



COUNCIL MEETING MINUTES

Monday 18 November 2024
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 November 2024

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website (within seven (7) days post the meeting in line with the uploading of the minutes from the meeting). The audio/visual recording of Council Meetings will only be retained for six (6) months.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.

11/24.1.0 ATTENDANCE

11/24.1.1 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 – left meeting at 11:57am, returned at 12:37pm

11/24.1.2 Apologies

Deputy Mayor Kristi Chapple

11/24.1.3 Leave of Absence

Nil.

11/24.1.4 Staff in Attendance

General Manager, John Brown
Corporate Services Officer, Linda Singline
Corporate Services Coordinator, Angela Matthews
Business Services Manager, Raoul Harper (*Item 1.0 - 13.5, 16.2 - 18.0*)
Executive Officer, Jayne Richardson (*Item 1.0 - 18.0*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.0*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 17.5*)
Senior Town Planner, Deb Szekely (*Item 1.0 – 6.3, 16.0 - 16.5*)
Planning Officer, Alex McKinlay (*Item 1.0 – 7.0*)

11/24.2.0 PUBLIC QUESTION TIME

Three (3) people in the gallery.

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

Nil

11/24.3.0 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.

Nil.

11/24.4.0 CONFIRMATION OF MINUTES

11/24.4.1 Confirmation of Minutes – Council Meeting 21 October 2024

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 October 2024 be confirmed.

COUNCIL DECISION:

11/24.4.1.479 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the minutes of the Council Meeting held on the 21 October 2024 be confirmed.

CARRIED UNANIMOUSLY

11/24.5.0 COUNCIL WORKSHOPS HELD SINCE 21 OCTOBER 2024 COUNCIL MEETING

There was a workshop held 6 November 2024 and the following items were listed for discussion.

- Presentation – East Coast Tasmania Tourism – Grace Keath at 10am.
- Pending Development Application Updates
- Binalong Bay BBQ Area Redevelopment
- Development Assessment Panel (DAP) Framework
- Declared areas - Dog Management Policy 2024
- Break O'Day Council Climate Change Action Update
- Key Management Personnel Reporting: Annual Financial Statements
- Management Oversight of Asset Valuation Process
- Audit Panel Minutes
- Animal Control Report
- Speed Limit - Tasman Highway, St Helens

- Council Meeting Dates and Workshop Dates for 2025
- Office Closure – Christmas to New Year
- 2024-2025 Annual Plan Quarterly Update
- Township Brand – Annual Plan Activity Clarification
- Local Government Association of Tasmania (LGAT) – Motions for Discussion at 21 November 2024 General Meeting
- Eastern Strategic Regional Partnership – Study Hub
- Eastern Strategic Regional Partnership – St Marys Childcare Analysis

11/24.6.0 PLANNING AUTHORITY

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

11/24.6.1 Petition to Amend Sealed Plan

FILE REFERENCE	DA 2024 / 00102
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OFFICER’S RECOMMENDATION:

That Council cause the amendment of Sealed Plan 134740, pursuant to the petition to amend dated 29 May 2024 without modification pursuant to its power under section 104(3) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The proposed amendment:

1. Delete “Parking Easement” marked “abcdef” from SP134740;
2. Delete “General Parking Easement” references from the schedule of easements;
3. Delete “Customer Parking Easement” references from the schedule of easements;
4. Delete reference to “abcdef” from the schedule of easements.

The applicant be advised accordingly and the Blank Instrument Form be signed and the Common Seal applied.

INTRODUCTION:

The applicant seeks approval to amend sealed plan 134740 to delete general and customer parking easement references. The petitioner seeks to remove these easements on the grounds that they are null and void and no vehicular access is available due to surrounding buildings blocking access and therefore serving no practical use.

The applicant seeks to amend sealed plan 134740 by:

1. Deleting “Parking Easement” marked “abcdef” from SP134740;
2. Deleting “General Parking Easement” references from the schedule of easements;
3. Deleting “Customer Parking Easement” references from the schedule of easements;
4. Deleting reference to “abcdef” from the schedule of easements.

