



COUNCIL MEETING MINUTES

Monday 21 January 2019
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
21 January 2019

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ACKNOWLEDGEMENT OF COUNTRY

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

01/19.1.0 ATTENDANCE

01/19.1.1 Present

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

01/19.1.2 Apologies

Nil.

01/19.1.3 Leave of Absence

Nil.

01/19.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 2.0 / 13.2 – 15.1*)
Manager Corporate Services, Bob Hoogland (*Item 6.1 – 13.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 16.1*)
Planning Consultant, Rebecca Green (*Item 1.0 – 7.0*)
Building Services Coordinator, Jake Ihnen (*Item 14.1 – 16.1*)
Planning Officer, Chris Triebe (*Item 1.0 – 7.0*)
Development Services Administration Officer, Susan Chapple (*Item 1.0 – 7.0*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.1*)
Planning Services Coordinator, Geraldine O'Connor (*Item 1.0 – 7.0*)
Environmental Health Officer, Paula Kloosterman (*Item 6.2 – 7.0*)

01/19.2.0 PUBLIC QUESTION TIME

Eight (8) people in the gallery.

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

01/19.2.1 Flying of the Aboriginal Flag - Ms J Jenkinson, St Helens Representing the Noiheener Aboriginal Community Group

The Aboriginal flag is a crucial factor in recognising indigenous identity and Culture, and is so much more than a mere icon, again I open my address with that statement.

Aboriginal Culture is recognised as the oldest Culture in the world dating back at least 65,000 years.

Over the past 10 years since the Closing the Gap targets were set, awareness and recognition of Indigenous cultures and the rich history of First Peoples' civilisation has grown considerably. Importantly, the value placed on culture by Indigenous Australians has extended to non-Indigenous Australians, across governments, businesses and the non-profit sector, as respect for and appreciation of Aboriginal people and their culture have deepened, practices that acknowledge Indigenous cultures have become far more a part of everyday life. Good practice has become far more common practice such as the acknowledgement of Traditional Owners and "Welcome to Country" ceremonies at the start of functions and the flying of Aboriginal flag outside buildings such as Council Chambers.

Reconciliation Action Plans are an important start for Australian organisations – corporate, non-Government and Government – to increasingly demonstrate their commitment to reconciliation and recognition of Aboriginal People.

Flying the Aboriginal flag demonstrates the recognition and appreciation of Australia's first people, it promotes a sense of community partnership and a commitment toward reconciliation. Flying the flag is a highly visible symbol of respect to Australia's first people and demonstrates a commitment towards closing the gap, alongside the Australian flag it reflects our shared histories.

It has been said that Councils that fly the Aboriginal flag daily are forward thinking and progressive in their way of closing the gap between indigenous and non-indigenous people, I ask is the Break O'Day Council ready to join the ranks of the forward thinking and progressive to help close the gap?

As a Council that itself has said promotes our area as free thinking and progressive, a Council who endeavours to support the closing the gap between indigenous and non-indigenous people, your commitment to ensuring this process would be greatly assisted, welcomed and celebrated by becoming one of the many Councils who fly the Aboriginal flag on a daily basis... my question is, as a recognition of our culture seems to be only shown during NAIDOC week how does that promote this areas commitment to inclusiveness and progressive acceptance of indigenous foundations of our municipality?

I would like to believe that flying the Aboriginal flag opens up a line of conversation and promotes recognition of an important and historical link to many within our community.... While we remember how diversity is one of the many amazing things promoted and accepted by our country... the influx of tourism into our area proves that people want to celebrate our cultures, our history and our incredible landscape.

The flying of the Aboriginal flag alongside of the Australian flag also promotes the acceptance, inclusiveness, respect and sharing of our indigenous history to those tourist as well, “we are one, but we are many” let’s celebrate and promote that always.

Whilst as an individual you may believe in and respect the culture and rights of the Aboriginal people of this land, your actions as a collective will speak louder than words.

Ref: Ex-Prime Minister M Turnbull, 2018, Close the Gap

Reply

The Mayor invited Ms Jenkinson to stay for this meeting as the matter is dealt with under item 01/19.8.2.

01/19.2.2 Use of the Former St Helens Hospital - Mrs H Shelton, St Helens

How will the former hospital building be purposed?

Reply

The General Manager advised that Council and some community groups has had discussions with the Department of Health and Human Services regarding the potential use of the site for a number of months. There is going to be a community engagement process in this space which will be run by Communities Tasmania.

01/19.2.3 Safety of People on Bikes – Ms H Weston, Beaumaris

In regards to the great support of the Mountain Bike people, is Council going to look at more safer ways for these people to be riding around the St Helens area, more bike ways where they can commute safely away from the traffic.

Reply

Council is very mindful of the situation and has developed a project design and proposal to complete the Georges Bay Foreshore Multi-User track from the St Helens foreshore to the start of the existing track at Georges Bay. Funding is being pursued for this project and it is a key priority in lobbying for the forthcoming Federal election. A project design and proposal has also been developed to link St Helens and Binalong Bay.

01/19.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr J Tucker declared an interest for agenda item 01/19.13.3 Groom Street School Crossing as his wife is the Chairperson of the school association.

01/19.4.0 CONFIRMATION OF MINUTES

01/19.4.1 Confirmation of Minutes – Council Meeting 17 December 2018

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 17 December 2018 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.4.1.1 Moved: Clr J Tucker / Seconded: Clr L Whittaker

That the minutes of the Council Meeting held on the 17 December 2018 be confirmed.

CARRIED UNANIMOUSLY

01/19.5.0 COUNCIL WORKSHOPS HELD SINCE 17 DECEMBER 2018 COUNCIL MEETING

There was no Workshop held in January 2019.

