	2
Dog - Attack/Harassment on a person (Minor)								1							1	3
Dog - Declared Dangerous					1										1	2
Dog - Dangerous Dogs Euthanised													1		1	2
Dog - Barking								1					1		2	7
Dog - Chasing a person															0	10
Dog - Impounded													1		1	11
Dog - in Prohibited Area															0	0
Dog - Lost Dogs Reported															0	2
Dog - Rehomed/kennel for rehoming															0	3
Dog - Wandering/at large									1				1		2	19
Verbal Warnings given to dog owners									2				2		4	29
Notice Issued - Unregistered Dog									1						1	1
Notice Issued - Bark Abatement Notice															0	0
Notice Issued - Caution Notice									1						1	8
Notice Issued - Infringement Notice															0	9
Infringement Notice - Disputes															0	0
Infringement Notice - Time Extension Request															0	0
Infringement Notice - Revoked													1		1	1
Written Letter - Various matters to Dog owners.								1	1				1		3	25
Patrols - Township/Urban Areas									2		1		2	2	7	45
Patrols - Beaches/Foreshore								2	2		1		2		7	71
Unregistered Dog - Notice to Register															0	0
Kennel Licence - No licence held															0	0
Kennel Licence - Issued														1	1	6
Other - Cat complaints															0	1
Other - Livestock													1		1	3
Other - Poultry				1											1	3
Other - Animal Welfare, RSPCA intervention															0	1
TOTAL	0	0	0	1	1	0	0	5	11	1	2	0	14	3	38	271
Registered 2023-2024 YTD	1,385															
Pending 2023-2024	55															

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

LEGISLATION & POLICIES:

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

01/24.15.0 COMMUNITY DEVELOPMENT

01/24.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Community Services Manager
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:

2023 - 2024 Programs and Initiatives

Community Services	
Community Grants	30,000
Youth Services	8,000
Misc Donations & Events	7,500
School Prizes	1,000

Community Event Funding	
Seniors Day	3,000
Australia Day Event	5,000
Swimcart	1,000
St Helens Athletic Carnival	2,500
Carols by Candlelight	1,600
Australia Day Event (including Woodchopping)	15,000
Fingal Valley Coal Festival	2,000
Pyengana Endurance Ride -	500
St Helens Game Fishing Comp	2,000
Wellbeing Festival	3,500
Marketing Valley Tourism	2,500

Volunteer Week	2,500
Bay of Fires Art Prize	10,000
Bay of Fires Winter Arts Market	4,000
St Marys Community Car & Bike Show	2,000
East Coast Masters Golf Tournament	2,500
International Disability Day Event	1,000
Mental Health Week	500
Barn Dance	2,000
Suicide Prevention	1,000
Pyengana Easter Carnival	1,000
Mannalargenna Day	2,500

Council Sponsorship	
Funding for BEC Directory	2,000
St Helens Marine Rescue	3,000
Business Enterprise Centre (BEC)	28,000
Welcome to Town Christmas Signs	1,000

Updates on current projects being managed by Community Services:

Pump Track Project

Tender awarded at the December 2023 meeting

Community Events/Activities

Community Services staff have been working with community members in ensuring that all the great events listed below are able to go ahead. We thank the volunteers who put a lot of their time into organising these events so that the community and visitors to our area can enjoy what we have in our municipality.

We have some other events that staff are working with the organisers on that are not listed below – as we are currently waiting on finalisation of paperwork.

January 2024

- 19 - BOD Regional Arts – Summer Celebration
- 20 – St Helens Dragon Boats – O’Connors Beach
- 20 – St Helens Athletics Carnival – St Helens Recreation Grounds
- 26 – Australia Day Awards Ceremony – Portland Hall
- 27 – Northeast Axemen’s Wood chopping Carnival – St Helens Foreshore

March 2024

- 3 – Charity Bike Ride – MND Ride

An **Australia Day event** will be held on Friday 26 January 2024 at 10 am at the Portland Hall. Our Australia Day Ambassador is Mr Kim Smith.

Kim Smith is a Retired Police Officer, a Director on the Rotary Club of Sullivans Cove Board, and recently finished as an Advisory Committee member of the Tasmanian Association of Police and Community Youth Clubs (PCYC).

As part of the Australian of the Year celebrations, he was bestowed the 2022, Tasmanian Local Hero Award.

He is the recipient of two (2) Rotary International Paul Harris Fellow Society awards, was presented with an Australian Police Medal in the New Year's Honours List, has Diplomas in Youth Work and Community Services Management.

His Outreach programs whilst in the PCYC have won numerous Local, State and National Awards in reducing violence and offences.

Since his retirement, he has produced 26 on-line professional videos in five (5) languages on the road rules, along with other resources such as Road Map packs to help Learner Applicants, with Literacy, or other Learning Spectrum issues.

He trains both the Service Providers around the State, along with students, refugees and the general community in the South.

Kim was selected by the Prime Minister as one of only 10 people in Australia, the only Tasmanian chosen to attend the State Funeral Service of Her Majesty Queen Elizabeth II in London in September 2022.

Learner Driver Mentor Program

We now have three additional mentors to assist people with their 50 hours in the St Helens area – a big thank you to those new volunteers.

Community Wellbeing Project

No update at this stage as staff still on annual leave.

Youth

No update at this stage as staff still on annual leave.

Health and Wellbeing

No update at this stage as staff still on annual leave.

Access and Inclusion

The Community Services team approaches all our work through a lens of access and inclusion and we advocate for this in the networks and meetings that we participate in both internally and externally.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Department
OFFICER	Development Services Coordinator
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS**

1. Proposed Municipal (Environmental) By-Law now finalised, certified and in operation. The tabling of By-Law will occur at next sitting of the Tasmanian Parliament in March 2024;
2. Moorey Constructions have commenced works for St Marys Indoor and Evacuation Centre;
3. Moorey Constructions have commenced site establishment for Fingal Community Shed;
4. Development Services staff attended a meeting with the State Emergency Service in relation to progression of Councils Flood Risk Management and our operational approach – refer environmental section of the report for further detail.
5. Break O'Day Local Provisions Schedule (LPS). In relation to the draft amendments to the LPS, the Section 40K Report was submitted to the Tasmanian Planning Commission on 21 December 2023. Council now awaits advice of scheduled hearings.

PLANNING REPORT

The following table provides data on the number of applications approved for the month including statistical information on the average days to approve and the type of approval that was issued under the *Land Use Planning and Approvals Act 1993*:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2022 / 2023
NPR	1	5	2	2	1								11	
Permitted	0	1	7	6									14	
Discretionary	12	8	22	13	10	9							74	
Amendment	3	2	3	5	2	1							16	
Strata		1				1							2	
Final Plan	3	2	1			1							7	
Adhesion														
Petition to Amend Sealed Plan					1								1	
Boundary Rectification														
Exemption														
Total applications	19	19	35	26	14	12							125	284

Ave Days to Approve Nett *	19	19	24.33	24.75	26.92	50.83							27.47	
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* Calculated as Monthly Combined Nett Days to Approve/Total Applications

The following table provides specific detail in relation to the planning approvals issued for the month:

December 2023

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
043-2019 STRATA REVISED	Falmouth	Revised Strata – Lots 100 (11, 12, 13, 15, 16) & Lot 200 (4, 5, 6, 7, 8, 14, 17, 18, 19, 20, 21)	STRATA	12	12
023-2023	Avoca	Dwelling	S57	313	67
218-2023	St Helens	Bar, Brewery, Eatery & Signage	S57	68	67
204-2023	St Helens	Construction of Multiple (2) Dwellings	S57	48	22
233-2023	Beaumaris	Construction of Dwelling & Crossover	S57	50	50
310-2021 FINAL	Fingal	Final Plan of Survey – 2 Lot Subdivision	FINAL	50	50
191-2022	Lottah	Construction of Dwelling, Deck, Spa, Ancillary Dwelling & Garage	S57	157	48
086-2023	Mangana	Telecommunications Tower	S57	99	48
106-2022 AMEND 2	Akaroa	Amended to Change Lower Floor to Habitable, Addition of Stairs & Change to Roofline	S56	22	22
041-2023	Four Mile Creek	Construction of a Dwelling, Carport & Shed	S57	250	152
243-2023	Falmouth	Construction of a Dwelling, Carport & Shed	S57	29	29
231-2023	Akaroa	Demolish Dwelling & Construct New Dwelling	S57	56	43

TOTAL 12

Strategic Planning Projects in the 2023/2024 financial year

Description	Percentage Complete	Current Update
Low Density Residential Review - Review land area within the Low Density Residential Zone and quantify impact of State Planning Policy in relation to minimum lot size on supply.	30%	Vacant residential land within the Low Density Residential Zone has been investigated for the St Helens area and surrounds. An overlay has been incorporated into Council mapping software showing vacant residential land in St Helens, Binalong Bay, Stieglitz, Akaroa, Beaumaris, Scamander, St Marys, Falmouth and Fingal. This will be further refined and scrutinised.
Scamander/Beaumaris Township Structure Plans - Commence process for a detailed examination of the structure of this area to address growth which is occurring.	25%	A report was prepared and presented to Council at its Workshop on Monday 2 October 2023. Council instructed Development Services to progress the preparation of a Project Brief to further this body of work and to discuss with the State Planning Office opportunities for funding contributions. The State Planning Office and Council staff are working towards a final brief.
Break O'Day Council Land Use Strategy 2015 - Review Strategy including progression of recommendations applicable to the Low Density Residential and Rural Living Zones.	25%	Review of the Land Use Strategy has been completed. Review of Low Density Residential land has commenced. Review of Rural Living Zone has not yet commenced as there are substantial modifications to the LPS within this zone. Any review will need to consider these zone changes.
Vacant Residential Land - Complete a comprehensive review to gain an understanding of life cycle of current lots and development trends.	25%	This project work aims to take the vacant residential land investigation one step further to understand how vacant land is being held in the municipality in order to consider the true availability of residential land in the municipality for development. Some data collection has commenced and is scheduled for further work in early 2024.
State Planning Policy - Participate in review of State Planning Policy by providing comments associated with the review of Regional Land Use Strategy (RLUS), State Planning Provisions and State Planning Policies	25%	Council Staff have volunteered to participate of several working groups which aim to conduct review of higher priority State Planning Policy. Council staff are also actively involved in the review of the Regional Land Use Strategy which has key linkages to Council's strategic priorities.
Regional Land Use Strategy - Actively participate in and support the review of the	25%	Participation in the review of the Regional Land Use Strategies continues. The strategic work being undertaken, including a proposed Scamander/Beaumaris Structure Plan, will feed

Northern Tasmania Regional Land Use Strategy.		<p>into this process. A report on the Scamander Beaumaris Structure Plan has been presented to a Council Workshop (October) and Council has directed Development Services to progress this work.</p> <p>The State Planning Office has progressed the review of the framework with the release of Regional Planning Framework Consultation Report – Summary of submissions. A report is presented to Council separately. At the same time or shortly after the State Government will commence the review of the existing regional land use strategies. The work we are doing will feed into this process.</p> <p>This work continues.</p>
Local Provisions Schedule (LPS) - Progress the Approval of the LPS in accordance with requirements of the Tasmanian Planning Commission, and subsequent implementation actions once approved. The Approval of the LPS in accordance with requirements of the Tasmanian Planning Commission, and subsequent implementation actions once approved.	50%	<p>Break O'Day Local Provisions Schedule (LPS).</p> <p>In relation to the draft amendments to the LPS, the Section 40K Report was submitted to the Tasmanian Planning Commission on 21 December 2023. Council now awaits advice of scheduled hearings.</p>
Industrial Land Use Strategy	50%	<p>Data capture exercise and Initial draft report has been completed. Council Officers will prepare a report for Council consideration in a future meeting.</p>

Progress on strategic planning projects will recommence this month.