The Schedule of Easements states that the general parking easement and customer parking easement will terminate when the owner of Lot 2 on the plan (35 Quail Street) extends its existing building on to the land marked for the parking easement. On 27 June 2024 Council approved additions and alterations to the RSL Club at 35 Quail Street that will include extensions into the subject area.

Council has received no formal requests to be heard in accordance with section 104 *Local Government (Building and Miscellaneous Provisions) Act 1993*.

COUNCIL DECISION:

11/24.6.1.480 Moved: Clr J Drummond/ Seconded: Clr I Carter

That Council cause the amendment of Sealed Plan 134740, pursuant to the petition to amend dated 29 May 2024 without modification pursuant to its power under section 104(3) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The proposed amendment:

1. Delete "Parking Easement" marked "abcdef" from SP134740;
2. Delete "General Parking Easement" references from the schedule of easements;
3. Delete "Customer Parking Easement" references from the schedule of easements;
4. Delete reference to "abcdef" from the schedule of easements.

The applicant be advised accordingly and the Blank Instrument Form be signed and the Common Seal applied.

CARRIED UNANIMOUSLY

11/24.6.2 **Visitor Accommodation - Unit**

FILE REFERENCE	DA 2024 / 00150
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OFFICER'S RECOMMENDATION:

A. After due consideration of the application received and pursuant to Section 57 of *the Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Visitor Accommodation on land situated at Strata Lot 1 - 36 Franks Street, Falmouth described in Certificate of Title 183241/1 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Title Sheet	A0	Michael Eastwood	-
Site Plan	A1a	Michael Eastwood	15/08/2024
Site Plan	A1	Michael Eastwood	19/09/2024
Floor Plan	A2	Michael Eastwood	19/09/2024
Elevations	A3	Michael Eastwood	19/09/2024
Elevations	A4	Michael Eastwood	19/09/2024

3D Visuals	A5	Michael Eastwood	19/09/2024
3D Visuals	A6	Michael Eastwood	19/09/2024
More Visuals	A7	Michael Eastwood	19/09/2024

CONDITIONS

CONDITION		TIMING
1	Approved Plans and/or Document	
A	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	On-Site Stormwater Management	
A	All run-off must be disposed of within the confines of the strata-lot by means that will not result in soil erosion or other stormwater nuisance.	Prior to the commencement of use and maintained at all times.
B	Soakage drains must be of sufficient size to absorb stormwater runoff.	To be maintained at all times.
C	Works on the site must not result in a concentration of flow onto other property, or cause ponding or other storm water nuisance.	During site works and to be maintained at all times.
3.	Visitor Accommodation Car-Parking	
A	The areas shown to be set aside for vehicle access and car parking must be: <ul style="list-style-type: none"> a. completed before the use of the development; b. provided with space for access turning and maneuvering of vehicles on-site to enable them to enter and leave the site in a forward direction; c. surfaced with a dust free surface that restricts abrasion from traffic and minimises entry of water to the pavement; and d. drained in a manner that will not cause stormwater nuisance. 	Prior to the commencement of use and maintained at all times.
4.	Effluent Disposal	
A	Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.	Prior to the commencement of use and maintained at all times.

5.	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.
B	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	During site works and to be maintained at all times.
6.	External Colours and Finishes	
A	Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding coastal landscape and vegetation elements.	Prior to the commencement of use and to be maintained at all times.
7.	Landscaping	
A	Maintain existing and provide additional infill landscaping to the northern frontage boundary of Strata Lot 1 to provide partial but substantial screening of the development from the public road.	Prior to the commencement of use and to be maintained at all times.
B	Ensure landscaping vegetation does not include weeds declared under the <i>Weed Management Act 1999</i> or locally declared weeds listed in BRE-P1.8.1 Environmental Weeds in the <i>Break O'Day Local Provisions Schedule</i> .	At all times.

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/GuidelinesforSoilandWaterManagement.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. 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.
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

5. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.

