



COUNCIL MEETING MINUTES

Monday 15 March 2021
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
15 March 2021

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AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

OPENING

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

ACKNOWLEDGEMENT OF COUNTRY

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

03/21.1.0 ATTENDANCE

03/21.1.1 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

03/21.1.2 Apologies

Councillor Kylie Wright

03/21.1.3 Leave of Absence

Nil

03/21.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 17.4*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 18.3*)
Manager Community Services, Chris Hughes (*Item 1.0 – 6.2 / 6.4 – 17.4*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.3*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.0*)
NRM Officer, Polly Buchhorn (*Item 16.1 – 17.1*)

03/21.2.0 PUBLIC QUESTION TIME

Three (3) people in the gallery.

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

03/21.2.1 Footpath, Road Surface and Drainage - Coffey Drive, Binalong Bay – Mr R Godfrey, Binalong Bay

Our family has owned a shack at number 9 Coffey Drive since the early 1980's. Historically, if there has been a decent dump of rain in the area, natural springs seep water at a number of sites on the uphill side of the street where the gutter/footpath meet the asphalt. The water is brackish, stains the guttering, gathers green mould and looks unsightly; the moisture also works it's way under the asphalt and the section downhill from number 15 Coffey Drive to the corner leading down to Main Road, where there is not the provision of a footpath, has deteriorated resulting in broken edging, grass growing through the asphalt and potholes. The latter part of last year was very wet, the springs flowed for weeks and the road immediately outside our residence and elsewhere is in poor shape.

A footpath exists uphill from number 15 Coffey Drive but does not continue below this point all the way to Main Road. Coffey Drive is busy, many young families have shacks in the street and children/adults have to walk, ride bikes and skateboard on the road.

Could Council consider the provision of a footpath (incorporating suitable drainage infrastructure) for the street below number 15 Coffey Drive please.

Thank you and I look forward to your reply.

Reply

Stage 1 of the Coffey Drive sub-division did not include the provision of a footpath. Stage 2 included a footpath starting and terminating at 15 Coffey Drive.

A capital cost (order of magnitude) estimate for a provision of a footpath and plausible drainage infrastructure (No 15 Coffey Drive to the Main Road) will be prepared for consideration by Council as part of the next budget planning cycle. Consideration by the Council may not result in the project being addressed in the next financial year. The project is sizeable given the stated need to capture and drain underground water and would be considered in the context of existing footpath and stormwater system priorities, stormwater system capacity (existing infrastructure), asset management plans and the long term financial plan.

03/21.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Nil.

03/21.4.0 CONFIRMATION OF MINUTES

03/21.4.1 Confirmation of Minutes – Council Meeting 15 February 2021

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 15 February 2021 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/21.4.1.52 Moved: Clr G McGuinness / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 15 February 2021 be confirmed.

CARRIED UNANIMOUSLY

03/21.5.0 COUNCIL WORKSHOPS HELD SINCE 15 FEBRUARY 2021 COUNCIL MEETING

There was a Workshop held on Monday 1 March 2021 – the following items were listed for discussion.

- 2020 / 2021 Annual Plan – December 2020 Quarterly Review
- Reduced Facility Hire Fees
- Animal Control Report
- Maintenance of Terrys Hill Road
- Charter for the Break O’Day Community Stadium – Special Committee of Council
- Applications for Break O’Day Drought Weeds Grants
- Binalong Bay Foreshore Weed Management
- Cat Management Program – Implementation of Regional Strategy
- Local Government Association of Tasmania (LGAT) – General Meeting 12 March 2021 - Motions Received from Councils to be Tabled

03/21.6.0 PLANNING AUTHORITY

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

03/21.6.1 DA 194-2020 – Outbuilding with Amenities – 44 Legge Street, Falmouth

FILE REFERENCE	DA 194-2020
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OFFICER’S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for **OUTBUILDING WITH AMENITIES** on land situated at **44 LEGGE STREET, FALMOUTH** described in Certificate of Title 146516/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Title Page	-	Jennifer Binns Design	-
Site Plan	A03	Jennifer Binns Design	17/02/2021
Proposed Floor Plan	A04	Jennifer Binns Design	17/02/2021
Elevations	A05	Jennifer Binns Design	17/02/2021
Shadow Diagrams	A06	Jennifer Binns Design	17/02/2021
Shadow Diagrams	A07	Jennifer Binns Design	17/02/2021
Stormwater retention and management	44 Legge St., Falmouth	Geo-Environmental Solutions	19/10/2020

2. The outbuilding is approved for non-habitable residential use only and may not be changed without written consent from Council.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
7. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.

ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for an Outbuilding with amenities. The applicant has advised that the intended use of the Outbuilding is to provide for car accommodation and also to act as an Art Studio for the private use of the owner.

DISCUSSION:

Clr Osborne left the meeting at 10.04am

- The Planning Consultant advised that the assessment was undertaken based on the amended plans.
- The Planning Consultant advised that we have received supplementary information from the representor, however even taking this into account it does not change the assessment of the application. A copy of the supplementary information has been tabled for Councillors information.

Clr Osborne returned to the meeting at 10.06am

- Clr LeFevre stated that he supports the Officer's Recommendation based on the amended plans and noting the seven (7) conditions.
- Clr Osborne stated that she agrees with Clr LeFevre.
- Clr Whittaker stated that she is not against the application however she had a question – as per the letter from the representor requesting that this application not be approved until the matters are resolved, is this possible. The Planning Consultant advised that the Senior Town Planner advised that the application does meet the criteria and is recommended for approval.
- Clr Drummond asked, why has no further advertising been done on the new set of plans. The Planning Consultant stated that in accordance with the Legislation it is not required as this was part of the mediation process, the amendments brought the application into further compliance and the representor had the opportunity to view the amended plans.

