



# COUNCIL MEETING MINUTES

Wednesday 20 April 2022  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
20 April 2022

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

*The Mayor advised that due to an unresolved technical failure with the audio recording equipment, audio was not able to be recorded for this meeting.*

### 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.*

#### 04/22.1.0 ATTENDANCE

##### 04/22.1.1 Present

Mayor Mick Tucker  
Deputy Mayor John McGiveron  
Councillor Kristi Chapple  
Councillor Barry LeFevre  
Councillor Kylie Wright

##### 04/22.1.2 Apologies

Councillor Janet Drummond  
Councillor Glenn McGuinness  
Councillor Margaret Osborne OAM  
Councillor Lesa Whittaker

##### 04/22.1.3 Leave of Absence

Nil

#### 04/22.1.4

#### Staff in Attendance

General Manager, John Brown  
Executive Assistant, Angela Matthews  
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 15.1*)  
Communications Coordinator, Jayne Richardson (*Item 1.0 – 17.2*)  
Development Services Coordinator, Jake Ihnen (*Item 1.0 – 17.2*)  
Senior Town Planner, Deb Szekely (*Item 1.0 – 7.1*)  
Planning Officer, Kathryn Clausen (*Item 1.0 – 7.1*)  
Planning Officer, Alex McKinlay (*Item 1.0 – 7.1*)  
Planning Officer/Economic Development Officer, Anna Williams (*Item 1.0 – 7.1*)  
Works Operations Manager, Wayne Polden (*Item 13.3 – 15.1*)

#### 04/22.2.0

#### PUBLIC QUESTION TIME

One (1) person in the gallery.

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

Nil.

#### 04/22.3.0

#### DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr Barry LeFevre declared a perceived, non-pecuniary interest in agenda item 04/22.15.3 – Waiver of Fees for Hire of Bendigo Bank Community Stadium – Bay of Fires Arts Association.

## **04/22.4.0 CONFIRMATION OF MINUTES**

### **04/22.4.1 Confirmation of Minutes – Council Meeting 21 March 2022**

#### **OFFICER’S RECOMMENDATION:**

That the minutes of the Council Meeting held on the 21 March 2022 be confirmed.

#### **DISCUSSION:**

No discussion took place on this item.

#### **COUNCIL DECISION:**

**04/22.4.1.62** Moved: Clr J McGiveron / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 21 March 2022 be confirmed.

**CARRIED UNANIMOUSLY**

## **04/22.5.0 COUNCIL WORKSHOPS HELD SINCE 21 MARCH 2022 COUNCIL MEETING**

There was a Workshop held on Monday 4 April 2022 and there was a presentation from Rhonda Taylor, CEO, East Coast Tasmania Tourism (ECTT) as well as the following items were listed for discussion.

- Adoption of 2022 – 2023 Budget Estimates
- Rates Estimates 2022/2023
- Interim Valuation Factor Information
- Adoption of 2022/2023 Schedule of Fees and Charges
- Review of LG41 Customer Service Charter
- Animal Control Report
- Waiver of Fees for Hire of Bendigo Bank Community Stadium – Bay of Fires Arts Association
- Pending Development Application Updates
- NRM Committee Meeting – Receipt of Minutes
- Break O’Day Council Cat Management Program – Winter 2022 Actions
- Break O’Day Recreation Trails Strategy

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

## 04/22.6.1

**DA327-2021 – Three (3) x Accommodation Units, BBQ/Amenities Building and Storage Facility Incorporating Two (2) Enclosed Shipping Containers – Canhams Road, St Helens**

<b>FILE REFERENCE</b>	DA 327-21
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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* Version 17, that the application for THREE (3) X ACCOMMODATION UNITS, BBQ/AMENITIES BUILDING & STORAGE FACILITY INCORPORATING TWO (2) ENCLOSED SHIPPING CONTAINERS on land situated at CANHAMS ROAD, ST HELENS described in Certificate of Title 179306/2 be APPROVED subject to the following 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.

