



COUNCIL MEETING MINUTES

Monday 15 April 2019
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
15 April 2019

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OPENING

The Mayor to welcome Councillors, staff and members of the public and declare the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the Tasmanian Aboriginals as the traditional custodians of the land on which we meet today, and pay respect to the elders past and present.

DECLARATION OF OFFICE

The General Manager advised that following the resignation of Councillor John Tucker the Electoral Commissioner has conducted a recount in accordance with Section 307 of the Local Government Act 1993.

The Electoral Commissioner declared Mrs Margaret Osborne elected to fill the Councillor vacancy to serve until the 2022 Ordinary Election of the Council and issued a certificate of the result of the election dated 1 April 2019. In accordance with Section 321(3) of the Local Government Act 1993 the Council acknowledges that the following declaration has been made until the next ordinary election.

Break O'Day Council

CERTIFICATE OF ELECTION BY RECOUNT

I have conducted a recount in accordance with
section 307 of the *Local Government Act 1993*.

I have this day declared

Margaret Osborne

elected to fill the vacant office of councillor
to serve until the next ordinary election
of the Council.



Andrew Hawkey
ELECTORAL COMMISSIONER

1 April 2019

04/19.1.0 ATTENDANCE

04/19.1.1 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

04/19.1.2 Apologies

Nil.

04/19.1.3 Leave of Absence

Nil.

04/19.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1 / 16.1 – 16.7*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.3*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.7*)
Planning Services Coordinator, Geraldine O'Connor (*Item 1.0 – 7.0 / 15.3 – 15.5*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.0*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 12.9*)
NRM Facilitator, Polly Buchhorn (*Item 13.4 – 16.1*)
Trails Project Manager, Ben Pettman (*Item 16.1 – 17.3*)

04/19.2.0 PUBLIC QUESTION TIME

Seven (7) people in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2005 the following questions were submitted in writing prior to the Council Meeting.

04/19.2.1

Council Procedures and Voting Patterns – Mr P Paulsen, President, St Helens and Districts Chamber of Commerce and Tourism

At a recent Chamber of Commerce meeting we took the opportunity to examine Council procedure and voting patterns with Council representative Cllr Kylie Wright. The answers we received were both confusing and concerning.

We have since written to the General Manager, John Brown for clarification of a number of these matters.

However, there are still some deep concerns by our members about voting patterns, in the negative, without specific analysis relating to the planning scheme.

Should Councillors, voting in the negative, be required to detail their specific objection and have them recorded in the Council minutes?

Reply

There is no requirement within the Local Government Meeting Procedures Regulations for this to occur. If, when Council is acting as a Planning Authority and considering an Officer's Recommendation in relation to a Development Application, they make a decision contrary to that recommendation then they need to provide the reasons for the refusal which are based on Land Use Planning requirements. The Chamber of Commerce could raise this matter as part of a review of the Meeting Procedures Regulations which periodically is initiated by the Tasmanian Government.

04/19.2.2

Council Acting as a Planning Authority – Mr P Paulsen, President, St Helens and Districts Chamber of Commerce and Tourism

When the Council is acting as a Planning Authority, there is a perception that several Councillors arrive at their decisions based on their own political ideology, reinforced with direct lobbying and instruction from organisations such as the North East Bioregional Network prior to Council Meetings.

Should Councillors, as a matter of honesty and transparency, declare such affiliations and their influence?

Does this apparent predetermination contradict Council's direction to approach planning matters with an 'open mind'?

Reply

Councillors are required to comply with Part 5 of the *Local Government Act 1993* which detail the declaration of interests by Councillors. Declarations are the responsibility of the individual Councillor and are recorded in the Minutes. Declarations of affiliations and their influence would be a matter for broader discussion within the Local Government sector as part of a legislative review process by the Tasmanian Government.

Training is made available to Councillors in relation to their actions as a Planning Authority and recent training by Councils solicitors, Simmons Wolfhagen, worked through in detail the concept of approaching planning matters with an 'open mind'. The training focused on the 'closed mind' situation where a Councillor has already made up their mind to vote one way or the other and the need to be mindful of making statements which could demonstrate that this was the situation.

04/19.2.3 Seat Outside Newsagency in St Marys - Ms W Fowler, St Marys

Can Council advise if the seat outside the newsagency will be replaced following the footpath upgrade and seal of Story Street, St Marys? The seat was used by those waiting for the public transport.

Reply

The original seat was located on private property. Council's Works Manager is considering an alternative location for the seat, yet still meet public need.

04/19.3.0 DECLARATION OF PECUNIARY INTEREST 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.

04/19.4.0 CONFIRMATION OF MINUTES

04/19.4.1 Confirmation of Minutes – Council Meeting 18 March 2019

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 March 2019 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.4.1.63 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That the minutes of the Council Meeting held on the 18 March 2019 be confirmed.

CARRIED UNANIMOUSLY

04/19.5.0 COUNCIL WORKSHOPS HELD SINCE 18 MARCH 2019 COUNCIL MEETING

There was a Workshop held on Monday 1 April 2019 – the following items were listed for discussion.

- Local Government Association of Tasmania (LGAT) - AGM/General Meeting 25 July 2019 – Submissions of Motions
- Location of Display of Heritage Farm Equipment
- Request for Rate Remission – St Helens Sailing Squadron
- Review of Long Term Financial Plan
- Adoption of 2019/2020 Schedule of Fees & Charges
- Policy – Review of LG40 Rates and Charges
- Policy – Review of LG41 Customer Service Charter
- State Weed Management Resources
- Falmouth – Township Plan
- Cornwall – Township Plan
- St Helens and St Marys Waste Transfer Station Improvements
- Review of Policy – AM02 – Public Open Space Policy
- Draft Local Provisions Schedule (LPS) Project
- Review – LG05 – Social Media Policy Review
- Procedure – LG06 Employee Service Recognition
- Walking Trails in BODC
- Noise Complaint
- Caravan By-Laws
- Reducing Speed Limit on Binalong Bay Road

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*.

04/19.6.1

DA 172-2018 – Demolition and Construction of New Dwelling – 15 Casuarina Lane, Ansons Bay

FILE REFERENCE	DA 172-2018
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OFFICER'S RECOMMENDATION:

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **DEMOLITION & CONSTRUCTION OF DWELLING** on land situated at **15 CASUARINA LANE, ANSONS BAY** described in Certificate of Title 143525/71 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 172-2018 received by Council 17 July 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. All stormwater runoff from the proposed building must be disposed of within the confines of the property in accordance with the stormwater report authored by Dr JP Cumming and dated 9 October 2018. Soakage drains must be of sufficient size to absorb stormwater runoff and not result in soil erosion, other stormwater nuisances or adversely impact the stability of the existing stone wall between the dwelling and high water mark of Ansons Bay.
3. Upon such time as the approved vehicle parking area on the grassed area located beside the north-eastern boundary, causes a nuisance to the occupants of adjoining properties, the surface is to be finished with a blue-metal or similar permeable material that will not create such a nuisance.
4. The woodshed is to be constructed against the south-eastern Title boundary in a location that provides a visual screen for occupants using the habitable room and front door of the existing dwelling on CT 143525/72. No wall on this shed is to exceed 3m in length.
5. A vegetation screen using flora species as detailed in Covenant No. 6 on the Torrens Scanned Dealing C726061, is to be grown inside the south-eastern Title boundary between the proposed woodshed and the neighbouring shed. This screen is to be grown to a minimum height of 1.8m within 12 months of the date of this permit and constantly maintained at a minimum height of 1.8m. Any dead plants are to be immediately replaced to ensure the visual privacy of the occupants of CT 143525/72 is always protected of views from the deck.
6. The upper floor window located above the stairwell servicing the upper floor bedroom is to have frosted glass fitted to the lower 50 per cent to protect the visual privacy of the occupants of CT 143525/72.

7. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Infrastructure and Development Services.
8. The demolition of any existing structure and/or building must be undertaken in a manner that does not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
9. 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.

DISCUSSION:

- Clr McGuinness stated that he believes the proponents have been quite conciliatory here and meets the requirements satisfactorily.
- Clr McGiveron stated that he agrees with Clr McGuinness and everything is covered in the report.

COUNCIL DECISION:

04/19.6.1.64 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **DEMOLITION & CONSTRUCTION OF DWELLING** on land situated at **15 CASUARINA LANE, ANSONS BAY** described in Certificate of Title 143525/71 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 172-2018 received by Council 17 July 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. All stormwater runoff from the proposed building must be disposed of within the confines of the property in accordance with the stormwater report authored by Dr JP Cumming and dated 9 October 2018. Soakage drains must be of sufficient size to absorb stormwater runoff and not result in soil erosion, other stormwater nuisances or adversely impact the stability of the existing stone wall between the dwelling and high water mark of Ansons Bay.
3. Upon such time as the approved vehicle parking area on the grassed area located beside the north-eastern boundary, causes a nuisance to the occupants of adjoining properties, the surface is to be finished with a blue-metal or similar permeable material that will not create such a nuisance.
4. The woodshed is to be constructed against the south-eastern Title boundary in a location that provides a visual screen for occupants using the habitable room and front door of the existing dwelling on CT 143525/72. No wall on this shed is to exceed 3m in length.