BUILDING PROJECTS REPORT

Projects Completed in the 2023/2024 financial year

Description	Location	Updates
New Lighting Towers	St Helens Sports Complex – Football Oval	Completed September 2023
Kitchen Upgrades & Renovations	Scamander Sports Complex	Completed September 2023
St Marys Waste Transfer Station Additions	St Marys Waste Transfer Station	Completed September 2023
Sports Floor Replacement & New Backboard	Bendigo Bank Community Stadium	Completed October 2023
Replacement of Signage & Repainting	Service Tasmania	Completed November 2023

Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

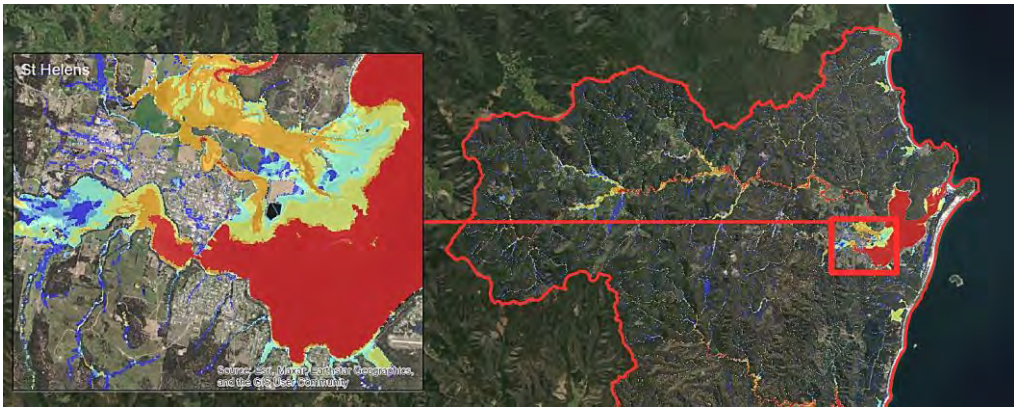
Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none">Repainting identified as priority which has now commenced.
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<ul style="list-style-type: none">Site establishment underway with a planned completed by End June 2023.
St Marys Indoor & evacuation Centre	St Marys Sports Complex	<ul style="list-style-type: none">Demolition of existing building now complete;Currently planning to have concrete slab complete by end January 2024.

Approved Capital Works Program – Current Financial Year - not yet started

Description	Location	Updates
Audio Visual Improvements	Portland Hall	<ul style="list-style-type: none">Needs further consideration.
External Repainting	Council Chambers	<ul style="list-style-type: none">Consideration of colour scheme under way;Works not yet scheduled.
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none">Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.

The Building Approvals data was unable to be prepared by the agenda due date due to staff leave. The December and January building approvals report will be provided at the February 2024 Council meeting.

ENVIRONMENTAL REPORT

Description	Updates
Jubilee Trees Project	Council's Break O'Day Communities Jubilee Trees project funded by the Australian Government's Planting Trees for The Queen's Jubilee Program has been completed. The project planted mostly deciduous shade trees to build on the street and park tree cover in seven townships: Fingal, St Marys, Scamander, Mangana, Mathinna, St Helens and Pyengana. The trees commemorate Her Majesty the Queen's Platinum Jubilee in 2022, with commemorative plaques at each site and a commemorative event at Fingal in December 2022, where oak trees were planted to replace and reenact a community planting of Silver Jubilee trees in 1897.
Flood Risk Management	<p>Development Services staff meet online with the SES Flood Policy Unit following completion of statewide flood modelling by the Tasmanian Flood Mapping project. Release of this flood risk information is expected in 2024 and is like Council's municipal flood risk information already being applied to proposals for use or development in Break O'Day. The Tasmanian Flood Mapping project will next work on implementation in the Tasmanian Planning Scheme, including interpretation of the term 'tolerable risk'. Statewide information products will incorporate better flood risk information where available, from Break O'Day for example.</p> 
Community Engagement	Support provided to the Parks and Wildlife Service's Discovery Ranger to promote their 2023-24 program of roaming Break O'Day coastal destinations and activities to help summer visitors enjoy and appreciate our coast and help care for it.

Recreational Water Quality

The *Public Health Act 1997* requires that Councils to monitor recreational waters (including public pools and spars) using the Tasmanian Recreational Water Quality Guidelines.

Results for the start to the 2023-2024 sampling season in December are reported here.

Recreational water	12 Dec. 2023	
	Ente *	Rec. WQ#
Grants Lagoon mouth A	N/A	
Grants Lagoon mouth B	<10	Good
Grants Lagoon footbridge	<10	Good
Grants Lagoon (camp grd)	<10	Good
Beauty Bay	<10	Good
Yarmouth Creek	20	Good
Wrinklers Lagoon	10	Good
Scamander River mouth	30	Good
Henderson Lagoon	<10	Good
Denison Rivulet	N/A	

* Enterococci /100ml # Recreational Water Quality class (from Tasmanian Guidelines)

The results for water samples indicate conditions for all these waters have been safe for swimming during the season according to the Tasmanian Recreational Water Quality Guidelines.

All natural waters may be subject to local poorer water quality from time to time due to weather or other conditions.

Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2023/2024		2022/2023	
	Persons	Vaccinations	Persons	Vaccinations
July - December	19	20	60	64
January - June	0	0	54	54
TOTAL	19	20	114	118

Sharps Container Exchange Program as of 3 January 2024

Current Year	Previous Year
YTD: 2023/24	YTD: 2022/23
40	30

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

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 matters which are being dealt with by the General Manager and with other Council Officers where required.

PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

OFFICER'S REPORT:**Meeting and Events attended:**

19.12.2023	St Helens	– Swimcart Surf Angling Club building - meeting with Parks and Wildlife Service and representatives of the Surf Angling Club to discuss the situation with the building and its potential replacement. Very productive discussion which should lead to a pathway forward for a replacement within the constraints of the site.
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Meetings & Events Not Yet Attended:

9.01.2024	St Helens	– Strategic Regional Partnership, meeting with Brett Whiteley representing the State Government to discuss the development of the Partnership for the East Coast
15.01.2024	St Helens	– Council Meeting

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development.

Brief Updates:

Strategic Regional Partnership

The Mayor and General Manager have had an initial discussion with Brett Whitely, Senior Advisor to the Premier regarding the East Coast Strategic Regional Partnership which is a positive sign that things are now moving forward. The initial focus will be on identifying a small number of critical issues to be addressed that affect the East Coast, impact on the local economy is a primary focus.

Communications Report

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Website	<ul style="list-style-type: none">• 2024 Waste Calendars available on our website.• Final newsletter for 2023 available online.
SOCIAL MEDIA	Break O'Day Council	<ul style="list-style-type: none">• Discovery Ranger Lou from Parks and Wildlife in the area hosting discovery activities in the school holidays.• Biosecurity tips and information for visitors visiting Tasmania.• Australia Day Award Nominations now open.• Citizenship Ceremony held at December Council meeting.
	Shared Social Media Posts	<ul style="list-style-type: none">• PWS – Shorebird breeding season and tips to protect species.• Recycle Coach tips for the festive season.
SURVEYS	George River Floodplain	<ul style="list-style-type: none">• Online survey to share your thoughts on how this will affect you if the river changes course.
EMAIL DATABASES	Continuing to develop	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

Actions Approved under Delegation:

NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
Certificate of Title – 108868/1	Affixing Common Seal	Burial on private land	Number 21 – Miscellaneous Powers and Functions to the General Manager
DA 310-2021 41 Talbot Street, Fingal	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager

General Manager's Signature Used Under Delegation for Development Services:

DATE	DOCUMENT	ADDRESS	PID OR DA
04.12.2023	337 Certificate	40 Beaulieu Street, St Helens	6779705
04.12.2023	337 Certificate	Cemetery Road (CT207092/1, 207525/10), Weldborough	3093054
04.12.2023	337 Certificate	11 Hilltop Drive, Binalong Bay	6796935
05.12.2023	337 Certificate	27 Quail Street, St Helens	6795019
06.12.2023	337 Certificate	7 Nautilus Place, St Helens	2537522
06.12.2023	337 Certificate	High Street (205674/3), Mathinna	2207566
11.12.2023	337 Certificate	30 Acacia Drive, Ansons Bay	6804368
11.12.2023	337 Certificate	15 Main Road, Weldborough	2871037
12.12.2023	337 Certificate	35 Quail Street, St Helens	2023847
13.12.2023	337 Certificate	1 Main Street, St Marys	6404823
15.12.2023	337 Certificate	4 Bay Close, St Helens	7560051
19.12.2023	337 Certificate	101 Acacia Drive, Ansons Bay	7278486

Tenders and Contracts Awarded:

Tender Closing Date	Description of Tender	Awarded to
Thursday 5 October 2022	Construction of New Community Shed, Fingal Contract - 030\008\003\	Moorey Constructions Pty Ltd
Thursday 5 October 2022	Construction of Indoor Centre, St Marys Contract - 030\008\002\	Moorey Constructions Pty Ltd

STRATEGIC PLAN & ANNUAL PLAN:Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

LEGISLATION & POLICIES:

N/A

BUDGET AND FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	039\004\018\
ASSOCIATED REPORTS AND DOCUMENTS	Addendum – Managing conflicts of interest of councillors – framework proposal Discussion Paper – Managing conflicts of interests of Councillors Framework Review

OFFICER’S RECOMMENDATION:

That Council’s submission be confirmed based on the comments in this report and those provided by Councillors.

INTRODUCTION:

The Minister for Local Government & Planning, Nic Street, has written to all Councils regarding proposed changes to the way that conflicts of interest are managed for Councillors, a Discussion Paper has been provided along with key points for consideration.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 18 December 2023

12/23.4.1.281 Moved: Clr V Oldham/ Seconded: Clr B LeFevre

That Council provide a submission based on the comments in this report and additional comments provided by Councillors.

CARRIED UNANIMOUSLY**OFFICER’S REPORT:**

The Discussion Paper provided by the Minister for Local Government on 8 November 2023 resulted in a number of concerns being raised about the disclosure of information through the Personal Interest returns which are being proposed. As a result, on 15 December 2023, the Office of Local Government released an Addendum to the discussion paper providing further information on the following issues:

- options for the types of debt that could be required to be declared (including examples from both Federal and Tasmanian State Members of Parliament);
- clarification of what the declaration of ‘other income’ could include; and
- clarification of the ‘nature’ of interests.