COUNCIL DECISION:

02/21.6.1.53 Moved: Clr B LeFevre / Seconded: Clr M Osborne

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **OUTBUILDING WITH AMENITIES** on land situated at **44 LEGGE STREET, FALMOUTH** described in Certificate of Title 146516/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Title Page	-	Jennifer Binns Design	-
Site Plan	A03	Jennifer Binns Design	17/02/2021
Proposed Floor Plan	A04	Jennifer Binns Design	17/02/2021
Elevations	A05	Jennifer Binns Design	17/02/2021
Shadow Diagrams	A06	Jennifer Binns Design	17/02/2021
Shadow Diagrams	A07	Jennifer Binns Design	17/02/2021
Stormwater retention and management	44 Legge St., Falmouth	Geo-Environmental Solutions	19/10/2020

2. The outbuilding is approved for non-habitable residential use only and may not be changed without written consent from Council.
3. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - c. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
6. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff.
7. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.

ADVICE

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

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

**FOR
AGAINST
CARRIED**

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

FILE REFERENCE	DA 301-2020
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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 **2 LOT SUBDIVISION + ROAD + WALKWAY** on land situated at **3 FYSH PLACE, STIEGLITZ** described in Certificate of Title 152051/7 & CT 128314/6 (Walkway) be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents					
Plan / Document Name		Reference Number	Prepared By		Dated
Proposed Two Lot Subdivision and Boundary Adjustment		Job No. 200408 Version: 5.0	East Coast Surveying		03 February 2021
Planning Supporting Report		-	Woolcott Surveys/ East Coast Surveying		November 2020
Bushfire Hazard Report		Version 1.0	James Stewart BFP-157		20 November 2020

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/02030-BODC** as attached to this permit.
3. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
4. The new stormwater connection for Lot 2 to the main must be completed by a licenced plumber in accordance with standard drawings TSD-SW26-v3 & TSD-SW27-v3 (both attached). Stormwater must not be allowed to discharge to the foreshore.
5. No works are to be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering and stormwater connections, until a permit to undertake works in the road reservation has been issued by Council's Manager Infrastructure and Development Services for the works.
6. Public access to the foreshore must be retained for the duration of the works. If work requires the closure of the walkway for any reason it must be reopened each day for pedestrian access ensuring safe access is provided. The bollard must be reinstated in the walkway at the boundary of the road easement / walkway immediately at completion of the work – all costs to be borne by the developer.
7. The owner of number 10 Fysh Place must be advised of the work and access to their property must not be obstructed.
8. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including property access, specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of Council's Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council's Manager Infrastructure and Development Services.

9. Prior to the commencement of any development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site, the cost of these works may be charged to the developer/property owner.
10. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.
11. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
12. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

ADVICE

- All new road reservation and/or drainage reserve areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.
- 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.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

PROPOSAL SUMMARY:

Application is made for a two (2) lot subdivision, and road and walkway at 3 Fysh Place, Stieglitz and CT 128314/6 (walkway). One lot presently exists and is developed residential land. The site is located on the southwestern end of the Fysh Place cul-de-sac and includes part of the road reserve and walkway.







DISCUSSION:

- The Planning Consultant advised that the application relied on five (5) performance criteria.
- The Planning Consultant advised that one (1) representation was received and it seemed to be merely confusion with regard to the road lot and what that would be. Issues raised in the representation have been addressed, all costs of subdivision are to be borne by the developer and then the road lot will be transferred to Council once all work has been completed to Councils standard and any required maintenance period.
- Clr McGuinness stated that he believes the representation was more along the lines of questioning and believes that these questions have all been met and this is a reasonable application.
- Clr McGiveron stated that he agrees with Clr McGuinness and has also had a look at the site.

COUNCIL DECISION:

02/21.6.2.54 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 **2 LOT SUBDIVISION + ROAD + WALKWAY** on land situated at **3 FYSH PLACE, STIEGLITZ** described in Certificate of Title 152051/7 & CT 128314/6 (Walkway) be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Two Lot Subdivision and Boundary Adjustment	Job No. 200408 Version: 5.0	East Coast Surveying	03 February 2021
Planning Supporting Report	-	Woolcott Surveys/ East Coast Surveying	November 2020
Bushfire Hazard Report	Version 1.0	James Stewart BFP-157	20 November 2020

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2021/02030-BODC** as attached to this permit.
3. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
4. The new stormwater connection for Lot 2 to the main must be completed by a licenced plumber in accordance with standard drawings TSD-SW26-v3 & TSD-SW27-v3 (both attached). Stormwater must not be allowed to discharge to the foreshore.
5. No works are to be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering and stormwater connections, until a permit to undertake works in the road reservation has been issued by Council’s Manager Infrastructure and Development Services for the works.
6. Public access to the foreshore must be retained for the duration of the works. If work requires the closure of the walkway for any reason it must be reopened each day for pedestrian access ensuring safe access is provided. The bollard must be reinstated in the walkway at the boundary of the road easement / walkway immediately at completion of the work – all costs to be borne by the developer.
7. The owner of number 10 Fysh Place must be advised of the work and access to their property must not be obstructed.
8. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including property access, specifications and standard drawings. Any design must be completed in accordance with Council’s subdivision design guidelines to the satisfaction of Council’s Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council’s Manager Infrastructure and Development Services.
9. Prior to the commencement of any development authorised by this permit the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site, the cost of these works may be charged to the developer/property owner.
10. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.

11. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
12. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

ADVICE

- All new road reservation and/or drainage reserve areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.
- 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.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

03/21.6.3 DA 337-2020 – Demolition & New Shed – 93 Cecilia Street, St Helens

FILE REFERENCE	DA 337-2020
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received 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 & NEW SHED** on land situated at **93 CECILIA STREET, ST HELENS** described in Certificate of Title 220432/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Existing Site Plan	0519CL	Jennifer Binns	25 June 2019
Proposed Site Plan	-	Hand drawn by proponent	-
Shed Plans and Elevations	Amswv01_256295	Aussie Made Sheds	08 Dec 2020

2. All stormwater runoff from the proposed shed must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. 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.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed shed must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Activities associated with works are not to be performed outside the permissible time frames listed:
 - Mon-Friday 7 am to 6 pm*
 - Saturday 9 am to 6 pm*
 - Sunday and public holidays 10 am to 6 pm*

PROPOSAL SUMMARY:

Application is made for the demolition and construction of a new shed at 93 Cecilia Street, St Helens. The proposal includes the demolition of a number of outbuildings constructed of weatherboard and galvanized iron. The total floor area of the three outbuildings (shed/carport, and 2 separate sheds) will be 211m². A new proposed 16.032m x 7.032m x 3.612m (total floor area of outbuilding 112m²) will be constructed to partially utilise the existing shed slab whilst no change in existing ground level is proposed. 2 x 23,000l water storage tanks are proposed to the rear of the new shed.









DISCUSSION:

- The Planning Consultant advised that one (1) representation was received from the property owner at the rear boundary.
- Clr LeFevre stated that he supports the application.
- Clr McGiveron stated that he agreed with Clr LeFevre and a new shed to replace a lot of out buildings make sense.

COUNCIL DECISION:

02/21.6.3.55 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

After due consideration of the representations received 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 & NEW SHED** on land situated at **93 CECILIA STREET, ST HELENS** described in Certificate of Title 220432/1 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Existing Site Plan	0519CL	Jennifer Binns	25 June 2019
Proposed Site Plan	-	Hand drawn by proponent	-
Shed Plans and Elevations	Amswv01_256295	Aussie Made Sheds	08 Dec 2020

2. All stormwater runoff from the proposed shed must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network via one point of discharge only for the subject land that will not result in soil erosion or other stormwater nuisance.
3. 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.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed shed must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.

- Activities associated with works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

03/21.6.4 DA 345-2020 – Alterations & Additions to Existing Non-Conforming Use & New 2nd Access – 28 Four Mile Creek, Four Mile Creek

FILE REFERENCE	DA 345-2020
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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 **ALTERATIONS & ADDITIONS TO EXISTING NON-CONFORMING USE & NEW 2ND ACCESS** on land situated at **28 FOUR MILE CREEK ROAD, FOUR MILE CREEK** described in Certificate of Title 56391/14 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Plans, Rev: A	Project No. 19406 Drawing No: A00-A25	Richard Hall Architect	6 October 2020
Submission		Chris Triebe & Associates Town Planning Services Limited	19 December 2020
On-site Wastewater Management Report Rev: C	19.406 OWMR – 001	Rare	16 December 2020
Response to Planning Criteria		Rare	16 December 2020
Traffic Comment Rev: A		Andrew Howell	May 2020

2. The proposed new crossover off Emma Drive must be constructed in accordance with standard drawing TSD-R09-v3 (attached).
The relocated/upgraded crossover off Four Mile Creek Road must be constructed in accordance with standard drawing TSD-R04-v3 (attached), adopting the shallow dish crossing alternative (i.e. culvert pipe and endwalls not required).
An application must be made to obtain a Works Permit prior to work commencing on either crossover. (application form attached).

3. All stormwater runoff from the proposed development 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 in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. All car parking, access strips, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
6. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
7. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
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
10. 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.
11. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the certification of a strata plan for the subject site.

ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. Works should be carried out strictly under the guidance of the Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the Aboriginal Relics Act 1975 (the Act) in the event that Aboriginal heritage is identified.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
- Activities associated with construction works are not to be performed outside the permissible time frame listed:
 - Monday-Friday 7am to 6pm*
 - Saturday 9am to 6pm*
 - Sunday and public holidays 10am to 6pm*

PROPOSAL SUMMARY:

Application is made for the construction of alterations and additions to two (2) existing shacks constructed in 1983 at 28 Four Mile Creek Road, Four Mile Creek.

A second access is also proposed to Shack 'B' off Emma Drive. The works include minor building additions and construction of an uncovered entertaining deck area.





DISCUSSION:

- The Planning Consultant advised that one (1) representation was received and the applicant was not needed to provide a response to this representation.
- The Planning Consultant advised that a Traffic Impact Assessment (TIA) was required due to the speed limit and due to the application for a 2nd access.
- Clr McGuinness stated that it is good use of an existing situation and is tidying up something that has been a bit of a dogs breakfast over the years.
- Clr McGiveron stated that he agreed with Clr McGuinness.
- Clr Drummond stated that even though this is a use not permitted under the current scheme, is this something that could be challengeable. The Planning Consultant stated that it would only be if they were substantially intensifying development on the site eg if they were to apply for further dwellings that would be substantially intensifying the development. We also have to look at the use as well, there are currently two (2) dwellings and the two (2) dwellings will continue, if there is a change of use to something else the Planning Scheme allows they could not go back to the two (2) dwellings.