<b>Approved Plans</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Title Page	-	Steve Jordan Drafting	-
Locality Plan	SJD21/59-01	Steve Jordan Drafting	June 2021
Site Plan	SJD21/59-02	Steve Jordan Drafting	June 2021
Part Site Plan	SJD21/59-03	Steve Jordan Drafting	June 2021
Site Drainage Plan	SJD21/59-04	Steve Jordan Drafting	June 2021
Unit Floor Plan (Typical)	SJD21/59-05	Steve Jordan Drafting	June 2021
Unit Elevations (Typical)	SJD21/59-06	Steve Jordan Drafting	June 2021
BBQ Structure Floor Plan	SJD21/59-07	Steve Jordan Drafting	June 2021
BBQ Structure Elevations	SJD21/59-08	Steve Jordan Drafting	June 2021
Storage Floor Plan	SJD21/59-09	Steve Jordan Drafting	June 2021
Storage Structure Elevations	SJD21/59-10	Steve Jordan Drafting	June 2021
Traffic Impact Assessment	Canhams Road Visitor Accommodation	Midson Traffic Pty Ltd	14 October 2021
Natural Values Assessment of Canhams Road	-	ECOtas - Mark Wapstra	29 November 2020
Flood Prone Area Assessment	Proposed Accommodation Units at 30 Canhams Rd, St Helens	Hydrodynamica	29 August 2021
Site and Soil Evaluation Summary	Lot 2 Canhams Rd, St Helens	Seam Environmental	9 February 2022



2. Development must not result in the loss of native vegetation within the threatened vegetation mapping units, *Eucalyptus ovata* forest and woodland (DOV) and *Melaleuca ericifolia* swamp forest (NME) as identified in the approved Natural Values Assessment prepared by ECOtas and dated 29/11/2020. This may require a revised Bushfire Management Plan that reflects the approved plans and ensures the threatened vegetation community types identified in the approved ECOtas report, are protected at all times. Additionally, the development must not result in the loss of native vegetation within the priority habitat overlay.
3. Existing unauthorised clearing of native vegetation within the Priority Habitat overlay is to be reinstated in accordance with a Vegetation Management Plan submitted to Council for approval prior to any works occurring onsite. The Vegetation Management Plan must include:
  - a. Identification of areas for which natural regeneration and assisted natural regeneration methods will be utilised within the priority habitat overlay;
  - b. List of local endemic species to be utilised in the replacement program. The list of species should be consistent with the revised vegetation mapping contained within the approved ECOtas Report.
  - c. Weed control measures to ensure viability of new plantings and natural regeneration.
  - d. Maintenance and management procedures to ensure all plantings reach maturity.
4. Implement an Erosion and Sediment Control Plan that prevents sediment from impacting on Colchis Creek during site works including where the access traverses Colchis Creek. The Erosion and Sediment Control Plan is required to be submitted to Council for approval prior to any works occurring onsite and shall:
  - a. Identify areas of land disturbance, contours and watercourse;
  - b. Identify proposed temporary drainage control measures;
  - c. Construction details
  - d. Location of soil, sand or other material stockpiles;
  - e. Location and details of proposed sediment control measures;
  - f. The maintenance program of the sediment and erosion controls
  - g. Location of revegetation and rehabilitation areas.
  - h. Specific measures to be undertaken during site works associated with upgrading the access crossing of Colchis Creek, to ensure the water quality and integrity of Colchis Creek is maintained. This may include revegetation of riparian areas using local endemic species.
5. The access (driveway) is impacted by flooding associated with Colchis Creek. Upgrade the existing crossing by means of a bridge or culvert, to ensure access to the development. The infrastructure must not impede creek flows and must ensure that any flows that cannot be completely contained by the culvert or other infrastructure, are passed safely over the driveway and directed back into Colchis Creek during the 1% AEP. Prior to construction of the infrastructure, a detailed design of the structure, including sizing calculations, must be submitted to Council for approval and accompanied by certification from a suitably qualified Engineer. The detailed design and certification of the same, will address capacity and ensure safe ingress and egress from the site is maintained.