During discussion at the December Council meeting, Councillors made the following comments:

- *Councillor Wright asked how do you know if you have a conflict until you read the agenda?*
- *Councillor Carter said it seems we are reacting to the actions of only a few Councillors within the State.*
- *Mayor Tucker said he is very supportive of being transparent but is very concerned about the overreach, he said that Councillors are not recognised in the Constitution, we are only elected to represent and make decisions in our own local area. We do not have parliamentary privilege but are expected to disclose the same level of information. This may discourage people from standing for Council as they have to declare too much. This could change the way community members decide whether to put their hand up to become elected members.*
- *Councillor Chapple said she understands there is a need for some Councils to improve, ours is already transparent. She believes the six (6) guiding principles should already be applied. She noted that this would allow a Mayor to overturn a Councillor's decision and require them to leave the room.*
- *Councillor Chapple said she also has concerns regarding sharing specific residential address information.*
- *Mayor Tucker said that all Councillors should think seriously about this and submit a response to the General Manager.*

Attached to this Report is the Addendum which has been provided along with the Discussion Paper circulated previously. The Addendum poses three questions for Council to consider;

1. In line with a principles-based framework, what standards should apply to Tasmanian councillors?
2. What elements of the Tasmanian and Federal frameworks should be adopted in a new framework for councillors in Tasmania, and why?
3. What elements of the Tasmanian and Federal frameworks should not be adopted in a new framework for councillors in Tasmania, and why?

The Discussion Paper poses the following for submissions to address:

- Do the provisions of the proposed framework reflect the guiding principles?
- Does the proposed framework support public confidence and trust in local government?
- Are the proposed exemptions to conflicts of interest comprehensive, practical, and suitable for adoption in Tasmania?
- When determining what information contained in a Personal Interest Return should be exempt from publication, are the examples provided appropriate for adoption in Tasmania?

Preparation of a submission by Council has been commenced based on the comments the General Manager provided in his report to the December Council meeting; comments made by Councillors at that meeting; and substantial comments from Cllr Drummond.

Objectives

- The Discussion Paper is based on the need to bring Tasmanian local government into line with the requirements which apply to Federal and State parliamentarians as well as other interstate local government jurisdictions. The proposed approach appears to have a fundamental difference in that it includes an obligation on Council officers to proactively

restrict access to information. It also provides for Councillors or the Mayor to overturn a Councillor's decision to participate. This does not occur at Federal and State level, invariably at these levels it is reactive in relation to when a decision has been made or an action taken and assessment is made against the interests which have been declared.

- The objectives reflect a proactive approach to addressing conflicts of interest within local government. By outlining the objectives of the framework, this provides transparency about the goals it aims to achieve. The emphasis on aligning with established guidelines, such as the *Good Governance Guide for Local Government*, adds credibility.
- By explicitly stating the two key objectives, the passage sets a clear standard for what the framework aims to achieve – decision-making that serves the community's best interests and is perceived as unbiased.
- This section appears to advocate for a robust framework that not only addresses conflicts of interest but also prioritises transparency, ethical conduct, and the preservation of public trust in the decision-making processes of local governments.
- Overall, the framework seems a logical approach and should provide much needed clarity and improved processes though there are some elements that need further consideration.
- Council is supportive of transparency but is very concerned about overreach. Councillors are only elected to represent the Council area and make decisions which relate to the good governance of the Council area. The parameters relating to disclosure of interests should reflect this situation.
- Concern has been expressed that we seem to be reacting to the actions of a very small number of Councillors, if the existing penalties had been more significant and more decisive action had been taken this would have addressed behavioural issues.
- The application of the *Privacy Act 1988* and the Australian Privacy Principles needs to be considered. The relevance of some of the information being 'solicited' in this Framework may not comply with APP3 which in part states 'an agency may only solicit and collect personal information that is reasonably necessary for, or directly related to, one or more of its functions or activities (APP 3.1). How does the Office of Local Government reconcile requiring a Councillor to disclose information which relates to their activities outside the Council area and with no connection to the Council area to the requirements of APP 3.1 which requires it to be directly relationship?

Guiding Principles

- Councillors felt that the six guiding principles already apply in the way that Councils operate.
- This section effectively articulates a comprehensive set of guiding principles for councillors in managing personal interests. The emphasis on integrity, impartiality, accountability, transparency, proactivity, and consistency reflects a commitment to high ethical standards and good governance. The alignment with broader frameworks and best practices indicates a desire for uniformity and adherence to established norms.
- The principles-based framework outlined appears robust, emphasising not only the ethical conduct of Councillors but also the importance of public trust and confidence. By defining clear expectations and responsibilities, the framework seeks to foster a culture of transparency and accountability. Crucial elements for maintaining the integrity of decision-making processes within local government.
- Concern has been expressed that Councillors do not have parliamentary privilege but are expected to disclose the same level of information. This may discourage people from standing for Council as they have to declare too much. This could change the way community members decide whether to put their hand up to become a Councillor.

Classifying Interests

- The proposal to unify the management of conflicts of interest under the Local Government Act, coupled with aligning with the Integrity Commission's classifications, appears to be a strategic move to address current challenges.
- The definitions of actual, perceived, and potential conflicts of interest are clear and cover a broad spectrum of scenarios. The examples provided enhance understanding and practical application, ensuring that councillors can readily identify and manage conflicts.
- An example refers to 'close personal friendship', this will give rise to a matter of judgement around how this is defined potentially leading to confusion and inconsistencies in application.
- The introduction of exemptions based on the Victorian framework assist in providing clarity as to when a Councillor doesn't have an interest and demonstrate a recognition of the need for flexibility in certain situations. The emphasis on legislative support for exemptions and the reminder that they do not exempt Councillors from the obligation to disclose interests adds an extra layer of accountability.
- Overall, the proposed framework aims to bring clarity, consistency, and transparency to the management of conflicts of interest within local government in Tasmania.

Disclosure and Management of conflicts of interest

- This section demonstrates a comprehensive and proactive approach to the disclosure and management of conflicts of interest among councillors in Tasmania. It aligns with practices in other jurisdictions, particularly Victoria, and seeks to address existing gaps in the legislative framework.
- Concerns are held that despite all the best intentions with declarations, a Councillor might not know that they have a conflict of interest until they have received and started reading the Agenda.
- The proposal to restrict councillors with an interest from accessing certain information is a solid approach to prevent potential conflicts of interest.
- However, this poses a significant challenge in implementing this restriction and places a significant obligation on Council officers to manage and assess a Council agenda against the interests that have been declared by Councillors. This restriction highlights the need for a clear and practical mechanism. The framework should outline specific steps for Council officers and the General Manager to manage this restriction effectively.
- The framework should also outline the specific steps for the General Manager to follow when Council officers are aware that a Councillor may have an interest in an item yet no declaration of interest has been made.
- The issue of councillors accessing information on the council's website, even if provided with redacted versions, raises concerns about the effectiveness of information control. The framework needs to develop a logical and workable approach by detailing additional measures to ensure that councillors cannot access restricted information through alternative channels, maintaining the intended restrictions. Despite the best intentions of this restriction, invariably a Councillor will be able to access the information through a third party.

Personal Interest Returns

- The introduction of Personal Interest Returns (PIRs) is a very significant change in disclosure of information and significant care needs to be taken in the framing of what information needs to be collected. Disclosure of personal information should be about disclosing information on their personal circumstances which could connect to the decision-making processes of the Council.
- The two key objectives of good governance in local government are fully supported. However, the limited decision-making influence of Councillors needs to be recognised and this lens applied to the information gathered through Personal Interest Returns. Councillors have no influence on decision making outside the Council area they represent so what is the relevance of a Councillor disclosing they have shares in Qantas or have a property on the Gold Coast?
- The focus on clear disclosure requirements, robust management plans, and the publication of PIRs brings Tasmanian councillors into line with most other States and Territories, the application of management plans promotes transparency and accountability. The collaborative approach involving the Principal Officer and the Mayor in developing management plans adds a layer of oversight and ensures a balanced and reasonable approach to conflict management.
- The proposed legislative changes, penalties for non-compliance, and the consideration of exemptions indicate a commitment to creating an enforceable and effective system. By drawing on practices from other jurisdictions, the policy attempts to benefit from established frameworks, promoting consistency and best practices in the management of conflicts of interest.
- The proposal to make PIRs and Proactive Management Plans public is a positive step towards transparency and accountability. The exemptions outlined show a nuanced approach, recognising the need to protect sensitive information. The success of this initiative hinges on the **clarity** of legislative provisions, **the balance between transparency and privacy**, and ongoing adaptability based on experience and feedback. If implemented thoughtfully, it has the potential to enhance public trust in the integrity of the governance process.
- A Proactive Management Plan relating to interests which have been notified in the PIR is required to be developed. Guidance around the nature of these Plans and how interests are managed need to be developed by the Office of Local government in consultation with the sector to ensure a reasonably uniform approach is taken.
- Whilst the Addendum provides some additional clarity on the exemption in relation to declaration of Liabilities and Debt, there is still a lack of clarity. The Addendum refers to 'an authorised lending institution', this does not reflect the terminology used to classify the main types of financial institutions in Australia. If a Councillor has a motor vehicle through a finance company this does not fall into the exemption provided in the Addendum. Consideration should be given to aligning terminology with that used by the Reserve Bank of Australia which include Authorised Deposit-taking Institutions (ADIs); Non-ADI Financial Institutions; Insurers and Fund Managers.
- 'Debt arising from the supply of goods and services that were supplied in the ordinary course of any occupation of the Member or their spouse' does this exemption apply to the ordinary course of business? For example, a Councillor operates a business which could include accounts with suppliers to their business. For the avoidance of doubt, occupation should be changed to business or profession.

- The definition of ‘Other Earnings’ is still not clear, if a Councillor receives a benefit of some form from the Federal Government, does this need to be declared?

Complaints, penalties and deterrents

- The proposed framework addresses the need for a structured complaints handling process and emphasises the importance of penalties and deterrents. However, to strengthen its effectiveness, the framework should provide clear criteria, definitions, and considerations for penalties, ensuring that they are proportionate, consistent, and aligned with the unique characteristics of the Tasmanian governance context. Additionally, communication and educational initiatives should be integrated to promote understanding and compliance among councillors, this is a very important element.

Impact of undeclared conflict of interest on a council decision

- The framework's approach of not automatically invalidating a Council decision due to an undeclared conflict of interest is pragmatic. However, the effectiveness of the proposed appeal process depends on the clarity of criteria for when the conflicted Councillor's vote or conduct is considered material to the decision. Without well-defined parameters, the appeal process may lack objectivity and consistency.
- The proposal for an administrative appeal process is reasonable and provides a mechanism for addressing decisions influenced by potential conflicts of interest. However, the success of this process hinges on its accessibility, transparency, and fairness. Clear guidelines for initiating an appeal, the criteria for considering the appeal, and the decision-making process should be established to prevent misuse or ambiguity. More work is needed to enable this is robust.
- The framework displays positive elements, such as the pragmatic approach to the impact of undeclared conflicts and the commitment to support materials. However, its success depends on the clarity and fairness of the appeal process, the practicality of support materials, and the integration of continuous improvement mechanisms. Ensuring effective communication about the framework and its resources is crucial for its successful implementation across councils.

In summary, while the framework exhibits positive elements, its success depends on clear and fair processes, practical support materials, and continuous improvement mechanisms. Effective communication about the framework and its resources is essential for successful implementation across councils.