COUNCIL DECISION:

02/21.6.4.56 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 **ALTERATIONS & ADDITIONS TO EXISTING NON-CONFORMING USE & NEW 2ND ACCESS** on land situated at **28 FOUR MILE CREEK ROAD, FOUR MILE CREEK** described in Certificate of Title 56391/14 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Plans, Rev: A	Project No. 19406 Drawing No: A00-A25	Richard Hall Architect	6 October 2020
Submission		Chris Triebe & Associates Town Planning Services Limited	19 December 2020
On-site Wastewater Management Report Rev: C	19.406 OWMR – 001	Rare	16 December 2020
Response to Planning Criteria		Rare	16 December 2020
Traffic Comment Rev: A		Andrew Howell	May 2020

2. The proposed new crossover off Emma Drive must be constructed in accordance with standard drawing TSD-R09-v3 (attached).
The relocated/upgraded crossover off Four Mile Creek Road must be constructed in accordance with standard drawing TSD-R04-v3 (attached), adopting the shallow dish crossing alternative (i.e. culvert pipe and endwalls not required).
An application must be made to obtain a Works Permit prior to work commencing on either crossover. (application form attached).
3. All stormwater runoff from the proposed development 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 in accordance with Part 14.4.1 A9 of the *Break O'Day Interim Planning Scheme 2013*.
4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
5. All car parking, access strips, manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.
6. All new planting must be undertaken with seeds or rootstock derived from provenance taken within the boundaries of the site, or the vicinity of the site.
7. Plants listed in Appendix 3 of the *Break O'Day Interim Planning Scheme 2013* must not be used in landscaping.
8. Reflective materials must not be used as visible external elements in the building and the colours of external surfaces must be the same shades and tones of the surrounding landscape and vegetation elements in accordance with Part 14.4.1 A7 of the *Break O'Day Interim Planning Scheme 2013*.
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
10. 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.
11. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the certification of a strata plan for the subject site.

ADVICE

- Use or development which may impact on Aboriginal cultural heritage is subject to the Aboriginal Relics Act 1975. Works should be carried out strictly under the guidance of the Unanticipated Discovery Plan. If at any point during the proposed works Aboriginal heritage is suspected, works must cease immediately, and AHT must be contacted for advice. The Unanticipated Discovery Plan should be kept on site during the works to aid the proponent and their works personnel in meeting their obligations under the Aboriginal Relics Act 1975 (the Act) in the event that Aboriginal heritage is identified.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.

- Activities associated with construction works are not to be performed outside the permissible time frame listed:

Monday-Friday 7am to 6pm

Saturday 9am to 6pm

Sunday and public holidays 10am to 6pm

CARRIED UNANIMOUSLY

03/21.6.5 DA 346-2020 – Dwelling –19 Seaview Avenue, Beaumaris

FILE REFERENCE	DA 346-2020
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OFFICER’S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for **DWELLING** on land situated at **19 SEAVIEW AVENUE, BEAUMARIS** described in Certificate of Title 62292/37 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans			
Plan/Document Name	Reference Number	Prepared By	Dated
Title Page	-	Jennifer Binns Designs	-
Site Plan	A03	Jennifer Binns Designs	22/12/2020
Proposed Ground Floor	A04	Jennifer Binns Designs	22/12/2020
Proposed First Floor	A05	Jennifer Binns Designs	22/12/2020
North and East Elevations	A07	Jennifer Binns Designs	22/12/2020
South and West Elevations	A08	Jennifer Binns Designs	22/12/2020
Visuals	A18	Jennifer Binns Designs	22/12/2020
Geo-Environmental Assessment	19 Seaview Avenue Beaumaris	Geo-Environmental Solutions	17/08/2020

2. The areas shown to be set aside for vehicle access and car parking must be:
 - a. completed before the use of the development;
 - b. surfaced with a pervious dust free surface and drained to Council’s stormwater drainage system.
3. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with TSD-R09-V3 (attached). The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.
4. Stormwater discharge to the kerb is to be constructed in accordance with Standard Drawing TSD-SW29-V3 (attached) and is to be completed by a licenced plumber. Construction is to include the provision of a **steel** kerb adapter.

5. No works are to commence on the crossover or stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover and Stormwater Connection Point (application form attached).
6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.
7. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
8. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
9. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

INTRODUCTION:

The applicant is seeking approval for a Dwelling at 19 Seaview Avenue Beaumaris. The development site has a land area of 807 m² and is zoned Low Density Residential Zone. The site is affected by the Coastal Height Reference Planning Scheme Overlay only.

The site has access from a Council maintained road and is serviced by Council stormwater infrastructure. The site is not serviced by reticulated water and sewerage infrastructure (TasWater).

DISCUSSION:

- The Planning Consultant advised that one (1) representation was received raising concerns not on the representors own site but what it could do to an adjacent site, however the owner of the adjacent site did not submit a representation, however an assessment was still undertaken.

- Clr Osborne stated that it fits with the criteria and she is happy with it.
- Clr LeFevre stated that he supports the recommendation.
- Clr Drummond asked in regards to the opportunity to submit representations. Is the adjacent property a tenanted property? Would the owner of the property be aware of the application. The Planning Consultant stated that under the Legislation owners are notified via a letter as per details on the rates notices however in Break O'Day if it is known that the property is tenanted where possible we also notify the tenant of the property as well as the property owner.

COUNCIL DECISION:

02/21.6.5.57 Moved: Clr M Osborne / Seconded: Clr B LeFevre

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for **DWELLING** on land situated at **19 SEAVIEW AVENUE, BEAUMARIS** described in Certificate of Title 62292/37 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the approved plans and documents listed as follows, except as varied by conditions on this Planning Permit.

Approved Plans			
Plan/Document Name	Reference Number	Prepared By	Dated
Title Page	-	Jennifer Binns Designs	-
Site Plan	A03	Jennifer Binns Designs	22/12/2020
Proposed Ground Floor	A04	Jennifer Binns Designs	22/12/2020
Proposed First Floor	A05	Jennifer Binns Designs	22/12/2020
North and East Elevations	A07	Jennifer Binns Designs	22/12/2020
South and West Elevations	A08	Jennifer Binns Designs	22/12/2020
Visuals	A18	Jennifer Binns Designs	22/12/2020
Geo-Environmental Assessment	19 Seaview Avenue Beaumaris	Geo-Environmental Solutions	17/08/2020

2. The areas shown to be set aside for vehicle access and car parking must be:
 - c. completed before the use of the development;
 - d. surfaced with a pervious dust free surface and drained to Council's stormwater drainage system.
3. The vehicle crossover from the carriageway to the property boundary must be **constructed** and maintained in accordance with TSD-R09-V3 (attached). The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.
4. Stormwater discharge to the kerb is to be constructed in accordance with Standard Drawing TSD-SW29-V3 (attached) and is to be completed by a licenced plumber. Construction is to include the provision of a **steel** kerb adapter.
5. No works are to commence on the crossover or stormwater connection until a permit to undertake works in the road reservation has been issued by Council's Works Operations Manager for the crossover and Stormwater Connection Point (application form attached).

6. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's Plumbing Permit Authority.
7. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
8. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
9. Site benching through cut and fill must be in keeping with the physical and environmental capabilities of the site.
10. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
11. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

ADVICE

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

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.

03/21.7.0 OUTSTANDING COUNCIL MEETING ACTIONS

OFFICER'S RECOMMENDATION:

That the report be received.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/21.7.0.58 Moved: Clr J Drummond / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

03/21.8.0 **PETITIONS**

Nil.

Deputy Mayor John McGiveron took the chair at 10.31am

03/21.9.0 **NOTICES OF MOTION**

03/21.9.1 **Notice of Motion – Invitation to World Trail – 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 invite Glen Jacobs from World Trail to do an overview and investigate the existing trails providing any thoughts on lengthening / improving the existing network and the need to investigate new trails to complement what is existing at the Flagstaff Trailhead.

SUBMISSION IN SUPPORT OF MOTION:

We need to be pro-active in making sure we are always looking for improvements, have plans in the system to take advantage of funding opportunities if and when it is available. Our network has created a boom for Break O'Day with the visitation. Our businesses in all of Break O'Day are benefitting from the trail network and we must always keep upgrading to make the network something for everyone. Everyone has seen the massive increase in mountain bikes in our communities and the benefits, but we must not rest on our laurels.

DISCUSSION:

- Clr LeFevre stated that he thinks it is perfectly logical, we need to get feedback and look to progress for the future.
- Clr Whittaker stated that she thinks it is great to foster development but the bias is too focussed now on mountain biking and she would like to see a survey sent to all residents and secondly as stated by Mayor Tucker all of our businesses have benefited from the trails and as Mayor Tucker is a business owner is this a conflict of interest. The General Manager stated, firstly we are undertaking a recreational trails strategy and secondly information provided by David Morris from Simmons Wolfhagen at Councillors Professional Development stated that if it is a “general benefit” not a “specific benefit associated with a business” then it is not a Conflict of Interest.
- Clr Osborne stated that she thinks that it is like everything else we do, we need to keep planning ahead.
- Clr Drummond stated that like Clr Whittaker she would be interested in doing a residents survey to know what they would like and see what is happening in the community. Clr Drummond also stated that she would also like to see if there is money available that could be put over to the trails strategy, whilst the mountain bikes have been fantastic she thinks that the recreational trails strategy has a broader cohort.

COUNCIL DECISION:

03/21.9.1.59 Moved: Clr M Tucker / Seconded: Clr B LeFevre

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 invite Glen Jacobs from World Trail to do an overview and investigate the existing trails providing any thoughts on lengthening / improving the existing network and the need to investigate new trails to complement what is existing at the Flagstaff Trailhead.

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

Mayor Tucker resumed the Chair at 10.35am

03/21.10.0 **COUNCILLOR’S QUESTIONS ON NOTICE**

Nil.

03/21.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

03/21.11.1 Speed Limit Signs on the Causeway - Clr G McGuinness

For the benefit of Binalong Bay residents and others can the 60kph overlay signs at either end of the Causeway be explained and are they intended to be made permanent?

Reply

Recently Council experienced a minor degree of interference to speed signs at the Causeway that led to driver confusion.

On Friday 12 March, a 60km/hr overlay signage was placed by the Works Department as a temporary measure to slow vehicle speed across areas of the carriageway where pavement failure has occurred. Traffic hazard signage has also been erected to advise motorists. Remediation works are scheduled to occur over the next fortnight. A 40km/hr speed zone under traffic management will be invoked as pavement works are being carried out. Upon completion of works the speed limit shall be returned to 80Km/hr.

03/21.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

03/21.12.1 Mayor's Communications for Period Ending 15 March 2021

16.02.2021	St Helens	– St Helens Neighbourhood House – Welcome Back – Services Offered
17.02.2021	Hobart	– General Management Committee (GMC) & Local Government Association Tasmania (LGAT) Stakeholder event
19.02.2021	Launceston	– Northern Tasmania Development Corporation (NTDC) meeting
01.03.2021	St Helens	– Council Workshop
09.03.2021	Launceston	– Northern Tasmania Development Corporation (NTDC) Quarterly Mayors meeting
10.03.2021	St Helens	– Parent Matter Project Lunch – Trade Training Centre
15.03.2021	St Helens	– Council Meeting

03/21.12.2 Councillor's Reports for Period Ending 15 March 2021

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

St Helens and Districts Chamber of Commerce and Tourism –Clr Margaret Osborne OAM

- The following comments and questions arose at the last Chamber meeting:
 - When are the State Government starting work on Binalong Bay Road?
 - What if any are the plans for Binalong Bay in the Township Plan going forward?
 - Signs for businesses, it was discussed how the rules are State Rules but other Councils do things we don't. A meeting with the General Manager was suggested for discussion to try to find a way forward – 4.2.1 in the Strategic Plan mentions signage. A suggestions was a Council owned board at both ends of town for business advertisements and businesses pay.
 - Visitor Information Centre needs to be more visible and take bookings.

NRM Special Committee – Clr Janet Drummond

- Meeting on 23 February

Barway Committee – Clr John McGiveron

- Clr McGiveron stated that his intention is to submit a motion to disband this Committee.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- No report.