01/19.6.0 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.

01/19.6.1 DA 232-2018 - New Dwelling Alterations, Verandah, Deck and Fence – 50 Main Road, Binalong Bay

FILE REFERENCE	DA 232-2018
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OFFICER'S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Dwelling Alterations, Veranda, Deck and Fence** on land situated at **50 Main Road, Binalong Bay** described in Certificate of Title CT 60431/20 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 232-2018 received by Council 2 October 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. All runoff from the proposed buildings and vehicle manoeuvring areas 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.
3. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.
5. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the dwelling alterations being occupied on the subject site.

ADVICE:

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate

mitigation procedures. Such relics are to be immediately reported to Aboriginal Heritage Tasmania and guided by the Unanticipated Discovery Plan.

- 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

PROPOSAL SUMMARY:

Application is made for the construction of dwelling alterations, veranda, deck and fence at 50 Main Road, Binalong Bay. Residential use in the Low Density Residential Zone is a permitted use without qualifications, under Table 12.2 of the *Break O’Day Interim Planning Scheme 2013*.







DISCUSSION:

- Clr McGuinness stated that it is quite simple and this is a vast improvement on what is there, the height doesn't exceed what has been there for many years.

COUNCIL DECISION:

01/19.6.1.2 Moved: Clr G McGuinness / Seconded: Clr J Tucker

After due consideration of the representations received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Dwelling Alterations, Veranda, Deck and Fence** on land situated at **50 Main Road, Binalong Bay** described in Certificate of Title CT 60431/20 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 232-2018 received by Council 2 October 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. All runoff from the proposed buildings and vehicle manoeuvring areas 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.
3. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
4. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the costs of the developer.
5. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the dwelling alterations being occupied on the subject site.

ADVICE:

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Works Manager.
- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures. Such relics are to be immediately reported to Aboriginal Heritage Tasmania and guided by the Unanticipated Discovery Plan.
- 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

**01/19.6.2 DA 021-2018 – Planning Scheme Amendment and Subdivision –
Parkside Farm - St Helens Point Road, St Helens**

FILE REFERENCE	DA 021-2018
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DECISION STATEMENT:

- To determine an application for amendment to the *Break O’Day Interim Planning Scheme 2013* to rezone land identified as 50 St Helens Point Road, St Helens from Environmental Living Zone to Rural Living Zone pursuant to the former provisions of Section 43(a) of the *Land Use Planning and Approvals Act 1993*.
- To make a decision on Development Application **DA021-2018** for a **54 Lot Subdivision at 50 St Helens Point Road, St Helens**.

OFFICER’S RECOMMENDATION:

That the Council:

1. Pursuant to former Section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates amendment to the *Break O’Day Interim Planning Scheme 2013* to rezone land identified in Certificate of Title Volume 43185 Folio 1 and Certificate of Title Volume 43185 Folio 2, from Environmental Living zone to Rural Living zone.
2. Authorises Council Officers to prepare draft amendment of the *Break O’Day Interim Planning Scheme 2013*.
3. In accordance with former Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the General Manager its functions under former Section 35(1) of the Act, for the purposes of amendment to the *Break O’Day Interim Planning Scheme 2013*.
4. Pursuant to former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
5. Pursuant to former Section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA 021-2018 for Subdivision at 50 St Helens Point Road, St Helens subject to the following draft conditions:

Conditions

1. Development must accord with the Development Application DA 021-2018 received by Council 16 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Council.
3. Stage 1 must include Lot 300 and Lot 1000, and each lot is to be transferred to the Break O'Day Council and Department of State Growth respectively at the conclusion of Stage 1 at the cost of the developer.
4. The applicant must comply with the conditions as contained within TasWater's Submission to Planning Authority Notice dated 22 October 2018 TWDA 2018/01001-BODC (copy attached to this permit).
5. A *Soil and Water Management Plan* must be submitted to Council for approval prior to any works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
6. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
7. Department of State Growth Conditions
 - 7.1 - Detailed engineering plan must be submitted to the Department of State Growth prior to the issuing of a permit from State Roads to undertake works within the road reservation.
 - 7.2 - A cadastre containing the area marked as 'future highway relocation' must be transferred to the Crown at the time of subdivision. A site inspection and survey is required to ascertain the appropriate cadastre for the road, that reflects the 'made highway' in accordance with s9 of the *Highways Act 1951*.
 - 7.3 - Engineering design plans that cover the proposed road enhancement and drainage provision with peak discharge calculations will be required prior to the issuing of a permit from State Roads to undertake works within the road reservation.Note: This will be required for any proposed stormwater discharge from the proposed access road and associated junction and at any discharge location elsewhere on the Tasman Highway road reservation, including intended utilisation of existing drainage infrastructure.

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

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

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

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

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

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

8. Engineering Conditions

8.1 - Stormwater

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

8.2 - Roadworks

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

8.3 - Pedestrian walkways

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

8.4 - Access (Rural)

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

8.5 - As constructed information

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

8.6 - Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works and Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

8.7 - Works in Council road reserve (all internal roads)

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Infrastructure & Development Services Manager.
- b) Twenty-four (24) hours notice must be given to the Works & Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of works and its reconstruction.

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

- a) The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- b) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the *Roads and Jetties Act 1935*, works must not be commenced within the State Road reservation until a permit has been issued.