6. All works in association with the upgraded crossing to Colchis Creek must be conducted in accordance with the requirements of the Wetlands and Waterways Works Manual, particularly the guidelines for siting and designing stream crossings.  
Link: [Wetlands and Waterways Works Manual | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](http://www.nre.tas.gov.au/Wetlands-and-Waterways-Works-Manual)
7. The areas shown to be set aside for vehicle access and car parking must be:
  - a. completed before the use of the development;
  - b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
  - c. surfaced with a pervious dust free, all weather surface and drained in a manner that will not cause stormwater nuisance.
8. One (1) accessible car parking space for use by persons with disabilities is to be provided and designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – off-street parking for people with disabilities. The car parking space must be located closest to the main entry point to the building.
9. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council's *Plumbing Permit Authority*.
10. A maximum occupancy limit of 12 persons shall be applied to the Visitor Accommodation Use.
11. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
12. 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.
13. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).

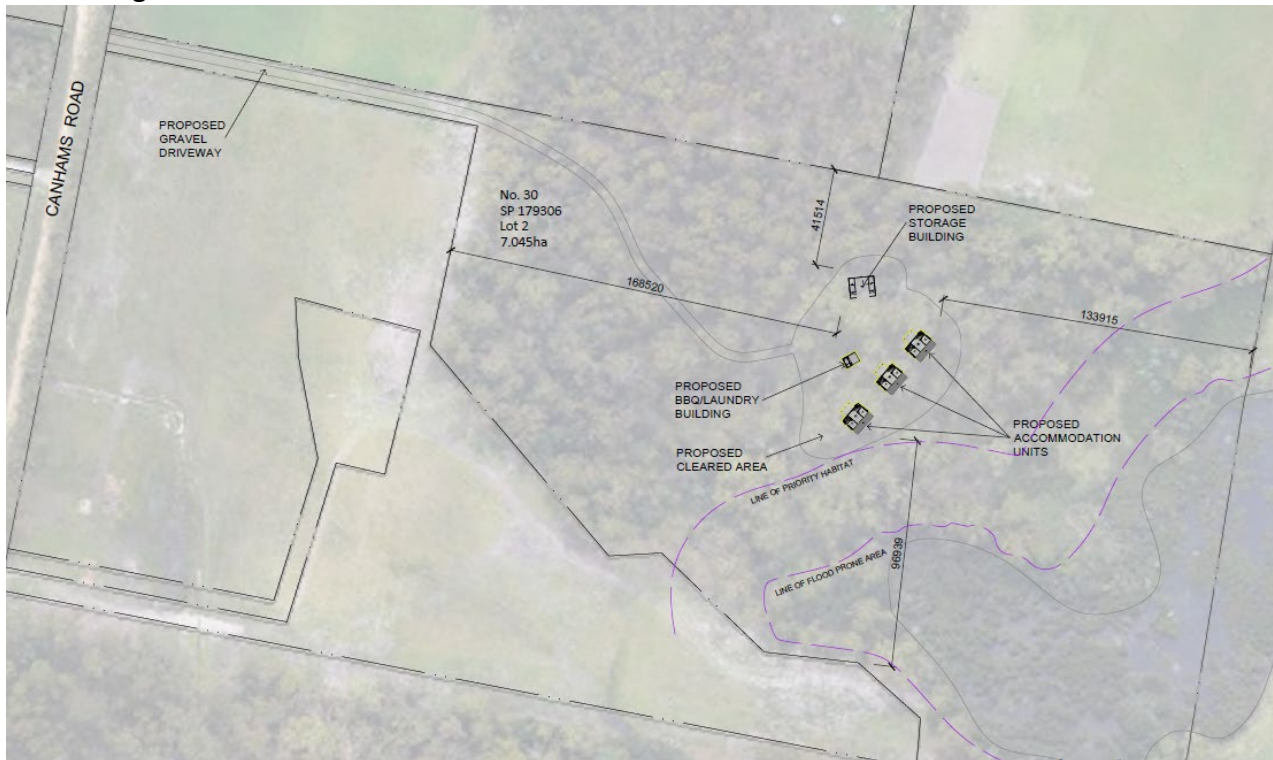
## ADVICE

14. Certification of the onsite wastewater management system, by an engineer (hydraulic), is required prior to consent to install the same and construction.
15. 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.
16. 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.

17. 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:

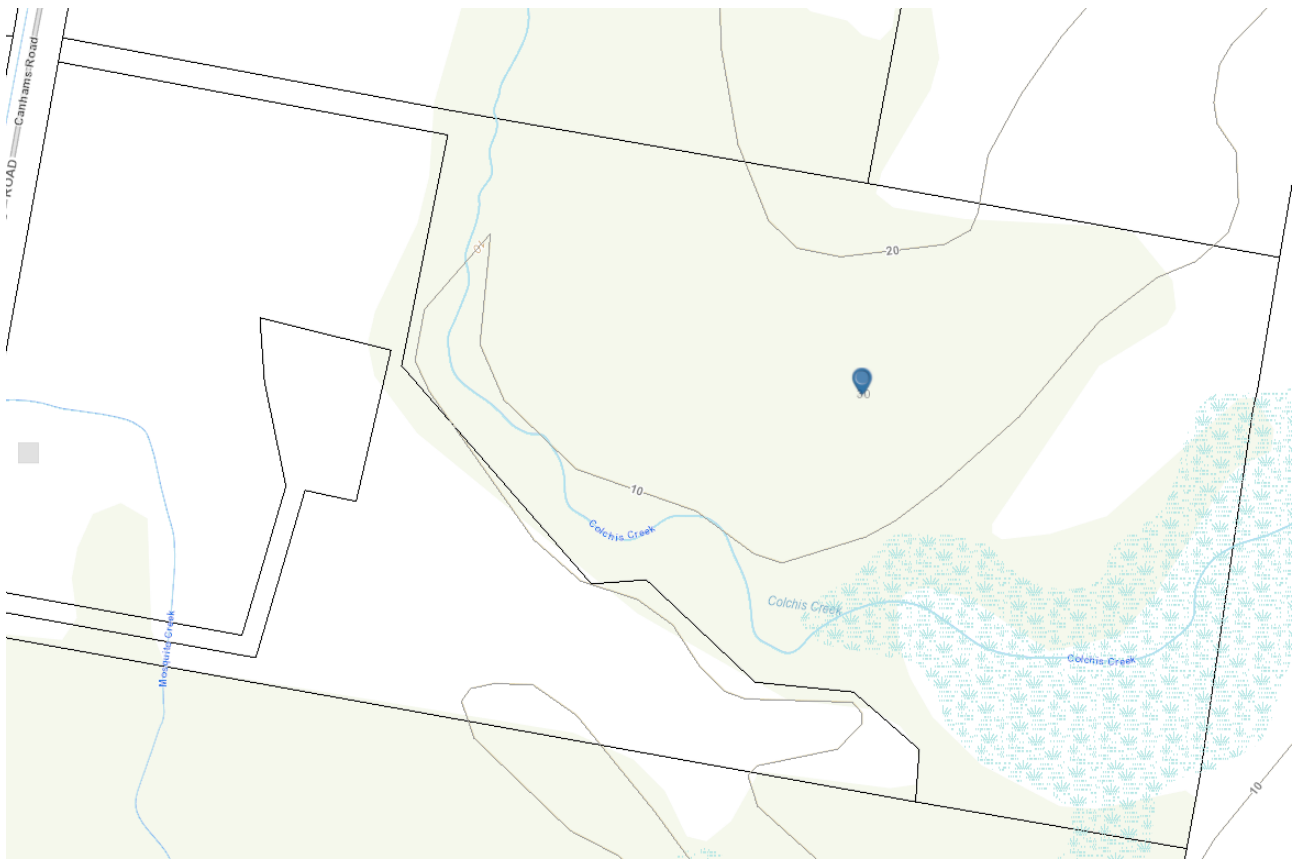
The applicant is seeking approval for Visitor Accommodation at 30 Canhams Road, St Helens. The Visitor Accommodation use will include the development of three (3) accommodation units and outbuildings.