Mental Health Action Group – Clr Barry LeFevre

- No meeting
- Clr LeFevre formally acknowledged the magnificent work done by Trish O'Duffy in the Mental Health area. Break O'Day is in a far better space regarding Mental Health due to the leadership, efforts and care displayed by Trish.

Disability Access Committee – Clr Janet Drummond

- Upcoming meeting scheduled for the 25 March.

03/21.13.0 BUSINESS AND CORPORATE SERVICES

03/21.13.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that Council has had some recent IT issues with server vulnerabilities which has happened around the world including Break O'Day where we install all patches etc as soon as they become available this patching has left some vulnerabilities. As part of this process on Friday and over the weekend our server has completely been rebuilt to ensure that any vulnerabilities have been removed from our system.

COUNCIL DECISION:

03/21.13.1.60 Moved: Clr B LeFevre / Seconded: Clr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

03/21.13.2 Monthly Financial Report

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

That the following reports for the month ending 28 February 2021 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 that the item over budget with regard to property rentals, Officers are really sure this was budgeted for so we are working to identify where this budget has been allocated.

- Clr Whittaker asked in relation to item C1845 \$15,000 St Helens Recreation Ground car park area, where is this. The Manager Corporate Services stated that the intention with this one was for the Stadium car park however this has been put on hold. This has been discussed at Management Team level and whilst the St Helens Recreation Ground plans are being reviewed it has been placed on hold.
- Clr Drummond asked in relation to item #1793 - Skyline Road Junction – is this area where we have recently done work. The General Manager stated that this is not work Council has done this is a Department of State Growth project at Skyline Drive and there will be further works done there that were not done in the first place. This is grant money for Council to project manage and deliver the project on behalf of the Department of State Growth. The Manager Infrastructure and Development Services stated that the tractors parked there are Stornoway and they are there for roadside slashing. The General Manager stated that the Department of State Growth consulted with the community with two (2) plans for this area. The works are to include a formalised slip lane like Flagstaff Road plus a traffic island in the middle. The Manager Infrastructure and Development Services stated that the works also include widening on the seaward side of the road, a pedestrian refuge, a ramp to the beach, on the western side is footpath work and a bridge all the way up Skyline Drive and then there is some drainage works and a new streetlight at the intersection. Clr Drummond asked if Councillors could get a copy of the plan.
- Clr McGuinness asked in relation to the Cunningham Street jetty is this a carry forward. The General Manager advised that it is a carry forward as this was just timing of when we can get paid by the State Government.

COUNCIL DECISION:

03/21.13.2.61 Moved: Clr M Osborne / Seconded: Clr J Drummond

That the following reports for the month ending 28 February 2021 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

03/21.13.3 **Visitor Information Centre Report**

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

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

COUNCIL DECISION:

03/21.13.3.62 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

03/21.14.0 WORKS AND INFRASTRUCTURE

03/21.14.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services stated that in addition to his report he has an update in regards to the Forest Lodge Road intake bridge, this bridge is ready to be replaced and BridgePro are ready to take site possession. We have now found a landslip has occurred on the approach to the bridge, we need to look at repairs before the bridge can be put in place as we can't get heavy vehicles down there without this being done. Repairs could be in the vicinity of \$30,000 - \$50,000 so we have to hold off on the bridge installation.
- The Manager Infrastructure and Development Services advised that grant funding has been received for crash barriers and signage on Lottah Road, Ansons Bay Road, North Ansons Bay Road and Mangana Road.

- Clr LeFevre stated that he would like to congratulate the Works Department and the works crews on the Kirwans Beach shared pathway.

COUNCIL DECISION:

03/21.14.1.63 Moved: Clr B LeFevre / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

03/21.14.2 **Animal Control Report**

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that the usual animal control activity is ongoing.

COUNCIL DECISION:

03/21.14.2.64 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

Mayor Tucker made a presentation of Certificate of Appointments under the Emergency Management Act 2006 to Chris Hughes as Municipal Emergency Management Coordinator and Angela Matthews as Deputy Municipal Emergency Management Coordinator for the next five (5) years and acknowledged the ongoing work they have undertaken over a number of years in this area.

03/21.15.0 COMMUNITY DEVELOPMENT

03/21.15.1 Community Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that the Recreational Trails Strategy Expression of Interest (EOI) was advertised over the weekend.
- The Manager Community Services advised that there will be a lot of mountain bikers in the area this weekend for the Dragon Trail event.
- The Manager Community Services advised that we are trialling some new signage on the Georges Bay walkway regarding events and closures and people have been quite receptive to this.
- Clr Drummond asked in relation to an International Womens Day event "Women in the Valley", she was interested to learn that Council could not give the hall free of charge for this event. The Manager Community Services advised that they received grant funding for this event and the facility hire formed part of their grant funding.
- Clr Drummond stated in regards to the Bay of Fires Master Plan that she thought we were going to have an open Expression of Interest (EOI) process however letters have been sent to specific people. The Manager Community Services stated that the open EOI is for community and environmental representatives the specific invites were sent to the specific groups which were identified as key stakeholders. The open advertisement will go out on our website, etc. Clr Whittaker stated that she agreed with Clr Drummond as we need to have a conservation group involved. The Manager Community Services stated that we will write to the NRM Committee inviting them to nominate someone.

COUNCIL DECISION:

03/21.15.1.65 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

03/21.15.2 Charter for the Break O’Day Community Stadium – Special Committee of Council

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

That the Charter for the Break O’Day Community Stadium – Special Committee of Council, as amended, be adopted.

INTRODUCTION:

The Charter for the Break O’Day Community Stadium sets out the terms for the establishment of this committee and the Terms of Reference of the Special Committee of Council.

DISCUSSION:

- The Manager Community Services advised that the main changes are around the number of meetings to be held per year and the number of participants required at the meetings.