5. A vegetation screen using flora species as detailed in Covenant No. 6 on the Torrens Scanned Dealing C726061, is to be grown inside the south-eastern Title boundary between the proposed woodshed and the neighbouring shed. This screen is to be grown to a minimum height of 1.8m within 12 months of the date of this permit and constantly maintained at a minimum height of 1.8m. Any dead plants are to be immediately replaced to ensure the visual privacy of the occupants of CT 143525/72 is always protected of views from the deck.
6. The upper floor window located above the stairwell servicing the upper floor bedroom is to have frosted glass fitted to the lower 50 per cent to protect the visual privacy of the occupants of CT 143525/72.
7. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Infrastructure and Development Services.
8. The demolition of any existing structure and/or building must be undertaken in a manner that does not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
9. 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.

CARRIED UNANIMOUSLY

04/19.6.2 DA 016-2019 – Garage Addition to Dwelling – 8 Barrack Street, Akaroa

FILE REFERENCE	DA 016-2019
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OFFICER'S RECOMMENDATION:

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Garage Addition to Dwelling** on land situated at **8 Barrack Street, Akaroa** described in Certificate of Title CT 58094/8 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 016-2019 received by Council 31 January 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. All stormwater runoff from the proposed building must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance. Absorption drains must be of sufficient size to absorb stormwater runoff.

3. The external building materials of the garage addition to dwelling must be of types and colours that will blend rather than contrast with the surrounding environment. Colour and material type details must be provided to the satisfaction of the Planning Services Co-ordinator prior to the commencement of works. Unpainted/ untreated metal surfaces will not be approved.
4. 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.
5. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

DISCUSSION:

- Clr LeFevre stated that he supports the recommendation and believes that the responses and conditions have been adequately covered.
- Clr Osborne stated that she agrees with Clr LeFevre.

COUNCIL DECISION:

04/19.6.2.65 Moved: Clr B LeFevre / Seconded: Clr M Osborne

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Garage Addition to Dwelling** on land situated at **8 Barrack Street, Akaroa** described in Certificate of Title CT 58094/8 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 016-2019 received by Council 31 January 2019, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. All stormwater runoff from the proposed building must be detained by on-site water storage systems and overflow disposed of by means that will not result in soil erosion or other stormwater nuisance. Absorption drains must be of sufficient size to absorb stormwater runoff.
3. The external building materials of the garage addition to dwelling must be of types and colours that will blend rather than contrast with the surrounding environment. Colour and material type details must be provided to the satisfaction of the Planning Services Co-ordinator prior to the commencement of works. Unpainted/ untreated metal surfaces will not be approved.
4. 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.

5. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

CARRIED UNANIMOUSLY

**04/19.6.3 Application to Amend the Break O’Day Interim Planning Scheme
2013 – Draft Amendment 01/2018**

FILE REFERENCE	DA 021-2018
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OFFICER’S RECOMMENDATION:

That the Council:

- Considers the representations received to Amendment 01/2018 to the Break O’Day Interim Planning Scheme 2013, and the planning permit DA021-2018, together with the responses provided.
- Recommends to the Tasmanian Planning Commission that draft Amendment 01/2018 be approved as certified and exhibited.
- Recommends to the Tasmanian Planning Commission that the conditions of DA021-2018 be amended to take into account Department of State Growth suggested rewording of condition 7 and engineering conditions 8.1 and 8.2 to be altered to take into account the Manager Development and Infrastructure Services as follows:

Conditions

1. Development must accord with the Development Application DA 021-2018 received by Council 16 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Council.
3. Stage 1 must include Lot 300 and Lot 1000, and each lot is to be transferred to the Break O’Day Council and Department of State Growth respectively at the conclusion of Stage 1 at the cost of the developer.
4. The applicant must comply with the conditions as contained within TasWater’s Submission to Planning Authority Notice dated 22 October 2018 TWDA 2018/01001-BODC (copy attached to this permit).

5. A *Soil and Water Management Plan* must be submitted to Council for approval prior to any works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and 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 works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. 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.
6. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
7. Department of State Growth Conditions
 - 7.1 An amended subdivision plan is to be submitted to, and approved by, the Department of State Growth prior to the Final Plans of Survey being submitted. The cadastral parcel for the Tasman Highway and the cadastre containing the area marked as 'future highway relocation' must be to the satisfaction of the Department of State Growth. The cadastre containing the Tasman Highway and the cadastre containing the area marked as 'future highway relocation' must be transferred to the Crown at the time of subdivision.
 - 7.2 Engineering design plans and details endorsed by a suitably qualified engineer that cover the proposed road access upgrade and drainage provision with peak discharge calculations will be required for review and acceptance by the Department of State Growth prior to the issuing of a permit to undertake works within the road reservation. The proposed access from the Tasman Highway shall be constructed to Department of State Growth standards and must be designed to provide an Austroads compliant CHR (S) right turn facility as indicated by the supplied Traffic Impact Assessment. The plans will need to demonstrate that the design vehicle (19.0m semi-trailer) can negotiate the new junction without encroachment into opposing traffic lanes. Additionally, a minimum cross section of 3.0m traffic / turn lanes (excluding any curve widening that may need to be applied) and 1.0 sealed shoulders shall be adopted to ensure the works are compatible with the Departments' wider upgrade project for this section of Tasman Highway.

Note: This will be required for any proposed stormwater discharge from the proposed access road and associated junction and at any discharge location elsewhere on the Tasman Highway road reservation, including intended utilisation of existing drainage infrastructure.

Professional Services Specification T8 Drainage Design Standards requires a Q50 Flood protection for this Category 3 road and this will need to be maintained for the road's existing drainage and demonstrated by a drainage plan with calculated peak flows.

7.3 The shared paths through the subdivision are to be amended to reflect [Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling \(June 2017\)](#) and to achieve Disability Discrimination Act (DDA) compliance in accordance with the requirements of AS 1428.1 2009 and to be demonstrated on Engineering design plans prior to any works commencing.

Note: Austroads describes 2.5 metres as the acceptable minimum width for a shared path.

7.4 The link through to Talbot Street must be of standard suitable for use as an all-weather shared path and that the developer provide wayfinding signage in accordance with State Roads' [Cycle Route Directional Signage Resource Manual](#) to and from St Helens Point Road as part of the development.

7.5 A safe crossing point at St Helens Point Road must be provided and be financed by the developer. Engineering design plans must reflect this requirement and be approved prior to any works commencing.

7.6 All recreational pathways throughout the subdivision must be constructed to an all-weather standard.

8. Engineering Conditions

8.1 Stormwater

- a) Prior to the commencement of works a full drainage plan, endorsed by a suitably qualified engineer must be provided to Council showing the location of all open drains and pipes. The plan shall demonstrate that all run-off water from roads can be drained to the drainage system.
- b) Calculations must be provided demonstrating that adequate drainage is provided for the peak 20% AEP event.
- c) The plan must demonstrate that all road culverts provide adequate conveyance of flows for all events up to the peak 1% AEP storm. If the culvert(s) are designed to convey less than the 1% AEP it must be demonstrated that the velocity and depth the floodway does not pose an unacceptable hazard to the safety of pedestrians and that the road will remain passable to vehicular traffic.
- d) Any drains over private land must be contained within easements
- e) All stormwater assessments/modelling/calculations must be undertaken in accordance with the guidance contained in ARR2016 and must be submitted to Council for review.

8.2 Roadworks

- a) Prior to the commencement of works a full road design plan must be provided showing the location of all roads and property accesses. Plans must include long sections and cross sections of all roads.
- b) All roads are to be two coat sealed and must be in accordance with Council Standard Drawings, including but not limited to TSD-R02-v1, TSD-R04-v1 and TSD-R08. All cul-de-sacs are required to be sealed in asphalt.

8.3 Pedestrian walkways

All pedestrian walkways are to be constructed from suitable road building gravel to a minimum width of 2.5m.

8.4 Access (Rural)

- a) A driveway crossover and sealed apron must be constructed from the edge of the road to the property boundary of all Lots in accordance with Council standard drawing TSD R03-v1.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

8.5 As constructed information

- a) As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.
- b) Engineering certification for all civil works and test results for the road base material must be provided in accordance with Council's standard requirements.

8.6 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 & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

8.7 Works in Council road reserve (all internal roads)

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Infrastructure & Development Services Manager.
- b) Twenty-four hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of works and its reconstruction.

8.8 Works in State road reserve (access to Tasman Highway)

- 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.
- b) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight days prior to any scheduled works. 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.

8.9 Practical completion inspection

At the completion of all civil works the contractor shall contact Council to schedule a practical completion inspection. A certificate of practical completion shall be provided to Council prior to the submission of the plan of subdivision to the Land Titles Office.

8.10 Infrastructure Bond

- a) A bond based on 5% of the total cost of the civil works shall be provided to Council as an infrastructure maintenance bond.
- b) The infrastructure maintenance bond shall be held by Council for a minimum period of 12 months and shall be returned after satisfactory final completion inspection.

8.11 Easements to be created

Easements must be created over all Council owned services in favour of the Break O'Day Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

9. Prior to the issue of a sealed plan, the proponent, under Section 71 of the *Land Use Planning and Approvals Act 1993*, must enter into an agreement to the effect of the recommendations of the Bushfire Assessment Report and Bushfire Hazard Management Plan prepared by Ian Abernethy, BFP-124, dated August 2018.

Such agreement must be registered on the Certificate of Title in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All costs associated with the preparation and registration of the agreement must be borne by the developer.

10. All roads in the Subdivision must be conveyed to the Council, except Lot 1000, upon the issue by the Infrastructure & Development Services Manager, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the developer.

11. All public open space lots in the Subdivision, including Lot 300 must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Developer.

12. The final plan of survey will not be sealed until all conditions have been complied with, or an agreement has been entered into providing for the completion of works at a later stage.