8.9 - Practical completion inspection

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

8.10 - Infrastructure Bond

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

8.11 - Easements to be created

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

9. Prior to the issue of a sealed plan, the proponent, under Section 71 of the *Land Use Planning and Approvals Act 1993*, must enter into an agreement to the effect of the recommendations of the Bushfire Assessment Report and Bushfire Hazard Management Plan prepared by Ian Abernethy, BFP-124, dated August 2018
Such agreement must be registered on the Certificate of Title in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All costs associated with the preparation and registration of the agreement must be borne by the developer.
10. All roads in the Subdivision must be conveyed to the Council, except Lot 1000, upon the issue by the Infrastructure & Development Services Manager, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the developer.
11. All public open space lots in the Subdivision, including Lot 300 must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Developer.
12. The final plan of survey will not be sealed until all conditions have been complied with, or an agreement has been entered into providing for the completion of works at a later stage.

DISCUSSION:

- Clr J Tucker stated that this development application with all the reports being included has been outstanding. It is important to keep blocks available for buildings to be put on. The consideration of growth requirements over the next 20 years is very important to take into consideration.
- Clr LeFevre stated that agrees with Clr J Tucker and this is very good for our area and the future growth. It is ideally located in an underutilised area, will reduce illegal dumping, as well as minimising the chances of a really bad fire going through that area.
- Clr McGuinness asked in relation to Development Standard E5.6.1 – Coastal Inundation – there is no acceptable solution – what is meant by this? The Planning Consultant advised that everything that is mapped as flood prone has to be addressed and there is no acceptable solution in our Planning Scheme.
- Clr J Drummond asked in relation to the State Coastal Policy – 2.4 urban/residential zones – how does this meet this point. The Planning Consultant advised that this site is outside the urban growth boundary. The State Coastal Policy is more about dune systems and the form of the coastline within 1km of a shoreline, this has been called up because of Georges Bay high water mark. Rural living is the enabler for residential in low density. We look at where the urban growth boundary is and this is outside that and then we look at perimeter outside that.
- Clr Drummond stated that she has concerns regarding contained planned urban residential, ribbon development, and unrelated cluster development noting the State Coastal Policy. There is already land available, it is a pretty substantial development and looking at the ABS population growth she has concerns with perceived population growth. The Planning Consultant noted that the Urban Growth Boundary is detailed but the proposal is outside that boundary. The Northern Tasmania Regional Land Use Strategy notes that rural living allotments are outside the Urban growth Boundary. The Planning Consultant advised that as part of the Municipal Management Plan and other strategic reports we need to look at population demand, there are not many rural living lots available in Break O’Day and we

- are trying to entice hobby farmers, lifestyle for people in certain areas without jeopardising primary industry and rural resource land.
- Clr Drummond referred to the new Tasmanian Planning Scheme and questioned what this land would be zoned as. The 52 blocks are more than half the size of Falmouth. The Planning Consultant advised that we need to look at housing choices and diversity, there were only 17 rural living lots in the municipality when the current scheme came in. The Rural Living Zone is something new and it is most likely that under the new Tasmanian Planning Scheme that this land will translate across to the Rural Living zone.
 - Clr Wright stated that she had the same concerns as Clr Drummond. The 1km exclusion zone being impinged upon is a concern which will open the gate for other similar developments, the clearing of the land, approximately 24ha – what will happen once other people take ownership of the land, what is in place to stop new owners clear felling the whole site, it is important to maintain wildlife corridors. The Planning Consultant advised that there are a number of provisions in the Planning Scheme currently and other codes which will protect native vegetation clearing and that planning applications will need to be applied for outside this planning permit. This includes the Biodiversity Code, the Tourist Corridor affects this site, and the Water Quality Code.
 - Clr Wright asked if people clear outside the requirements what will we do?
 - Mayor Tucker advised that we are dealing with the Application before us and that this is an enforcement issue.
 - Clr McGuinness stated that he is in support of the motion, a lot of people want this lifestyle and there is very little available.
 - Clr Chapple asked for clarification in regards to where the main access will be, will it be off the Tasman Highway or Talbot Street. Will Talbot Street be for the first four (4) blocks as it is a terrible intersection. The Planning Consultant advised that Talbot Street is only for the four (4) blocks.
 - Clr Drummond asked, is there going to be anything in place to stop the larger blocks being further subdivided down the track? The Planning Consultant advised that it is not prohibiting a future application but it would be discretionary and would require the same level of reports as this application. There would possibly only four (4) lots that could possibly be subdivided in the future.
 - Clr Wright asked, what significant areas and how much will be set aside for public open space. The Planning Consultant advised that lot 300 is 6ha which is Boggy Creek, plus a number of others for fire tracks, walk ways, etc as well as one for a potential future road, it is more about pedestrian access. The zone doesn't require a public open space contribution, however the developer is still transferring quite some areas to public open space.
 - Clr J Tucker asked, TasWater has issued a SPAN, what is this. The Planning Consultant advised that it is "Submission to Planning Authority Notice" and this has their conditions.
 - Clr McGiveron noted the quality of reports provided and stated that there are a lot of people out there that want larger blocks and it brings a lot of different people with different demographics to the area. This goes towards the long term development of the area.

COUNCIL DECISION:

01/19.6.2.3 Moved: Clr J Tucker / Seconded: Clr B LeFevre

That the Council:

1. Pursuant to former Section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates amendment to the *Break O'Day Interim Planning Scheme 2013* to rezone land identified in Certificate of Title Volume 43185 Folio 1 and Certificate of Title Volume 43185 Folio 2, from Environmental Living zone to Rural Living zone.
2. Authorises Council Officers to prepare draft amendment of the *Break O'Day Interim Planning Scheme 2013*.
3. In accordance with former Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the General Manager its functions under former Section 35(1) of the Act, for the purposes of amendment to the *Break O'Day Interim Planning Scheme 2013*.
4. Pursuant to former Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.
5. Pursuant to former Section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA 021-2018 for Subdivision at 50 St Helens Point Road, St Helens subject to the following draft conditions:

Conditions

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

5. A *Soil and Water Management Plan* must be submitted to Council for approval prior to any works commencing on site, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
6. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
7. Department of State Growth Conditions
 - 7.1 - Detailed engineering plan must be submitted to the Department of State Growth prior to the issuing of a permit from State Roads to undertake works within the road reservation.
 - 7.2 - A cadastre containing the area marked as 'future highway relocation' must be transferred to the Crown at the time of subdivision. A site inspection and survey is required to ascertain the appropriate cadastre for the road, that reflects the 'made highway' in accordance with s9 of the *Highways Act 1951*.
 - 7.3 - Engineering design plans that cover the proposed road enhancement and drainage provision with peak discharge calculations will be required prior to the issuing of a permit from State Roads to undertake works within the road reservation.