Following representations from LGAT, submissions are now required by 2 February 2024.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Not applicable

Break O'Day Annual Plan 2023-2024

Actions:

Participate actively at the State and National Levels in Local Government matters including legislative reviews and policy development.

LEGISLATION & POLICIES:

N/A

BUDGET; FUNDING AND FINANCIAL IMPLICATION

N/A

VOTING REQUIREMENTS:

Simple Majority

Managing conflicts of interest of councillors - framework proposal - ADDENDUM

Personal Interest Returns

A major component of the proposed managing interests framework is the introduction of Personal Interest Returns (PIR) to be submitted by councillors. Currently, both State and Federal Members of Parliament must declare personal interests. Tasmania is the only Australian jurisdiction that currently does not require local government councillors to lodge a PIR that records a councillor's personal interests.

In the interests of accountability and transparency, the framework proposes that PIRs, or summaries providing agreed details of declarations, should be made publicly available. This would follow best practice and be consistent with current arrangements in most other Australian jurisdictions.

Appendix A of the *Managing conflicts of interest of councillors - framework proposal* discussion paper includes an example of a PIR for consideration and feedback, being a copy of the Registration of Members' Interests applied to Members of the Federal House of Representatives.

By way of a second example for consideration, the questions Tasmanian Members of Parliament must answer when completing their annual personal interest returns as required by the *Tasmanian Parliamentary (Disclosure of Interests) Act* are included as Appendix A to this addendum.

These Federal and Tasmanian frameworks are examples of existing frameworks used to manage conflicts of interest. They are included to demonstrate the range of personal interests that could be declared under a new framework for councillors, and the types of exemptions that could be included, all based on current operational frameworks.

As such, they provide a starting point for discussion, and a place from which stakeholders can indicate the types of options they would support or oppose. The Government will develop a proposal based on these frameworks and any other elements raised during consultation and informed by submissions.

Liabilities and debt

For the avoidance of doubt, the *Managing Interests* discussion paper does not propose that councillors should declare the dollar amount of any debt or liability that they have.

Any requirement to declare a debt or liability would be based on the need to avoid actual or potential conflicts of interest with a councillor's duties. In line with both the Tasmanian and Federal frameworks, only the source of a debt would need to be disclosed so that actual or potential conflicts of interest could be identified.

When considering how to manage this issue, the exemptions for the declaration of liabilities, taken from the Tasmanian Disclosure of Interests Act provide an example that will be considered alongside of feedback raised in submissions. These exemptions include where:

- the debt arises from a loan of money and the Member or a spouse of the Member is liable to pay the debt to an authorised lending institution (for example a commercial bank or credit union).
- the amount of the debt did not exceed \$500 unless the debt was one of two or more debts and the amounts to be paid exceeded, in the aggregate, \$500.

- the debt is payable to a relative.
- the debt arises from the supply of goods or services that were supplied in the ordinary course of any occupation of the Member or their spouse.

Other earnings

Further clarity has been sought on what might be included in a requirement to report 'other earnings'.

Sources of earnings for a councillor could represent a clear pecuniary interest in a matter. As such, sources of earnings of councillors are likely to be important for accountability, transparency and ensuring that conflicts of interest can be avoided. Accordingly, both the State and Federal requirements for the declaration of 'other earnings' tend to have few exemptions to the reporting of other earnings.

Exemptions for the reporting of earnings for Tasmanian MPs and their spouses only include:

- Income received as remuneration under the Parliamentary Salaries, Superannuation and Allowances Act 2012 or
- If it does not exceed \$500 from a single source within the return period.

In line with both the Tasmanian and Federal frameworks, it is not proposed that the specific value of the earning should be disclosed.

The 'nature' of interests

The 'nature' of an interest refers to the type of interest it is and requires a brief description of the interest for it to be identified and classified.

For example, in the framework for Federal MPs, requirements for disclosure:

- Where the 'nature of any other substantial sources of income' must be declared, it means income from employment or business undertakings and from investments, annuity arrangements, pensions or under governmental assistance schemes.
- Where an indication of the nature of a partnership is required it means the level of the person's current involvement in the partnership such as 'financial', 'consultant', etc.
- Where an indication of the nature of the liability is required, it means the type of liability or debt such as mortgages, hire-purchase arrangements, personal loans or overdrafts.

In line with both the Tasmanian and Federal frameworks, it is not proposed that the specific monetary value of an 'interest' be disclosed.

Discussion Questions

To assist with submissions, it is suggested that respondents consider providing feedback on the following questions:

- In line with a principles-based framework, what standards should apply to Tasmanian councillors?
- What elements of the Tasmanian and Federal frameworks should be adopted in a new framework for councillors in Tasmania, and why?
- What elements of the Tasmanian and Federal frameworks should not be adopted in a new framework for councillors in Tasmania, and why?

APPENDIX A – Examples of disclosure requirements

As an example for consideration and feedback, below are questions that Tasmanian Members of Parliament are required to answer when completing their annual returns according to the *Tasmanian Parliamentary (Disclosure of Interests) Act, 1996*

Sources of income

Did you, or your spouse, receive any income in the annual reporting period, excluding income received as remuneration under the *Parliamentary Salaries, Superannuation and Allowances Act 2012* (Tas)?

Answers should note the person or entity from which income was received and why the income was received.

Real property

Did you, or your spouse, hold any interest in real property (whether or not in Tasmania) during the annual return period?

Answers should provide the suburb or locality and postcode of each parcel of real property and describe the type of ownership (eg sole legal title, legal title with someone else), and what the interest is (eg sole owner, joint tenant).

Interests and positions in corporations

Did you, or your spouse, hold any interest or any position in any corporation (whether remunerated or not) during the annual return period?

Answers should provide the name and address of the corporation, the nature of the interest eg shareholder, and a description of the position held (if any).

Debts

Were you, or your spouse, liable to pay any debt during the annual return period?

Note the exemptions outlined in the addendum.

For liabilities that are not exempt, answers should include the name and address of each person or entity to whom a debt was liable to be paid.

Positions in trade unions and professional or business associations

Did you, or your spouse, hold any position in any trade union or professional or business association, whether remunerated or not, during the annual return period?

Answers should provide the name of each trade union and association and a description of the position held.

Managing conflicts of interest of councillors

Framework proposal/discussion paper



Office of Local Government
Department of Premier and Cabinet



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Introduction

Background

The Tasmanian Government is committed to supporting and strengthening Tasmania's local government sector and ensuring that our local councils are equipped to serve their communities. In 2020 following extensive public consultation, 51 legislative reforms were approved by the Tasmanian Government as part of the Local Government Legislation Review. Two of the proposed reforms directly address conflict of interest issues.

On 29 September 2022, the Integrity Commission released a summary report of its own-motion Investigation Fisher. The report presented its findings into alleged misconduct of a councillor surrounding undeclared conflicts of interest.

An additional research paper produced by the Integrity Commission, based on the findings from Investigation Fisher, highlighted gaps in the current regulatory framework for managing the interests of councillors in local government and recommended potential reforms.

Early in 2023 the Office of Local Government convened a local government sector working group to develop a proposal for an effective and contemporary framework for managing conflicts of interests. The working group has informed the development of this framework proposal and endorsed its release for consultation. The Premier's Local Government Council (PLGC) met on 27 July 2023 and endorsed the outline of the draft framework that is now presented for consultation.

Changes to legislation will be required to give effect to the proposed reforms. Accordingly, this document is presented as a "framework proposal". Consequently, throughout this document, references to future legislation are subject to consideration by Government, which will be informed by this engagement.

Making a submission

Submissions on this framework proposal are welcome from members of the community, stakeholders, councils, and elected representatives. Respondents are encouraged to review the principles, specific reform proposals, and context outlined in this paper to inform their feedback.

Submissions might consider the following:

- Do the provisions of the proposed framework reflect the guiding principles?
- Does the proposed framework support public confidence and trust in local government?
- Are the proposed exemptions to conflicts of interest comprehensive, practical, and suitable for adoption in Tasmania?
- When determining what information contained in a Personal Interest Return should be exempt from publication, are the examples provided appropriate for adoption in Tasmania?

Submissions by email to lgconsultation@dpac.tas.gov.au are preferred.

Alternatively, submissions may be provided by mail, addressed to:

Attention: Managing interests framework
Office of Local Government
Department of Premier and Cabinet
GPO Box 123

HOBART TAS 7001

Submissions must be received by 5:00pm on 22 December 2023.

Submissions will be treated as public information and published on the Department of Premier and Cabinet's website. If you would like your submission to be treated as confidential, you must indicate in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this. Please consult the [Tasmanian Government's Public Submission Policy](#) for further information. Submissions will be published after consideration by Government.



Proposed changes to managing conflicts of interests of councillors

Proposed change	Page
1. This framework introduces six guiding principles: 1) integrity 2) impartiality 3) transparency 4) accountability 5) proactivity and responsiveness 6) consistency.	9
2. Currently in Tasmania, pecuniary (financial) conflicts of interest are regulated through the <i>Local Government Act 1993</i> (the Act). Non-pecuniary interests are regulated through the Code of Conduct. Under this proposed framework, all conflicts of interest will be regulated through the Act and will be classified either as actual, perceived or potential conflicts of interest. For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary or non-pecuniary.	11
3. Councillors will be required to disclose both the fact that they have a conflict of interest and the nature of the conflict of interest before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.	14
4. After disclosing an actual conflict of interest, councillors must exclude themselves from meetings, workshops, agenda briefings or other forums during discussion on the matter. Councillors with an actual conflict of interest will have restricted or no access to deliberative material and information on those matters.	14
5. After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate.	14
6. The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included. Changes to the Act will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available, especially if a perceived or potential conflict of interest is disclosed.	14



7. This proposed framework introduces new arrangements for submitting and managing personal interest returns. Councillors will be required to submit an initial personal interest return shortly after being elected to council. Councillors will also be required to submit an annual personal interest return on a fixed date, through their term.	15
8. Where a personal interest return discloses an interest that will foreseeably give rise to a conflict in the council, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage the foreseeable conflict.	15
9. In the interests of accountability and transparency, this framework proposes that Personal Interest Returns and Proactive Management Plans (or summaries providing agreed details) should be publicly available.	16
10. Updated penalties under this framework may include fines, dismissal from office, and prison terms.	17



Objectives

Any perception that local governments may be unable to make fair and unbiased decisions has the capacity to erode their legitimacy and have negative impacts on their functioning.

This framework sets out a contemporary approach for identifying, managing, and mitigating councillors' personal interests and conflicts of interest, while ensuring that councillors' decisions and actions are guided by ethical principles. It is aligned with the Good Governance Guide for Local Government in Tasmania published by the Department of Premier and Cabinet.

Two key objectives of good governance in local government (and all decision making of public officials) are to:

1. Ensure that decisions are made in the best interests of the community and free from bias arising from the personal interests of decision-makers.
2. Promote trust in decision-making in local government by managing perceptions of bias arising from perceived personal interests of decision-makers.

These are the primary objectives of this framework for managing conflicts of interest of councillors.

Guiding Principles

Implementing a principles-based framework encourages a culture of ethical behaviour, professional conduct, and good governance, while also fostering trust and confidence among constituents and other stakeholders.