- 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)	NA	Nil

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

Development Permit Information	Details
<i>Development Description</i>	Visitor Accommodation - Unit
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Building Permit
<i>Attachments</i>	Nil
<i>Representations</i>	2

INTRODUCTION:

The applicant is seeking approval for a Visitor Accommodation unit on Strata Lot 1 at 36 Franks Street, Falmouth. The land title supports a Strata Development with the parent title having received a permit in 2019 for the construction of 15 new visitor accommodation units (DA043-2019). The permit also approved the conversion of a recreation building to visitor accommodation, conversion of a shed to include habitable use and four (4) existing visitor accommodation units. In summary, the parent site supports primarily Visitor Accommodation use with one structure also supporting a Residential use, Class. The 2019 Permit provides for a total of 21 Visitor Accommodation Units with one structure also supporting the Residential Use Class.

A staged Strata Scheme was also approved with the current stage providing for strata lot 1, the subject of this application. The applicant has submitted a new application for strata lot 1 due to not wishing to build to the approved form in DA043-2019. As this was not able to be considered a minor change to DA043-2019, a new application was required.

COUNCIL DECISION:

11/24.6.2.481 Moved: Clr B LeFevre / Seconded: Clr V Oldham

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Visitor Accommodation on land situated at Strata Lot 1 - 36 Franks Street,

Falmouth described in Certificate of Title 183241/1 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Title Sheet	A0	Michael Eastwood	-
Site Plan	A1a	Michael Eastwood	15/08/2024
Site Plan	A1	Michael Eastwood	19/09/2024
Floor Plan	A2	Michael Eastwood	19/09/2024
Elevations	A3	Michael Eastwood	19/09/2024
Elevations	A4	Michael Eastwood	19/09/2024
3D Visuals	A5	Michael Eastwood	19/09/2024
3D Visuals	A6	Michael Eastwood	19/09/2024
More Visuals	A7	Michael Eastwood	19/09/2024

CONDITIONS

CONDITION		TIMING
1	Approved Plans and/or Document	
A	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	On-Site Stormwater Management	
A	All run-off must be disposed of within the confines of the strata-lot by means that will not result in soil erosion or other stormwater nuisance.	Prior to the commencement of use and maintained at all times.
B	Soakage drains must be of sufficient size to absorb stormwater runoff.	To be maintained at all times.
C	Works on the site must not result in a concentration of flow onto other property, or cause ponding or other storm water nuisance.	During site works and to be maintained at all times.
3.	Visitor Accommodation Car-Parking	
A	The areas shown to be set aside for vehicle access and car parking must be: <ul style="list-style-type: none"> e. completed before the use of the development; f. provided with space for access turning and maneuvering of vehicles on-site to enable them to enter and leave the site in a forward direction; 	Prior to the commencement of use and maintained at all times.

	<p>g. surfaced with a dust free surface that restricts abrasion from traffic and minimises entry of water to the pavement; and</p> <p>h. drained in a manner that will not cause stormwater nuisance.</p>	
4.	Effluent Disposal	
A	Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.	Prior to the commencement of use and maintained at all times.
5.	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.
B	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	During site works and to be maintained at all times.
6.	External Colours and Finishes	
A	Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding coastal landscape and vegetation elements.	Prior to the commencement of use and to be maintained at all times.
7.	Landscaping	
A	Maintain existing and provide additional infill landscaping to the northern frontage boundary of Strata Lot 1 to provide partial but substantial screening of the development from the public road.	Prior to the commencement of use and to be maintained at all times.
B	Ensure landscaping vegetation does not include weeds declared under the <i>Weed Management Act 1999</i> or locally declared weeds listed in BRE-P1.8.1 Environmental Weeds in the <i>Break O'Day Local Provisions Schedule</i> .	At all times.

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/GuidelinesforSoilandWaterManagement.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. 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.
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
6. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.

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)	NA	Nil

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

Development Permit Information	Details
<i>Development Description</i>	Visitor Accommodation - Unit
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Building Permit
<i>Attachments</i>	Nil
<i>Representations</i>	2

FOR Clr B LeFevre, Clr I Carter, Clr G Barnes, Clr V Oldham, Clr M Tucker
AGAINST Clr K Wright, Clr J Drummond, Clr L Johnstone
CARRIED

FILE REFERENCE	DA 2024 / 00164
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OFFICER'S RECOMMENDATION:

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Residential - Construction of a Shed with Attached Carport & Retaining Walls on land situated at 40 Highcrest Avenue, Binalong Bay described in Certificate of Title 127102/5 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	A03	Jon Pugh Home Design	3/09/2024
Proposed Shed/Carport	A04	Jon Pugh Home Design	3/09/2024
Proposed Elevations /Retaining Wall & Detail	A05	Jon Pugh Home Design	3/09/2024

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	Outbuildings	
A	The shed with attached carport is approved for non-habitable residential use only.	To be maintained at all times.
3	Stormwater	
A	Stormwater should be directed to the kerb via a new connection. The connection must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.	Prior to use and maintained at all times.
B	An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection.	Prior to use and maintained at all times.
C	Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
4	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.