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

Professional Services Specification T8 Drainage Design Standards requires a Q50 Flood protection for this Category 3 road and this will need to be maintained for the road's existing drainage and demonstrated by a drainage plan with calculated peak flows.
 - 7.4 - The shared paths through the subdivision are to be amended to reflect [Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling \(June 2017\)](#) and to achieve Disability Discrimination Act (DDA) compliance in accordance with the requirements of AS 1428.1 2009 and to be demonstrated on Engineering design plans prior to any works commencing.

Note: Austroads describes 2.5 metres as the acceptable minimum width for a shared path.
 - 7.5 - The link through to Talbot Street must be of standard suitable for use as an all-weather shared path and that the developer provide wayfinding signage in accordance with State Roads' [Cycle Route Directional Signage Resource Manual](#) to and from St Helens Point Road as part of the development.
 - 7.6 - A safe crossing point at St Helens Point Road must be provided and be financed by the developer. Engineering design plans must reflect this requirement and be approved prior to any works commencing.
 - 7.7 - All recreational pathways throughout the subdivision must be constructed to an all-weather standard.

8.

9. Engineering Conditions

8.1 - Stormwater

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

8.2 - Roadworks

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

8.3 - Pedestrian walkways

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

8.4 - Access (Rural)

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

8.5 - As constructed information

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

8.6 - Municipal standards & certification of works

Unless otherwise specified within a condition, all works must comply with the Municipal Standards including specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, must also be completed to the approval of the Works & Infrastructure Department.

8.7 - Works in Council road reserve (all internal roads)

- c) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Infrastructure & Development Services Manager.

- d) Twenty-four (24) hours notice must be given to the Works and Infrastructure Department to inspect works within road reserve, and before placement of concrete or seal. Failure to do so may result in rejection of works and its reconstruction.

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

- c) The developer must obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation, including any works necessary in relation to access construction, stormwater drainage and/or traffic management control and devices from the proposal.
- d) Application requirements and forms can be found at transport.tas.gov.au/road/permits, applications must be submitted at least twenty-eight (28) days prior to any scheduled works. In accordance with the *Roads and Jetties Act 1935*, works must not be commenced within the State Road reservation until a permit has been issued.

8.9 - Practical completion inspection

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

8.10 - Infrastructure Bond

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

8.11 - Easements to be created

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

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

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

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

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

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

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

Clr L Whittaker abstained from voting.

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.

01/19.7.0 PETITIONS

Nil.

01/19.8.0 NOTICES OF MOTION

Mayor Tucker vacated the Chair and Deputy Mayor John McGiveron took the Chair at 10.49am

01/19.8.1 Notice of Motion – Additional Dump Point Station – Clr M Tucker

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

Council to urgently address the need for another Dump Point station. It needs to have drive through ability up alongside the existing one at the Sports Complex.

SUBMISSION IN SUPPORT OF MOTION:

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

DISCUSSION:

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

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

COUNCIL DECISION:

01/19.8.1.4 Moved: Clr M Tucker / Seconded: Clr K Chapple

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

Council to urgently address the need for another Dump Point station. It needs to have drive through ability up alongside the existing one at the Sports Complex.

CARRIED UNANIMOUSLY

Mayor Mick Tucker resumed the Chair at 10.53am

01/19.8.2 **Notice of Motion – Daily Flying of the Aboriginal Flag – Clr K Wright**

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 adopt the practice of daily flying (week days) of the Aboriginal flag, alongside our National and State flags at the front of Council chambers.

SUBMISSION IN SUPPORT OF MOTION:

As an inclusive community with numerous proud Indigenous members, I believe that this is a move that will greatly strengthen existing relationships. The existing flag pole is made to accommodate three (3) flags.

I have consulted with Aboriginal elders and other members of our community who have responded very much in support of this motion, for council adopting daily flying the Aboriginal flag. Many people both Indigenous and non-Indigenous feel this is a very important acknowledgement of Tasmania's diverse history regarding the traditional custodians of this land.

DISCUSSION:

- Clr Drummond stated that she supports the motion and that it works towards reconciliation and closing the gap. This is something that should have been happening ongoing for many years.
- Clr J Tucker asked, what will we do on significant days when the flag is flown on every other day? Clr Wright asked, why does there need to be a fall back.
- Mayor Tucker says that he has talked with many in the community and supports the motion.
- Clr Whittaker stated that she is in full support of the motion and thanked Jeanymaree for her speech. Clr Whittaker thinks the flying of the Aboriginal flag should be compulsory.
- Clr McGiveron stated that he supports the motion following talking to a number of members of the community.

COUNCIL DECISION:

01/19.8.2.5 Moved: Clr K Wright / Seconded: Clr J Drummond

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 adopt the practice of daily flying (week days) of the Aboriginal flag, alongside our National and State flags at the front of Council Chambers.

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

01/19.8.3 **Notice of Motion – Educating the Public about, and Enforcing, the New Dog Management Policy – Clr J Drummond**

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

Council to investigate and consult with relevant agencies (including but not limited to Parks & Wildlife, State Government and neighbouring Councils) to explore options for both educating the public about, and enforcing, the new 'Dog Management Policy'. This would include greater hours for the Animal Control Officer and increased signage.