Councillors should uphold the following six principles when managing their personal interests in the course of their duties. All councils and councillors should bear these principles in mind when managing interests and deciding how legislation and regulations should be interpreted and applied.

Integrity

Integrity is a value that underpins all councils' trustworthiness. Having integrity as a foundational principle demonstrates a commitment to ethical conduct and responsible governance. Integrity underscores the importance of self-awareness and self-regulation while encouraging councillors to recognise and disclose conflicts of interest that arise in the course of their duties. Integrity serves as a guiding principle for councillors to navigate conflicts responsibly and make decisions in the best interests of the council and its constituents.

Impartiality

Impartiality is a fundamental principle of ethical conduct. Councillors committed to acting impartially will prioritise their duties as a councillor, and the welfare of their constituents, over their personal interests. Impartiality promotes fair and unbiased decision-making and fosters trust among stakeholders and constituents.



Accountability

Accountability is a fundamental requirement of good governance. Accountability ensures that councillors are responsible and answerable for their actions and decisions. It promotes transparency by requiring councillors to disclose their interests. When councillors demonstrate that they are accountable for identifying and managing conflicts of interest, it enhances confidence in council's decision-making processes and governance.

Transparency

The community should be able to follow and understand council's decision-making process. Transparency promotes accountability, trust and fairness within local government and ensures that councillors are aware of their obligation to disclose conflicts of interest. A culture of transparency and openness will minimise the occurrence of undisclosed conflicts of interest and ensure decision-making processes are fair and unbiased, safeguarding the integrity of decisions. Transparency serves as a vital foundation for the success of this framework and the maintenance of trust among constituents.

Proactivity and Responsiveness

Councillors should proactively disclose and manage conflicts of interest at the earliest possible stage. Simultaneously, the requirement to be responsive promotes a dynamic approach to managing conflicts of interest and ensures that they are promptly and appropriately addressed.

Consistency

This framework increases clarity surrounding the management of interests, which in turn will promote a consistent approach across the State in line with community expectations of good governance. Consistency is reinforced by adopting the Integrity Commission's classification system of conflicts of interest, introducing best practice principles used across Australia, and updating penalties so that they are commensurate with those in other jurisdictions. When councillors collectively disclose and manage their interests in line with this framework, they help maintain high standards, setting a strong example as leaders in their community.



Classifying Interests

Introduction

In Tasmania, interests for councillors in Local Government are currently categorised as either pecuniary (financial) or non-pecuniary (non-financial). Pecuniary conflicts of interest are regulated through the *Local Government Act 1993* (the Act). Non-pecuniary interests are regulated through the Code of Conduct (the Code).

The Local Government Act Legislation Review identified the current arrangements as confusing for councillors and difficult to manage, especially as pecuniary and non-pecuniary interests operate with different regulations and sanctions.

The Act, while managing actual pecuniary conflicts of interest, is silent on how perceived pecuniary interests should be managed. Under the Code, non-pecuniary interests are not clearly defined making the Code difficult to interpret and enforce. The most severe sanction for a councillor participating in council meetings with a serious undeclared non-pecuniary conflict of interest is a three-month suspension from duties without allowances, after which they resume their position on the council.

Under this proposed framework, a conflict of interest arises when a councillor has an interest in any matter with which the Council is concerned that may impact on their ability to make an impartial decision. All conflicts of interest will be regulated through the Act and will be classified as either actual, perceived, or potential conflicts, following the Integrity Commission classifications.

For this reason, the Code of Conduct Panel would no longer assess alleged conflicts of interest and all types of conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Actual conflict of interest

A councillor has an actual conflict of interest in respect of a matter if an impartial, fair-minded person would consider that the councillor would gain a benefit or suffer a loss from a decision made by the council. The benefit gained or loss incurred may arise directly (ie directly to them) or indirectly (ie through a close associate) or be of a pecuniary or non-pecuniary nature.

A pecuniary benefit or loss is one that can be measured in money. However, a benefit or loss does not have to be pecuniary.¹ Non-pecuniary benefits or losses might include:

- an impact on a person's social or community standing;
- an impact on a person's residential amenity; or
- a permit allowing a person to conduct an activity.

¹ *Managing Personal Interests in Local Government – A manual for council managers and governance officers*, p 13, Local Government Victoria, October 2020.

Perceived conflict of interest

A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it is not occurring.

Perceived conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Potential conflict of interest

A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties. Importantly, under a potential conflict of interest, there is no intimation of a current conflict of interest but rather, a recognition of one that may occur in the future.

Potential conflicts of interest may be either pecuniary (financial) or non-pecuniary.

Examples

- Councillor A is a member of the committee of a local not for profit sports club that is applying to the council for a grant. The Councillor's status as a committee member gives rise to an actual (non-pecuniary) conflict of interest.
- Councillor B owns a business that is submitting a tender for a contract with the council. Councillor B has an actual (pecuniary) conflict of interest in the matter as they will gain an immediate and tangible financial benefit if their company is successful in being awarded the contract.
- Councillor C used to work for the business that is applying for the tender for the contract with council and maintains close personal friendships within the company. Councillor C has a perceived conflict of interest in the matter because an impartial, fair-minded person may consider that Councillor C's previous employment and friendships could influence their decision-making and result in them acting in a manner that is contrary to their public duty.
- Councillor D has an intimate relationship with the owner of a local construction company. The Councillor's private interests are currently not relevant to their official duties, but they could be in the future if their spouse submits a tender for works. This is a potential conflict.
- Councillor E has a property that will be served by the tendered contract. Because this benefit is held in common with a substantial proportion of residents and does not exceed the interest held by the other residents, Councillor E does not have a conflict of interest.

Exemptions

As illustrated by the Councillor E scenario, some situations should not give rise to a conflict of interest. These will be established in legislation to give effect to this framework proposal.

Based on exemptions currently in force in Victoria, below are examples of the types of exemptions that could apply for this framework:

- the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the councillor in relation to the matter;
- the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- the councillor does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- the interest only arises because the councillor is the representative of the council on a not-for-profit organisation that has an interest in the matter and the councillor receives no personal advantage from the not-for-profit organisation;
- the interest only arises because a family member of the councillor is a member but not a committee/board member of a not-for-profit organisation;
- the interest only arises because the councillor is a member, but not a committee/board member, of a not-for-profit organisation – even where that organisation has expressed an opinion or advocated for an outcome in regard to the matter;
- the interest arises in relation to a decision by a councillor on a matter or in a circumstance that is prescribed to be exempt.

Exemptions do not discharge an obligation to disclose an interest required under a Personal Interest Return, and appropriate actions and strategies should be proactively developed, as discussed later in this document.



Disclosure and management of conflicts of interest

Disclosure

Actual, perceived and potential conflicts of interest must be disclosed whenever a councillor is called on to perform a public duty that could affect their personal interests.

Under this framework proposal, councillors will be required to disclose both the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed. Depending on the nature of a councillor's interest, they may be prohibited from attending or participating in forums while the matter is discussed, as well as receiving information on the matter in which they have disclosed an interest.

Councils will appoint a Principal Officer (General Manager or their delegate), to ensure that councillors have a clear point of contact to discuss and disclose conflicts with. This will assist in clearer direction to councillors on how to manage a conflict and also allow for council to record and manage conflicts.

A councillor must not take actions that are contrary to a previous declaration, effectively giving rise to a conflict of interest after the fact. For example: if a councillor has a business that could compete for a tender that the council has to approve, the councillor cannot say that they do not have a conflict of interest on the basis that their business will not apply for the tender, and then later, after they have received information and participated in the decision to release the tender, disclose a conflict of interest and compete for the tender.

Management

Actual conflicts of interest

After disclosing an actual conflict of interest, councillors must exclude themselves from attending meetings, workshops, agenda briefings or other forums while the matter is being discussed. Councillors with an actual conflict of interest shall have restricted or no access to deliberative material and information on those matters. Changes to legislation will be considered to automatically classify such material and information confidential in respect of an actual conflict of interest.

Perceived and potential conflicts of interest

After disclosing a perceived or potential conflict of interest, councillors must exercise their own reasonable judgment as to whether or not to participate. In certain circumstances, it may be appropriate for the Council to overturn a councillor's decision to participate. In a workshop setting, agenda briefing or other forum, the Mayor would be empowered to exercise an interim decision to overturn a councillor's decision to participate. The matter will then be brought to the next council meeting for a decision.

The management of perceived and potential conflicts of interest needs to be flexible to reflect the variety and broad scale of conflicts that could be included in this category. Changes to legislation will be considered to empower the Minister to introduce guidance around how assessments and judgements are made and the types of management options that are available if a perceived or potential conflict of interest is disclosed.

Personal Interest Returns

Tasmania is the only Australian jurisdiction that does not require councillors to lodge a Personal Interests Return (PIR) that discloses and records interests held by councillors in property, corporations and business partnerships, membership of organisations, as well as sources of income. In Victoria, a PIR is described as "a record of the private interests of a person in public office that assists in improving probity. It helps to ensure transparency and reduce conflicts of interest."

This proposed framework addresses this by introducing arrangements for submitting and managing PIRs.

Councillors will be required to submit an initial PIR to the General Manager or a delegated officer shortly after being elected to council.

Councillors will also be required to submit an annual PIR by a fixed date to the General Manager or a delegated officer throughout their term.

Throughout the year, councillors will be required to disclose new or emerging personal interests by updating their annual PIR.

The information that a councillor must disclose relating to the nature of different types of interests will be prescribed in legislation developed to give effect to this framework.

A councillor may be reported to the Director of Local Government if the councillor:

- knowingly fails to provide a PIR within the allotted time frame;
- knowingly fails to notify of any alteration of those interests within 28 days of the change occurring, or
- knowingly provides false or misleading information.

Examples of the types of interest that must be disclosed in the PIR, based on the Registration of Members' Interests applied to Members of the Federal House of Representatives, are included in Appendix A.

Proactive Management Plan

After completing, or updating their PIR, councillors will be required to develop a Proactive Management Plan including pre-arranged actions and strategies to manage foreseeable conflicts.

These actions and strategies should be developed collaboratively with input and advice from the council's mayor and the Principal Officer (General Manager or their delegate). If the mayor has an interest that must be proactively managed, the General Manager should assume the mayor's role for this purpose.

If a councillor does not voluntarily propose pre-arranged actions and strategies, or the mayor considers that the proposed actions and strategies are unlikely to effectively prevent foreseeable conflicts in the council, the mayor will be able to request the councillor develop appropriate pre-arranged actions and strategies that, in the mayor's reasonable opinion, will effectively manage a conflict of interest in foreseeable scenarios.

Proactive Management Plans must be developed within 28 days from the submission of a PIR.



Publication of Personal Interest Return and Proactive Management Plan

In the interests of accountability and transparency, this framework proposes that PIRs and Proactive Management Plans (or summaries providing agreed details) should be publicly available. This would be consistent with current arrangements in most other Australian jurisdictions.

In developing legislation to give effect to this framework, provisions will be included to exempt appropriate details from publication. For example, in Victoria, information exempt from publication includes:

- the monetary value or amount of any income, shares, other beneficial interests and debt;
- the street address and number of any land owned by the specified person, or in which the specified person has a beneficial interest, if the land is the principal place of residence of any person;
- information which, if released, would be reasonably likely to place the personal safety of any person at risk;
- private commercial information.