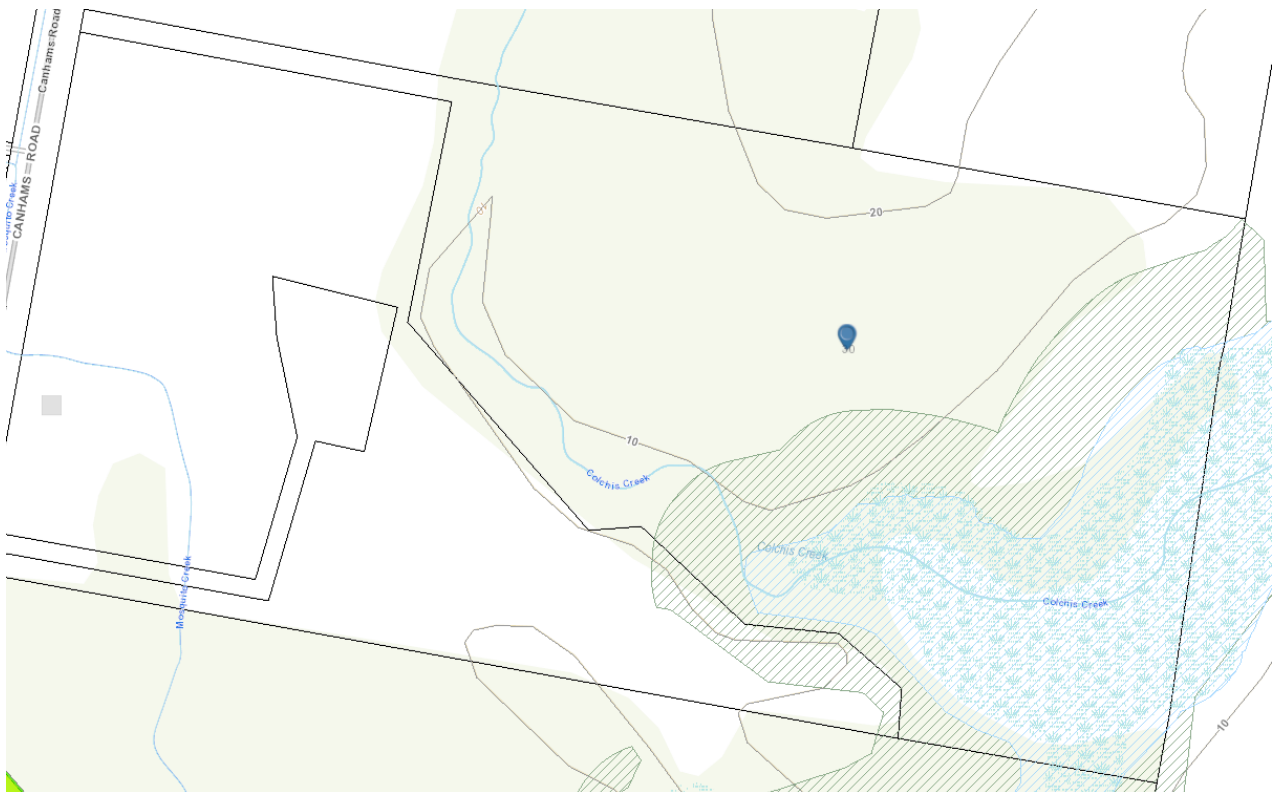
**Site Plan**

The development site is a large internal lot (7 hectares) within the Rural Living Zone, with access off the Council maintained road, Canhams Road. The site, as would be expected, is not serviced by TasWater sewerage or water infrastructure and will rely on stormwater capture and onsite wastewater management.

