



COUNCIL MEETING MINUTES

Monday 19 October 2020
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
12 October 2020

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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.

10/20.1.0 ATTENDANCE

10/20.1.1 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

10/20.1.2 Apologies

Nil

10/20.1.3 Leave of Absence

Nil

10/20.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 12.3*)
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.5*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.4*)
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 11.2 / 13.1 – 16.4*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.0*)
Senior Town Planner, Nick Cooper (*Item 1.0 – 7.0*)
NRM Officer, Polly Buchhorn (*Item 13.4 – 16.1*)

10/20.2.0 PUBLIC QUESTION TIME

Nil.

10/20.3.0 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.

Clr K Chapple declared a non-pecuniary interest for agenda item 10/20.14.2 – Permission to Erect New Light Towers – St Helens Football Club.

Clr K Chapple declared a pecuniary interest for agenda item 10/20.17.4 – Contract 030\001\129\ - Upper Esk Road Pavement Remediation – Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.

Clr K Chapple declared a pecuniary interest for agenda item 10/20.17.5 – Contract 030\001\130\ - Medeas Cove Esplanade Pavement Remediation – Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015.

Clr J Drummond declared a non-pecuniary interest for agenda item 10/20.13.3 – Speed Limit Reduction – Lower Germantown Road, St Marys.

10/20.4.0 CONFIRMATION OF MINUTES

10/20.4.1 Confirmation of Minutes – Council Meeting 21 September 2020

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 September 2020 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/20.4.1.178 Moved: Clr L Whittaker / Seconded: Clr M Osborne

That the minutes of the Council Meeting held on the 21 September 2020 be confirmed.

CARRIED UNANIMOUSLY

10/20.5.0 COUNCIL WORKSHOPS HELD SINCE 21 SEPTEMBER 2020 COUNCIL MEETING

There was a Workshop held on Monday 5 October 2020 – the following items were listed for discussion as well as a Presentation from Parks & Wildlife Service.

- Audit Panel – Review of Panel Membership
- Speed Limit Reduction – Lower German Town Road, St Marys
- Design of Foreshore Protection and Cycleway at Parkside
- Gardens Road Sight Distance Works
- Permission to Erect New Light Tower – St Helens Football Oval
- Adolescent Amenities – St Helens Foreshore
- Domestic Water Tanks
- Community Consultation for Dog Exercise Area at Binalong Bay
- Proposed Addition to Builders Shed – St Helens Works Depot
- Application for Break O’Day Drought Weeds Grants 2020
- Tasmanian Recreational Sea Fishing Strategy – Discussion Paper
- Use of Conferencing Technology to Attend Council Meetings and Workshops Policy

10/20.6.0 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.

10/20.6.1 DA 179-2020 – Change of Use – Tourism Operation and Associated Works – 25741 Tasman Highway, St Helens

FILE REFERENCE	DA 179-2020
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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 **CHANGE OF USE - TOURISM OPERATION & ASSOCIATED WORKS** on land situated at **25741 TASMAN HIGHWAY, ST HELENS** described in Certificate of Title 146485/4 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the Development Application DA 179-2020 received by Council 14 September 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. The proposed car parking areas must be constructed prior to the commencement of use. Stormwater management is not to result in a concentration of flow onto other property, or cause other stormwater nuisance and should be carried out with the plans and recommendations of the approved GES Environmental Solutions Stormwater Assessment.
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. designed and laid out in accordance with provisions of the *Break O'Day Interim Planning Scheme 2013*;
 - c. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. The vehicle access crossover / carriageway to the property boundary must be upgraded to 9m in width and constructed in accordance with the vehicular crossing requirements of the Department of State Growth, Tasmania prior to the commencement of use.
5. No works are to commence on the crossover until any necessary Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.

6. The proposed sign must be:
 - a. professionally designed and legible;
 - b. structurally sound and not in any way hazardous;
 - c. located entirely within the boundaries of the site;
 - d. situated so as not to obstruct traffic; and
 - e. designed in colours and principles not currently incorporated into statutory or directional signs erected by public authorities.
7. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
8. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
9. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
10. 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.
11. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
12. Landscaping shall be undertaken in accordance with the approved plans to ensure landscaping adequately buffers the carpark from the view of the road. The landscaping shall be established prior to the commencement use and establish an effective buffer within 1 year of commencement of use. Landscaping shall be maintained at all times.
13. Existing landscaping along the frontage of the site shall be maintained at all times.
14. No clearing of native trees is permitted as part of this application.

ADVICE

- NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.

- 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 application is for a Tourism Operation & Associated Works at 25741 Tasman Highway, St Helens. The application relies on several performance criteria and a detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme 2013* is provided herein this report.

DISCUSSION:

- Clr McGuinness stated that the facility is already there, it is a fairly minor change of use and opening up a great asset for our area.
- Clr McGiveron stated that he agrees with Clr McGuinness, it is a great asset for our area.
- Clr Wright asked, is there going to be any assurances or limits of animals allowed on the property. Mayor Tucker stated that we have to deal with what is in front of us. The Senior Town Planner stated that there is no limit on the number of animals, it is up to the owner to deal with this, there is nothing that can be considered as part of the Planning Scheme.
- Clr LeFevre stated that he sees this as a positive development and it will provide a different aspect of tourism.

COUNCIL DECISION:

10/20.6.1.179 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

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 **CHANGE OF USE - TOURISM OPERATION & ASSOCIATED WORKS** on land situated at **25741 TASMAN HIGHWAY, ST HELENS** described in Certificate of Title 146485/4 be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the Development Application DA 179-2020 received by Council 14 September 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. The proposed car parking areas must be constructed prior to the commencement of use. Stormwater management is not to result in a concentration of flow onto other property, or cause other stormwater nuisance and should be carried out with the plans and recommendations of the approved GES Environmental Solutions Stormwater Assessment.

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. designed and laid out in accordance with provisions of the *Break O'Day Interim Planning Scheme 2013*;
 - c. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. surfaced with a pervious dust free surface and drained in a manner that will not cause stormwater nuisance.
4. The vehicle access crossover / carriageway to the property boundary must be upgraded to 9m in width and constructed in accordance with the vehicular crossing requirements of the Department of State Growth, Tasmania prior to the commencement of use.
5. No works are to commence on the crossover until any necessary Access Works Permit has been issued by the Department of State Growth, Tasmania, for the crossover construction/upgrade.
6. The proposed sign must be:
 - a. professionally designed and legible;
 - b. structurally sound and not in any way hazardous;
 - c. located entirely within the boundaries of the site;
 - d. situated so as not to obstruct traffic; and
 - e. designed in colours and principles not currently incorporated into statutory or directional signs erected by public authorities.
7. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
8. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
9. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
10. 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.
11. All works must be conducted in accordance with *Environmental Best Practice Guidelines for Undertaking Works in Waterways and Wetlands in Tasmania* as outlined in the Department of Primary Industries, Parks, Water and Environment publication 'Waterways and Wetlands Works Manual 2003'.
12. Landscaping shall be undertaken in accordance with the approved plans to ensure landscaping adequately buffers the carpark from the view of the road. The landscaping shall be established prior to the commencement use and establish an effective buffer within 1 year of commencement of use. Landscaping shall be maintained at all times.

13. Existing landscaping along the frontage of the site shall be maintained at all times.

14. No clearing of native trees is permitted as part of this application.

ADVICE

- NOTE: A valid works permit is required for all works undertaken in the State Road (Tasman Highway) reservation. Details of the permit process and application forms can be found at: www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways. Applications must be received by the Department of State Growth a minimum of twenty (20) business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.
- 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

10/20.6.2 DA 180-2020 – Road Upgrades to Great Eastern Drive – Tasman Highway, St Helens

FILE REFERENCE	DA 180-20
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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 **ROAD UPGRADES TO GREAT EASTERN DRIVE** on land situated at Tasman Highway, St Helens described in Certificate of Title C/T 25396/7, 223065/1, 87217/1, 25396/1 & 2, 251940/1, 221818/1, 236561/1, 19138/1, 243547/1, 238091/1, 124092/10, 130991/1 & 2, 127841/1, 52481/1, 167498/1, 2, 3, 4, 5, 6 & 8, 119032/1, 60632/1, 127190/13, 123204/2 & 3, 43185/1 & 8365/be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the Development Application DA 180-2020 received by Council 12 August 2020 and amended proposal details received on 2 September 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.