Complaints, penalties and deterrents

Initially, a complaint should be lodged with the General Manager of the council. After assessing the complaint to ensure it addresses a breach of the Act or Regulations, and that it is in the correct format, the General Manager should refer the complaint to the Director of Local Government.

Penalties or sanctions will be imposed for:

- failing to declare an interest;
- failing to declare an interest with an intent to dishonestly obtain a benefit;
- intentionally or recklessly lodging a personal interests return that contains false or incomplete information;
- failing to update a personal interests return in the required time;
- failing to develop and agree to pre-arranged actions and strategies to proactively manage foreseeable conflicts of interest;
- acting inconsistently with a previous declaration or giving rise to a conflict of interest after the fact.
- attending a meeting, workshop, agenda briefing or other forum where a matter relating to a known conflict of interest would be discussed without disclosing a conflict of interest.

Penalties under this framework may include fines, dismissal from office, and prison terms. These will be set through the development of legislation.

Penalties should be proportionate to legislation and penalties in other States. Tasmania currently has penalties that are significantly lower than elsewhere.



Impact of undeclared conflict of interest on a council decision

Under this framework, a councillor's participation in a council decision while having an undeclared conflict of interest would not automatically invalidate the council's decision. However, if the conflicted councillor's vote or conduct appears to be material to the outcome of the council's decision, it is proposed that this information may be used as grounds to appeal the decision where such an avenue exists.

This process would be an administrative appeal.

Further support and guidance

To support the implementation of this framework, the Office of Local Government will develop support materials including:

- a Guide to the management of actual, perceived and potential conflicts of interests, including case studies;
- a Personal Interest Returns template;
- a Proactive Management Plan template;
- information on implications for the Code of Conduct framework; and
- a module to be included in the Local Government Learning and Development Framework.



Definitions

The following definitions are derived from contemporary managing interests frameworks across Australia. They will be refined as a result of this submissions received in response to this consultation draft, and through the development of legislation to give effect to the draft framework.

actual conflict of interest: A councillor has an actual conflict of interest in a matter if, in respect of a matter a councillor would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise, or the loss may be incurred, directly or indirectly or in a pecuniary or non-pecuniary form.

annual personal interests return means a return lodged annually by a councillor; after the initial personal interests return, while they continue to be a councillor.

close associate means:

- a family member of the councillor;
- a body corporate of which the councillor or their spouse or domestic partner is a director or a member of the governing body;
- an employer of the councillor; unless the employer is a public body;
- a business partner of the councillor;
- a person for whom the councillor is a consultant, contractor or agent;
- a beneficiary under a trust or an object of a discretionary trust of which the councillor is a trustee;
- a person from whom the councillor has received a disclosable gift.

family member means:

- a spouse or domestic partner of the councillor; or
- a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the councillor or of their spouse or domestic partner; or
- any other relative that regularly resides with the councillor.

initial personal interests return means the first return lodged by a councillor.

matter means a matter with which a council will require a power to be exercised, a duty or function to be performed, or a decision to be made, by the Council.

perceived conflict of interest: A perceived conflict of interest is when a councillor may appear – to a reasonable person familiar with the facts of the situation – to be influenced in a manner that is contrary to their public duty to impartially perform the role of a councillor. It is still a perceived interest even if it may not be occurring. A perceived conflict of interest may be either pecuniary or non-pecuniary.

personal interest means any direct or indirect interest of a councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

potential conflict of interest: A potential conflict of interest occurs when a councillor is in a position where they may be influenced in the future by their personal interests when fulfilling their duties.

public duty means the responsibilities and obligations that a councillor has to members of the public in their role as a councillor.



Appendix A – Information included in personal interest returns

The detail that must be provided by a councillor in a personal interest return varies between jurisdictions that require returns to be submitted.

Below is an example of the type of interests, and level of detail about those interests, that Federal Members of the House of Representatives are required to disclose and declare. This information is published online as soon as possible after the commencement of each Parliament and is updated as required to include any alteration of their interests by a Member.

Federal Registration of Members' interests – Requirements of the House of Representatives

Within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide a statement of:

- (a) the Member's registrable interests; and
- (b) the registrable interests of which the Member is aware (i) of the Member's spouse/partner and (ii) of any children who are wholly or mainly dependent on the Member for support.

The statement of a Member's registrable interests shall include the Member's registrable interests as well as those of their spouse/partner and any children who are dependent on the Member.

Declarations/disclosures shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies—
 - (i) in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest, and
 - (ii) in which the Member, the Member's spouse/partner, or a child who is wholly or mainly dependent on the Member for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the Member, the Member's spouse/partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships indicating the nature of the interests and the activities of the partnership;
- (f) liabilities indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;

- (i) the nature of any other assets (excluding household and personal effects) each valued at over \$7,500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources, or at more than \$300 where received from other than official sources provided that a gift received by a Member, the Member's spouse/partner or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the Member judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (m) membership of any organisation where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise, and
- (n) any other interests where a conflict of interest with a Member's public duties could foreseeably arise or be seen to arise.



Appendix B – Interjurisdictional comparison

State	Act	Regulations	Code	Types of interest	Declaring interests	Managing interests
Tasmania	<u>Local Government Act 1993</u>	Local Government (General) Regulations 2015	Prescribed Model Code of Conduct	Pecuniary (legislation) Non-pecuniary (regulation - code of conduct)	Pecuniary and non-pecuniary interests must be declared only before matter discussed at meeting. No requirement for councillors to complete return of interests.	Pecuniary – non-participation in meeting and decisions. Non-pecuniary – councillor decides if they have a conflict of interest and whether it requires non-participation in meeting.
Victoria	<u>Local Government Act 2020</u>	Local Government (Governance and Integrity) Regulations 2020	Yes, (but not prescribed)	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty. Material – if would gain benefit of loss (either pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then biannually. Disclose conflict of interest before matter discussed at council meeting. Summary of interests made publicly available.	General and material – non-participation in meeting and decisions.
NSW	<u>Local Government Act 1993</u>	Local Government (General) Regulation 2005	<u>Model Code of Conduct for Local Councils in NSW</u>	Pecuniary Non-pecuniary	Yes, lodge a written personal interests return after election, then annually. Register of interests not public.	Pecuniary – non-participation in meeting and decisions. Non-pecuniary – assess, non-participation if deemed significant.
Queensland	<u>Local Government Act 2009</u>	Local Government Regulation 2012	<u>Code of Conduct for Councillors in Queensland</u>	Prescribed – mostly relates to supply of goods and services and lease or sale of assets. Declarable – conflict between councillor's personal and public	Yes, lodge a written financial and non-financial interests return after election, then annually.	Prescribed – non-participation in meeting and decisions. Declarable – participation or non-participation as voted on by council.

				interests where decision might not be in public interest. Personal interest	Register of interests made publicly available.	Personal – council to decide if personal interest is declarable.
Northern Territory	<u>Local Government Act 2019</u>	Local Government (General) Regulations 2021	Code of Conduct (Schedule 1 of the Act)	A direct interest, an indirect financial interest, an indirect interest by close association and an indirect interest due to conflicting duties.	Written return on election, then annually, disclosing a range of financial interests, membership of political party, and organisation for which a conflict of interest with the person's duties could foreseeably arise. Register of interests made publicly available.	All interests – non-participation unless permission granted by Minister.
South Australia	<u>Local Government Act 1999</u>	Local Government (General) Regulations 2013	Code of Conduct for Council Members	General – if reasonably presumed to be a conflict between councillor's personal interests and the public duty. Material – if would gain benefit of loss (pecuniary or non-pecuniary)	Yes, lodge a written personal interests return after election, then annually. Must include pecuniary interests, and non-pecuniary interests that might raise a material conflict of interest. Register of interests made publicly available.	Material – non-participation (except with Minister's approval). General – participation or non-participation as decided by the councillor with the declared interest.
Western Australia	<u>Local Government Act 1995</u>	Local Government (Rules of Conduct) Regulations 2007	Local Government (Model Code of Conduct) Regulations 2021	Financial (primary legislation) Non-financial (interest that might affect impartiality including kinship, friendship or membership of an association (regulations)).	Financial – written return after election, then annually. Non-financial interests – must be declared before matter discussed at meeting. Register of interests not public.	Financial – non-participation, unless permitted by other members present or permission granted by Minister. Non-financial – allowed to participate.



Tasmanian
Government

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ACTION	DISCUSSION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Break O’Day Council Draft Submission

OFFICER’S RECOMMENDATION:

That the Report be received and Council consider the nature of its submission.

INTRODUCTION:

The Future of Local Government Review process has now entered the final stage with the Board having completed its work and submitted the Final report to the Minister for Local Government.

The formal consultation period on the Report is open until 29 February 2024 and the nature of Councils submission will need to be finalised over the next three months.

PREVIOUS COUNCIL CONSIDERATION:**Council Meeting 18 December 2023**

12/23.4.1.282 Moved: Clr B LeFevre/ Seconded: Clr K Wright

That the Report be received and Council consider the nature of its submission.

CARRIED UNANIMOUSLY**OFFICER’S REPORT:**

Following the discussions which have occurred at the last two Council meetings and the December Council Workshop, the General Manager has commenced preparation of a submission in relation to the Final Report. As mentioned previously, a number of the recommendations are going to require legislative change which will trigger a formal consultation process which means that comments that we provide through this process may add little to the outcome of the recommendations.

Submissions made in relation to the Final Report will be considered by the State Government, they will not be considered by the Board or change the Recommendations which have been made. Attached to this Agenda Item is the commencement of a draft submission for Council to consider and provide additional points for inclusion.

