



SPECIAL COUNCIL MEETING AGENDA

Tuesday 26 April 2022
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
April 2022

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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 Tuesday 26 April 2022 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: April 2022

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

The Mayor to welcome Councillors and staff and declare the meeting open at [time].

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.

SCM04/22.1.0 ATTENDANCE

SCM04/22.1.1 Present

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

SCM04/22.1.2 Apologies

SCM04/22.1.3 Leave of Absence

Nil

SCM04/22.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews

SCM04/22.2.0 PUBLIC QUESTION TIME

SCM04/22.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

SCM04/22.4.0 PLANNING AUTHORITY

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

SCM04/22.4.1 Report on Representations to the Draft Break O'Day Council Local Provisions Schedule (LPS)

ACTION	DECISION
PROPONENT	Council
OFFICER	Deb Szekely, Senior Town Planner
FILE REFERENCE	031\011\021\
ASSOCIATED REPORTS AND DOCUMENTS	<i>All attachments are circulated under separate cover: Section 35F Report Tables for Attachment 1 -Representations</i>

OFFICER'S RECOMMENDATION:

1. That the Planning Authority endorse 'Break O'Day Draft Local Provisions Schedule Section 35F Report' including 'Tables for Attachment 1' as its report pursuant to Section 35F of the *Land Use Planning and Approvals Act 1993* and forward to the Tasmanian Planning Commission.
2. That the Planning Authority, pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Development Services Coordinator (or persons acting in those positions) its powers and functions to:
 - a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and
 - b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

INTRODUCTION:

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

PREVIOUS COUNCIL CONSIDERATION:

Council Meetings held in August 2021 and March 2020.

OFFICER'S REPORT:

Council endorsed the draft Local Provision Schedule and submitted to the Commission. The Commission completed their initial assessment and directed that the draft LPS be notified in accordance with the requirements of the Act.

In accordance with the requirements of LUPAA, the draft LPS was made available for public exhibition for a period of 60 days. The statutory period for the exhibition of the draft LPS was 11 October 2021 through to the 10 December 2021 with Council exercising discretion to include in its report any representation received until close of business (5pm) on Friday, 17 December 2021.

The Exhibition Period was formally advertised as 11 October 2021 – 13 December 2021. During this period, there was one (1) public holiday on 1 November 2021 dedicated to 'Recreation Day'.

During this period the community could inspect the content of the draft LPS by accessing the documents:

- via the Tasmanian Planning Commission website;
- via Council's webpage which included interactive mapping, information sheets and relevant background information;
- via Council office to view hard copies and interactive mapping.

In addition to the statutory notification requirements, the following also formed part of Council's communications strategy:

- Information mail out to all rate payers / property owners
- Email to our business database, community group database
- Drop-in sessions at Fingal, St Marys, Scamander and St Helens during the first week of exhibition;
- Council's planning officer available for one-on-one discussion every Tuesday and Thursday from 10.00am – 12 noon in the Library in the main office
- Ability to request further information via Council's planning enquiry forum (verbal and electronic);
- Radio advertising – Star FM to promote the drop-in sessions;
- Print advertising; Full page advert in the Coastal Column and Valley Voice as well as our own newsletter (September 2021) promoting the Drop-in sessions;
- Social Media posts on Facebook.

For the period 11 October to 13 December there were 1803 page views on the designated LPS Webpage and 1136 unique spending an average of 4:31 minutes on the page.

Approximately 40 people attended the drop-in sessions.

LEGISLATION & POLICIES:

The Act requires that the draft LPS is notified as follows:

- It is on exhibition for a period of 60 days (11 October 2021 – 10 December 2021);
- A notice was placed in the local papers on two (2) separate occasions (9th and 23rd October 2021);
- Copies of the draft LPS were available for viewing at the Council office for the notification period; and
- The draft LPS was available from Council's website for this period, with advice on how to make a representation.

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- A copy of each representation made under s.35E(1);
- A statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and
 - if recommended to be modified, the effect on the draft LPS as a whole;
- A statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria; and
- The recommendation of the planning authority in relation to the draft LPS.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Break O'Day LPS before it is approved and commences operation.

The existing delegations to staff do not deal with this process. Additional delegations will be required for staff to function with the process of hearings and making submissions to the Commission for and on behalf of Council. Delegation is required to enable the General Manager and Development Services Coordinator (or persons acting in those positions), powers and functions to:

- a) modify the reports submitted under sections 35F if a request is received from the Tasmanian Planning Commission for further information; and
- b) represent the planning authority or appoint a representative for the planning authority at hearings pursuant to Section 35H.

BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Budget implications of the current process form part of Council's operational costs and statutory obligations as a planning authority.

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.