Note: Councillor's are advised that under Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* – Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Scheme comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

DISCUSSION:

- The Planning Consultant advised that all representors will have a chance to be heard at a hearing with the Tasmanian Planning Commission (TPC). More detail will be considered in front of the Commission.
- Clr LeFevre felt that the Planning Consultant has explained the report eloquently.
- Clr McGuinness stated that we have considered this fairly carefully before and it is up to the TPC to make the final decision. Clr McGuinness also stated that the State Coastal Policy will be something the TPC will consider.
- Clr Wright stated that she noticed in the ERA report there are quite a few areas highlighted that it doesn't actually meet the requirements of the Northern Tasmania Regional Land Use Strategy (NTRLUS). Rural living land use patterns – there is a large amount of this property that has native vegetation there are a few clauses which raise concerns about this within the ERA report. The Planning Consultant explained that the interpretation of strategic documents is very much about the intent within these clauses, it is about interpretation and the Commission will decide.
- Clr Whittaker stated that she has the same concerns as Clr Wright in regards to the native vegetation. It also does not contain consideration in regards to rural living land, wildlife corridors and threatened species. Clr Whittaker stated that she is glad the decision is not in her hands and goes onto the Commission.
- Clr Drummond stated that she has similar concerns to Clr's Wright and Whittaker as well as concerns with the State Coastal Policy. Clr Drummond stated that she agrees with the Planning Consultant it is opinion based. Clr Drummond also stated that she is glad it is going to the TPC for a decision.

COUNCIL DECISION:

04/19.6.3.66

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That the Council:

- Considers the representations received to Amendment 01/2018 to the Break O'Day Interim Planning Scheme 2013, and the planning permit DA021-2018, together with the responses provided.
- Recommends to the Tasmanian Planning Commission that draft Amendment 01/2018 be approved as certified and exhibited.
- Recommends to the Tasmanian Planning Commission that the conditions of DA021-2018 be amended to take into account Department of State Growth suggested rewording of condition 7 and engineering conditions 8.1 and 8.2 to be altered to take into account the Manager Infrastructure and Development Services as follows:

Conditions

1. Development must accord with the Development Application DA 021-2018 received by Council 16 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Council.
3. Stage 1 must include Lot 300 and Lot 1000, and each lot is to be transferred to the Break O'Day Council and Department of State Growth respectively at the conclusion of Stage 1 at the cost of the developer.
4. The applicant must comply with the conditions as contained within TasWater's Submission to Planning Authority Notice dated 22 October 2018 TWDA 2018/01001-BODC (copy attached to this permit).
5. A *Soil and Water Management Plan* must be submitted to Council for approval prior to any works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and 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 works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. 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.
6. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
7. Department of State Growth Conditions
 - 7.1 An amended subdivision plan is to be submitted to, and approved by, the Department of State Growth prior to the Final Plans of Survey being submitted. The cadastral parcel

for the Tasman Highway and the cadastre containing the area marked as ‘future highway relocation’ must be to the satisfaction of the Department of State Growth. The cadastre containing the Tasman Highway and the cadastre containing the area marked as ‘future highway relocation’ must be transferred to the Crown at the time of subdivision.

7.2 Engineering design plans and details endorsed by a suitably qualified engineer that cover the proposed road access upgrade and drainage provision with peak discharge calculations will be required for review and acceptance by the Department of State Growth prior to the issuing of a permit to undertake works within the road reservation. The proposed access from the Tasman Highway shall be constructed to Department of State Growth standards and must be designed to provide an Austroads compliant CHR (S) right turn facility as indicated by the supplied Traffic Impact Assessment. The plans will need to demonstrate that the design vehicle (19.0m semi-trailer) can negotiate the new junction without encroachment into opposing traffic lanes. Additionally, a minimum cross section of 3.0m traffic / turn lanes (excluding any curve widening that may need to be applied) and 1.0 sealed shoulders shall be adopted to ensure the works are compatible with the Departments’ wider upgrade project for this section of Tasman Highway.

Note: This will be required for any proposed stormwater discharge from the proposed access road and associated junction and at any discharge location elsewhere on the Tasman Highway road reservation, including intended utilisation of existing drainage infrastructure.

Professional Services Specification T8 Drainage Design Standards requires a Q50 Flood protection for this Category 3 road and this will need to be maintained for the road’s existing drainage and demonstrated by a drainage plan with calculated peak flows.

7.3 The shared paths through the subdivision are to be amended to reflect [Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling \(June 2017\)](#) and to achieve Disability Discrimination Act (DDA) compliance in accordance with the requirements of AS 1428.1 2009 and to be demonstrated on Engineering design plans prior to any works commencing.

Note: Austroads describes 2.5 metres as the acceptable minimum width for a shared path.

7.4 The link through to Talbot Street must be of standard suitable for use as an all-weather shared path and that the developer provide wayfinding signage in accordance with State Roads’ [Cycle Route Directional Signage Resource Manual](#) to and from St Helens Point Road as part of the development.

7.5 A safe crossing point at St Helens Point Road must be provided and be financed by the developer. Engineering design plans must reflect this requirement and be approved prior to any works commencing.

7.6 All recreational pathways throughout the subdivision must be constructed to an all-weather standard.

8. Engineering Conditions

8.1 Stormwater

- a) Prior to the commencement of works a full drainage plan, endorsed by a suitably qualified engineer must be provided to Council showing the location of all open drains and pipes. The plan shall demonstrate that all run-off water from roads can be drained to the drainage system.

- b) Calculations must be provided demonstrating that adequate drainage is provided for the peak 20% AEP event.
- c) The plan must demonstrate that all road culverts provide adequate conveyance of flows for all events up to the peak 1% AEP storm. If the culvert(s) are designed to convey less than the 1% AEP it must be demonstrated that the velocity and depth the floodway does not pose an unacceptable hazard to the safety of pedestrians and that the road will remain passable to vehicular traffic.
- d) Any drains over private land must be contained within easements
- e) All stormwater assessments/modelling/calculations must be undertaken in accordance with the guidance contained in ARR2016 and must be submitted to Council for review.

8.2 Roadworks

- a) Prior to the commencement of works a full road design plan must be provided showing the location of all roads and property accesses. Plans must include long sections and cross sections of all roads.
- b) All roads are to be two coat sealed and must be in accordance with Council Standard Drawings, including but not limited to TSD-R02-v1, TSD-R04-v1 and TSD-R08. All cul-de-sacs are required to be sealed in asphalt.

8.3 Pedestrian walkways

All pedestrian walkways are to be constructed from suitable road building gravel to a minimum width of 2.5m.

8.4 Access (Rural)

- a) A driveway crossover and sealed apron must be constructed from the edge of the road to the property boundary of all Lots in accordance with Council standard drawing TSD R03-v1.
- b) Access works must not commence until an application for vehicular crossing has been approved by Council.

8.5 As constructed information

- a) As Constructed Plans and Asset Management Information must be provided in accordance with Council's standard requirements.
- b) Engineering certification for all civil works and test results for the road base material must be provided in accordance with Council's standard requirements.

8.6 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 & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

8.7 Works in Council road reserve (all internal roads)

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Infrastructure & Development Services Manager.
- b) Twenty-four hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of works and its reconstruction.

8.8 Works in State road reserve (access to Tasman Highway)

- 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.

- b) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight days prior to any scheduled works. 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.

8.9 Practical completion inspection

At the completion of all civil works the contractor shall contact Council to schedule a practical completion inspection. A certificate of practical completion shall be provided to Council prior to the submission of the plan of subdivision to the Land Titles Office.

8.10 Infrastructure Bond

- a) A bond based on 5% of the total cost of the civil works shall be provided to Council as an infrastructure maintenance bond.
- b) The infrastructure maintenance bond shall be held by Council for a minimum period of 12 months and shall be returned after satisfactory final completion inspection.

8.11 Easements to be created

Easements must be created over all Council owned services in favour of the Break O'Day Council. Such easements must be created on the final plan to the satisfaction of the General Manager.

9. Prior to the issue of a sealed plan, the proponent, under Section 71 of the *Land Use Planning and Approvals Act 1993*, must enter into an agreement to the effect of the recommendations of the Bushfire Assessment Report and Bushfire Hazard Management Plan prepared by Ian Abernethy, BFP-124, dated August 2018.

Such agreement must be registered on the Certificate of Title in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All costs associated with the preparation and registration of the agreement must be borne by the developer.

10. All roads in the Subdivision must be conveyed to the Council, except Lot 1000, upon the issue by the Infrastructure & Development Services Manager, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the developer.

11. All public open space lots in the Subdivision, including Lot 300 must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Developer.

12. The final plan of survey will not be sealed until all conditions have been complied with, or an agreement has been entered into providing for the completion of works at a later stage.

Note: Councillor's are advised that under Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* – Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Scheme comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

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

The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.

04/19.7.0 PETITIONS

Nil.

04/19.8.0 NOTICES OF MOTION

04/19.8.1 Notice of Motion – Drive on the Left in Australia Signage – Clr J Drummond

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:

To provide signage and petition other road owners - eg State govt. - to place “Drive on the Left in Australia” or similar, as is in place on the Great Ocean Road, to assist with overseas drivers being made aware of correct driving procedures.