The following points have been made at the last two Council meetings; they are included in this report just to recap what has been said previously:

- *The General Manager advised the following regarding the Future of Local Government Review Process:*
 - *The report has been delivered and we have until the end of February to respond to the report.*
 - *The Council submission focused on the creation of an East Coast Council with the Southern boundary open for discussion. The Board have followed this but had to include some sort of line on the map in the report.*
 - *They have mapped out a time frame and outlined how this will move forward.*
 - *The Board is looking between mid 2024 and mid 2025 to go through a process which does involve substantial community engagement.*
 - *They have suggested community working groups and clear expectations for extensive consultation and engagement before going to an elector poll.*
 - *Mandated services have been included in the report, this is for a range of areas including IT.*
 - *They have advised that they are going to pick up work on the new Local Government Act and are aiming to have it prepared by the end of 2024.*
 - *They have suggested a Strategic Planning framework, proposing a plan which goes for four (4) years and is developed at the start of a new Council term. He wondered why a strategic plan would be for four (4) years when they usually have a longer window. When looking at it more closely, what they are talking about is essentially a corporate plan with inward focusing activities.*
 - *A Performance Reporting system has been included and also some information regarding asset management and depreciation.*
 - *This will be listed for the December Council workshop for initial conversation with Councillors. We will be guided by Council on this about how much effort and resources they would like us to put into this.*
- *Councillor Drummond noted that the amount of work going into the Future of Local Government Review is huge and is glad that it will be included in the December workshop.*
- *Mayor Tucker said, with regards to the Future of Local Government Review paper, if we continue and lead the investigation into the potential East Coast Council they have put forward, the State Government has made it clear that they will be financially supporting the transition to quite some extent. He noted that this is the current State Government and this may not be the case in the future.*
- *Councillor Johnstone raised her concerns about what has been reported in the media and noted the error in the report. She asked can we have this fixed? The General Manager said we can certainly mention it, it is at the end of the report in the community summary.*
- *Councillor Drummond noted that she has been unable to read the full report yet, but did read the community report and agrees it should be changed and clarified. The General Manager noted that it is only small piece and the rest of the report is clear, the media is not helping.*

18 December 2024 Council Meeting

- *The General Manager noted the following:*
- *That this was discussed at workshop and we are providing a submission by the end of February in relation to this.*
 - *A lot of the actions in the report will trigger further changes such as legislative changes. Do we want to put our effort into this piece or in the consultation process for change.*
 - *Recommended we put more resources into the consultation process.*
 - *Our submission will make it very clear that we support an investigation into an East Coast Council to enable and informed decision to be made.*
- *Councillor Johnstone acknowledged the extra workload for Council Officers throughout this process.*
- *Mayor Tucker acknowledged and thanked all the Council employees who have contributed to this process.*

The critical thing within the Report is the Board's recommendation in relation to the future arrangement of Council boundaries as they affect Break O'Day. The recommendation of the Board is very much in line with Council's position; the Board have proposed that the Bicheno and Coles Bay areas join with Break O'Day. They have left open the exact location of the southern boundary raising the question of where does the Swansea area go. Council's position has been that a detailed investigation needs to occur and as part of that the location of the southern boundary would be determined.

STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Achieving the Vision

Leadership/Ownership – Council Role

- We will be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
- We will make decisions for the greater good of Break O'Day by being accessible and listening to our community.

Break O Day Annual Plan 2023 – 2024

Management Team Objectives – Local Government Reform

Local Government reform – Participate actively in the Future of Local Government Review process with a focus on achieving the best outcome for the Break O'Day area.

LEGISLATION & POLICIES:

Local Government Act 1993

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Not quantified at this stage. Very substantial human resources were required to actively participate in the process.

VOTING REQUIREMENTS:

Simple Majority

Future of Local Government Review – Final Report (October 2023)

Break O’Day Council Submission [draft vers1 03-01-2023]

Recommendation #	Recommendation Headline	Council Comment
1	<p>Define in Tasmania’s new Local Government Act the role of local government consistent with the statement below:</p> <p>The role of local government is to support and improve the wellbeing of Tasmanian communities by:</p> <ol style="list-style-type: none"> 1. harnessing and building on the unique strengths and capabilities of local communities; 2. providing infrastructure and services that, to be effective, require local approaches; 3. representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and <p>promoting the social, economic, and environmental sustainability of local communities, by mitigating and planning for climate change impacts.</p>	<p>Recommendation Supported</p> <p>Statement proposed for inclusion in the Local Government Act is generally reflective of what Council has argued through the FoLGR process through its submissions.</p>
2	<p>The Tasmanian Government – through subordinate legislation – should implement a Local Government Charter to support the new legislated role for local government.</p> <p>The Charter should be developed in close consultation with the sector and clarify and consolidate in a single document councils’ core functions, principles, and responsibilities, as well as the obligations of</p>	<p>Recommendation Tentatively Supported</p> <p>Previously Council has questioned the need for a Charter. The narrative within the Final report provides a better explanation of what a Charter will encapsulate and seems reasonably logical. This may be the only area where Local Government can better define the relationship between Local Government and the State Government.</p>

	<p>the Tasmanian Government when dealing with the sector as a partner in delivering community services and support.</p>	<p>It is important that within the Charter both parties have 'skin in the game'. The ability for the Minister to mandate Council sharing services etc is a continuation of the 'master- servant' relationship which Local Government has endured this inception. The Charter must capture how we collaborate and make collective decisions.</p> <p>The Board failed to meaningfully address the frustrations that Local Government has. Many of our challenges come from our relationships with the State Government and its many agencies. When they suffer from systemic under funding, under resourcing, gaps in responsibility and lack of clarity and purpose, it also impacts at a Local Government level.</p> <p>The Charter MUST address the need for a formal cost sharing arrangement framework between State and Local Government.</p> <p>The State Government has a history of developing systems relating to Local Government activities and then once they have been established say to Local Government that it needs to pay for the system's ongoing operation, maintenance and development. This discussion must be discussed and agreed at the outset.</p>
3	<p>The Tasmanian Government should work with the sector to develop, resource, and implement a renewed Strategic Planning and Reporting Framework that is embedded in a new Local Government Act to support and underpin the role of local government. Under this Framework councils will be required to develop – within the first year of every council election – a four-year strategic plan.</p> <p>The plan would consist of component plans including, at minimum, a:</p>	<p>Recommendation requires Review</p> <p>The concept of a renewed Strategic Planning and Reporting Framework embedded within the Act is logical. However the Board has failed to adequately describe an all encompassing approach and have instead confused the situation by proposing a Four-year Strategic Plan encompassing four elements which are 'Corporate' and inward focussing and focus on four themes which are</p>

	<ul style="list-style-type: none"> • community engagement plan; • workforce development plan; • elected member capability and professional development plan; and • financial and asset sustainability plan.. 	<p>included in the Final Report. Questions start to arise as to whether a Workforce Development Plan is actually an operational matter for which the General manager has responsibility.</p> <p>Division 2 of the current Act requires the preparation of a Strategic Plan for at least a 10 year period. Councils consult extensively with their communities in developing a Strategic Plan which includes a vision for the future of the Council. Division 2 also includes Long-term Financial Management Plans; Financial Management Strategies; Long-term Asset Management Plans etc.</p> <p>Substantial work is required on this very important element.</p>
4	<p>Formal council amalgamation proposals should be developed for the following:</p> <ul style="list-style-type: none"> • West Coast, Waratah-Wynyard and Circular Head Councils (into 2 councils); • Kentish and Latrobe Councils; • Break O'Day, Glamorgan-Spring Bay and Sorell Councils (into 2 councils); • City of Hobart and Glenorchy City Councils; • Kingborough and Huon Valley Councils. <p>The Board acknowledges council interest in and discussions on boundary changes are less advanced in respect of City of Hobart and Glenorchy, and Kingborough and Huon Valley councils, but nonetheless believes that these councils have expressed clear interest in further exploring opportunities. The Board believes there is substantial merit in ensuring that those councils (and their communities) are afforded the</p>	<p>Recommendation Supported</p> <p>Break O'Day Council has clearly stated its position on this matter to the Board. It believes that a detailed investigation is required in relation to the options for creating an East Coast Council. Until that investigation occurs, there is insufficient information to make an informed decision. The Council has not expressed a position on where the boundary might be located along the Coast.</p> <p>Council notes that the option to incorporate the Bicheno/Coles Bay and Break O'Day areas to form a Council covering the northern East Coast is one option, but reiterates that this needs to be addressed through the detailed investigation.</p>

	opportunity to genuinely explore structural consolidation proposals in greater detail.	
5	A new Local Government Board should be established to undertake detailed assessment of formal council amalgamation proposals and make recommendations to the Tasmanian Government on specific new council structures.	Recommendation Supported The State Government must provide the funds necessary to enable detailed investigations of amalgamation proposals and the funds necessary to meet the transition costs to the new structure
6	A Community Working Group (CWG) should be established in each area where formal amalgamation proposals are being prepared. The CWG would identify specific opportunities the Tasmanian Government could support to improve community outcomes.	Recommendation Supported
7	In those areas where amalgamation proposals are being developed, a community vote should be held before any reform proceeds, to consider an integrated package of reform that involves both a formal council amalgamation proposal and a funded package of opportunities to improve community outcomes.	Recommendation Supported
8	If a successful community-initiated elector poll requests councils to consider amalgamation, the Minister for Local Government should request the Local Government Board to develop a formal amalgamation proposal and put it to a community vote.	Recommendation Supported This is effectively the process currently contained within the Local Government Act 1993.
9	The new Local Government Act should provide that the Minister for Local Government can require councils to participate in identified shared service or shared staffing arrangements.	Recommendation Tentatively Supported This will depend on the provisions proposed to be included in the Act.
10	Give councils the opportunity to design identified shared service arrangements themselves, with a model only being imposed if councils cannot reach consensus.	Recommendation Supported Sharing of services is a logical arrangement where there are mutual benefits from this occurring. Discussions on

		opportunities involving Councils is an ongoing activity. It currently extends beyond shared service arrangements to include procurement activities on a regional basis.
11	Before endorsing a particular mandatory shared service arrangement, the Minister for Local Government should seek the advice of the Local Government Board.	<p>Recommendation Tentatively Supported</p> <p>More clarification is required regarding the circumstances in which a mandatory shared service arrangement is being considered. 'Shotgun' arrangements can result in resistance and hinder the outcomes being sought by the arrangement.</p>
12	If councils are unable to reach consensus on a mandatory service sharing agreement, the Minister for Local Government should have the power to require councils to participate in a specific model or models the Tasmanian Government has developed.	<p>Recommendation Tentatively Supported</p> <p>As stated in Recommendation 11, 'Shotgun' arrangements can result in resistance and hinder the outcomes being sought by the arrangement.</p>
13	<p>The first priorities for developing mandatory shared service arrangements should be:</p> <ul style="list-style-type: none"> • sharing of key technical staff; • sharing of common digital business systems and ICT infrastructure; and • sharing of asset management expertise through a centralised, council-owned authority. 	<p>Recommendation Tentatively Supported</p> <p>There is certainly a lot of merit in considering a common IT platform for Local Government. Projects of the scale being contemplated here invariably end up costing far more than expected and have significant implementation issues. An initial step would be all Councils heading to a common suite of products which then evolves into shared ICT infrastructure.</p> <p>Asset Management on the surface appears to be one of the more simple activities to be focussed on and should be the top priority. Scoping of the situation, design of a system and investigation of options should be funded immediately by the State Government.</p> <p>The sharing of key technical staff presumes that there is spare capacity laying around in Councils which can be</p>

		shared. Workforce shortages in key areas of Local Government is well known and documented. How can Councils be forced to share a resource where there is no spare capacity? It is illogical at the current time, maybe as part of addressing workforce shortages it has merit.
14	Include a statutory requirement for councils to consult with local communities to identify wellbeing priorities, objectives, and outcomes in a new Local Government Act. Once identified, councils would be required to integrate the priorities into their strategic planning, service delivery and decision-making processes.	Recommendation Tentatively Supported This requirement needs to be embodied within the requirements that Councils will need to address through their strategic planning process. Once this has been done then it should flow through into service delivery and decision making processes as a matter of course.
15	To be eligible to stand for election to council, all candidates should first undertake – within six months prior to nominating – a prescribed, mandatory education session, to ensure all candidates understand the role of councillor and their responsibilities if elected.	Recommendation Supported This requirement will assist in building the foundational knowledge of all potential Councillors. The need for this to occur for existing councillors who have previously completed this mandatory prescribed education session needs to be further discussed. It can be argued that it is good to do a refresher as you pick up something new every time. If an existing Councillor has been completing professional development throughout their term, should they be forced to do this session again?
16	The Tasmanian Government and the local government sector should jointly develop and implement a contemporary, best practice learning and ongoing professional development framework for elected members. As part of this framework, under a new Local Government Act: <ul style="list-style-type: none"> all elected members – including both new and returning councillors - should be required to complete a prescribed 'core' learning and development program within the first 12 	Recommendation Supported This is largely in line with the Policy which Council has just adopted based on the model Learning & Development Policy prepared by the Office of Local Government supported Working Group