SUBMISSION IN SUPPORT OF MOTION:

The community has been actively involved through the Community Consultation in the formulation of the new 'Dog Management Policy'. To ensure a comprehensive understanding of the policy and the enforcement of the new regulations Council explore all options to enable increased hours for the Animal Control Officer and for signage to be implemented in the municipality.

This could occur with assistance and support, be that financial or through sharing of resources, with other agencies who are responsible for the land on which the 'Dog Management Policy' operates.

This subject has created a high level of interest, and concern, from the community and from the NRM committee. To implement the new policy effectively greater resources are required, than currently exist within Council.

DISCUSSION:

- Clr J Tucker stated that he agrees with Clr Drummond and goes back to a previous motion in regards to Council working more with Parks & Wildlife Services and integrating more with them. Talks should be had with them about what they are doing.
- Clr McGuinness stated that he concurs with the motion but we really need to make sure our signage is up to scratch, we can't enforce a policy if our signage is not in place. Clr McGuinness also thinks that the dog policy should be a working document as there is still work to be done to refine the policy.

COUNCIL DECISION:

01/19.8.3.6 Moved: Clr J Drummond / Seconded: Clr J Tucker

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

Council to investigate and consult with relevant agencies (including but not limited to Parks & Wildlife, State Government and neighbouring Councils) to explore options for both educating the public about, and enforcing, the new 'Dog Management Policy'. This would include greater hours for the Animal Control Officer and increased signage.

CARRIED UNANIMOUSLY

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

GENERAL MANAGERS REPORT ON MOTION:

The General Manager advises that the Notice of Motion from Cllr Drummond needs to be treated as a Motion to Overturn pursuant to the Local Government Meeting Regulations 2015, Regulation 18 (1)(b) which states:

18. Motion to overturn decision

- (1) *For the purposes of this regulation, a decision may be overturned, wholly or partly, by–*
- (a) a motion directly rescinding or otherwise overturning the decision or part of the decision;*
 - or*
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.*

and be dealt with in accordance with Regulation 18 (3) which states:

- (3) *Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include–*
- (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and*
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and*
 - (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and*
 - (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.*

Accordingly, the General Manager advises that:

- (a). If the proposed motion is decided in the affirmative (by Absolute Majority) would overturn part of the decision of Council on 17 December 2018.

12/18.8.1 Notice of Motion – Live Stream / Audio Record of Council Meetings – Clr J Drummond

Moved: Clr J Drummond / Seconded: Clr K Chapple

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council develop a procedure to live stream and record Council meetings, this would provide for the live streaming and recording of the public component of Council meetings. The streaming/recording would not include the part of a meeting when Council is 'closed' to the public.

An amendment was moved:

12/18.8.1.291 Moved: Clr K Wright / Seconded: Clr L Whittaker

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council indicates in principle support for live streaming and recording of the public component of Council meetings and await the outcome of the Local Government Act Review process.

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

The original motion was put:

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

- (b). That part of the previous decision which would be overturned relates to the 'recording' referred to within the motion.
- (c). As the motion was LOST there was no action directed to be taken.
- (d). As the motion was LOST there was no action directed to be taken.

SUBMISSION IN SUPPORT OF MOTION:

The Local Government Act 1993 (*Schedule 4 Paragraph 13*) requires a Council's General Manager to record the minutes for every Council meeting. The Local Government (Meeting Procedures) Regulation 2015 has a section outlining the procedure for audio recording of meetings ((extracted below).

Local Government (Meeting Procedures) Regulations 2015

Version current from 29 June 2015 to date (accessed 20 December 2018 at 8:18)

33. Audio recording of meetings

- (1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.
- (2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –
 - (a) retained by the council for at least 6 months; and
 - (b) made available free of charge for listening on written request by any person.
- (3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.
- (4) A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.

Audio recording of proceedings would improve transparency and community engagement with Council Meetings and increase public access to Council decisions and debate. Not all residents can attend Council meetings, due to distances and other commitments in their lives. The audio recording would allow greater access to the full debate in Council Chambers by residents, and would increase opportunities for public scrutiny. This is something that has been discussed with me many times by residents in our municipality. This model is in place in various other Council areas within Tasmania Recording would also allow for greater accuracy in the written minutes, and less calls for amendments to transcripts.

An audio record of meetings would capture the full debate and discussion, which are not all reflected in the text-based minutes, as we do not have a Hansard style record of meetings. This would lead to greater transparency. It should be noted that Section 33(3) of the *Local Government (Meeting Procedures) Regulations 2005* states that “the minutes of a meeting, once confirmed, prevail over the audio recording of the meeting”.

DISCUSSION:

- Cllr Drummond stated that the first motion was in regards to live streaming believed that there was some support for audio recording. Cllr Drummond stated that she certainly feels that it is a matter of accessibility to the community to be able to listen to the audio of a meeting.
- The General Manager advised that due to the nature of the motion he considered the Notice of Motion to be a motion to overturn in accordance with Regulation 18 which required the General Manager to specifically address four (4) points to enable Council to consider the motion. He advised that he had sought advice on this matter as the motion is

similar to the previous motion due to the relationship to the proposed motion and also explained that a motion to overturn requires an absolute majority.