2. Prior to the commencement of any works associated with this permit, an Environmental Management Plan (EMP) for the development area must be prepared to the satisfaction of Council and implemented to ensure retained values are protected and appropriately managed during construction. Specifically, the EMP will identify the locations of threatened flora species and threatened communities that are not permitted to be impacted and are required to be marked as exclusion zones. The EMP will delineate areas for the storing and movement of materials and machinery that will not further impact threatened flora or threatened communities. The EMP must also identify methods to control weeds and in accordance with DPIPWE Weed and Disease Planning Hygiene Guidelines.
3. Works must not occur within 500m or 1km line-of-sight of an eagle nest between July and January inclusive unless nest-activity checks in accordance with FPA Fauna Technical Note No. 1 have been undertaken to confirm a nest is inactive. Works must not be undertaken in June within 500m of an eagle nest other than as in accordance with an eagle management plan as submitted to Council and approved by Council. Note -any request for a plan to be approved should be allow adequate time for referral to DPIPWE.
4. The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993, in such form as Council may require or must incorporate land into the existing State Growth Roadside Conservation Sites program as administered in accordance with permit DA-19226 under Regulation 4 of the Threatened Species Protection Regulation 2016. Such an agreement or the Roadside Conservation Site management plan must provide for the following:
 - The protection of areas for the replanting of *E. globulus* and *E. ovata* on redundant road alignment;
 - Measures and frequencies to measure threats to the areas including weed control;
 - Measures and frequencies for management and enhancement of any threatened flora species and / or threatened fauna habitat in these areas, including the provision of swift parrot nest boxes within or adjacent to nearby foraging habitat, but in locations that would not inadvertently increase collision risk and;
 - Measures and frequencies for monitoring of the sites.

If a Part 5 Agreement is preferred it will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement. Note: The developer is to give a minimum 21 days notice to Council of the request to prepare a Part 5 Agreement.

5. At the commencement of tree felling works of any flowering *E. globulus* and *E. ovata* on site, a suitably qualified ecologist must confirm the trees are not actively in use for swift parrot foraging prior to tree removal.
6. At the commencement of works in the vicinity of the tree, a suitably qualified ecologist must inspect the one collapsed (1) *E. sieberi* identified in the buffer area of the project in Stephen Casey's report 'Great Eastern Drive Tasman Highway – Road Upgrade Diana's Basin to St Helens Impact Assessment' to determine if the tree is occupied by a masked owl and mark the tree as a no-go zone as required.

7. In areas where excavation, track building or construction activities are planned around wetlands and waterways, the proposed works are to be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIPWE, 2003) and the unnecessary use of machinery within watercourses or wetlands is to be avoided.
8. If any potential dens are found to exist within the site and are likely to be impacted by the proposal, these should be managed in accordance with the Tasmanian Devil Survey Guidelines and Management Advice for Development Proposals (the Devil Guidelines) available at <http://dipwe.tas.gov.au/conservation/development-planning-conservation-assessment/survey-guidelines-for-development-assessmentsRoadkill>. Any dens that cannot be avoided will require a permit to take under the Nature Conservation Act 2002 (NCA).
9. Lighting associated with construction must including floodlighting or security lights used on the site must not unreasonably impact on the amenity of adjoining land.

INTRODUCTION:

The Department of State Growth (State Growth) are proposing upgrades to Great Eastern Drive. The general location is shown in Figure 1 below. The upgrades begin just north of Basin Creek Bridge and end just south of St Helens Point Road.



Figure 1 – Extent of the proposed upgrades.

As the proposed development will form part of a transport network, the applicable land use classification is Utilities. The proposed road works will occur in the Utilities zone, the Environmental Living zone, and General Residential Zone as shown in figure 2.

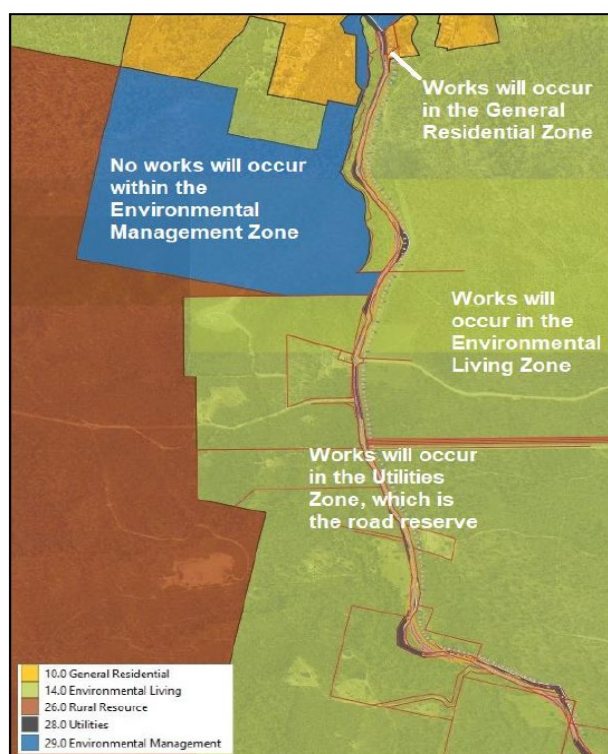


Figure 2 – Zoning of land subject to the proposed development.

The proposal is permitted within the Utilities zone, discretionary within the Environmental Living Zone and the General Residential Zone and relies on several performance criteria against various codes and provisions of the *Break O'Day Interim Planning Scheme 2013*. An assessment of the proposal against the applicable provisions is provided herein this report.

DISCUSSION:

- The Senior Town Planner advised that this application was referred to DPIPWE, this was not a legislative requirement however we did this anyway.
- The Senior Town Planner advised that Council received quite a number of representations in regard to this application and these have been considered as part of the assessment.
- The Senior Town Planner advised that the speed limit reduction was not part of the planning consideration this is up to the road owner to consider what is appropriate.
- Clr LeFevre stated that this was bought forward as a Government election promise and it will benefit our area with road improvements. Clr LeFevre believes these improvements are positive and we should continue to advocate the 80km speed limit.
- Clr Osborne stated that she agrees with Clr LeFevre.
- Clr Wright stated that the forest classification in the area where the overtaking lane is proposed needs to be relooked at and needs a higher level of assessment if blue gums etc are in this area. We need to have this independently assessed. The Senior Town Planner stated that as part of the application assessment there were two (2) ecologist reports done. One was done as part of application process and the other was done as a review of that initial report. Advice from DPIPWE includes recommendations with regard to replanting and this didn't form part of the application but this has been included in Condition 4.