DISCUSSION:

- Clr Wright stated that she supports what Clr Drummond has said as she has seen some people who seem to be a bit confused as to what side of the road they should be on.
- Clr McGiveron stated that he is certainly not against the motion however should we add to this that hire car companies put something on the dashboard of hire cars also saying this.
- Clr McGuinness stated that he is a very big supporter of this, the only query is that this particular sign says drive on the left and he wonders if there are also other ways around it, he also strongly supports Clr McGiveron with hire cars as well as information at entry points in advising tourists how to travel on our roads.
- Clr Whittaker stated that she supports the motion.

COUNCIL DECISION:

04/19.8.1.67 Moved: Clr J Drummond / Seconded: Clr K Wright

To provide signage and petition other road owners - eg State Government - to place “Drive on the Left in Australia” or similar, as is in place on the Great Ocean Road, to assist with overseas drivers being made aware of correct driving procedures and also request the State Government to request that vehicle hire companies include prominent information in their hire vehicles.

CARRIED UNANIMOUSLY

04/19.8.2 **Notice of Motion – Improvement to River Side Facilities in Fingal – Clr J Drummond**

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:

- i. That Council allocate money to replace the picnic table at the river area in Fingal in front of the old Magistrates House.
- ii. That Council consider tidying up the area which residents use to access a swimming place in the river. This could include cutting back or removing vegetation and improving the steps down to the area.

DISCUSSION:

- Clr McGiveron stated that the area certainly needs a tidy up.
- Clr McGuinness stated that it is flood prone in that area so any installation of anything needs to be flood proof.

COUNCIL DECISION:

04/19.8.2.68

Moved: Clr J Drummond / Seconded: Clr J McGiveron

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 allocate money to replace the picnic table at the river area in Fingal in front of the old Magistrates House.
- ii. That Council consider tidying up the area which residents use to access a swimming place in the river. This could include cutting back or removing vegetation and improving the steps down to the area.

CARRIED UNANIMOUSLY

04/19.8.3

Notice of Motion – Climate Emergency – Clr J Drummond

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:

- (1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local Councils.
- (2) Council establishes an Energy and Environment Working Group. The Working Group will comprise all Councillors who wish to participate and will be supported by relevant Council officers.

The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in six (6) months-time.

DISCUSSION:

- Clr Whittaker stated that she totally agrees with the motion. It will be seen as positive action from Council but also an opportunity to educate the community.
- Clr McGiveron stated that he would like to propose that we bring this back to a workshop

COUNCIL DECISION:

04/19.8.3.69 Moved: Clr J Drummond / Seconded: Clr L Whittaker

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:

- (1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local Councils.
- (2) Council establishes an Energy and Environment Working Group. The Working Group will comprise all Councillors who wish to participate and will be supported by relevant Council officers.

The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in six (6) months-time.

Procedural Motion was moved:

04/19.8.3.70 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

Bring back to a workshop for further discussion.

CARRIED UNANIMOUSLY

04/19.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

04/19.9.1 Hand Wash for Public Bathrooms – Clr J Drummond

Would it be possible to include hand wash soap in our public bathrooms, throughout the Break O'Day area?

Reply

To service every facility within the municipality will require the following:

- Purchase and fitting of dispensers (Cost not available at the time of preparing this response).
- Dispenser refilling at \$10,920 per annum (plus indexed for annual price increases).
- Servicing cost - not part of the current cleaning contract and requires negotiation with the contractor.

Once all costs are known, these will be reported to the Council.

04/19.10.0

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.

04/19.10.1

Road Works on Tasman Highway - Clr K Wright

I have been asked by a few constituents, what exactly is plan with the existing road works in the Scamander/ Beaumaris area? Is there going to be a service or access road of some description for properties on that strip, or is there additional lanes going in?

Reply

The General Manager advised that the four (4) pieces of roadworks which are currently happening are channelized right turns. In relation to the northern one near Dark Hollow where other works are being done, these have been done prior by contractors for Aurora, there was also an access road in this area which has been upgraded and which was not previously easily visible.

04/19.10.2

Gardens Toilet – Clr M Osborne

What is happening with the toilet at the Gardens?

Reply

The General Manager advised that he will provide a written update on this.

04/19.11.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

04/19.11.1

Mayor's Communications for Period Ending 15 April 2019

21.03.2019	St Marys	– Drought relief meeting with Barnaby Joyce and Senator Steve Martin
23.03.2019		– Local Government Association of Tasmania (LGAT) Elected Members
25.03.2019	St Helens	– Tour of the new Hospital
28.03.2019 to 03.04.2019	New Zealand	– Sustainable Trails Conference – Meeting with various representatives in relation to mountain trails and associated activities
09.04.2019	St Helens	– St Helens School Grade 9-12 Assembly – Certificate of Appreciation ScamJam
10.04.2019	Launceston	– Meeting with Northern Tasmanian Development Corporation (NTDC) State Engagement with the Northern Region
11.04.2019	St Helens	– Tasmanian Community Funding (TCF) Council presentation
15.04.2019	St Helens	– Council Meeting

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

St Helens and Districts Chamber of Commerce and Tourism –Clr Kylie Wright

- Missed the last meeting and there has not been another as yet.

NRM Special Committee – Clr Janet Drummond

- Next meeting on the 1 May to look at Strategic Plan document.

Barway Committee – Clr John McGiveron

- Current access is still good after the last really successful agitation dredging.
- The Parks and Wildlife Service RAA was approved last week. There are obviously some conditions and limits in that document on how we have to do things and other requirements such as traffic plans, etc but nothing unexpected.
- MAST had a meeting with the engineers on Friday about the parameters of the tender document that they are now about to put together now the approval has come through. This document will set out the depth (and/or) volume to be removed, the trigger depth that the channel has to shallow to in the future that will require them to go back and dredge again etc. The tender will also invite any number of methods for removal so that agitation, suction dredging, excavation can all be evaluated, bearing in mind we have approval to agitate and approval to pump to Blanche Beach (and approval to remove from Blanche Beach so that we keep the spoil site empty to take the material from the next dredging event each time.
- MAST expect the tender to be for up to five (5) year duration.
- MAST anticipates needing to dredging again perhaps in October but will go to tender in the next month or so, so that we are ready with the new regime by then. As always, if things shallow up in the meantime, we either go ahead if the tender has been let or we agitate as always to keep us going.
- Clr LeFevre stated in relation to the dredging that Stieglitz boat ramp keeps coming up because at low tide people can't get their boats out, can there be some sand removal whilst the Pelican Point dredging is being done. Clr McGiveron stated that he will raise it with MAST.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

Update from East Coast Tourism Board meeting 11 April 2019, St Helens

- Work has commenced to produce a new **Great Eastern Drive Holiday Guide**. This process will include workshops with industry on the evolution of the Tasmanian and east coast tourism brand and consultation with industry to evaluate the current guide. A supplier will be appointed over the next few days and we intend to have the guide in-market in August.
- Entries are now open for the **2019 East Coast Tourism Awards** - the Great Eastern Drivers. Once again the Swansea/Bicheno branch of the Bendigo Bank is the naming rights sponsor and this year the Gala dinner will be held at Freycinet Lodge on **June 15**.
- East Coast Tourism launched a **new industry website** in March and has been very well received by industry with the average time on the site at almost 5 minutes. It is no surprise that since the launch of the East Coast Tourism Awards, the page with information for entrants has been the most popular page. Other things of interest to industry have included Destination Action Plans, Facts and Stats, articles and newsletters.

- A workshop was held on April 10 to develop a new **St Helens area Destination Action Plan**. 25 local participants met and worked through the key opportunities for the development of amenities and services in the area. East Coast Tourism will continue to work closely with this group to finalise this plan and get the identified opportunities under way.
- A skills-based **East Coast Board director vacancy** has been advertised through our industry mailing list and in both The Examiner and The Mercury. Applications are open until April 29 and the Board is seeking applications from across the east coast region to complement the existing Board Director skills.
- The Board was provided with an update on the **Freycinet Peninsula Master Plan** from Parks and Wildlife Service project manager Donna Stanley and the board has committed its support for the plan.
- **“Future-Proofing our Icons”** is a project undertaken by the Tourism Industry Council Tasmania (TICT) to gain clarity on the key priority infrastructure projects and other programs that are key to the sustainable development of tourism in Tasmania. The list of projects is now in the process of being updated and the board has determined that for the east coast the key priorities are the implementation of the **Freycinet Peninsula Master Plan**, continuation of the **Maria Island Reimagined** program and work to plan for priorities for infrastructure and investment to meet the demand that will arise from the two **new Spirit of Tasmania ferries in 2021**.
- An **industry function** was held following the board meeting at the new Wharf Bar and Kitchen in St Helens. 50 local business operators heard from Wayne Chapman, owner of Avantiplus Hobart about the types of people who are coming to Tasmania for mountain biking and how best to service this growing market. There was a lot of discussion around how to ensure St Helens and surrounding areas prepare for and maximise the opportunities presented by mountain biking and the demand for other experiences this will create.

2019 Schedule of Board Meetings

June 20 (TBC)

August 15 (south)

October 17 (north)

November 29 (central)

Mental Health Action Group – Cllr Barry LeFevre

- Don't meet until June.

Disability Access Committee – Cllr Janet Drummond

- Meeting postponed due to not enough people to have a meeting.

04/19.12.0 BUSINESS AND CORPORATE SERVICES

04/19.12.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that he had nothing further to add.
- Cllr LeFevre asked, does Council have a heat policy for the outside workforce in relation to high temperatures, do they change their work practices. The Manager Corporate Services advised that there is a well thought out and considered policy that is in place and subject to review processes.