B	During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times
c	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times
5	Underground Infrastructure	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.

ADVICE

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

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

- 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)	N/A	N/A

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

Development Permit Information	Details
<i>Development Description</i>	Residential - Construction of a Shed with Attached Carport & Retaining Walls
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Works Permit
<i>Attachments</i>	Nil
<i>Representations</i>	One representation

INTRODUCTION:

The applicant is seeking approval for the construction of a 12m by 7m (84m²) shed with attached carport and retaining walls for the subject site at 40 Highcrest Avenue, Binalong Bay (CT 127102/5). The proposed development also includes cut at a maximum depth of 0.9m and stormwater from the structure being discharged into a new kerb connection point.

COUNCIL DECISION:

11/24.6.3.482 Moved: Clr B LeFevre / Seconded: Clr I Carter

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Residential - Construction of a Shed with Attached Carport & Retaining Walls on land situated at 40 Highcrest Avenue, Binalong Bay described in Certificate of Title 127102/5 be APPROVED subject to the following plans / documents and conditions:

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	A03	Jon Pugh Home Design	3/09/2024
Proposed Shed/Carport	A04	Jon Pugh Home Design	3/09/2024
Proposed Elevations /Retaining Wall & Detail	A05	Jon Pugh Home Design	3/09/2024

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	Outbuildings	
A	The shed with attached carport is approved for non-habitable residential use only.	To be maintained at all times.
3	Stormwater	
A	Stormwater should be directed to the kerb via a new connection. The connection must be completed by a licenced plumber in accordance with standard drawing TSD-SW29-v3.	Prior to use and maintained at all times.
B	An application must be submitted to obtain a Works Permit prior to undertaking any work on the stormwater connection.	Prior to use and maintained at all times.
C	Concentrated stormwater must not be discharged into neighbouring properties.	To be maintained at all times.
4	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.
B	During the period of construction, works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.	Prior to use and maintained at all times
c	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	At all times
5	Underground Infrastructure	
A	All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works.	Prior to site works and maintained at all times.

ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

- 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)	N/A	N/A

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

Development Permit Information	Details
<i>Development Description</i>	Residential - Construction of a Shed with Attached Carport & Retaining Walls
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Works Permit
<i>Attachments</i>	Nil
<i>Representations</i>	One representation

**FOR
AGAINST
CARRIED**

**Clr B LeFevre, Clr I Carter, Clr G Barnes, Clr V Oldham, Clr M Tucker. Clr K Wright
Clr L Johnstone, Clr J Drummond**

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.

11/24.7.0 COUNCIL MEETING ACTIONS

11/24.7.1 Outstanding Matters

The report was received.

11/24.8.0 PETITIONS

Nil

11/24.9.0 NOTICES OF MOTION

Nil

11/24.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

11/24.11.0 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.

11/24.11.1 Procedure and Timeline for Responding to Questions – Clr L Johnstone

Clr Johnstone asked the following questions:

1. What is the Council's official procedure for responding to correspondence received from ratepayers? Apart from any initial acknowledgement of receipt of correspondence, is there a time limit for responding to the essence of the correspondence received?

Reply

The General Manager replied that this is as per the Customer Service Charter, within 10 working days. If it is a complex matter, the initial response within the 10 working days advising that it will be followed up with a further response.

2. Is there a timeline for responses to questions asked by Councillors at Council meetings either Without Notice or regarding the Annual Plan Quarterly Update?