COUNCIL DECISION:

03/21.15.2.66 Moved: Clr M Osborne / Seconded: Clr L Whittaker

That the Charter for the Break O’Day Community Stadium – Special Committee of Council, as amended, be adopted.

CARRIED UNANIMOUSLY

Adjourned for morning tea at 10.58am

Meeting resumed at 11.09am

03/21.16.0 DEVELOPMENT SERVICES

03/21.16.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Infrastructure and Development Services advised that he had nothing further to add.
- Cllr Drummond asked in relation to the Regional Land Use Strategy (RLUS), what are the nature of the amendments in batch 2. The General Manager advised that Break O'Days connection to batch 2 is about the items identified a number of months ago regarding rural living, commercial in St Helens and industrial in St Helens and that batch 2 amendments will also include items from other Councils have as well. All councils will have to consider everything for the whole region, however the General Manager is not anticipating this will come to Council until approximately July. Cllr Drummond asked, will this go to community for consultation. The General Manager advised that this part is for Council consideration and other amendments will also be our focus.

COUNCIL DECISION:

03/21.16.1.67 Moved: Cllr M Osborne / Seconded: Cllr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

03/21.16.2 **Velvet Worm NRM Action Awards for 2021**

FILE REFERENCE	039\020\001\
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OFFICER'S RECOMMENDATION:

That Council recognise achievements in the community for the Break O'Day environment and natural resource management in 2021 by offering 'Velvet Worm NRM Action Awards' with a focus on youth and supporting activities and action.

INTRODUCTION:

The Break O'Day NRM Special Committee at its 23 February meeting finalised details for a return of the Velvet Worm Awards in 2021 and has recommended Council invite nominations from the community, with a focus on Break O'Day's youth.

DISCUSSION:

- The NRM Officer advised that we have previously awarded this award.

COUNCIL DECISION:

03/21.16.2.68 Moved: Clr J Drummond / Seconded: Clr L Whittaker

That Council recognise achievements in the community for the Break O’Day environment and natural resource management in 2021 by offering ‘Velvet Worm NRM Action Awards’ with a focus on youth and supporting activities and action.

CARRIED UNANIMOUSLY

03/21.16.3 Applications for Break O’Day Drought Weeds Grant

FILE REFERENCE	017\014\004\
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OFFICER’S RECOMMENDATION:

1. That Council grant \$941 of Drought Weeds funding to an application for support of ragwort and thistle control on the Pyengana Dairy farm, Pyengana.
2. That Council grant \$990 of Drought Weeds funding to an application for support of cape weed, ragwort and thistle control at Hodges Road Goshen.

INTRODUCTION:

Council’s Drought Weeds Project is underway with its Drought Weeds Officer working with farmers in the field supporting farmers to access Council’s \$30,000 of Drought Weeds grants funding.

DISCUSSION:

- The NRM Officer advised that we have received two (2) applications for farms in the George River catchment.

COUNCIL DECISION:

03/21.16.3.69 Moved: Clr J Drummond / Seconded: Clr K Chapple

1. That Council grant \$941 of Drought Weeds funding to an application for support of ragwort and thistle control on the Pyengana Dairy farm, Pyengana.
2. That Council grant \$990 of Drought Weeds funding to an application for support of cape weed, ragwort and thistle control at Hodges Road Goshen.

CARRIED UNANIMOUSLY

03/21.16.4 Review of Tasmanian Government Climate Change Act and Action Plan

FILE REFERENCE	19/20115
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OFFICER'S RECOMMENDATION:

Council provide to the Tasmanian Government's review of the state's *Climate Change Act* and *Climate Action 21* implementation plan, relevant priorities in its *Climate Change Action Plan 2020* as consultation input, and encourages the Break O'Day community to participate in the review.

INTRODUCTION:

The Tasmanian Government has recently embarked, at short notice, on a required review of the State's Climate Change Act and of their Climate Action 21 plan, running public consultation on them together.

DISCUSSION:

- Clr Drummond advised that she sat in on one of the sessions and it is important that we put our strategies forward so we are on the forefront if funding opportunities come forward in the future.

COUNCIL DECISION:

03/21.16.4.70 Moved: Clr J Drummond / Seconded: Clr L Whittaker

Council provide to the Tasmanian Government's review of the state's *Climate Change Act* and *Climate Action 21* implementation plan, relevant priorities in its *Climate Change Action Plan 2020* as consultation input, and encourages the Break O'Day community to participate in the review.

CARRIED UNANIMOUSLY

03/21.17.0 GOVERNANCE

03/21.17.1 General Manager's Report

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager provided an update from the Local Government Association of Tasmania (LGAT) General Meeting that he and the Deputy Mayor attended on Friday.
 - o Planning Authority item - as anticipated this did not get supported, the Councils that supported were generally the larger Councils.
 - o Minister Jaensch spoke at the meeting and key points that he talked about were in regards to the Regional Land Use Strategy (RLUS). The Minister flagged that Councils should start gathering data as part of preparation works which is a slight shift on his previous comments, he is now allowing things to run in parallel. The other matter was around the Waste Management and the change in the waste levy. Listening to him it seemed that the State Government are not quite sure as to how to phase in the waste levy. A question was raised around the revenue and he did provide reassurance that the existing State Government funds that go into these activities will not be replaced by levy funds, although some levy funds may be applied to increase compliance activities. Deputy Mayor McGiveron said it was quite interesting to listen to the Minister and the opportunity was good.
- Clr McGiveron asked for update on Burns Bay car park – The General Manager provided an update in the agenda however he advised that further conversations have now taken place between Parks & Wildlife Services with Aboriginal Heritage Tasmania and there are issues that are more broadly around Burns Bay not specific to just this site. The General Manager alluded that maybe we will see a permit by July however we will wait and see. Parks & Wildlife Services need to consult further with the Aboriginal community.
- The General Manager provided an update in regards to Terrys Hill Road – The General Manager has had some conversations with Parks & Wildlife Services around this situation and they are undertaking a review and an Engineers report done and they have been talking about replacing the bridge. Emails have been forwarded through from Council so they are well aware as to what is happening there and we will keep these conversations going.