- Clr Wright commented in regard to the blue gums flowering and stated that there is no evidence to say that they flower every seven (7) years, however if someone has evidence of that she would like to see this. The Senior Town Planner stated that he doesn't have any evidence of that. Mayor Tucker stated that a qualified forester stated that they sporadically flower every seven (7) years and most of the birds feed on the flowering nectar. The Senior Town Planner stated that Condition 5 states "that prior to tree removal the trees need to be reassessed by a qualified ecologist".
- Clr Osborne raised a point of order, once the motion has been put you can only speak for and against the motion. Mayor Tucker stated that he agrees with Clr Osborne, this is right under the meeting procedures however he would like everyone to have the opportunity to ask questions in relation to this matter.
- Clr Wright stated that the Senior Town Planner has noted the alignment was decided by the road authority, the realignment comes closed to a home. The Senior Town Planner stated that an acoustic report was included for assessment which looks at the amenity for adjoining property owners.
- Clr Wright stated that the gradient of the road is the reason for the overtaking lane there, she is confused by this and would like justification on this fact, a lot of people are not happy about it as it is quite close to town. Why do they need an overtaking lane? The Senior Town Planner stated that he knew that there were some concerns regarding this but found in the Traffic Impact Assessment (TIA) that the Department of State Growth included this because of the grade of the road under their standards, it gives the opportunity to overtake slower vehicles and is a safety aspect. Clr Wright stated that this does not seem logical to her.
- Clr Chapple stated that she agrees with Clr LeFevre with regard to continue to push for the 80km speed limit however she was wondering why it wasn't implemented as part of this Development Application.
- Clr Chapple sought clarification with regard to the taking of the Devil and Spotted Quoll. The Senior Town Planner stated that any permit to take is through DPIWE under the Nature Conservation Act so if they come across a den as part of the Condition 8 they cannot take without a relevant permit.
- Clr Chapple commented in regards to the report from Natural and Cultural Heritage Division through DPIWE and noted there have been some inconsistencies with the flora and fauna reports. The Senior Town Planner stated that in terms of the inconsistencies the first study was done and the second was a review of the first and was more in depth, that is why there may have been inconsistencies. Condition 4 requires replanting etc and the Department of State Growth have a permit under threatened species regulation which talks protection measures and this would be subject to compliance with condition 4.
- Clr Chapple stated that there was a two (2) page report regarding mature forest habitat within 5kms which talks about Future Potential Production Forests (FPPF) which is currently protected from logging indefinitely, Clr Chapple believes that this is not to be correct at this point in time due to change in legislation or the expiry of the moratorium, so she doesn't believe that that actual statement as part of their report should be used to justify them taking six (6) trees in an area of 1400ha when that actual statement is not correct.

- Clr Chapple stated that she has concerns with loss of amenity for the owner at 24725, would it be at the cost of the owner or the Department of State Growth to remove the septic. The Senior Town Planner stated that he would imagine this would be a private agreement between the property owner and the Department of State Growth.
- Clr Whittaker firstly said thank you for the many representations that were received we can see it is a very contentious issue and stated, further to Clr Chapple's comments also to do with Condition 4, if Council is accepting the planting as an offset for the loss of habitat then it is preferable that any subsequent planting area be afforded legal protection from future disturbances, I know this is not to do with planning but why isn't this protection offered now?
- Clr Whittaker stated that even though this was a State Government election promise and considers this as vote getting and was just wondering why wasn't Steele Straight considered for the overtaking lane.
- Clr Drummond stated that she agrees with Clr Whittaker, she is certainly not against overtaking lanes but what Clr Whittaker said was quite correct, there are better areas that could have been considered.
- Clr Drummond stated that she is concerned with Condition 4, she agrees this should be under Part 5 of the Land Use Act, as to what Clr Chapple has said she thinks that the land that was referred to actually shows in the document that most of the area they are referring to is in Future Potential Production Forests and that really concerns her. If this area becomes logged we are going to really reduce the habitat for the Swift Parrot, these are a protected species, they are endangered at the federal level, and we as a Council need to be supporting our community in trying to protect them. Can we delay the decision making process and enter into more negotiations to offer more protection for this to occur. Clr Drummond stated, yes we are going to replant this has been stated, but concerned that this bank of trees could be lost in the future, just wondering if we can negotiate with land owners to enter into permanent conservation covenants for those areas. The Senior Town Planner stated that what is required to be assessed is what is proposed we can't hypothesise at what may possibly happen in the future with potential clearing of other trees that would be subject to an assessment when that happens. In terms as to what is proposed for removal and the clearing as previously mentioned we referred it to DPIPWE and their advice was taken into consideration in terms of the replanting, the Department of State Growth weren't proposing that and we have placed the condition in relation to this to require that to happen.
- Clr Drummond stated that she is concerned with the noise. Clr Drummond is aware that testing has been done but she doesn't believe that this was done on site and understands that it is very difficult to do it on site when you are putting in an overtaking lane as you can't really replicate that, but she does have concerns that the noise will impact on the amenity of nearby residents. The other concern is about the speed limit because the sight distances have been based on 80km and the current speed limit is 100km therefore those entry points into peoples properties and the sight limits that have been talked about are based on 80km and we are going to have 100km speed limit, that really concerns her and she can't see that they have addressed that anywhere. The Senior Town Planner stated that the speed limit was not part of the development application for assessment but we have noted that the Traffic Impact Assessment was done on 80km and there is nowhere that it is proposed to be 100km that is separate to a separate process.

- Clr McGiveron stated that he thinks this is part of a continued push that we have been dealing with from Council and if we can get a road improvement anywhere at any time we need to look at it. We do get a lot of heavy traffic and the sealed shoulders will make the roads so much safer for bike riders and hoping for eventual road improvements further down the coast.
- Clr Wright stated that she not against an upgrade, she thinks it is very important that the road is widened and sealed shoulders, anything that improves road safety for all users.
- Clr McGuinness stated that he is concerned about swift parrots however believes we have an opportunity here to further their cause and that opportunity is not to worry about nesting hollows. He has also done significant research into this in the last few weeks and has found that the sugar glider is a natural predator actually invade nesting hollows and kill the swift parrots. In the south of the State there are places where nesting boxes are being built, and some are built in Break O'Day, this is an opportunity to increase this in our blue gum forests to build more of them to increase the chances of the swift parrot. It is found that in the areas where there are large nesting hollows the sugar gliders are taking them over and diminishing the population. It is a positive opportunity to create a habitat.
- Clr LeFevre stated that road upgrades leading to improved road safety are critical.

COUNCIL DECISION:

10/20.6.2.180 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 **ROAD UPGRADES TO GREAT EASTERN DRIVE** on land situated at Tasman Highway, St Helens described in Certificate of Title C/T 25396/7, 223065/1, 87217/1, 25396/1 & 2, 251940/1, 221818/1, 236561/1, 19138/1, 243547/1, 238091/1, 124092/10, 130991/ 1 & 2, 127841/1, 52481/1, 167498/1, 2, 3, 4, 5, 6 & 8, 119032/1, 60632/1, 127190/13, 123204/2 & 3, 43185/1 & 8365/be **APPROVED** subject to the following conditions:

1. Development must be carried out in accordance with the Development Application DA 180-2020 received by Council 12 August 2020 and amended proposal details received on 2 September 2020, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Prior to the commencement of any works associated with this permit, an Environmental Management Plan (EMP) for the development area must be prepared to the satisfaction of Council and implemented to ensure retained values are protected and appropriately managed during construction. Specifically, the EMP will identify the locations of threatened flora species and threatened communities that are not permitted to be impacted and are required to be marked as exclusion zones. The EMP will delineate areas for the storing and movement of materials and machinery that will not further impact threatened flora or threatened communities. The EMP must also identify methods to control weeds and in accordance with DPIWE Weed and Disease Planning Hygiene Guidelines.

3. Works must not occur within 500m or 1km line-of-sight of an eagle nest between July and January inclusive unless nest-activity checks in accordance with FPA Fauna Technical Note No. 1 have been undertaken to confirm a nest is inactive. Works must not be undertaken in June within 500m of an eagle nest other than as in accordance with an eagle management plan as submitted to Council and approved by Council. Note -any request for a plan to be approved should be allow adequate time for referral to DPIPWE.
4. The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993, in such form as Council may require or must incorporate land into the existing State Growth Roadside Conservation Sites program as administered in accordance with permit DA-19226 under Regulation 4 of the Threatened Species Protection Regulation 2016. Such an agreement or the Roadside Conservation Site management plan must provide for the following:
 - The protection of areas for the replanting of *E. globulus* and *E. ovata* on redundant road alignment;
 - Measures and frequencies to measure threats to the areas including weed control;
 - Measures and frequencies for management and enhancement of any threatened flora species and / or threatened fauna habitat in these areas, including the provision of swift parrot nest boxes within or adjacent to nearby foraging habitat, but in locations that would not inadvertently increase collision risk and;
 - Measures and frequencies for monitoring of the sites.