Reply

The General Manager advised that if a question is raised during the Councillor's Questions Without Notice agenda item, we will always endeavour to give a response at the meeting, which is then documented in the Minutes within the seven-day timeline. If a response is not given at the meeting, it will be provided within the Minutes within the seven day timeline. The General Manager advised there wasn't any established timelines for questions raised during agenda items.

11/24.11.2 Provision of Suitable Location for Dragon Boat Club – Clr J Drummond, on behalf of the Georges Bay Dragon Boat Club

Would Break O'Day Council provide assistance for a suitable location for the Dragon Boat club. We require a lock up shed, preferably on the waterfront, to store equipment and two boats on a trailer, because after 9 years, we have been asked to vacate our current location at the Slip Yards at the end of this month.

*Kind regards
Heather Hill
President
Georges Bay DBC Inc.*

Reply

A Council Officer met with a representative from the Dragon Boat Club on 12 November to discuss the needs of the Club and advised that this would need to be brought to Council for discussion.

Council will need to review the Club’s request in detail before making a decision on what Council support to the Dragon Boat Club may look like. Council Officers will prepare a report for the December Council Workshop to allow Councillors to have an open discussion about the request. Council understands that the Dragon Boat Club does have a location for storage of their equipment arranged for the interim.

11/24.12.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

11/24.12.1 Mayor’s Communications for Period Ending 18 November 2024

23.10.24	Fingal	– Eating with Friends - High Tea Event celebrating ‘community connections’ at Fingal Valley Neighbourhood House
23.10.24	St Helens	– Celebrating the 150 th Anniversary of St Helens District High School
28.10.24	MS Online	– TasWater General Meeting
29.10.24	Launceston	– Northern Tasmania Population Workshop hosted by Northern Tasmania Development Corporation (NTDC)
31.10.24	St Helens	– Christmas Artwork Competition – Presenting the selected winners with their certificates at St Helens District High School.
06.11.24	St Helens	– Council Workshop
07.11.24	St Marys	– Guest Speaker at St Marys District School’s Art Exhibition
11.11.24	St Helens	– Remembrance Day Dawn Service at St Helens Foreshore
11.11.24	St Helens	– Remembrance Day 11am Service at Portland Memorial Hall
11.11.24	St Helens	– Northern Tasmania’s Regional Land Use Strategy Phase 1 with the consultants.
13.11.24	Hobart	– Health and Wellbeing Forum
14.11.24	Hobart	– Meeting with The Honourable Kerry Vincent, Minister for Infrastructure and Local Government.
18.11.24	St Helens	– Council Meeting

11/24.12.2 Councillor’s Reports for Period Ending 18 November 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 – Clr Barry LeFevre

- Clr LeFevre advised he attended the meeting on 5 November, where a discussion was held on recyclables in the Break O’Day area and they had a chat around mental health. There will be a new Secretary coming on board soon. Current number of memberships is 30.

NRM Special Committee – Clr Janet Drummond

- The NRM are holding a gathering in December, not formal meeting as Polly is away at this time.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- The Tasmanian Tourism Awards were recently announced and Break O’Day businesses did really well. Gold Awards for Emily Elmer, Younique Stays, Big 4 St Helens, wukalina walk. Silver Award for Martha Vale and Bronze Award for Tasman Holiday Park. Clr LeFevre extended his congratulations to all winners.

- There are staffing changes permanent and short term to be announced soon as well as details of the consultants who will partner with ECTT on the Positive Impact Plan.

Mental Health Action Group – Clr Barry LeFevre

- Clr LeFevre advised he attended the Live for Life celebration last Thursday, he wished to acknowledge the high school students from both St Marys and St Helens, they were the only schools involved in all of Tasmania which is fantastic. Tyler Richardson, from local band Luca Brasi, was the guest speaker whose message was, be proud of where you came from, look after your mates and reach out if needed.

Access and Inclusion Advisory Committee – Clr Janet Drummond

- There will be a meeting this afternoon, held at the Council Chambers. There are two events planned for St Helens and the Valley. St Helens will be an Arts event and for St Marys, they will be showing the palliative care movie and hospital staff attending to present following this.
- Two new community members have joined the committee.

Bay of Fires Master Plan Steering Committee – Clr Ian Carter

- No meeting has been held but the Consultants are in very active phase of developing plan.