- Clr Drummond asked, could the advice to be shared. The General Manager advised that he explained the advice received and that he could share this if necessary, it was asking the question around whether it needed to be treated in respect to S18(1).
- Clr McGuinness asked for a point of clarification from the mover as he is on record saying that he wouldn't be against audio recording, would the audio be available on line or by request. The General Manager stated that we took it that it would be put on the website for access.
- Mayor Tucker stated that the discussion at the previous meeting was in relation to the Local Government review process and that we would wait for these outcomes. It was about not spending ratepayers money unnecessarily.
- Clr LeFevre stated that he believes we should wait for the Government review as discussed at the last meeting. Clr LeFevre advised that he has not had one (1) person approach him about audio or live streaming, however a few read the minutes.
- Clr McGiveron asked, what is the probability that this will be looked at as part of the review. Mayor Tucker advised that it is in the review process.

COUNCIL DECISION:

01/19.8.4.7 Moved: Clr J Drummond / Seconded: Clr K Wright

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

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

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

*Adjourned for morning tea at 11.15am
Meeting resumed at 11.26am*

01/19.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

01/19.10.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

01/19.10.1 Grants Lagoon – Clr G McGuinness

Has Council received a response from Parks & Wildlife Services regarding the opening of Grants Lagoon and if so what is it?

Reply

Council has not received a response from Parks & Wildlife.

Latest Water Quality results show a level of less than 10 of Enterococci MPN/100ml. 140 is the benchmark amount. This result is consistent with the count reported in December 2018.

01/19.10.2 Trees in Tully Street – Clr K Wright

What is happening with the trees in Tully Street.

Previous conversations at Council indicated that most of the trees were to be removed and replaced with less invasive species of trees.

Are all of the golden oak(?) going to be removed. I have been asked by residents who have some concerns about a root barrier being used instead of tree removal as an option. ? Several houses in the street have been adversely affected and damaged by large roots from the trees getting into their foundations and in some cases sending shoots up into their living areas of their homes.

This is an issue that needs to be taken most seriously, and we need to investigate our liability regarding any foundation damage caused.

Reply

There is an existing management plan for street trees including Tully Street trees. The plan has been received by the Council with implementation governed by decisions made by the Council.

The new Council will be briefed at the February workshop on tree management at Tully Street.

01/19.10.3 Open Day for New Hospital – Clr K Wright

Will there be an “open to the public” day for the new hospital, as many people from the community have asked, as they would like to have a look prior to being admitted.

Reply

Council officers are not aware of any plans by the Department of Health and Human Services to hold an 'Open Day'. The request has been raised with the Department of Health and Human Services.

01/19.10.4 Driver Reviver Station at Fingal – Clr J Drummond

Council Council update us with regard to the Driver Reviver Station in Fingal?

Reply

The Driver Reviver is a National Program, SES had to seek guidance from their National Director due to risk issues as well as logistics of food. Council was advised on Tuesday 22 January 2019 that the National Director has approved same. SES now need to work at a local level in regards to logistical issues and they are aiming for it to be up and running by Easter, 2019.

01/19.10.5 St Marys Recreation Ground – Clr J Drummond

What is the current status of the St Marys Recreation Ground infestation?

Reply

The ground infestation is still present. Council officers are continuing to implement previously advised plan to promote grass growth, that involves summer watering and preventing use of the ground until access restrictions may be lifted. Re-establishing grass cover to a point that access restrictions may be lifted remains a priority.

01/19.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

01/19.11.1 Mayor's Communications for Period Ending 21 January 2019

21.12.2018	Launceston	– Tasmanian Police Northern District Christmas morning tea
06.01.2019	St Helens	– History of the LeFevre's Book Launch
21.01.2019	St Helens	– Council Meeting

01/19.11.2 Councillor's Reports for Period Ending 21 January 2019

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

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

- The Chamber of Commerce have put together a new area map to be distributed to businesses around the area and down the coast.
- Marcia Tepper is the new Secretary of the Chamber of Commerce.
- Discussions around issues with sea urchins and looking at adopt a reef type campaign to clean up the area.
- Discussions around ideas in regards to the wharf area regarding eating facilities, walking tracks, etc as well as car parking and bike tracks in St Marys.
- Discussion around the Destination Action Plan and how this can be actioned.

NRM Special Committee – Clr Janet Drummond

- Meeting in December the NRM Officer is preparing a report for Council.
- Currently looking at members of the Committee and changed days/times for the meetings hopefully to get more participation.

Barway Committee – Clr John McGiveron

- Pelican Point is shallow and the Barway is ok at the moment.
- MAST is working on approvals for dumping of sand at Blanche Beach.
- Parks & Wildlife Services are assessing the RAA and they are waiting on acid sulphate testing.
- Currently agitation dredging Pelican Point.
- Once Parks & Wildlife Services approvals are received they will go to tender.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- No meeting – there will be one shortly.

Mental Health Action Group – Clr Barry LeFevre

- No meeting.

Disability Access Committee – Clr Janet Drummond

- No action so far, will have discussions regarding convening a meeting shortly.

01/19.12.0 BUSINESS AND CORPORATE SERVICES

01/19.12.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.12.1.8 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

01/19.12.2 Monthly Financial Report

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

That the following reports for the month ending 31 December 2018 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:

- Clr Drummond asked in relation to item CG260 – Installation of WB Swimcart/Gardens Road. The Manager Infrastructure and Development Services advised that this is a bridge barrier on the bridge at the Causeway as it did not have approach barriers.
- Clr McGiveron asked in relation to the Engineering Fees #1656 – it is a little over budget. The Manager Corporate Services will look into this further.

COUNCIL DECISION:

01/19.12.2.9 Moved: Clr K Chapple / Seconded: Clr G McGuinness

That the following reports for the month ending 31 December 2018 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

01/19.12.3 **Visitor Information Centre Report**

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- Clr LeFevre stated that it is good to see that the figures are coming back to normal in comparison to 2017. The staff are very professional and it is a lovely place to visit.