If a Part 5 Agreement is preferred it will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement. Note: The developer is to give a minimum 21 days notice to Council of the request to prepare a Part 5 Agreement.

5. At the commencement of tree felling works of any flowering *E. globulus* and *E. ovata* on site, a suitably qualified ecologist must confirm the trees are not actively in use for swift parrot foraging prior to tree removal.
6. At the commencement of works in the vicinity of the tree, a suitably qualified ecologist must inspect the one collapsed (1) *E. sieberi* identified in the buffer area of the project in Stephen Casey's report 'Great Eastern Drive Tasman Highway – Road Upgrade Diana's Basin to St Helens Impact Assessment' to determine if the tree is occupied by a masked owl and mark the tree as a no-go zone as required.
7. In areas where excavation, track building or construction activities are planned around wetlands and waterways, the proposed works are to be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIPWE, 2003) and the unnecessary use of machinery within watercourses or wetlands is to be avoided.

8. If any potential dens are found to exist within the site and are likely to be impacted by the proposal, these should be managed in accordance with the Tasmanian Devil Survey Guidelines and Management Advice for Development Proposals (the Devil Guidelines) available at <http://dpiwwe.tas.gov.au/conservation/development-planning-conservation-assessment/survey-guidelines-for-development-assessmentsRoadkill>. Any dens that cannot be avoided will require a permit to take under the Nature Conservation Act 2002 (NCA).
9. Lighting associated with construction including floodlighting or security lights used on the site must not unreasonably impact on the amenity of adjoining land.

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

10/20.6.3 DA 201-2020 – Change of Use – Visitor Accommodation – 4/203 St Helens Point Road, Stieglitz

FILE REFERENCE	DA 201-2020
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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 **CHANGE OF USE - VISITOR ACCOMMODATION** on land situated at **4/203 ST HELENS POINT ROAD, STIEGLITZ** described in Certificate of Title 54594/4 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
Site Plan, Rev. 1	Job. No. 202, Sheet No. A01	Jon Pugh Home Design	05/10/20
Floor/Electrical Plan	Job. No. 202, Sheet No. A02	Jon Pugh Home Design	07/08/20

2. Prior to the use commencing on site, approved by this permit, the proponent must install a private water meter to the subject property.
3. Prior to the use commencing on site, approved by this permit, the proponent must install signage identifying and designating all car parking spaces within 4/203 St Helens Point Road for the approved Visitor Accommodation Use, and 'Visitor Parking' and allocated spaces for Units 1, 2 and 3 identification signage within the common space of the site.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. An occupancy limitation of seven (7) persons shall be applied to the Visitor Accommodation Use.

6. No advertising signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.

ADVICE

- This permit allows for the dual Residential Use and Visitor Accommodation Use of the existing dwelling at CT 54594/4, 4/203 St Helens Point Road, Stieglitz.

PROPOSAL SUMMARY:

The application is for the Change of Use within an existing multiple dwelling to combined Residential and Visitor Accommodation Uses (Unit 4). Visitor Accommodation is a permitted use within the General Residential Zone.

The site is one of four strata title lots located on the northwestern side of St Helens Point Road. The strata scheme is established on a lot with four (4) dwellings, three (3) of which are conjoined and Unit 4 separate unit including detached studio to the rear of the subject site. The subject site is a regular shaped strata lot with a 471m² footprint, the site is flat.











DISCUSSION:

- The Planning Consultant advised that two (2) representations were received.
- The Planning Consultant advised that there is only one (1) TasWater meter for the entire lot and there is also no body corporate. The issue that has come out in the representations was concern with regard to the water usage. The Applicant has sought advice from TasWater and if there was to be a new water meter installed for unit 4 it would mean that all four (4) units would be required to put on a meter and that would be at a cost for each of the units. The applicant has indicated that they would provide a private meter to monitor the water usage for unit 4.
- The Planning Consultant stated that another concern was in relation to car parking. There was an old car parking plan from many years ago and this has now been amended with a new site plan for the entire lot. This will identify parking for all units and visitors. Unit 4 has two (2) spaces within their gate and the other visitor parking on the plan is for all of the units within the lot.
- The Planning Consultant advised that as a Planning Authority we can't restrict access to a public space. The applicant has stated that they will prepare rules for unit 4 and its guests.
- Clr LeFevre stated that it is pretty straight forward from a planning perspective.
- Clr Osborne stated that it meets all of the planning requirements.
- Clr Drummond stated that she thinks it is quite a good outcome.

COUNCIL DECISION:

10/20.6.3.181 Moved: Clr B LeFevre / Seconded: Clr M Osborne

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 **CHANGE OF USE - VISITOR ACCOMMODATION** on land situated at **4/203 ST HELENS POINT ROAD, STIEGLITZ** described in Certificate of Title 54594/4 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
Site Plan, Rev. 1	Job. No. 202, Sheet No. A01	Jon Pugh Home Design	05/10/20
Floor/Electrical Plan	Job. No. 202, Sheet No. A02	Jon Pugh Home Design	07/08/20

2. Prior to the use commencing on site, approved by this permit, the proponent must install a private water meter to the subject property.
3. Prior to the use commencing on site, approved by this permit, the proponent must install signage identifying and designating all car parking spaces within 4/203 St Helens Point Road for the approved Visitor Accommodation Use, and 'Visitor Parking' and allocated spaces for Units 1, 2 and 3 identification signage within the common space of the site.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. An occupancy limitation of seven (7) persons shall be applied to the Visitor Accommodation Use.
6. No advertising signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.

ADVICE

- This permit allows for the dual Residential Use and Visitor Accommodation Use of the existing dwelling at CT 54594/4, 4/203 St Helens Point Road, Stieglitz.

CARRIED UNANIMOUSLY

FILE REFERENCE	DA 220-20
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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 **CECILIA STREET CARPARK PROJECT** on land situated at **49-53 CECILIA STREET, ST HELENS & 63-65 CECILIA STREET, ST HELENS** described in Certificate of Title 118523/2 and 118523/1 be **APPROVED** subject to the following plans, documents and conditions:

1. Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.

Approved Plans and Documents			
Plan Name	Reference Number	Prepared By	Dated
Proposed Master Plan	TP-001 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Site Plan	TP-002 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Site Section	TP-003 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Finishes	TP-004 Rev No. 002	Elizabeth Pugh Building Design	28/08/2020
Bus Shelter Details	TP-005 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Traffic Impact Assessment	Revision 2	Traffic and Civil Services Richard Burk	3/09/2020

2. Submit an amended Stormwater Plan incorporating the following:
 - a) Stormwater from the site collected via pits installed within the car park are to be discharged to the side entry pit at the corner of Cecilia and Quail Street; and

Plans to be Amended			
Plan Name	Reference Number	Prepared By	Dated
Indicative Stormwater Plan	TP-006 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020

- b) Obtain approval from Council for the amended Stormwater Plan in accordance with a) above prior to any works occurring on site; and
 - c) Undertake development in accordance with the approved amended plan(s). The approved amended plan(s) will form part of the approval.
3. Submit an amended Signage Design plan incorporating the following:
 - a) Removal of signage directing long vehicles; and
 - b) Removal of signage directing to public toilets; and

Plans to be Amended			
Plan Name	Reference Number	Prepared By	Dated
Signage Design	TP-007 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020