11/24.13.0 BUSINESS AND CORPORATE SERVICES

11/24.13.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.13.1.483 Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

11/24.13.2 Monthly Financial Report

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

That the following reports for the month ending 31 October 2024 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

INTRODUCTION:

Presented to Council are the monthly financial statements.

COUNCIL DECISION:

11/24.13.2.484 Moved: Clr Drummond / Seconded: Clr Johnstone

That the following reports for the month ending 31 October 2024 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

CARRIED UNANIMOUSLY

11/24.13.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.13.3.485 Moved: Clr B LeFevre/ Seconded: Clr G Barnes

That the report be received.

CARRIED UNANIMOUSLY

11/24.13.4 **Key Management Personnel Reporting: Annual Financial Statements**

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

That Council note the revised reporting of Key Management Personnel in the annual Financial Statement and receive the associated report.

INTRODUCTION:

The General Manager and Manager Business Services have had a number of meetings and discussions relating to concerns we both share in relation to who Council considers to be KMP and how that then relates to reporting in the financial statements for the relevant period.

The General Manager requested the Manager of Business Services undertake a review of this matter on the 14th of August 2024. A report on the matter was provided to the TAO to support a change in reporting. The TAO supported the changes proposed and the Financial Statements have been updated accordingly.

COUNCIL DECISION:

11/24.13.4.486 Moved: Clr L Johnstone / Seconded: Clr I Carter

That Council note the revised reporting of Key Management Personnel in the annual Financial Statement and receive the associated report.

CARRIED UNANIMOUSLY

11/24.13.5 **Audit Panel Minutes**

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

That Council receive the minutes of the Audit Panel meeting of the 7 October 2024.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.13.5.487 Moved: Clr I Carter/ Seconded: Clr B LeFevre

That Council receive the minutes of the Audit Panel meeting of the 7 October 2024.

CARRIED UNANIMOUSLY

11/24.14.0 WORKS AND INFRASTRUCTURE

11/24.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.14.1.488 Moved: Clr K Wright / Seconded: Clr G Barnes

That the report be received by Council.

CARRIED UNANIMOUSLY

11/24.14.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.14.2.489 Moved: Clr K Wright/ Seconded: Clr V Oldham

That the report be received by Council.

CARRIED UNANIMOUSLY

11/24.15.0 COMMUNITY DEVELOPMENT

11/24.15.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.15.1.490 Moved: Clr V Oldham/ Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

Meeting adjourned at 11:01am for morning tea.

Meeting resumed at 11:13am.

11/24.16.0 DEVELOPMENT SERVICES

11/24.16.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.16.1.491 Moved: Clr G Barnes/ Seconded: Clr V Oldham

That the report be received.

CARRIED UNANIMOUSLY

11/24.16.2 Break O’Day Council Climate Change Action Update

FILE REFERENCE	017\023\001\
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OFFICER’S RECOMMENDATION:

That Council receive the update on progress with Council’s Climate Change Action plan and regional collaboration through the Northern Tasmania Alliance of Resilient Councils.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update and opportunity to discuss climate action in Break O’Day, with a focus on its *Break O’Day Council Climate Change Action 2023* adopted last year and opportunities at regional and state level.

COUNCIL DECISION:

11/24.16.2.492 Moved: Clr J Drummond/ Seconded: Clr K Wright

That Council receive the update on progress with Council’s Climate Change Action plan and regional collaboration through the Northern Tasmania Alliance of Resilient Councils.

CARRIED UNANIMOUSLY

11/24.16.3 Declared areas - Dog Management Policy 2024

FILE REFERENCE	003\003\014\
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OFFICER’S RECOMMENDATION:

That Council add to the period that its current dog zones described in its 2018 Dog Management Policy and Declared under the Dog Control Act 2000 in January 2019 to apply from 15 January 2025 to 30 June 2025.

INTRODUCTION:

Council is yet to receive confirmation from the Parks and Wildlife Service that it agrees with Council's revised dog zones and will authorise same dog access rules under its legislation for the Reserves it manages. Council has not yet Declared under Dog Control Act 2000 the new dog zones to ensure consistent and coordinated approach by Council and the Parks and Wildlife Service.