COUNCIL DECISION:

01/19.12.3.10 Moved: Clr J Tucker / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

01/19.12.4 Audit Panel – Receipt of Minutes

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

That Council receive the minutes of the Audit Panel 17 December 2018 and, as recommended:

- Adopt amended Policy LG16 – Corporate Credit Cards
- Consider budgeting for external assistance with internal audit

INTRODUCTION:

Council's Audit Panel meets every three (3) months and the minutes of each meeting are required to be provided to Council.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.12.4.11 Moved: Clr J Drummond / Seconded: Clr L Whittaker

That Council receive the minutes of the Audit Panel 17 December 2018 and, as recommended:

- Adopt amended Policy LG16 – Corporate Credit Cards
- Consider budgeting for external assistance with internal audit

CARRIED UNANIMOUSLY

01/19.13.0 WORKS AND INFRASTRUCTURE

01/19.13.1 Works and Infrastructure Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.13.1.12 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That the report be received by Council.

CARRIED UNANIMOUSLY

01/19.13.2 Animal Control Report

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- Clr Drummond stated that it is a little concerning seeing an increase in dog attacks in the area.
- Clr LeFevre stated that the visitation by the Animal Control Officer seems to be at least once a week, we did discuss before that he would come more often in busy periods. The Manager Infrastructure and Development Services advised that at the busy times he is back more often as previously discussed.

COUNCIL DECISION:

01/19.13.2.13 Moved: Clr K Chapple / Seconded: Clr L Whittaker

That the report be received by Council.

CARRIED UNANIMOUSLY

Clr J Tucker declared a non-pecuniary interest in the following matter and did not participate in the discussion or voting of the item.

01/19.13.3 Groom Street School Crossing

FILE REFERENCE	032\002\009\
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OFFICER'S RECOMMENDATION:

That Council receive the Groom Street School Crossing Assessment prepared by Midson Traffic Pty Ltd and approve the installation of kerb outstands at the existing temporary crossing location.

INTRODUCTION:

The purpose of this report is to table the Groom Street School Crossing Assessment – July 2018 and to seek the Council's approval to install kerb outstands at the existing temporary crossing location that will function to reduce the physical walking distance to cross the road, improve visibility, and provide traffic calming for approaching traffic.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.13.3.14 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council receive the Groom Street School Crossing Assessment prepared by Midson Traffic Pty Ltd and approve the installation of kerb outstands at the existing temporary crossing location.

CARRIED UNANIMOUSLY

01/19.13.4 Installation of Kerb Style Guttering – Alexander Street, Cornwall

FILE REFERENCE	032\005\025\
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OFFICER'S RECOMMENDATION:

That Council receive the report into the installation of kerb style guttering on the western (lower side) side of Alexander Street in Cornwall.

INTRODUCTION:

At the ordinary Meeting of Council on Monday 19 November 2018 the following Notice of Motion was raised by Clr K Wright:

11/18.8.1 Notice of Motion – Installation of Kerb and Guttering - Cornwall– Clr K Wright.

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting, and consider any advice as required from relevant State Agencies:

That Council seeks a report into the installation of kerb style guttering on the western (lower side) side of Alexander Street in Cornwall.

SUBMISSION IN SUPPORT OF MOTION:

During times of heavy rains water torrents down the street and naturally goes to the lower side threatening to inundate homes and other structures in Alexander Street. There is a shallow concrete drain close to the properties fence line which is insufficient to carry the high volumes of water.

In recent times some concrete has been put in patches along the western side of Alexander Street and has been untidily pushed down with a rake. This has become very unsightly and is crumbling creating a hazard to pedestrians. Photos supplied.





MEETING DISCUSSION:

- *Clr McGiveron stated that he has been there in heavy rain and he certainly supports something being done there.*

COUNCIL DECISION:

18/18.8.1.243 Moved: Clr K Wright / Seconded: K Chapple

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting, and consider any advice as required from relevant State Agencies.

That Council seeks a report into the installation of kerb style guttering on the western (lower side) side of Alexander Street in Cornwall.

CARRIED UNANIMOUSLY

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

01/19.13.4.15 Moved: Clr L Whittaker / Seconded: Clr J Tucker

That Council receive the report into the installation of kerb style guttering on the western (lower side) side of Alexander Street in Cornwall.

CARRIED UNANIMOUSLY

01/19.13.5 Directional Signage - Cornwall

FILE REFERENCE	032\005\014\
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OFFICER'S RECOMMENDATION:

That Council receive the report into installing a directional street sign at the junction of Alexander Street and the Cornwall Mine Road at Cornwall.

INTRODUCTION:

At the ordinary Meeting of Council on Monday 19 November 2018 the following Notice of Motion was raised by Clr K Wright:

11/18.8.3 Notice of Motion – Directional Signage – Cornwall – Clr K Wright.

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting, and consider any advice as required from relevant State Agencies:

That Council seeks a report into installing a directional street sign at the junction of Alexander Street and the Cornwall Mine Road at Cornwall.

SUBMISSION IN SUPPORT OF MOTION:

Many people visiting the area often take the wrong turn and end up at the locked gates of the Cornwall mine, instead of in the township area of Cornwall.

Vehicles towing vans and trailers have great difficulty turning around to get back on track in the right direction, due to the locked gates at the entry to the mine.

MEETING DISCUSSION:

- Clr Chapple stated that she agrees with Clr Wright
- Clr McGiveron stated that there is a fairly major sign indicating the mine is there already and he wonders how many people have complained as he thinks it is fairly obvious that it is there.

COUNCIL DECISION:

18/18.8.1.245 Moved: Clr K Wright / Seconded: Clr K Chapple

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting, and consider any advice as required from relevant State Agencies.

That Council seeks a report into installing a directional street sign at the junction of Alexander Street and the Cornwall Mine Road at Cornwall.