COUNCIL DECISION:

04/19.12.1.71 Moved: Cllr J McGiveron / Seconded: Cllr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

04/19.12.2 Monthly Financial Report

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

That the following reports for the month ending 31 March 2019 be received:

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services advised he had nothing further to add.

COUNCIL DECISION:

04/19.12.2.72 Moved: Cllr B LeFevre / Seconded: Cllr L Whittaker

That the following reports for the month ending 31 March 2019 be received:

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

CARRIED UNANIMOUSLY

04/19.12.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

DISCUSSION:

- The Manager Corporate Services advised that he has received feedback from Curator regarding the Valley Voice archive that this is being followed through as requested by Council.
- The Manager Corporate Services advised that the Curator is also following up on the piece of agricultural equipment.

COUNCIL DECISION:

04/19.12.3.73 Moved: Clr J Drummond / Seconded: Clr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

04/19.12.4 **Audit Panel – Review of Panel Membership**

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

That Council appoint Clr Drummond as Audit Panel member to replace Clr J Tucker and appoint Clr as alternate to replace Clr Drummond

OR

That Council appoint Clr as Panel Member to replace Clr J Tucker.

INTRODUCTION:

With the resignation from Council of Clr J Tucker, a vacancy is created in the Audit Panel.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.12.4.74 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council appoint Clr J Drummond as Audit Panel member to replace Clr J Tucker and appoint Clr B LeFevre as alternate to replace Clr J Drummond

CARRIED UNANIMOUSLY

04/19.12.5 **Review of Long Term Financial Plan (LTFP)**

FILE REFERENCE	018\036\003
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OFFICER’S RECOMMENDATION:

That Council adopt, in principle, the revised Long Term Financial Plan 2018 to 2028.

INTRODUCTION:

Council is required to review plans regularly and at least every four (4) years. The Long Term Financial Plan has been reviewed following finalisation and audit of the 2017/2018 Financial Statements, 2018/2019 Budget and Four (4) Year Capital Budget and a review of the 10 Year Asset Management Plans.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.12.5.75 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council adopt, in principle, the revised Long Term Financial Plan 2018 to 2028.

CARRIED UNANIMOUSLY

04/19.12.6 Policy – Review of LG40 Rates and Charges

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Policy LG40 – Rates and Charges as amended be adopted.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is reviewed every four (4) years and is approaching being due for review.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.12.6.76 Moved: Clr J Drummond / Seconded: Clr J McGiveron

That Policy LG40 – Rates and Charges as amended be adopted.

CARRIED UNANIMOUSLY

04/19.12.7 Policy – Review of LG41 Customer Service Charter

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Policy LG41 Customer Service Charter be adopted without amendment.

INTRODUCTION:

This Policy was reviewed and amended in May 2018. Recent changes to the Local Government Act require the Customer Services Charter to be reviewed within 12 months of a Local Government election.

DISCUSSION:

- Cllr Drummond asked in relation to page 5 of 7 – Dogs urgent requests – is there someone beyond our Animal Control Officer that deals with these. The General Manager advised that we manage the service delivery internally, one of our Administrative Officers manages this and liaises with the Works Department and Animal Control Officer to deal with it.

COUNCIL DECISION:

04/19.12.7.77 Moved: Cllr J Drummond / Seconded: Cllr K Wright

That Policy LG41 Customer Service Charter be adopted without amendment.

CARRIED UNANIMOUSLY

04/19.12.8 Adoption of 2019/2020 Schedule of Fees & Charges

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

That Council adopt the Schedule of Fees & Charges 2019/2020 as presented.

INTRODUCTION:

Council's Schedule of Fees & Charges is reviewed annually as part of the budget adoption process.

DISCUSSION:

- The Manager Corporate Services advised that the fees for facilities hire will come as a separate item as these can be amended at any time with an absolute majority decision of Council.

COUNCIL DECISION:

04/19.12.8.78 Moved: Clr J Drummond / Seconded: Clr L Whittaker

That Council adopt the Schedule of Fees & Charges 2019/2020 as presented.

CARRIED UNANIMOUSLY

04/19.12.9 Request for Rate Remission – St Helens Sailing Squadron

FILE REFERENCE	19/4423 (PID 3548370)
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OFFICER'S RECOMMENDATION:

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as Licence 111322 Tasman Highway, St Helens identified as PID 3548370.

INTRODUCTION:

Council has received correspondence from St Helens Sailing Squadron requesting a rate remission for their leased property as a charitable organisation.

DISCUSSION:

- The Manager Corporate Services responded to previous questions in relation to whether this was setting a precedent, he advised that this was in line with similar requests from community based organisations.
- Clr McGiveron stated that he thinks it is a great organisation but he has concerns regarding the ongoing use of the site and he thinks we will not see this as a boat repair facility again. The General Manager and Manager Community Services advised that they met with representatives from Crown Land Services (CLS) on Friday and they advised that there will be a public call for Expressions of Interest to be advertised in the very near future as there have been a number of people putting up their hand with ideas and CLS have made it very clear to the Sailing Squadron that this is a temporary situation.
- Clr Drummond asked in relation to an article on March 15 in the Mercury in relation to a case about rate remissions to charitable organisations. Are we going to take account for this so we have the policy that we want. Mayor Tucker stated that it is a separate issue. The Manager Corporate Services stated that the issue with that is that there were charitable organisations that were not being granted rate remissions, as far as Break O'Day goes we are not exposed to any organisations of that nature that would impact our budget and we would not need to review our policy at this stage. The General Manager stated that it relates to a specific situation and it is an equity issue around the sort of housing that they are talking about.

COUNCIL DECISION:

04/19.12.9.79 Moved: Clr G McGuinness / Seconded: Clr K Chapple

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as Licence 111322 Tasman Highway, St Helens identified as PID 3548370.

CARRIED UNANIMOUSLY

Adjourned for morning tea at 11.05am

Meeting resumed at 11.18am

04/19.13.0 WORKS AND INFRASTRUCTURE

04/19.13.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised in relation to the footpath issue at Fingal, the Department of State Growth are not warming to Council attaching any infrastructure to their culvert. The Manager Infrastructure and Development Services is working on plans to possibly reinstate the bridge that used to be there.
- Clr LeFevre asked in relation to Cunningham Street jetty, where are we at with this following discussions of Crown Land Services (CLS)? The General Manager advised that they are following up fairly quickly with this (among others) we should have a works permit very soon for this. Clr LeFevre stated that if nothing is received by the next meeting he will move a motion that the Mayor go to the Premier as this is not good enough. The General Manager advised that their workload has been increasing over various years but their resources have not increased in line with it. One of the outcomes from Friday is that Council can write to the Treasurer and request that funds that are currently available in a fund are released to them to enable additional resources to be engaged. If this doesn't work we can then go to the Premier. It was a positive discussion.

- Clr Drummond stated that it is very good to see the numbers going to landfill coming down dramatically. The Manager Infrastructure and Development Services stated that he is confident that we will meet our target.

COUNCIL DECISION:

04/19.13.1.80 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

04/19.13.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.13.2.81 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That the report be received by Council.

CARRIED UNANIMOUSLY

04/19.13.3 Full Traffic Management Plan – St Helens CBD

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

That Council receive this report.

INTRODUCTION:

At the ordinary Meeting of Council on Monday 20 August 2018, the following Notice of Motion was tabled by Clr K Wright.

08/18.8.1 Notice of Motion – Roundabout at Quail & Cecilia Streets, St Helens Intersection

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 as required from relevant State Agencies:

That Council approach State Government/DIER with a request for investigation into the feasibility of constructing and/or installing a small low profile roundabout or other form of directional intersection control at the intersection of Quail and Cecilia Streets in St Helens.

SUBMISSION IN SUPPORT OF MOTION:

Following a recent NRM Special Committee Meeting I request that Council act on a recommendation from that Committee.

Need for roundabout or other form of intersection control at the intersection of Quail and Cecilia Streets St Helens.

There are regular occurrences of vehicles taking incorrect right of way at this intersection, which sometimes result in collision. Due to increase in visitor numbers, the traffic is increasing, so the intersection is much busier, which in turn increases the risk of a collision. Impatience is often a factor, as people are sometimes waiting at the intersection for longer than they expect, awaiting an opportunity to enter the intersection.

One Night Stand is likely to prove to be a nightmare on this intersection.

We currently have give way signs on both sides of the Quail St entry to the intersection. There are other options of intersection control which may also be looked at, however many people I have consulted with feel the small, low profile roundabout option, is the most appropriate format would be less obtrusive and less of a navigational issue for larger vehicles and trucks. There is very strong community support for a roundabout at this intersection. Roundabouts operate on the "Give way to the right" rule, which removes confusion as to who has right of way.

Sometimes drivers seem to be confused, and it often appears there is some misunderstanding at that intersection when deciding which car goes first when exiting either side of Quail St, regardless of whether they are going straight ahead or making a right hand turn. This could be caused by the offset nature of the intersection. Being the main road Cecilia Street traffic has right of way. However sometimes drivers who have been waiting longer as they are at the intersection first assume right of way over any other vehicles on the diagonally opposing corner of Quail Street, regardless of which direction either vehicle is heading. For example, if vehicle 1 arrives first and is indicating to turn right into Cecilia Street, and vehicle 2 arrives second and is going straight ahead down Quail Street, vehicle 2 should reasonably have right of way, as it is not crossing the direct path of the other vehicle, however on occasions vehicle 1 will assume right of way, as it has arrived at the intersection first. I have personally had several near misses, as have many other drivers.

This could cause an accident, if vehicle continue straight across the intersection only to find that the vehicle turning right has taken right of way across their path, and this may result in a collision.