- c) Obtain approval from Council for the amended Signage Design in accordance with a) and b) above, prior to works occurring on site; and
 - d) Undertake development in accordance with the approved amended plan(s). The approved amended plan(s) will form part of the approval.
4. The delivery gate and associated fencing located to the west of CT 156261/11 and contained within CT 118523/2 as indicated on approved plan TP-001 Rev No. 003 and dated 30/09/2020, does not form part of this approval and is subject to a further development application being lodged with the planning authority.
 5. The proposed deck being attached to structures located on CT156261/11 and extending on to CT 118523/2 as indicated on approved plan TP-001 Rev No. 003 and dated 30/09/2020, does not form part of this approval and is subject to a further development application being lodged with the planning authority.
 6. Limit the hours of operation to between 6am – 9pm Monday to Sunday for operations associated with the Shuttle Bus Shuttle bus pick up point.
 7. The electricity supply connection to the development site is to be underground from an electricity supply network.
 8. The use is not to cause an environmental nuisance to the owners or occupiers of land in the surrounding area by reason of noise, dust or other pollutants emanating from the site(s).
 9. Discharge of the storm water from the site collected via the pits and from the shuttle bus pick up structure are to be directed to the side entry pit at the corner of Cecilia and Quail Street. All cables and underground infrastructure must be located onsite prior to commencing any excavation work. *Dial before You Dig* details must be obtained.
 10. The existing crossover from Quail Street is to be upgraded in accordance with Standard Drawing TSD-R09-v2 (attached) with the exception that it will be 18m wide as detailed in the submitted plans.
 11. All car parking, access strips, manoeuvring and circulation spaces, including the shuttle bus thoroughfare, must be provided with an impervious all weather seal. The public car park is to be constructed in accordance with the approved plans and line marked or provided with other clear physical means to delineate car space(s).
 12. The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.
 13. Install bicycle parking facilities generally in accordance with the approve plan. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic Management – Part 11: Parking. Bicycle parking facilities are to be installed prior to the commencement of use and to be maintained.

14. Provide landscaping on site (CT118523/2) generally in accordance with the approved plans. The landscaping must incorporate where practicable, local provenance native vegetation. Landscaping is to be provided prior to the commencement of use and maintained at all times.
15. Protect all landscaped areas and pedestrian paths adjoining car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council, prior to commencement of use.
16. During site works, locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, road way or into any drain.
17. Prior to the commencement of use, replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.
18. Prior to the commencement of use, ensure vehicular access to the area described as 'Future Overflow Carpark' on the approved plans is restricted, by providing fencing, signage or similar. The future overflow carpark does not form part of this approval and is subject to a further development application being lodged with the planning authority.
19. Outdoor lighting, where provided, must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site.

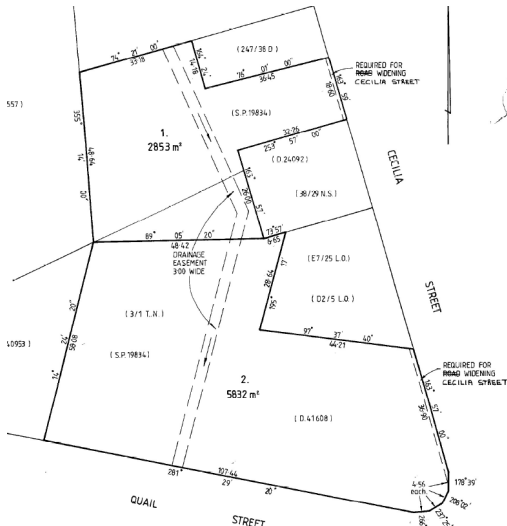
ADVICE

- 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.
- 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.
- 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*

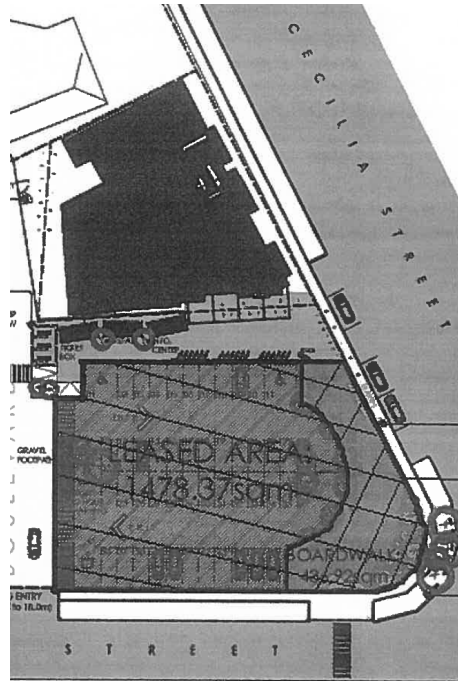
INTRODUCTION:

The applicant is seeking approval for use and construction of a public car park at 49-53 Cecilia Street, St Helens (CT118523/2). Additionally, the applicant is seeking approval for one-way thoroughfare through 63-65 Cecilia Street (CT118523/1), St Helens for shuttle buses accessing the proposed shuttle bus pick up point to be sited on 49-53 Cecilia Street.

Access to the proposed development for shuttlebuses will be limited to Cecilia Street and exiting to Quail Street. Vehicles intending to access the public car park, will be required to access from Quail Street and exit to Quail Street only. The site proposed to support the public car park is in private ownership with the Break O'Day Council holding a long term lease over the site (Carpark Leased Premises and Paved Leased Area) and has a land area of approximately 1,915.29 m².



Folio Plan of development sites



Leased area



Aerial Photograph

DISCUSSION:

- Clr McGiveron stated that it is essential that we have absolute assurance for car parking in St Helens.
- Clr LeFevre stated that this is planning for the future and congratulated all that have been part of this and the very comprehensive conditions.
- Clr Wright asked, what is the impact on the use of the Library car park with regard to the markets use. The Development Services Coordinator stated that there is no comment with regard to the market as this is not part of the application.
- Clr McGuinness stated that at the Quail Street intersection looking back towards the bridge, with increased traffic flow at that intersection in the future, could we not allow large vehicles to park in spaces out the front of the Chinese restaurant. Mayor Tucker stated that this can be addressed at another time as it does not form part of the application in front of us.

COUNCIL DECISION:

10/20.6.4.182 Moved: Clr J McGiveron / 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 **CECILIA STREET CARPARK PROJECT** on land situated at **49-53 CECILIA STREET, ST HELENS & 63-65 CECILIA STREET, ST HELENS** described in Certificate of Title 118523/2 and 118523/1 be **APPROVED** subject to the following plans, documents and conditions:

1. Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.

Approved Plans and Documents			
Plan Name	Reference Number	Prepared By	Dated
Proposed Master Plan	TP-001 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Site Plan	TP-002 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Site Section	TP-003 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Proposed Finishes	TP-004 Rev No. 002	Elizabeth Pugh Building Design	28/08/2020
Bus Shelter Details	TP-005 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020
Traffic Impact Assessment	Revision 2	Traffic and Civil Services Richard Burk	3/09/2020

2. Submit an amended Stormwater Plan incorporating the following:
 - a) Stormwater from the site collected via pits installed within the car park are to be discharged to the side entry pit at the corner of Cecilia and Quail Street; and

Plans to be Amended			
Plan Name	Reference Number	Prepared By	Dated
Indicative Stormwater Plan	TP-006 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020

- b) Obtain approval from Council for the amended Stormwater Plan in accordance with a) above prior to any works occurring on site; and
- c) Undertake development in accordance with the approved amended plan(s). The approved amended plan(s) will form part of the approval.

3. Submit an amended Signage Design plan incorporating the following:

- a) Removal of signage directing long vehicles; and
- b) Removal of signage directing to public toilets; and

Plans to be Amended			
Plan Name	Reference Number	Prepared By	Dated
Signage Design	TP-007 Rev No. 003	Elizabeth Pugh Building Design	30/09/2020

- c) Obtain approval from Council for the amended Signage Design in accordance with a) and b) above, prior to works occurring on site; and
- d) Undertake development in accordance with the approved amended plan(s). The approved amended plan(s) will form part of the approval.