The site slopes to the south (moderately) with Colchis Creek traversing the southern boundary before transecting the site and extending northwards. The site is affected by the Priority Habitat overlay, as well as flood prone areas.

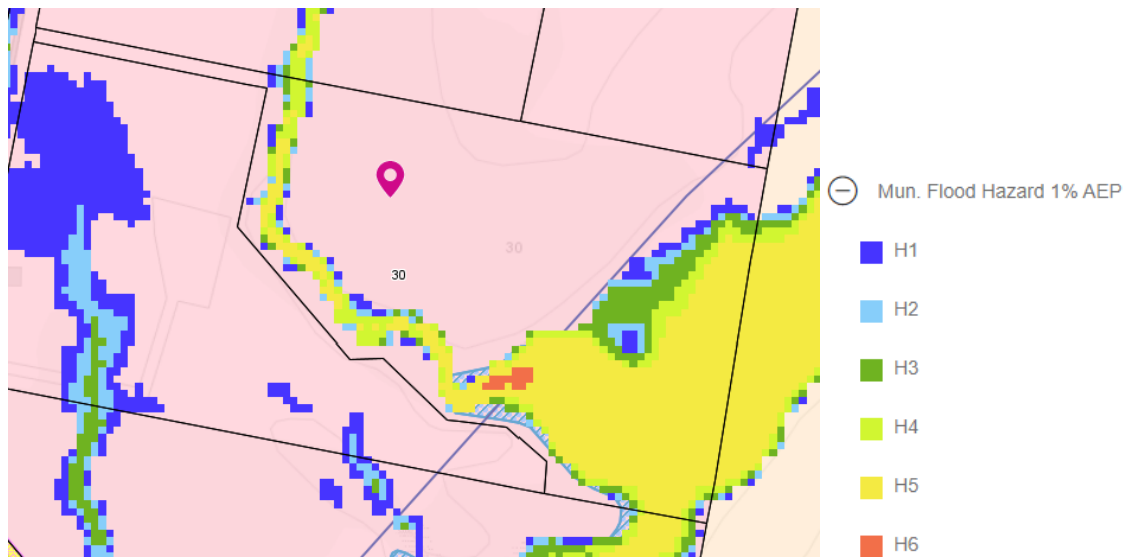


**Development Site**



 **Priority Habitat**

**Priority Habitat**



**Flood Prone Area**

## DISCUSSION:

- The Senior Town Planner advised that the application is for three (3) accommodation units, a bbq and amenities building and storage facility incorporating two (2) enclosed shipping containers. The bbq/amenities building and storage facility are associated with the visitor accommodation use.
- The Senior Town Planner advised that the development is located at Canhams Road, St Helens and is a 7.045 hectare internal lot. The undeveloped site retains substantial native vegetation with Colchis Creek crossing through the site and intersecting the access handle. The access handle is largely cleared of vegetation.
- The Senior Town Planner advised that the application relied on demonstrating it was able to satisfy nine (9) performance criteria associated with the:
  - Planning Directive No 6 Visitor Accommodation - being a new build
  - Rural Living Zone - combined gross floor area of outbuildings being greater than 81 m<sup>2</sup>
  - Road and Rail Assets Code - increasing annual average daily traffic by more than 10%
  - Flood Prone Areas Code - Colchis Creek crossing of access handle
  - Car Parking Code - not proposing an impervious seal to the access handle
  - Biodiversity Code
  - Water Quality Code - new culvert conditioned
- The Senior Town Planner advised that Council received two (2) representations which have been addressed in Section 5 of the report. These related to unlawful clearing of vegetation. The application has been conditioned to conduct replacement planting within the priority vegetation overlay. The development also is afforded exemptions within 5.4.1 of the planning scheme relating to fire hazard management. A representation was also received on various aspects of the scheme and the planning directive and these have been addressed in section 5.
- Clr McGiveron stated that he is satisfied that the report is very thorough and accepts the conditions.
- Clr LeFevre stated that it is good to see more accommodation units to become available as well as the 17 conditions.