I have experienced this situation on numerous occasions at this intersection. As the intersection is offset, it also seems to increase the level of confusion as to who has right of way. A roundabout would eliminate this confusion.

A roundabout would eliminate the confusion as the rule is always "Give way to all traffic on a roundabout".

A roundabout also allows flexibility and the ability to perform safe U-turns. Useful when directional mistakes have been made, but may also reduce the number of unsafe U-turns being performed in the main road in the middle of the CBD.

It was previously suggested that due to the intersection being offset, a roundabout would not work. This is not correct, as a roundabout does not have to in fact be round, as illustrated by looking at the figure 8 style roundabout at the intersection of Brisbane Street, Elphin Road and Lawrence Street in Launceston.

It has been previously stated that the intersection is not wide enough for a roundabout. This is not correct.

There are many narrow intersections in both Hobart and Launceston, which are similar in size or smaller than this intersection, and have roundabouts installed. (On pacing it out, the rough measurement at the narrowest point of the intersection of Frankland and Charles Streets Launceston is 20m, and on pacing, the rough measurement at the narrowest point of Cecilia and Quail Streets in St Helens is 19m. This intersection at its widest point is considerably larger than the aforementioned Launceston intersection). The roundabout can be made to any size, appropriate to the size of the intersection. (Photos attached of small low profile roundabouts in similar sized intersections in Launceston and Sorell).

Another argument against is that a roundabout will impinge on traffic such as large trucks from navigating the intersection. This is also incorrect, as a roundabout can be made very low profile for large vehicles to drive over the top of if required, as seen in two roundabouts in the vicinity of Launceston General Hospital and further down Charles Street Launceston, and in some streets in Hobart, Noosa Qld, as well as many other areas all over the world. (photos available).

It has also been stated that if large trucks drive over the roundabouts it will damage the infrastructure. This is also not correct, as the roundabout can be at only millimetres above road level, and in some cases are even painted on the road surface as opposed to being a raised structure. Many of these roundabouts are constructed with rubberised plates or edging so as to enable large vehicles such as truck to drive over them without causing damage to either vehicle or infrastructure. There are many designs specifically made to enable large vehicles to drive over them.

The purpose of the roundabout is to instruct or indicate right of way, and to reduce the risk of incident/accident. Signage at the approach of each entry to the intersection can and should be erected to indicate that drivers are entering a roundabout, so drivers then understand that normal roundabout traffic rules apply.

A roundabout would also give new and learner drivers practice at using different intersections, which they do not experience anywhere else within the Break O'Day municipality.

(Information on roundabouts circulated separately)





DISCUSSION:

- *Clr Drummond stated that Clr Wright has covered everything.*
- *Clr McGuinness stated that he totally agrees with the thrust of the motion, the Department of State Growth have been heavily involved in this in the past and have refused to look at a roundabout at this intersection. The General Manager stated that the suggestion of a roundabout has gone back a long way. We can certainly contact the Department of State Growth again.*

- *Clr LeFevre stated that we should be looking at the bigger picture item here. There are three (3) main issues, one is parking, one is diverting traffic onto the Bay Esplanade and the other is this roundabout.*
- *Clr LeFevre stated that he would like to see a comprehensive traffic management plan done for the whole St Helens CBD area. - Clr Rubenach-Quinn stated that she is supportive of a full traffic management plan but she doesn't want the issue of a roundabout lost within this amendment. We need to make sure that a roundabout is listed as a key priority within this Traffic Management Plan.*
- *Clr J Tucker stated that there are lots of aspects that need to be looked at eg the school crossing at Grant Street, Circassian Street intersection, intersection at Supa IGA and Pendrigh Place. We need a good hard look at this and not rush into anything.*
- *Clr J Tucker stated that there are a lot of issues around that intersection including pedestrian and disability access. - Clr Drummond stated that we need funding assistance from the State Government. - Mayor Tucker stated that we need the expertise of the Department of State Growth to look at this.*
- *Clr Drummond stated that it is the perception in the community that this is a dangerous intersection, we need to respond to this as a Council.*
- *Clr McGiveron stated that it is a Department of State Growth road and we need to request them to look at an upgrade.*
- *Clr Osborne stated that if we do the full traffic management then we might get somewhere.*
- *Clr Drummond stated that the Disability Action Committee did a tour of St Helens and looked at various points.*

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.13.3.82 Moved: Clr J Drummond / Seconded: Clr B LeFevre

That Council receive this report.

CARRIED UNANIMOUSLY

04/19.13.4 St Helens Point Road Line Marking

FILE REFERENCE	043\018\014\
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OFFICER'S RECOMMENDATION:

That Council receive this report.

INTRODUCTION:

At the May 2017 Ordinary Meeting of Council, the Council endorsed the recommendation made in Report 17/4083, agenda reference 05/17.13.3 Line Marking – St Helens Point Road.

“That Council authorises the Works Department to make an application to the Department of State Growth (DSG) to change the line marking on St Helens Point Road between Aerodrome Road and Chimney Heights to a single continuous white line using thermoplastic lines, including cats eye reflectors and that council allocates the budget to undertake the work if it is approved by DSG”.

New pavement line marking was painted in February 2019.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.13.4.83 Moved: Clr K Chapple / Seconded: Clr M Osborne

That Council receive this report.

CARRIED UNANIMOUSLY

04/19.13.5 Provision of Water Refilling Stations

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

That Council receive this report and the recommendation made to develop a policy position for the provision of Water Refill Stations (WRS’s) in public open spaces that include a clear set of performance criteria that must be satisfied before a decision is made to install a WRS.

INTRODUCTION:

At the ordinary Meeting of Council December 2018 the following Notice of Motion was raised by Clr J Drummond:

12/18.8.2 Notice of Motion – Provision of Water Refilling Stations – Clr J Drummond.

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 consider when building new structures in public places making water refilling stations available at those places; also, to investigate the cost of providing water refilling stations at some existing public venues, to make tap water more readily available in public places.

Further, that Council enter into a partnership with local businesses and possibly TasWater to provide water bubblers and water refill stations in our towns and settlements and to promote this service through our usual media channels.

SUBMISSION IN SUPPORT OF MOTION:

A million plastic bottles are bought around the world every minute and it's predicted that figure will rise by another 20% by 2021.

Having introduced kerbside and waste transfer station recycling facilities, Council has shown its commitment to reducing landfill and to recycling. To further reduce land-fill we can show leadership and reduce the level of plastics being used within our community. Water refill stations allow residents and visitors alike to refill water bottles from public water refilling stations.

This has the potential to reduce the amount of plastic being transferred out of our municipality and could have a cost benefit to Council. There is also an environmental benefit of removing plastics from our community and reducing litter. This is a movement which is growing worldwide in an effort to reduce plastics.

As an example, the Blue Mountains City Council will enter into a partnership with Sydney Water to install eight (8) water bubbler and refill stations to make tap water more accessible in popular public places. Mayor, Cr Mark Greenhill, said, "The water refill stations will help reduce the environmental impact of drinking bottled water by decreasing litter and the number of plastic bottles going to landfill.

Another example was when people attending Australia Day events on the Northern Beaches were reminded to bring their own reusable water bottles because bottled water will not be sold. 10 new, portable water fountains made their Northern Beaches debut on 26 January 2018.

I believe this effort would be fully supported by the Australian Dental Association who recently wrote to Councillors (15 November 2018) in a letter which requests an increase in water filling stations in our locality.

MEETING DISCUSSION:

- *Clr Whittaker stated that in the last two (2) weeks she has received enquiries in relation to where are the water filling stations and she therefore supports Clr Drummond's motion.*

DISCUSSION:

- The Manager Infrastructure and Development Services advised that these stations are expensive to install and have fairly high compliance costs for their operation and maintaining them.

COUNCIL DECISION:

04/19.13.5.84 Moved: Clr J Drummond / Seconded: Clr L Whittaker

That Council receive this report and the recommendation made to develop a policy position for the provision of Water Refill Stations (WRS's) in public open spaces that include a clear set of performance criteria that must be satisfied before a decision is made to install a WRS.

CARRIED UNANIMOUSLY

04/19.13.6 Additional Dump Point Station at the St Helens Sports Complex

FILE REFERENCE	004\008\025\
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OFFICER'S RECOMMENDATION:

That Council receive this report.

INTRODUCTION:

At the ordinary Meeting of Council held on 21 January 2019 the following Notice of Motion was raised by Clr M. Tucker:

01/19.8.1.4 Notice of Motion – Additional Dump Point Station – Clr M 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 to urgently address the need for another Dump Point station. It needs to have drive through ability up alongside the existing one at the Sports Complex.

SUBMISSION IN SUPPORT OF MOTION:

The one we have is not able to meet the capacity of what is needed at holiday time and we need to address this urgently.

MEETING DISCUSSION:

- *Clr Chapple stated that she supports the motion.*
- *Clr J Tucker asked, are you talking about one at the existing site or elsewhere.*
- *Mayor Tucker advised that he was looking at the existing site as the connectivity is already there.*
- *Clr Wright asked, is it worth looking at another site as well and suggested near the Sewerage Treatment Plant?*

- *The General Manager stated that we can look at alternate locations, we couldn't look at one at the pump station as it is a rising main situation, the General Manager also advised that we are also planning one at Scamander.*
- *Clr Wright asked whether we should put a stipulation on future caravan park approvals that they install their own.*

DISCUSSION:

- Mayor Tucker stated that he would like this to be looked at in our future budget coming forward.
- Clr Osborne stated that usually at this time of year there is normally hardly anyone there and it is still full up there now.