COUNCIL DECISION:

11/24.16.3.493

Moved: Clr B LeFevre / Seconded: Clr K Wright

That Council add to the period that its current dog zones described in its 2018 Dog Management Policy and Declared under the Dog Control Act 2000 in January 2019 to apply from 15 January 2025 to 30 June 2025.

Procedural Motion

Moved: Clr I Carter/ Seconded: Clr J Drummond

That Council defer this item until December 2024 Council Meeting

CARRIED UNANIMOUSLY

11/24.16.4

Binalong Bay BBQ Area Redevelopment

FILE REFERENCE	004\018\005\
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OFFICER'S RECOMMENDATION:

1. To proceed with option B, as notated on the proposed site plan, consistent with the outcomes of the Community Consultation process;
2. To provide consent for lodgement of relevant crown, planning, building and plumbing approvals (if required);
3. To allocate \$70, 000 in the 2024/2025 Capital works budget for demolition of the existing structure and installation of new.

INTRODUCTION:

The existing BBQ Shelter at Binalong Bay Village Green is no longer fit for purpose and requires demolition. Council officers have explored options for its replacement. A community survey and consultation progress has occurred exploring three (3) alternatives with option B being the preferred location.

COUNCIL DECISION:

11/24.16.4.494

Moved: Clr B LeFevre/ Seconded: Clr I Carter

1. To proceed with option B, as notated on the proposed site plan, consistent with the outcomes of the Community Consultation process;
2. To provide consent for lodgement of relevant crown, planning, building and plumbing approvals (if required);
3. To allocate \$70, 000 in the 2024/2025 Capital works budget for demolition of the existing structure and installation of new.

CARRIED UNANIMOUSLY

11/24.16.5

Development Assessment Panel (DAP) Framework

FILE REFERENCE	23/5310
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OFFICER’S RECOMMENDATION:

Council ratifies the submission made on behalf of the Break O’Day Council on the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024.

INTRODUCTION:

The State Planning Office has released the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (draft Bill) for consultation. Development Services became aware of this release on Thursday 9 October 2024. The State Planning Office website advises that consultation is open for 5 weeks from 7 October to 12 November 2024. There is no opportunity for extension of time to provide comments.

COUNCIL DECISION:

11/24.16.5.495

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

Council ratifies the submission made on behalf of the Break O’Day Council on the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024.

CARRIED UNANIMOUSLY

11/24.17.0 GOVERNANCE

11/24.17.1 General Manager's Report

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

That the General Manager's report be received.

INTRODUCTION:

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

COUNCIL DECISION:

11/24.17.1.496 Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the General Manager's report be received.

CARRIED UNANIMOUSLY

11/24.17.2 Council Meeting Dates and Workshop Dates for 2025

FILE REFERENCE	014\001\022\
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OFFICER'S RECOMMENDATION:

That the following dates and times be approved for Council Meetings and Workshops to be held in 2025.

Council Workshops Commencing at 10.00am	Council Meetings Commencing at 10.00am
	Monday 20 January
Monday 3 February	Monday 17 February
Monday 3 March	Monday 17 March
Monday 7 April	Monday 14 April
Monday 5 May	Monday 19 May
Monday 2 June	Monday 16 June
Monday 7 July	Monday 21 July
Monday 4 August	Monday 18 August
Monday 1 September	Monday 15 September
Monday 6 October	Monday 20 October
Wednesday 5 November	Monday 17 November
Monday 1 December	Monday 15 December

INTRODUCTION:

It is necessary to determine Council meeting dates prior to the commencement of the New Year. The above dates are submitted for Council’s consideration.

COUNCIL DECISION:

11/24.17.2.497 Moved: Clr G Barnes/ Seconded: Clr J Drummond

That the following dates and times be approved for Council Meetings and Workshops to be held in 2025.