CARRIED UNANIMOUSLY

DISCUSSION:

- Clr McGiveron stated that he totally supports the Manager Infrastructure and Development Services' observations on this item.
- Clr Wright stated that she was asked by the people in the local community as they see this as a concern that people go the wrong direction.

COUNCIL DECISION:

01/19.13.5.16 Moved: Clr J McGiveron / Seconded: Clr J Tucker

That Council receive the report into installing a directional street sign at the junction of Alexander Street and the Cornwall Mine Road at Cornwall.

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

AGAINST Clr K Wright

CARRIED

01/19.13.6 **Scamander Playground Fence**

FILE REFERENCE	004\008\029\
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OFFICER'S RECOMMENDATION:

That Council receive the report into the installation of a child safety fence around the play area at the Scamander Mouth reserve.

INTRODUCTION:

At the ordinary Meeting of Council on Monday 19 November 2018 the following Notice of Motion was raised by Clr K Wright:

11/18.8.4 Notice of Motion - Scamander Mouth Playground – Fence – Clr K Wright

MOTION:

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice as required from relevant State Agencies:

That Council seeks a report into the installation of a child safety fence around the play area at the Scamander Mouth play area.

SUBMISSION IN SUPPORT OF MOTION:

There has been numerous requests from residents and an online petition requesting that the playground be fenced for reasons of safety.

It has been noted that other play areas located close to the water are fenced. This area is very close to the water at the inlet of Scamander River, and there is the additional hazard of rocks along the edge of the water.

This could be very hazardous for families of young children, especially when there are two (2) or more children in the care of one (1) adult.

MEETING DISCUSSION:

- *Clr Whittaker stated that she agrees as most playgrounds do have fences. For a safety issue totally agree.*
- *Clr LeFevre requested a point of clarification, he thought we had discussed this earlier this year and it was discussed that during peak flood periods it would be washed away. Mayor Tucker stated that Clr LeFevre is correct, however this is for a further report.*
- *Clr LeFevre stated that the intent was that we want a safe area but if it is washed away every year it comes at a significant cost.*
- *Clr McGiveron stated that it is a very hot topic with parents and kids.*
- *Clr Wright stated that she had more concerns that a life would be lost as opposed to the cost of a fence.*

COUNCIL DECISION:

11/18.8.4.246 Moved: Clr K Wright / Seconded: Clr L Whittaker

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice as required from relevant State Agencies:

That Council seeks a report into the installation of a child safety fence around the play area at the Scamander Mouth play area.

CARRIED UNANIMOUSLY

DISCUSSION:

- Clr Wright stated that she still believes that it is quite important that we do put a fence there.
- Clr Drummond asked, will this area come into the greater plan for the Scamander bridge area. The Manager Community Services advised that it will be included in this.

COUNCIL DECISION:

01/19.13.6.17 Moved: Clr J Tucker / Seconded: Clr L Whittaker

That Council receive the report into the installation of a child safety fence around the play area at the Scamander Mouth reserve.

CARRIED UNANIMOUSLY

01/19.14.0 **COMMUNITY DEVELOPMENT**

01/19.14.1 **Community Services Report**

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Community Services advised that we are waiting on a draft lease for the Binalong Bay Foreshore.
- Clr J Tucker advised that in relation to the advertised Tas Iconic Walks that there are APPs etc showing stock routes, etc as walking trails and this poses risks as well as biosecurity issues of people using these tracks.
- Clr Drummond asked in relation to Sangaree, why are we continuing with their donation? The Manager Community Services advised that it is a Council decision as the land was left in trust to Break O'Day community and the Tasmania Girl Guides wanted to sell it, this donation helps the local group maintain the property. Clr Drummond asked, is there weed management taking place. The Manager Community Services advised that there is, they work with a group to maintain this.
- The General Manager advised that construction has commenced on the Poimena to Bay of Fires MTB trails.

COUNCIL DECISION:

01/19.14.1.18 Moved: Clr J Tucker / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

01/19.15.0 DEVELOPMENT SERVICES

01/19.15.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- Clr J Tucker asked, what is happening with the Lower George River floodplain. The General Manager advised that he will check with the NRM Officer.

COUNCIL DECISION:

01/19.15.1.19 Moved: Clr J Tucker / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

01/19.15.2 **Planning Approvals Issued**

Received.

01/19.15.3 **Building Services Approvals**

Received.

01/19.16.0 **GOVERNANCE**

01/19.16.1 **General Manager's Report**

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised that he has had some discussions with the Department of Health and Human Services regarding the future use of the old hospital and community consultation will be undertaken by the Department of Communities Tasmania.
- The General Manager advised that the MTB Trail planning approval for St Helens has been going through Mediation for approximately three (3) months. Effectively we have worked through this and hopefully we can resolve without going to a planning appeal.
- The General Manager advised that the Local Government Legislation Framework review will be listed for the February Workshop. If Councillors could forward initial thoughts, comments and concerns to assist a draft to be prepared it would be appreciated.
- The General Manager advised that we will circulate an update on the TasWater works on the foreshore as soon as it becomes available.

COUNCIL DECISION:

01/19.16.1.20 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That the General Manager's report be received.

CARRIED UNANIMOUSLY

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

Moved: Clr J Drummond / Seconded: ClrG McGuinness: That Council move into Closed Council.

FOR

AGAINST

CARRIED UNANIMOUSLY

IN CONFIDENCE

01/19.17.0 CLOSED COUNCIL

01/19.17.1 Confirmation of Closed Council Minutes – Council Meeting 17 December 2018

01/19.17.2 Outstanding Actions List for Closed Council

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

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.23pm.

.....
MAYOR

.....
DATE