- 4. The delivery gate and associated fencing located to the west of CT 156261/11 and contained within CT 118523/2 as indicated on approved plan TP-001 Rev No. 003 and dated 30/09/2020, does not form part of this approval and is subject to a further development application being lodged with the planning authority.
- 5. The proposed deck being attached to structures located on CT156261/11 and extending on to CT 118523/2 as indicated on approved plan TP-001 Rev No. 003 and dated 30/09/2020, does not form part of this approval and is subject to a further development application being lodged with the planning authority.
- 6. Limit the hours of operation to between 6am – 9pm Monday to Sunday for operations associated with the Shuttle Bus Shuttle bus pick up point.
- 7. The electricity supply connection to the development site is to be underground from an electricity supply network.
- 8. The use is not to cause an environmental nuisance to the owners or occupiers of land in the surrounding area by reason of noise, dust or other pollutants emanating from the site(s).
- 9. Discharge of the storm water from the site collected via the pits and from the shuttle bus pick up structure are to be directed to the side entry pit at the corner of Cecilia and Quail Street. All cables and underground infrastructure must be located onsite prior to commencing any excavation work. *Dial before You Dig* details must be obtained.
- 10. The existing crossover from Quail Street is to be upgraded in accordance with Standard Drawing TSD-R09-v2 (attached) with the exception that it will be 18m wide as detailed in the submitted plans.

11. All car parking, access strips, manoeuvring and circulation spaces, including the shuttle bus thoroughfare, must be provided with an impervious all weather seal. The public car park is to be constructed in accordance with the approved plans and line marked or provided with other clear physical means to delineate car space(s).
12. The layout of car spaces and access ways must be designed in accordance with Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.
13. Install bicycle parking facilities generally in accordance with the approved plan. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic Management – Part 11: Parking. Bicycle parking facilities are to be installed prior to the commencement of use and to be maintained.
14. Provide landscaping on site (CT118523/2) generally in accordance with the approved plans. The landscaping must incorporate where practicable, local provenance native vegetation. Landscaping is to be provided prior to the commencement of use and maintained at all times.
15. Protect all landscaped areas and pedestrian paths adjoining car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council, prior to commencement of use.
16. During site works, locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, road way or into any drain.
17. Prior to the commencement of use, replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.
18. Prior to the commencement of use, ensure vehicular access to the area described as 'Future Overflow Carpark' on the approved plans is restricted, by providing fencing, signage or similar. The future overflow carpark does not form part of this approval and is subject to a further development application being lodged with the planning authority.
19. Outdoor lighting, where provided, must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site.

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.
- 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.

- 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.

10/20.7.0 PETITIONS

Nil.

10/20.8.0 NOTICES OF MOTION

10/20.8.1 Removal of Moulting Bay Jetty – Cllr G McGuinness

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 remove the Moulting Bay jetty in the interests of public safety.

SUBMISSION IN SUPPORT OF MOTION:

The jetty on the seaward side of the gate has completely collapsed.

The remaining jetty has become dangerous to curious tourists and could result in injury for which Council would be liable.

The jetty has ceased to fulfil a useful need for a significant period.

DISCUSSION:

- Cllr McGuinness stated that since the motion was submitted a storm has been through and demolished part of the end of the jetty and Council has since been out and tidied that section up.

- Clr LeFevre stated that he fully supports the motion as he raised it approximately five (5) years ago. This jetty is redundant and an eyesore and needs to be removed.

COUNCIL DECISION:

10/20.8.1.183 Moved: Clr G McGuinness / 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:

That Council remove the Moulting Bay jetty in the interests of public safety.

CARRIED UNANIMOUSLY

10/20.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

10/20.10.0 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.

10/20.10.1 Testing of Waste Water – Clr K Wright

Other states are conducting testing of the wastewater, in search of evidence of covid-19 traces. They are using the information to better monitor potential outbreaks, and assist in management of current outbreaks.

Is this something Taswater is doing, or will do once the border restrictions are lifted? Especially now with the bursting of the Federal Government so called "Travel Bubble" which has already allowed five (5) New Zealand travellers to enter Tasmania in the past few days.

Can we please, as an owner member, ask this question to Taswater.

REPLY

Council will write to TasWater asking the question in relation to testing for COVID-19.

10/20.11.0

MAYOR'S & COUNCILLOR'S COMMUNICATIONS

10/20.11.1

Mayor's Communications for Period Ending 19 October 2020

24.09.2020	Launceston	– TasWater representatives group special general meeting
27.09.2020	St Helens	– St Helens Bowls Club open day
29.09.2020	St Helens	– Meeting with Senator Claire Chandler
30.09.2020	Fingal & St Helens	– Launch of BODEC – Break O'Day Employment Connect
30.09.2020	St Helens	– Athletics Club meeting
01.10.2020	St Helens	– Meeting with St Helens Neighbourhood House – Thrive Community Garden
05.10.2020	St Helens	– Council Workshop
14.10.2020	St Helens	– Tasmanian Axemans Association Meeting
15.10.2020	Bicheno	– 2020 East Coast Tasmania Tourism Annual General meeting
17.10.2020	St Helens	– Opening of Seniors week events
18.10.2020	St Helens	– Seniors week event
19.10.2020	St Helens	– Council Meeting

10/20.11.2

Councillor's Reports for Period Ending 19 October 2020

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

- No meeting – there is a presentation of the TICT Award tomorrow night.

NRM Special Committee – Clr Janet Drummond

- No meeting.

Barway Committee – Clr John McGiveron

- No changes and no complaints.

East Coast Tasmania Tourism (ECTT) – Clr Glenn McGuinness

- AGM last week and the Annual Report will be online today.
- Audit of tourism businesses has been undertaken – there were over 700 and responses received from around 500.

Mental Health Action Group – Clr Barry LeFevre

- No meeting.

Disability Access Committee – Clr Janet Drummond

- No meeting.

10/20.12.0 BUSINESS AND CORPORATE SERVICES

10/20.12.1 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:

No discussion took place on this item.

COUNCIL DECISION:

10/20.12.1.184 Moved: Clr K Chapple / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

10/20.12.2 Monthly Financial Report

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

That the following reports for the month ending 30 September 2020 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 noted that this financial report was also considered this morning at the Audit Panel meeting and it was noted that it is early in the new financial year.
- The Manager Corporate Services advised that the audit of the financials for last financial year is nearly completed.

COUNCIL DECISION:

10/20.12.2.185

Moved: Clr L Whittaker / Seconded: Clr J Drummond

That the following reports for the month ending 30 September 2020 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

10/20.12.3

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 the visitor numbers are quite low even though it seems to be busy around town.
- The Manager Corporate Services advised that the VIC is still working on reduced hours at the moment.

COUNCIL DECISION:

10/20.12.3.186

Moved: Clr J Drummond / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

Meeting adjourned at 10.59am for morning tea

Meeting resumed at 11.10am

10/20.13.0 WORKS AND INFRASTRUCTURE

10/20.13.1 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:

- Clr Drummond asked for an update with regard to the Drought Communities Projects. The Manager Infrastructure and Development Services advised that projects have been progressing well with the irrigation system at St Marys Recreation Ground, the installation of sprinklers etc now we are going through development application process for the water tank and pump to be installed; crews have tidied up around Wombat Walk, steps, retaining wall and general tidy up; crews are now currently in Mathinna upgrading footpath and then stormwater works and then they will be building a circuit track at the Recreation Ground. There are a number of things being done at the same time and we will be awarding contract shortly for more works in Mathinna.

COUNCIL DECISION:

10/20.13.1.187 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

10/20.13.2 **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:

10/20.13.2.188 Moved: Clr L Whittaker / Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

Clr Drummond left the meeting at 11.14am

10/20.13.3 **Speed Limit Reduction – Lower German Town Road, St Marys**

FILE REFERENCE	20/17338
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OFFICER'S RECOMMENDATION:

1. That Councillors receive the letter from the residents of Lower Germantown Road and Denneys Road, St Marys.
2. That Council engage the services of a qualified Traffic Engineer to undertake an assessment of Lower Germantown and Denney's roads against AS1742 Part 4, before considering and submitting an application for a speed limit change to the Department of State Growth.