- Clr Chapple stated that she is glad to see the extensive set of conditions however commented in regards to the removal of vegetation – how do you determine what has been taken and what is going back in. The Senior Town Planner stated that what we have to consider is the bushfire hazard report so we look at how much is accommodated through that and then the condition will bring in the priority habitat overlay.

#### **COUNCIL DECISION:**

**04/22.6.1.63**

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* Version 17, that the application for THREE (3) X ACCOMMODATION UNITS, BBQ/AMENITIES BUILDING & STORAGE FACILITY INCORPORATING TWO (2) ENCLOSED SHIPPING CONTAINERS on land situated at CANHAMS ROAD, ST HELENS described in Certificate of Title 179306/2 be APPROVED subject to the following conditions:

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  - c. surfaced with a pervious dust free, all weather surface and drained in a manner that will not cause stormwater nuisance.
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11. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
12. 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.
13. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).

## ADVICE

14. Certification of the onsite wastewater management system, by an engineer (hydraulic), is required prior to consent to install the same and construction.
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16. 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.



17. 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**

**04/22.6.2 DA056-2022 – 13 Lot Subdivision (11 Residential Lots (Including One (1) Balance Lot), One (1) Road Lot and One (1) Public Open Space Lot) – Lawry Heights, St Helens**

<b>FILE REFERENCE</b>	DA 056-22
-----------------------	-----------

**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 13 LOT SUBDIVISION (11 RESIDENTIAL LOTS (INCLUDING 1 BALANCE LOT), 1 ROAD LOT AND 1 PUBLIC OPEN SPACE LOT) on land situated at LAWRY HEIGHTS, ST HELENS described in Certificate of Title 141663/8 be APPROVED subject to the following 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.

<b>Approved Plans</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Plan of Subdivision	Sheet 1/2 46195-P06	PDA Surveyors	17 March 2022
Plan of Subdivision	Sheet 2/2 46195-P06	PDA Surveyors	17/13/2023 Note incorrect date provided
Traffic Impact Statement (TIS)	Rev A1	Andrew Howell	March 2021
Natural Values Report	Lot 8 Lawry Heights, St Helens - Version 2.	Scott Livingston	7 December 2021
Bushfire Hazard Management Report: Subdivision	Lot 8 Ocean vista Drive, Lawry Heights - Version 2.	Scott Livingston	7 December 2021
Lawry Heights Subdivision Stormwater Impacts	Memo	Hydrodynamica	8 July 2021

2. Approval is for eleven (11) residential lots, one road lot and one public open space lot.
3. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.

4. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2022/00313-BODC** as attached to this permit.
5. Submit to Council a Consent to Register a Legal Document for the development from TasWater confirming:
  - a. a reticulated water supply network connection is available to each lot; and
  - b. a sewerage network connection is available to each lot; and
  - c. all the requirements of TasWater have been satisfied.

The Consent to Register a Legal Document is required prior to submitting to the Council any request for approval of a plan of subdivision (i.e. Survey Plan).

5. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed in accordance with TasNetworks Service and Installation Rules current version. Submit to Council a Certificate of Completion for the development provided by TasNetworks, confirming all approved lots are provided with underground power connection to each lot. The Certificate of Completion is required to be provided prior to submitting to Council any request for approval of a plan of subdivision (i.e. survey plan).
6. An underground telecommunications system, including broadband internet must be provided to service all lots and installed to the approval of the Responsible Authority.
7. A Restrictive Covenant is to be prepared to ensure the requirements of the Bushfire Hazard Management Report are adhered to and property owners are aware of requirements of maintaining hazard management areas with each respective lot created.
8. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including property access, specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of Council's Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council's Manager Infrastructure and Development Services.