COUNCIL DECISION:

04/19.13.6.85 Moved: Clr J Drummond / Seconded: Clr K Chapple

That Council receive this report.

CARRIED UNANIMOUSLY

04/19.14.0 COMMUNITY DEVELOPMENT

04/19.14.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that the Tasmania Community Fund (TCF) held a successful community meeting here last Thursday and comments received from the TCF was that the community was very engaging and a pleasure to work with.

COUNCIL DECISION:

04/19.14.1.86 Moved: Clr K Chaple / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

04/19.14.2 **Falmouth – Township Plan**

FILE REFERENCE	041\004\001\
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OFFICER’S RECOMMENDATION:

That Council adopt the Falmouth Township Plan which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of a township plan is to provide a framework for how Falmouth will look in the future, how land is used to address issues that were raised through the Strategic planning process.

DISCUSSION:

- Clr LeFevre stated that it is interesting to note that there are six (6) residents who have bought up sealing the roads and then four (4) or five (5) that doesn’t want them sealed. The General Manager stated that there were also some that wanted half the road sealed so it didn’t give a lot of clarity. We were hoping for a definitive answer.

COUNCIL DECISION:

04/19.14.2.87 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council adopt the Falmouth Township Plan which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

04/19.14.3 **Cornwall – Township Plan**

FILE REFERENCE	041\016\001\
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OFFICER’S RECOMMENDATION:

That Council adopt the Cornwall Township Plan which has been developed with the community listing actions/projects that the community can work with Council to develop.

INTRODUCTION:

The purpose of a township plan is to provide a framework for how Cornwall will look in the future, how land is used to address issues that were raised through the Strategic planning process.

DISCUSSION:

- Cllr Drummond stated that she has received a lot of complaints about the top turning circle where the bus goes. Mayor Tucker stated that this probably needs to be a service request to the Executive Assistant for the Works Department to look at.

COUNCIL DECISION:

04/19.14.3.88 Moved: Cllr J Drummond / Seconded: Cllr K Chapple

That Council adopt the Cornwall Township Plan which has been developed with the community listing actions/projects that the community can work with Council to develop.

CARRIED UNANIMOUSLY

04/19.15.0 DEVELOPMENT SERVICES

04/19.15.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.15.1.89 Moved: Cllr G McGuinness / Seconded: Cllr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

04/19.15.2 Planning Approvals Issued

Received.

04/19.15.3 Building Services Approvals

Received.

04/19.15.4 Review of Policy – AM02 – Public Open Space Policy

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Council adopt Policy AM02 as amended.

INTRODUCTION:

Council regularly reviews Policies and, if applicable, associated Procedures. Policy AM02 is now due for review.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.15.4.90 Moved: Clr K Chapple / Seconded: Clr L Whittaker

That Council adopt Policy AM02 as amended.

CARRIED UNANIMOUSLY

04/19.15.5 State Weed Management Resources

FILE REFERENCE	19/484 & 19/487
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OFFICER'S RECOMMENDATION:

That Council write to the State Government to seek an increase in its staffing and resources for undertaking weed control on public land.

INTRODUCTION:

Weed management in Break O'Day and the resources applied are a regular topic for discussion by Council's NRM Committee. The Committee has noted the significant progress made since Council employed a dedicated weeds control officer and adopted its Council Weed Plan 2014.

DISCUSSION:

- The NRM Officer stated that advice from the NRM Committee was to ask the State Government for assistance with more resources.
- Cllr Drummond stated that she is very supportive of this as it comes up at the NRM Committee quite frequently.
- The General Manager stated that he wondered if this could also go as a motion to LGAT for more support for the argument.

COUNCIL DECISION:

04/19.15.5.91 Moved: Cllr J McGiveron / Seconded: Cllr B LeFevre

That Council write to the State Government to seek an increase in its staffing and resources for undertaking weed control on public land.

CARRIED UNANIMOUSLY

Cllr Drummond left the meeting at 11.41am

Cllr Drummond returned to the meeting at 11.43am

04/19.16.0 **GOVERNANCE**

04/19.16.1 **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 issues which are being dealt with by the General Manager and with other Council Officers where required.

DISCUSSION:

- The General Manager advised that he and the Manager Community Services met with representatives from Crown Land Services (CLS) on Friday and the discussion was a very forthright, frank and open and he came away feeling a lot more positive about getting things back on track. There are some things that we can do to assist them and that there are some funds available within the State Government and we will be writing to the State Government requesting funds be released to them for assistance.
- The General Manager advised that he and the Manager Community Services met with Chris Colley and Linda Overend from Parks & Wildlife Services (PWS) regarding various matters. In regards to the following:
 - o Gardens toilet there is a temporary solution that needs to be signed off on;
 - o Poimena and parking arrangements they are making amendments to this;
 - o Parking at the Blue Tier will be coming in as a development application;
 - o Burns Bay Car Park, the Manager Community Services is going to take a lead role with the Aboriginal Heritage Report to try and get it resolved;
 - o Binalong Bay Lease we are waiting for this from CLS;
 - o Had good conversations and we also talked about upgrading the walking trails through the Valley as part of the Drought Communities funding from the Federal Government.

Federal Election Priorities:

- The General Manager advised that announcements from the Nationals in the Valley on two (2) key priorities Old Tasmania Hotel and the St Marys Flood Mitigation Works which have been addressed – we are working through the process for accessing the funds. There has been substantial interest in the Georges Bay Multi-User track.
- Mayor Tucker stated that the Binalong Bay to St Helens shared multi-use track, St Marys to Fingal Rail Trail should be priorities, we need to come up with some election priorities as we are starting to get some serious conversations with candidates.
- Cllr Wright stated that she is getting continued requests for investigations into a swimming pool, there is huge support for it within the community.
- Cllr Drummond asked, do we not have a list of priorities that we were going to put forward. The General Manager stated that there were five (5) items that we put through, two (2) have come off and maybe the Georges Bay Track in the near future. The ones that remain are Pelican Point/Georges Bay Barway and the Georges River Flood Mitigation. The General Manager stated that the Valley rail trail was not in the frame at the time of determining priorities originally but we could use some funding to do concept engineering design reports and the other one is the Binalong Bay multi-user track.
- Cllr Chapple asked, have we had any recent discussions with Dorset Council as to how they are funding the use of their pools.
- Mayor Tucker stated that perhaps we need to revisit the swimming pool after Circular Head have opened theirs so we can look at up to date figures, on costs, etc – we would not be shovel ready enough for this Federal election.
- Cllr Drummond stated that she thinks that if we are going to have a pool she thinks a hydrotherapy pool would be more needed in our area. There is a pool at St Marys already that could be used. Two (2) others are St Marys Arts and Culture Centre and the St Marys Community Space. The General Manager stated that the work for a business case as to how the St Marys Arts and Culture Centre would operate has not been done yet but high level concept designs have been done.

- Clr McGuinness stated that the Binalong Bay Multi-user track would be good with what is happening at the Bay of Fires, and traffic problems we probably should be pushing this as it is something that fits in with what we are doing.
- Clr LeFevre stated that now the St Marys flood mitigation project has been funded his next number 1 priority is car parking in St Helens. We need to obtain that car park on the corner of Quail and Cecilia Street or something very similar in close vicinity to town. Clr McGuinness stated that he totally agrees with Clr LeFevre but we haven't looked at the land that we want and the implications, we haven't got this shovel ready yet.
- Clr McGiveron stated that the St Marys to Fingal Rail Trail and other trails around St Marys is his priority, we need to promote this area as well.
- Clr Whittaker stated that she agrees with Clr McGiveron.
- Clr Osborne stated that she agrees with Clr LeFevre if we lose the current site where are we.
- Clr Chapple stated that she agrees with the Binalong Bay Multi-user track and especially the Fingal Valley trails.
- The General Manager stated that a lot depends on the priorities and the policies of the various parties so we will be looking to align where we can. The Labor Party have an AFL ground priority for upgrading the grounds. We will try as much as possible to align as health and wellbeing is a big one.

Priorities:

- BB Multi-User Track
- Fingal Valley Rail Trail
- Other trails in St Marys

COUNCIL DECISION:

04/19.16.1.92 Moved: Clr J Drummond / Seconded: Clr K Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

04/19.16.2 Northern Tasmanian Waste Management Group (NTWMG) - Landfill Levy Amendment

FILE REFERENCE	033\046\001\
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OFFICER'S RECOMMENDATION:

Council endorse a landfill levy amendment from current \$5/tonne to \$7.50/tonne from 1 July 2019 - 30 June 2022.

INTRODUCTION:

The NTWMG was established in 2007 when a need was identified to have a coordinated and strategic approach to waste and resource recovery in the region.

Members include seven (7) Councils from northern Tasmania: Launceston, Break O’Day, Dorset, George Town, Meander Valley, Northern Midlands and West Tamar.

The role of the NTWMG is to provide advice, funding and education on better managing waste and resource recovery within northern Tasmanian communities, businesses and Local Governments.

The NTWMG operates under a voluntary regional partnership and is able to provide these services through the current \$5/tonne levy on waste disposed to landfill from northern Tasmania.

In 2007 when the group started operating, there was a \$2/tonne levy which was increased to \$5/tonne in 2012. There has not been an amendment for seven (7) years and no CPI adjustment has been added over that period to match inflation costs.