INTRODUCTION:

The residents of Lower Germantown Road and Denneys Road, St Marys have written to Council requesting the speed limit on Lower Germantown Road be reduced to 50km/hr.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/20.13.3.189

Moved: Clr M Osborne / Seconded: Clr K Wright

1. That Councillors receive the letter from the residents of Lower Germantown Road and Denneys Road, St Marys.
2. That Council engage the services of a qualified Traffic Engineer to undertake an assessment of Lower Germantown and Denney's roads against AS1742 Part 4, before considering and submitting an application for a speed limit change to the Department of State Growth.

CARRIED UNANIMOUSLY

Clr Drummond returned to the meeting at 11.15am

10/20.13.4

Sale of Double Shredded Green Waste Mulch from St Helens Waste Transfer Station

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

1. That Council authorise sale to the general public of double shredded green waste mulch from the St Helens waste transfer station.
2. That a fee of \$20/m³ be added to Council's Fees and Charges for sale of double shredded green waste mulch.

INTRODUCTION:

No interest has been forthcoming for purchase by tender of the double shredded "Green Waste Mulch – Batch 2" from the St Helens waste transfer station.

We are now proposing to make the mulch available for purchase by the general public for a fee to achieve cost recovery.

DISCUSSION:

- The Manager Infrastructure and Development Services stated that he was disappointed that there were no takers when we advertised this, we extended the submission date.
- Cllr Drummond stated that she believes residents will be keen to use the service.
- The Manager Infrastructure and Development Services advised that we will be proposing that this will be available on Wednesdays and Saturdays to purchase at the St Helens Waste Transfer Station.

COUNCIL DECISION:

10/20.13.4.190

Moved: Cllr J Drummond / Seconded: Cllr M Osborne

1. That Council authorise sale to the general public of double shredded green waste mulch from the St Helens waste transfer station.
2. That a fee of \$20/m³ be added to Council's Fees and Charges for sale of double shredded green waste mulch.

CARRIED UNANIMOUSLY

10/20.14.0

COMMUNITY DEVELOPMENT

10/20.14.1

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:

- Cllr Drummond asked for an updated with regard to the Driver Reviver Station. The Manager Community Services stated that she is still waiting as it was delayed due to COVID.

COUNCIL DECISION:

10/20.14.1.191

Moved: Clr J McGiveron / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

Clr Chapple left the meeting at 11.18am

10/20.14.2

Permission to Erect New Light Towers – St Helens Football Oval

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

1. That Council consents as land manager for a Development Application to be lodged by the St Helens Football Club to replace the existing light towers at the St Helens Football Ground (St Helens Sports Complex);
2. That Council will/will not provide a contribution of \$5,000 towards the project; and
3. That Council will/will not commit \$10,000 towards the cost of installing a second transformer at the Tully Street entrance to allow enough power to feed into the St Helens Recreation Ground once the installation of the lights is completed.

INTRODUCTION:

The St Helens Football Club are lodging a grant application to try and secure funding to install new lights at the St Helens Football ground. The Club are submitting an application under the Tasmanian Government "Improving the Playing Field" Large Grant.

DISCUSSION:

- Clr LeFevre stated that he thinks this is a terrific proposal. Footy is going really well, U16 recently won the premiership, inclusion of U17 womens team, the East Coast Swans are really thriving at the moment. It is not very often we get a group applying for such a grant and providing \$20,000 of their own funds.

COUNCIL DECISION:

10/20.14.2.192

Moved: Clr B LeFevre / Seconded: Clr M Osborne

1. That Council consents as land manager for a Development Application to be lodged by the St Helens Football Club to replace the existing light towers at the St Helens Football Ground (St Helens Sports Complex);
2. That Council will provide a contribution of \$5,000 towards the project; and
3. That Council will commit \$10,000 towards the cost of installing a second transformer at the Tully Street entrance to allow enough power to feed into the St Helens Recreation Ground once the installation of the lights is completed.

CARRIED UNANIMOUSLY

Clr Chapple returned to the meeting at 11.21am

10/20.15.0 DEVELOPMENT SERVICES

10/20.15.1 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:

10/20.15.1.193

Moved: Clr M Osborne / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	032\005\005\
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OFFICER’S RECOMMENDATION:

That Council approve the use of the name “Cockatoo Court” for the new road currently un-named off Eastern Creek Road, Beaumaris (Subdivision Reference – DA252-2008).

INTRODUCTION:

The provision of official street names and property numbering is important to ensure quick and correct property identification for private, commercial and emergency purposes and enable connections to be made to reticulated service systems.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**10/20.15.2.194**Moved: Clr K Chapple / Seconded: Clr J McGiveron

That Council approve the use of the name “Cockatoo Court” for the new road currently un-named off Eastern Creek Road, Beaumaris (Subdivision Reference – DA252-2008).

CARRIED UNANIMOUSLY

FILE REFERENCE	004\004\002\
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OFFICER’S RECOMMENDATION:

That Council grant permission to lodge a Development Application for the proposed 12m X 4m Prefabricated Steel Shed addition located at the St Helens Works depot and proceed with the works upon receipt of the relevant planning and building approvals.

INTRODUCTION:

Council staff have identified a need for secure storage of Community Services items.

DISCUSSION:

- Cllr LeFevre asked, will the shed be available to some community organisations to house items in? The Development Services Coordinator advised that it is for Community Services items such as BBQ trailer and other items, although he can speak to the Manager Community Services to see if this could be done, however he is not sure that there will be room for this as it is more for items Council has.

COUNCIL DECISION:

10/20.15.3.195

Moved: Cllr M Osborne / Seconded: Cllr K Chapple

That Council grant permission to lodge a Development Application for the proposed 12m X 4m Prefabricated Steel Shed addition located at the St Helens Works depot and proceed with the works upon receipt of the relevant planning and building approvals.

CARRIED UNANIMOUSLY

10/20.15.4

Break O'Day Drought Weeds Grant 2020

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

1. That Council grant \$3,000 of Drought Weeds funding to an application for support of gorse control at St Marys on the Cullenswood, Millbrook and Sunnybanks properties.
2. That the offer of Break O'Day Drought Weeds Grants to farmers continue until funds are fully committed and with proactive support to farmers to develop projects meeting the *Guidelines for municipal Drought Weeds Grants 2020*.

INTRODUCTION:

One (1) application has been received in the first round of applications for \$30,000 of Break O'Day Drought Weeds grants funding.

DISCUSSION:

- Cllr McGiveron stated that he thinks this is a good application.

COUNCIL DECISION:

10/20.15.4.196

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

1. That Council grant \$3,000 of Drought Weeds funding to an application for support of gorse control at St Marys on the Cullenswood, Millbrook and Sunnybanks properties.
2. That the offer of Break O'Day Drought Weeds Grants to farmers continue until funds are fully committed and with proactive support to farmers to develop projects meeting the *Guidelines for municipal Drought Weeds Grants 2020*.

CARRIED UNANIMOUSLY

10/20.15.5

Development of a Dog Exercise Area at Binalong Bay

FILE REFERENCE	01/19.8.3.6
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OFFICER'S RECOMMENDATION:

Council not proceed with providing an off-lead Exercise Area at Binalong Bay at Crown Land between Coffey Drive and Felmingham Street or Council's reserve on the corner of Felmingham Street and Treloggen Drive.

INTRODUCTION:

Council has received 25 submissions from the community on two (2) options for locating a land-based dog exercise area at Binalong Bay. This community input must be considered by Council in making a final decision on Declaring new Exercise Areas under the Dog Control Act 2000.