COUNCIL DECISION:

03/21.17.1.71 Moved: Clr L Whittaker / Seconded: Clr K Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

03/21.17.2 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

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

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission have called for nominations for President and Committee members of the General Management Committee of the Local Government Association of Tasmania (LGAT).

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/21.17.2.72 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

CARRIED UNANIMOUSLY

03/21.17.3 2020/2021 Annual Plan – December 2020 Quarterly Review

FILE REFERENCE	018\033\007\
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OFFICER'S RECOMMENDATION:

That Council receive the Review as at the 31 December 2020 of the Break O'Day Council Annual Plan 2020/2021.

INTRODUCTION:

The Annual Plan is a requirement of Section 71 of the *Local Government Act 1993* as follows:

An Annual Plan is to –

- (a) be consistent with the strategic plan; and*
- (b) include a statement of the manner in which the Council is to meet the goals and objectives of the strategic plan; and*
- (c) include a summary of the estimates adopted under section 82; and*
- (d) include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

DISCUSSION:

- The General Manager advised as previously mentioned we have been doing a shift from Envisio to Cascade software.
- The General Manager went through the Annual Plan and made comment on specific items.

- The General Manager stated that we are waiting to see the first draft of the Local Government Act review, the indication is that this may not be too far away.
- The General Manager advised that he is continuing conversations with regard to Population Changes with Lisa Denney and UTas, we may look at a presentation to Council in regards to Break O’Day specifically in the near future.
- The General Manager stated that the Break O’Day Employment Connect (BODEC) project has made a significant impact and are covering the whole of Break O’Day. BODEC would like to do a presentation regarding how it is progressing, how it is working out and any barriers they have faced. Mayor Tucker stated they are doing an incredible job. Clr Osborne stated that it is definitely making a difference.
- The General Manager stated that we are waiting on the State Government IPlan project to come on line but it is getting pretty close.
- The General Manager commented in regards to the Water item. This has been mainly focussed on the finalisation of the St Marys Flood Mitigation works which will now free up time to focus on the other areas such as George River catchment, etc.
- The General Manager stated that we have been making good progress on the streetscapes in our towns and funding opportunities have allowed these to progress a bit quicker.
- The General Manager stated that there has been quite a bit of activity in regards to recreation facilities and trails.

COUNCIL DECISION:

03/21.17.3.73 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council receive the Review as at the 31 December 2020 of the Break O’Day Council Annual Plan 2020/2021.

CARRIED UNANIMOUSLY

03/21.17.4 St Helens Neighbourhood House Community Garden

FILE REFERENCE	040\016\007\
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OFFICER’S RECOMMENDATION:

That Council

1. Enter into a Lease with the St Helens Neighbourhood House for an area of approximately 8,000 m² at the St Helens Sports Complex based on the former Equestrian Club lease area for a period of five (5) years with an option to renew for a further two (2) terms of five (5) years.
2. Reaffirm its previous commitment to assist the Neighbourhood House with relocation of the existing community garden.

INTRODUCTION:

Council has received a request from the St Helens Neighbourhood House asking Council to consider a boundary adjustment for the current Lease Agreement to reflect that was attached to their letter dated 6 October 2020 and to consider extending the current Lease Agreement to a 5 x 5 x 5 term Lease.

DISCUSSION:

- Clr Osborne stated that she wants to make sure that in this agreement it is actually all on paper and they sign it to say this is the area that they can use as this is where we got ourselves into trouble before. The General Manager stated that there will be pegs in the ground. Mayor Tucker stated that we don't need to worry too much the lessons have been learnt, Council staff and Managers will ensure that the lease is executed appropriately.
- The General Manager stated that they are keen to get started and now is the time to start doing this.
- Clr McGuinness asked, is there infrastructure eg water lines, etc already there in place. The General Manager stated that he believes that there is a water line very close by, we just need to check where they connect in. Clr McGuinness then asked about the road. The Manager Infrastructure and Development Services stated that we can build an entrance from the Eagle Street end, alternatively we can provide an internal access through the back of the Recreation Ground. The General Manager stated that we will work with them on this.
- Clr Osborne asked about parking. The General Manager stated that we will look at how parking can work with the dog park but there may also be space onsite. The General Manager stated that we will just continue to work with them on this.

COUNCIL DECISION:

03/21.17.4.74 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council

1. Enter into a Lease with the St Helens Neighbourhood House for an area of approximately 8,000 m² at the St Helens Sports Complex based on the former Equestrian Club lease area for a period of five (5) years with an option to renew for a further two (2) terms of five (5) years.
2. Reaffirm its previous commitment to assist the Neighbourhood House with relocation of the existing community garden.

CARRIED UNANIMOUSLY

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

Moved: Clr J Drummond / Seconded: Clr L Whittaker

CARRIED UNANIMOUSLY

IN CONFIDENCE

03/21.18.0 **CLOSED COUNCIL**

03/21.18.1 **Confirmation of Closed Council Minutes – Council Meeting 15 February 2021**

03/21.18.2 **Outstanding Actions List for Closed Council**

03/21.18.3 **Contract 030\001\133\ – St Helens Point Road Upgrade - Contract Variation Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

PUBLISH IN PUBLIC MINUTES:

03/21.18.3.CC Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That the Council support and endorse a contract variation to Contract 030\001\133\ “*St Helens Point Road Upgrade*”.

CARRIED UNANIMOUSLY

03/21.18.4 **General Manager’s Performance Review - Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

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

Moved: Clr J McGiveron / Seconded: Clr L Whittaker

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.05pm.

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MAYOR

.....
DATE