Council Workshops Commencing at 10.00am	Council Meetings Commencing at 10.00am
	Monday 20 January
Monday 3 February	Monday 17 February
Monday 3 March	Monday 17 March
Monday 7 April	Monday 14 April
Monday 5 May	Monday 19 May
Monday 2 June	Monday 16 June
Monday 7 July	Monday 21 July
Monday 4 August	Monday 18 August
Monday 1 September	Monday 15 September
Monday 6 October	Monday 20 October
Wednesday 5 November	Monday 17 November
Monday 1 December	Monday 15 December

CARRIED UNANIMOUSLY

11/24.17.3 **Office Closure – Christmas to New Year**

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

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12pm on Tuesday 24 December 2024 and reopen on Thursday 2 January 2024 with the employee Christmas function to be held on Thursday 12 December 2024 with office closure happening at 12pm on that day.

INTRODUCTION:

Christmas Eve falls on a Tuesday this year and consideration needs to be given to the closure period for the Council Office and Works Depot.

COUNCIL DECISION:

11/24.17.3.498

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12pm on Tuesday 24 December 2024 and reopen on Thursday 2 January 2024 with the employee Christmas function to be held on Thursday 12 December 2024 with office closure happening at 12pm on that day.

CARRIED UNANIMOUSLY

11/24.17.4

2024-2025 Annual Plan Quarterly Update

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

That Council receive the Quarterly Update as at 30 September 2024 of the 2024-2025 Break O'Day Council Annual Plan.

INTRODUCTION:

Council's management team prepared the 2024 – 2025 Annual Plan based on discussions, which occurred through Council workshops and the normal budget/planning process. The Annual Plan was prepared to take into account broader factors which are impacting Council; and reflecting continuity of existing projects, and activities where this exists.

COUNCIL DECISION:

11/24.17.4.499

Moved: Clr V Oldham/ Seconded: Clr B LeFevre

That Council receive the Quarterly Update as at 30 September 2024 of the 2024-2025 Break O'Day Council Annual Plan.

CARRIED UNANIMOUSLY

11/24.17.5

Local Government Association of Tasmania (LGAT) – Motions for Discussion at 21 November 2024 General Meeting

FILE REFERENCE	039\002\008\
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OFFICER'S RECOMMENDATION:

That the voting delegate to the General Meeting note the comments from Councillors.

INTRODUCTION:

The next General Meeting for LGAT is scheduled to be held on Thursday 21 November 2024 and the attached motions have been submitted for consideration at this meeting.

COUNCIL DECISION:

11/24.17.5.500 Moved: Clr J Drummond/ Seconded: Clr I Carter

That the voting delegate to the General Meeting note the comments from Councillors.

CARRIED UNANIMOUSLY

11/24.17.6 Eastern Strategic Regional Partnership – St Marys Childcare Analysis

FILE REFERENCE	039\004\018\
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OFFICER’S RECOMMENDATION:

That Council enter into discussions with the State Government regarding extending the scope of the St Marys Childcare analysis to include a more holistic investigation in relation to the nature and extent of need for early childhood education and care along Tasmania’s east coast provided an expanded project does not impact on the quality of the investigation in relation to early education and care at St Marys.

INTRODUCTION:

Addressing the unsatisfactory nature of the existing childcare centre at St Marys has been the subject of lobbying and advocacy by the St Marys Community and Break O’Day Council for a number of years. Recently the State Government included an investigation into the situation as part of the Eastern Strategic Regional Partnership.

COUNCIL DECISION:

11/24.17.6.501 Moved: Clr I Carter/ Seconded: Clr B LeFevre

That Council enter into discussions with the State Government regarding extending the scope of the St Marys Childcare analysis to include a more holistic investigation in relation to the nature and extent of need for early childhood education and care along Tasmania’s east coast, provided an expanded project does not impact on the quality of the investigation in relation to early education and care at St Marys.

CARRIED UNANIMOUSLY

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

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

IN CONFIDENCE

11/24.18.0 CLOSED COUNCIL

11/24.18.1 Confirmation of Closed Council Minutes – Council Meeting 21 October 2024

COUNCIL DECISION:

11/24.4.1.CC Moved: Clr J Drummond / Seconded: Clr G Barnes

That the minutes of the Closed Council Meeting held on the 21 October 2024 be confirmed.

CARRIED UNANIMOUSLY

11/24.18.2 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.

Moved: Clr I Carter/ Seconded: Clr G Barnes

11/24.19.0 MEETING CLOSED

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at 12:41pm