The proposed landfill levy amendment from \$5 per tonne to \$7.50 per tonne would boost NTWMG yearly income from \$480,000 to \$720,000 and allow the group’s strategy projects to be implemented on a sustainable basis into the future.

DISCUSSION:

- Clr Drummond stated that it is very little increase considering the costs on the mainland are much higher.

COUNCIL DECISION:

04/19.16.2.93 Moved: Clr J Drummond / Seconded: Clr J McGiveron

Council endorse a landfill levy amendment from current \$5/tonne to \$7.50/tonne from 1 July 2019 - 30 June 2022.

CARRIED UNANIMOUSLY

04/19.16.3 Audio Recording - Audio/Visual Live Streaming of Council Meetings

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

1. That Council implement Audio Recording of Council Meetings at an approximate cost of between \$15,000 - \$17,000 ex GST with a provision to be made in the 2019/2020 budget.

OR

2. That Council implement Audio/Visual Live Streaming of Council Meetings at an approximate cost of between \$21,000 - \$24,000 ex GST with a provision to be made in the 2019/2020 budget.

AND

That Council authorise the General Manager following consultation with Council's IT provider to request firm quotes, appoint a preferred company and proceed with implementation following adoption of the 2019/2020 budget.

INTRODUCTION:

At the January 2019 Council Meeting Clr Drummond presented a motion as follows:

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 develop a procedure based on the Local Government (Meeting Procedures) Regulations 2015 to provide audio recording of the public component of Council meetings. Past recordings could be listened to on a Council meeting stream channel for six (6) months, removing the onerous requirement (Part 33(b)) of a written request being submitted to Council. The recording would not include the part of a meeting when Council is 'closed' to the public.

DISCUSSION:

- Clr Drummond stated that it is not so much about transparency it is more about accessibility for people who work or do not have access to travel.
- Mayor Tucker stated that he favoured live streaming if we are proceeding with this change.
- Clr McGuinness stated that he doesn't want to see debate stifled or people reading from prepared statements is not how meetings should be run it should include robust debate.
- Clr Osborne stated that she has concerns with both options due to past experiences where she has had no right of reply and advised that she would not vote for this.
- Mayor Tucker stated that he wanted on record that we are not doing this due to transparency we are doing it for accessibility.
- Clr LeFevre stated that he would support option 1 as a moderating way to go and at a later date bring in option 2.
- Clr Chapple stated that she would also like to support option 1. She is personally not comfortable with visual live streaming but she would consider option 1 with the opportunity for future upgrade.

COUNCIL DECISION:

04/19.16.3.94 Moved: Clr J Drummond / Seconded: Clr K Wright

That Council implement Audio/Visual Live Streaming of Council Meetings at an approximate cost of between \$21,000 - \$24,000 ex GST with a provision to be made in the 2019/2020 budget.

AND

That Council authorise the General Manager following consultation with Council's IT provider to request firm quotes, appoint a preferred company and proceed with implementation following adoption of the 2019/2020 budget.

An amendment was moved:

04/19.16.3.95 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That Council implement Audio Recording of Council Meetings at an approximate cost of between \$15,000 - \$17,000 ex GST with a provision to be made in the 2019/2020 budget.

AND

That Council authorise the General Manager following consultation with Council's IT provider to request firm quotes, appoint a preferred company and proceed with implementation following adoption of the 2019/2020 budget.

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

The amendment becomes the motion:

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

04/19.16.4 **Local Government Association of Tasmania (LGAT) – 2019 Annual General Meeting and General Meeting – Call for Motions**

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

That Council submit motions on the following areas to the forthcoming LGAT General Meeting:

1. Changes to the Meeting Procedures
2. Single Use Plastics

INTRODUCTION:

The Call for Motions has been advertised for the Annual General Meeting and General Meeting which will be held on the 3 July 2019.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.16.4.96 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council submit motions on the following areas to the forthcoming LGAT General Meeting:

1. Changes to the Meeting Procedures
2. Single Use Plastics
3. State Weed Management Resources

CARRIED UNANIMOUSLY

04/19.16.5 Review – LG05 – Social Media Policy Review

FILE REFERENCE	002\024\001\
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OFFICER'S RECOMMENDATION:

That Council review and adopt the amended Social Media Policy LG05.

INTRODUCTION:

With the increase in our community seeking Council information through Social Media Channels it is important that we continue to review and update our Social Media Policy.

DISCUSSION:

- Clr Drummond stated that she believes that anything out in the public domain is not necessarily our opinion. Clr Drummond stated that she has a disclaimer on her page stating this.
- The General Manager stated that there was some discussion at Council approximately two (2) years ago regarding factually correct information, this matter has been around for a while in regards to Council consideration.
- Clr Wright stated that she agrees with Clr Drummond. Just because you share something doesn't mean it is your opinion. Clr Wright stated there is a lot of information out there that she shares for public information.
- Clr Whittaker stated that she also agrees with Clr Drummond. Clr Whittaker stated that she shares things and it doesn't necessarily mean she supports what is being said.
- Clr McGuinness stated that if you share something that is controversial and maybe with strong opinions or errors in fact that he believes that without any qualification it is seen as your opinion. We need to qualify what you say or correct errors in fact or leave it alone.
- Clr LeFevre stated that he would not share something unless he supported the post unless he made a comment to go with it.
- Clr McGiveron stated that he agrees with Clr LeFevre.

- The General Manager stated that in Part 8 of the policy wording could be amended to read “Focus on ensuring that the material is respectful and factually correct in regards to Break O’Day Council”.

COUNCIL DECISION:

04/19.16.5.97 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That Council review and adopt the amended Social Media Policy LG05.

The General Manager suggested that the item be deferred to enable further review of the section of the Policy in question.

This item was deferred until the May Council Meeting.

04/19.16.6 Nomination of Councillors for Council Representatives on Committees and Boards

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

That Council nominate Councillor representative to the NRM Special Committee of Council to fill the vacancies left by John Tucker.

INTRODUCTION:

It is necessary to determine Council representatives on various Committees to ensure adequate representation by Council. Therefore as a result of John Tucker’s resignation Council needs to consider and update the representation on the NRM Special Committee.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

04/19.16.6.98 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That Council nominate Councillor Kristi Chapple to the NRM Special Committee of Council to fill the vacancy left by John Tucker.

CARRIED UNANIMOUSLY

Clr Drummond left the meeting at 12.47pm

Clr Drummond returned to the meeting at 12.48pm

FILE REFERENCE

017\019\002\

OFFICER'S RECOMMENDATION:

That Council's management team progress the development of an application based on the potential priorities identified by Council.

INTRODUCTION:

The Federal Government Drought Communities Programme has been extended to include the Break O'Day Council area. The program will support local community infrastructure and other drought relief projects for communities who have been impacted by drought.

DISCUSSION:

- The General Manager stated that these funds must be spent by 31 December this year which will make it a challenge to spend them wisely and appropriately.
- Cllr Drummond asked whether Parks & Wildlife Services (PWS) walking track projects could be eligible. The General Manager stated that this would fit quite well within this project.
- The Manager Community Services advised that the Mathinna community want a walking track around the recreation ground – this could be a quick win and it is listed on their township plan.
- Cllr McGiveron asked, could we speed up the upgrades at our cemeteries. The General Manager advised that it could and this has been raised by Management team as ideas.
- Cllr Osborne stated that we need to get the Valley Rail Trail shovel ready. The General Manager stated that the problem with this one is undertaking studies or investigations is ineligible in this particular funding.
- The General Manager advised that because we are now in Caretaker mode with the Federal Government we will be unable to get projects signed off until the election result is clearly known.
- Mayor Tucker stated that the money is not for the farmers directly but for communities affected by drought.
- Cllr LeFevre stated that he has difficulty in spending all the money through the Valley we also have farms dotted elsewhere he thought the majority would be spent there but not all of it. Cllr LeFevre thinks that these funds should be used to potentially hire contractors who used to work with farmers but have been impacted and lost income. The General Manager advised that we will be certainly looking at this as part of the process.
- Cllr Drummond stated that the St Marys Community Space is shovel ready and has resources and labour ready to be used.
- Cllr LeFevre asked, would additional work on the St Marys Flood Mitigation be able to be done. The General Manager stated that the concept, etc is there but there are still a number of approvals required for some of the proposed works and these may not be able to be received in time to undertake further works.
- The General Manager stated that we are trying to keep focused on local employment, local contractors, local suppliers where possible.

COUNCIL DECISION:

04/19.16.7.99 Moved: Clr J McGiveron / Seconded: Clr K Wright

That Council's management team progress the development of an application based on the potential priorities identified by Council.

CARRIED UNANIMOUSLY

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

Moved: Clr J McGiveron / Seconded: Clr K Chapple: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

04/19.17.0 CLOSED COUNCIL

04/19.17.1 Confirmation of Closed Council Minutes – Council Meeting 18 March 2019

04/19.17.2 Outstanding Actions List for Closed Council

04/19.17.3 Contract 030\001\112\ - St Helens MTB Trail Network Town Link Boardwalk and Platforms - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015

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

Moved: Clr L Whittaker / Seconded: Clr J Drummond: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

04/19.17.3 Contract 030\001\112\ - St Helens MTB Trail Network Town Link Boardwalk and Platforms - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015

PUBLIC COUNCIL DECISION:

04/19.17.3.CC Moved: Clr J McGiveron / Seconded: Clr K Chapple

That Council award Contract 030\001\112\ St Helens MTB Trail Network Town Link Boardwalk and Platforms to AJR Construct Pty Ltd.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.56pm.

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MAYOR

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DATE