	<p>months of being elected; and</p> <ul style="list-style-type: none"> • councils should be required to prepare, at the beginning of each new term, an elected member learning and capability development plan to support the broader ongoing professional development needs of their elected members. 	
17	The Tasmanian Government should further investigate and consider introducing an alternative framework for councils to raise revenue from major commercial operations in their local government areas, where rates based on the improved value of land are not an efficient, effective, or equitable form of taxation.	<p>Recommendation Supported</p> <p>Much of the infrastructure (particularly Windfarms) is a significant capital improvement on the land and as such should affect the rateable value. This is no different to other infrastructure that results in revenue being earned.</p>
18	The Tasmanian Government should work with the sector and the development industry to further investigate and consider introducing a marginal cost-based integrated developer charging regime.	<p>Recommendation Supported</p> <p>This would ensure that developers which benefit from infrastructure being installed pay what is a fair and reasonable contribution to the capital cost of this infrastructure.</p>
19	Introduce additional minimum information requirements for council rates notices to improve public transparency, accountability, and confidence in council rating and financial management decisions.	<p>Recommendation Supported</p> <p>This would help with consistency in disclosure</p>
20	<p>Within the context of the national framework, the Tasmanian Government should seek advice from the State Grants Commission on how it will ensure the Financial Assistance Grants methodology:</p> <ul style="list-style-type: none"> • is transparent and well understood by councils and the community, • that assistance is being targeted efficiently and effectively, and • is not acting as a disincentive for councils to pursue structural reform opportunities. 	<p>Recommendation Supported</p> <p>Simple recommendation asking for advice. The State Government has little control or influence over the activities of the State Grants Commission.</p>

21	The Tasmanian Government should review the total amount of Heavy Vehicle Motor Tax Revenue made available to councils and consider basing this total amount on service usage data.	Recommendation Supported Review of this amount and arrangements is long overdue with Council roads playing a vital role in the movement of heavy vehicles. The failure of the State Government to adequately share this revenue source is reflective of the nature of the relationship between State and Local Government.
22	Introduce a framework for council fees and charges in a new Local Government Act, to support the expanded, equitable and transparent utilisation of fees and charges to fund certain council services.	Recommendation Tentatively Supported Whilst this concept is supported in principle and it seems logical, it is not as simple as stated by the Board. Using a few examples, compliance activities invariably result in Council's incurring significant costs with cost recovery being problematic. Fines relating to Dog Control Act offences are difficult to recover, Court action is costly and lodging with MPES (Monetary Penalty Enforcement scheme) is virtually impossible without a date of birth. These issues are a step beyond the Recommendation made by the Board but Councils need to be able to efficiently and effectively recover penalties to offset the significant costs of compliance work. After all, why shouldn't the person who does the wrong thing where the cost of Council pursuing compliance.
23	The Tasmanian Government should review the current rating system under the Local Government Act to make it simpler, more equitable, and more predictable for landowners. The review should only be undertaken following implementation of the Board's other rating and revenue recommendations.	Recommendation Supported A property based tax review including both Local Government and the State Government is required. The current property tax system is inequitable and lacks transparency. What does the State Government levied Land

		Tax fund? Councils can show what Rates and Charges fund!!
24	The Tasmanian Government should work with the sector to develop, resource, and implement a best practice local government performance monitoring system.	<p>Recommendation Tentatively Supported</p> <p>Development of the performance monitoring system is fully supported, what is not clear is who will be paying for the cost of developing and operating this system and this needs to be addressed.</p> <p>The State Government has a history of developing systems relating to Local Government activities and then once they have been established say to Local Government that it needs to pay for the system's ongoing operation, maintenance and development. This discussion must be discussed and agreed at the outset. This relates to Recommendation 2.</p>
25	The Tasmanian Government should develop a clear and consistent set of guidelines for the collection, recording, and publication of datasets that underpin the new performance reporting system to improve overall data consistency and integrity, and prescribe data methodologies and protocols via a Ministerial Order or similar mechanism.	<p>Recommendation Supported</p> <p>There must be only one data gathering exercise which Local Government has to address and it needs to meet the requirements of all State Agencies.</p>
26	<p>The new Strategic Planning and Reporting Framework should actively inform and drive education, compliance, and regulatory enforcement activities for the sector, and entities with responsibility for compliance monitoring and management – including the Office of Local Government and council audit panels – should be properly empowered and resourced to effectively deliver their roles.</p> <p>As part of this the Tasmanian Government should consider introducing a requirement for councils to have an internal audit function given their responsibilities for managing significant public assets and resources, and whether this</p>	<p>Recommendation requires Review</p> <p>The Board states in the Final Report "Consideration should be given to sector contributions to fund regulatory oversight functions of the office of Local Government". This statement whilst not featured explicitly within the Recommendation is a cause for concern and the State Government should clearly state that this will not be considered.</p>

	<p>requirement needs to be legislated or otherwise mandated. Consideration should also be given to resourcing internal audit via service sharing or pooling arrangements, particularly for smaller councils.</p>	<p>Council currently has an internal audit program which is monitored by the Audit Panel. Further discussion and examination of this recommendation is required because it will result in significant change and resource implications. The Final report canvasses increasing resourcing within the Office of Local Government as an option. The Board has not taken into account the Performance Audit program undertaken by the Tasmanian Audit Office and whether this is a more logical avenue to address the deficiencies the Board has identified.</p>
27	<p>The Tasmanian Government should collaborate with the local government sector to support a genuine, co-regulatory approach to councils' regulatory responsibilities, with state agencies providing ongoing professional support to council staff and involving councils in all stages of regulatory design and implementation.</p>	<p>Recommendation Supported</p> <p>The failure to adequately involve Local Government in all stages of regulatory design and implementation has been an issue for decades. The State Government develops legislation and then Councils are left to sort it out and try and implement.</p>
28	<p>The Tasmanian Government should work with the local government sector to pursue opportunities for strengthened partnerships between local government and Service Tasmania.</p>	<p>Recommendation Supported</p> <p>It is agreed that opportunities exist to integrate customer facing service delivery and this should be pursued.</p>
29	<p>Councils should migrate over time to common digital business systems and ICT infrastructure that meet their needs for digital business services, with support from the Department of Premier and Cabinet's Digital Strategy and Services (DSS).</p>	<p>Recommendation Supported</p> <p>This links back to Recommendation 13.</p> <p>There is certainly a lot of merit in considering a common IT platform for Local Government. Projects of the scale being contemplated here invariably end up costing far more than expected and have significant implementation issues. An initial step would be all Councils heading to a common suite of products which then evolves into shared ICT infrastructure.</p>

30	The Tasmanian Government – in consultation with the sector – should review the current legislative requirements on councils for strategic financial and asset management planning documentation to simplify and streamline the requirements and support more consistent and transparent compliance.	Recommendation Supported This links back to Recommendation 3 and partially duplicates that recommendation.
31	The Tasmanian Government – in consultation with the sector – should investigate the viability of, and seek to implement wherever possible, standardised useful asset life ranges for all major asset classes.	Recommendation Supported This also in part links back to Recommendation 3 and the narrative in the Report
32	All Tasmanian councils should be required under a new Local Government Act to develop and adopt community engagement strategies – underpinned by clear deliberative engagement principles.	Recommendation Supported This also in part links back to Recommendation 3 and the narrative in the Report
33	A new Local Government Act should require councils, when developing and adopting their Community Engagement Strategies, to clearly set out how they will consult on, assess, and communicate the community impact of all significant new services or infrastructure.	Recommendation Supported This also in part links back to Recommendation 3 and the narrative in the Report
34	Following the phase 1 voluntary amalgamation program, the Tasmanian Government should commission an independent review into councillor numbers and allowances.	Recommendation Supported There is no real timeframe around the Phase 1 voluntary amalgamation program. It may be more logical to disconnect this review from that program.
35	The Tasmanian Government should expedite reforms already agreed and/ or in train in respect of statutory sanctions available to deal with councillor misconduct or poor performance.	Recommendation Supported
36	The Tasmanian Government should: <ul style="list-style-type: none"> • support the Local Government Association of Tasmania (LGAT) to develop and implement – in consultation with 	Recommendation Not Supported After all the Board has heard about workforce shortages in key areas in Local Government and the way that they have

	<p>councils and their staff – a workforce development toolkit tailored to the sector and aligned with the Tasmanian Government's workforce development system;</p> <ul style="list-style-type: none"> • support councils to update their workforce plans at the time of any consolidation; • support LGAT to lead the development and implementation of a state-wide approach to workforce development for key technical staff, beginning with environmental health officers, planners, engineers and building inspectors; • recognise in statute that workforce development is an ongoing responsibility of council general managers and is included as part of the new Strategic Planning and Reporting Framework; and <p>include simple indicators of each council's workforce profile in the proposed council performance dashboard.</p>	<p>used this as a reason for sharing of services (by non-existent or over stretched staff) it is quite disappointing to be provided with a recommendation that is a rehash of what has happened in the past and wishy washy at best.</p> <p>The situation of shortages in key areas is not something that has been caused by Local Government solely so we should fix it. Many of these positions are also in State Government and the private sector. We don't need another toolkit or to copy the Tasmanian Government approach which we have no idea what it looks like</p> <p>What is not required is a focus on more reports being updated and new ones created, what is needed is some meaningful recommendations and action including:</p> <ol style="list-style-type: none"> 1. Partnering with the Federal Public Sector Skills Council to address sector shortages, it is named up at the front end of what their purpose is. 2. Tasmanian Government and LGAT to work with Utas and TasTAFE to ensure that tertiary and vocational program delivery meets the needs of industry and the various sectors. 3. Promote paraprofessional pathways through TasTAFE and Utas. 4. Support Councils to provide a range of traineeships and cadetships, this could be through a shared approach between multiple council with funding available to support coordination 5. Councils to participate in career education opportunities by working in partnership with the Regional Jobs Hub network and local schools to highlight the wide diversity of career opportunities in Local Government
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		<p>6. Consider the impact of Artificial Intelligence on some of these positions in the future.</p> <p>How long will it be before AI will look at a set of building Plans and assess whether they comply with the Building Code?</p> <p>How long will it be before AI will scan a Development Application and do the bulk of the work assessing compliance with the Planning Scheme?</p>
37	The Tasmanian Government should partner with, and better support, councils to build capacity and capability to plan for and respond to emergency events and climate change impacts.	Recommendation Supported

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

IN CONFIDENCE

01/24.18.0 CLOSED COUNCIL

**01/24.18.1 Confirmation of Closed Council Minutes – Council Meeting 18
December 2023**

01/24.18.2 Outstanding Actions List for Closed Council

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

01/24.19.0 MEETING CLOSED

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