DISCUSSION:

- The NRM Officer advised that following the legislation we can only go with considering the submissions that have been received.
- Clr Drummond stated that redirecting the money to St Marys and St Helens dog exercise areas would be good.
- Clr McGuinness foreshadowed a motion that Council proceed with providing an off-lead Exercise Area at Binalong Bay at Crown Land between Coffey Drive.
- The NRM Officer provided an update with regard to the recent blitz. A couple of infringements were issued and several cautions, generally people are doing the right thing according to Parks and Wildlife Services. We will continue to do more with Parks and Wildlife Services in this space.
- Clr Osborne asked in relation to the St Helens Foreshore, are there still "no dog" signs on the foreshore. The NRM Officer advised that there are some places where dogs are not allowed eg within 10m of the playground.
- Clr Drummond stated that she thinks the social media information that went up before, during and after the blitz was useful. If we could continue with that and reminding people with a gentle approach.

COUNCIL DECISION:

10/20.15.5.197

Moved: Clr M Osborne / Seconded: Clr B LeFevre

Council not proceed with providing an off-lead Exercise Area at Binalong Bay at Crown Land between Coffey Drive and Felmingham Street or Council's reserve on the corner of Felmingham Street and Treloggen Drive.

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

10/20.16.0

GOVERNANCE

10/20.16.1

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 made comments with regard to the Federal Budget, we are currently looking at opportunities and seeking clarification. Through the COVID response there are some opportunities with infrastructure, there are also tourism and employment subsidy opportunities and we will highlight things with Council as they arise as to what they are and what the focus is.
- The General Manager advised that the official opening of the foreshore walkway is scheduled for the 19 November. There have been issues with unauthorised access with people using the walkway, walking around security fences through operational work sites, etc. It is closed as there are still works required on the wharf end and the Works Department are working on the alignment and pedestrian movement at this end. Once this is sorted we will look at some sort of soft opening.

- The General Manager provided an update with regard to the Burns Bay Car Park. There is a meeting scheduled with Parks and Wildlife Services. We are getting some progress with this, they have done the Aboriginal Heritage piece and they are looking at the layout and they are doing some initial engagement with users of the area around limitations, how it may work, etc.

COUNCIL DECISION:

10/20.16.1.198

Moved: Clr M Osborne / Seconded: Clr G McGuinness

That the General Manager's report be received.

CARRIED UNANIMOUSLY

10/20.16.2 Review of Council Delegations

FILE REFERENCE	014\002\010\
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OFFICER'S RECOMMENDATION:

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt two (2) new delegations under the *Land Use Planning and Approvals Regulations 2014*, as follows:

Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
Regulation 5	Notice of Approval of Local Provisions Schedule	No authority to sub-delegate in respect of delegation	General Manager	Council
Regulation 8A	Notice of Approval of Local Provisions Schedule	No authority to sub-delegate in respect of delegation	General Manager	Council

INTRODUCTION:

Following a review by the Local Government Association of Tasmania (LGAT) of the Delegations Register it has been identified that there has been an update to some legislation, in particular the *Land Use Planning and Approvals Regulations 2014* to take into account the preparation and approvals for the Local Provisions Schedule (LPS).

DISCUSSION:

- The General Manager advised that this is quite operational to allow things to progress down the track as required with the Local Provisions Schedule (LPS).

COUNCIL DECISION:**10/20.16.2.199**Moved: Cllr B LeFevre / Seconded: Cllr M Osborne

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt two (2) new delegations under the *Land Use Planning and Approvals Regulations 2014*, as follows:

Statutory Ref	Function or Power	Conditions or Restrictions	Delegation	Original Source of Power
Regulation 5	Notice of Approval of Local Provisions Schedule	No authority to sub-delegate in respect of delegation	General Manager	Council
Regulation 8A	Notice of Approval of Local Provisions Schedule	No authority to sub-delegate in respect of delegation	General Manager	Council

CARRIED UNANIMOUSLY**10/20.16.3****Office Closure - Christmas to New Year**

FILE REFERENCE	004\003\002\
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OFFICER'S RECOMMENDATION:

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12.30pm on Thursday 24 December 2020 and reopen on Monday 4 January 2021.

INTRODUCTION:

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

DISCUSSION:

- Cllr Osborne stated that she thinks that this is a bit close to Christmas, we should give our people an extra day to get organised and travel if they need to. She was just being considerate.
- Cllr LeFevre stated that he totally supports Cllr Osborne's proposal.
- Cllr Chapple stated that she also agreed, it is horrendous getting organised at this time of year, especially with family, etc.
- Cllr Wright stated that she also agreed as per Cllr Chapple's comments.

- The General Manager stated that he appreciated the sentiments of Council around this, generally we have the Christmas breakup where everyone is invited to on the last afternoon however we may need to look at an alternative for this;
- Clr LeFevre stated that he doesn't have a strong view but thinks the celebration should be moved to the week before to try and get more people there and shut at 5pm on Wednesday 23rd.
- Clr McGiveron stated that he agrees with Clr LeFevre and give them the 24th, after the year that we have had.
- Clr Osborne stated that she also agrees with Clrs LeFevre and McGiveron.
- The General Manager advised that Council could deal with the Office Closure at this point in time but any further discussion related to personnel matters of employees should be dealt with in Closed Council.
- Clr Drummond advised that she would have to abstain from voting due to not knowing how the Thursday would be dealt with as she felt she could not make a proper decision on the closure without knowing the outcome of the rest of the discussion

COUNCIL DECISION:

10/20.16.3.200

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 5.00pm on Wednesday 23 December 2020 and reopen on Monday 4 January 2021.

FOR Clr J McGiveron, Clr K Wright, Clr K Chapple, Clr G McGuinness, Clr M Osborne, Clr B LeFevre, Clr M Tucker

AGAINST
CARRIED

Clrs Whittaker and Drummond abstained.

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

That the following dates and times be approved for Council Meetings and Workshops to be held in 2021:

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

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**10/20.16.4.201**Moved: Clr J McGiveron / Seconded: Clr K Wright

That the following dates and times be approved for Council Meetings and Workshops to be held in 2021:

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

CARRIED UNANIMOUSLY

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

Moved: Clr L Whittaker / Seconded: Clr J McGiveron That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

10/20.17.0

CLOSED COUNCIL

10/20.17.1

Confirmation of Closed Council Minutes – Council Meeting 21 September 2020

10/20.17.2

Outstanding Actions List for Closed Council

10/20.17.3

Audit Panel – Review of Panel Membership - Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

10/20.17.3.CC

Moved: Clr M Osborne / Seconded: Clr K Chapple

That Council appoint Mr Andrew Gray as the independent chairperson for the Audit Panel, as recommended by the sub regional working group for two (2) years with an option of a two (2) year extension.

That Council re-appoint Clr's LeFevre and Whittaker as Audit Panel Council representative members and Clr McGiveron as alternate for two (2) years.

Council would also like to formally acknowledge and express appreciation of Steven Hernyk for his time as Chairperson of the Audit Panel.

CARRIED UNANIMOUSLY

Clr Chapple left the meeting at 11.53am

10/20.17.4 **Contract 030\001\129\ - Upper Esk Road Pavement Remediation - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

07/20.17.4.CC Moved: Clr J McGiveron / Seconded: Clr G McGuinness

- That Council award Contract 030\001\129\ “Upper Esk Road Pavement Remediation” to Tolley’s Excavations for the conforming tendered amount; and
- Transfer surplus funding from the Medeas Cove Esplanade project.

CARRIED UNANIMOUSLY

10/20.17.5 **Contract 030\001\130\ - Medeas Cove Esplanade Pavement Remediation - Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

COUNCIL DECISION:

PUBLISH IN PUBLIC MINUTES:

07/20.17.5.CC Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council award Contract 030\001\130\ “Road Pavement Remediation – Medeas Cove Esplanade” to Tolley’s Excavations for the conforming tendered amount.

CARRIED UNANIMOUSLY

Clr Chapple returned to the meeting at 11.57am

10/20.17.6 **Office Closure - Christmas to New Year – 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 2005 that Council move out of Closed Council.

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.07pm.

.....
MAYOR

.....
DATE