**a. Stormwater**

- i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve.

- ii. Prior to the commencement of any development on site, unconditional certification of the storm water design of the subdivision, which includes the design life of the proposed development and compliance with current version of ARR 2019 incorporating Tasmanian requirements for climate change and sea-level rise, must be provided to Council by a qualified professional engineer practicing in the fields of hydrology and hydraulics.  
Underground Stormwater Infrastructure, located on Lawry Heights and between Ocean Vista Drive and Council Public Open Space (PID2503461) is to be upgraded to a standard to safely and efficiently collect and transfer additional stormwater from the proposed development within Council's stormwater system. Consideration is to be given to anticipated further development associated with the development site when determining upgrade of stormwater infrastructure. Stormwater infrastructure upgrade design is to be certified by a qualified professional engineer.
- iii. Each of lots 1 to 10 and Balance Lot must be provided with a connection to the Council's stormwater system, constructed by a licenced plumber in accordance with LGAT Standard Drawings.
- iv. No works are to be undertaken within the public road reserve, including but not limited to stormwater connections, until a permit to undertake works in the road reservation has been issued by Council. All permitted works within the road reserve are to be financed by the applicant.

#### **b. Roads**

- i. Provision of a fully constructed road for the full length of all the property frontages, complete with kerb and channel. An exception to this requirement is the balance lot. In this instance the fully constructed road is to extend to the access / crossover servicing the balance lot.
  - ii. Provision of a footpath located on one side of the road.
  - iii. Provision of a singular vehicle crossing for each lot within the subdivision, including the balance lot. All accesses need to be constructed in accordance with Standard Drawing TSD-RO9-V3.
  - iv. All necessary line marking and signage.
9. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds and rocks prior to Council accepting the development.
10. Prior to the commencement of the works, a site management plan must be submitted detailing how soil and water is to be managed on the site and adjoining Council owned public open space, during the construction process to prevent the escape of soil and sediments beyond the site boundaries. The management plan should be compatible with *"Waterways and Wetlands Works Manual – Environmental Best Practice Guidelines when undertaking Works on Waterways and Wetlands in Tasmania"* and is to include but not be limited to, the following:
- a) Allotment boundaries, contours, approximate grades of slope and directions of flow;
  - b) Location of adjoining roads, impervious surfaces, underground services and existing drainage;
  - c) Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling;

- d) Clearly identify vegetation for removal by tagging or other suitable identification method to clearly identify vegetation for removal and retention. Alternatively, delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling.
- e) Critical natural areas such as drainage lines/mapped watercourse, wetlands and unstable grounds;
- f) Erosion or siltation prevention;
- g) The estimated dates for the start and finish of the works;
- h) The erosion control practices to be used on the site such as cut off drains, fenced areas to be undisturbed, revegetation program, stabilisation methods etc.;
- i) The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps etc.;
- j) Timing of the site rehabilitation or landscaping program;
- k) Outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Plan by Council. The Plan must be implemented and maintained during construction to ensure that soil erosion is appropriately managed.

- 11. No trimming, filling or reshaping of the site is to occur which would result in a concentration of stormwater flow onto other property, or cause ponding or other stormwater nuisance.
- 12. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
- 13. The provision of infrastructure to all approved lots, including water, sewage, power, stormwater and telecommunications must be completed prior to submitting to Council any request for approval of a plan of subdivision (i.e. survey plan).
- 14. The developer will ensure that works proposed within Council owned public open space (PID 2503461) are contained as much as possible within the existing 2.5m wide drainage easement and
  - a. Disturbance / removal of native vegetation is minimised at all times;
  - b. Methods of stockpiling and reinstating of soil are employed;
  - c. Vegetating the disturbed area associated with the easement (2.5m wide), to a standard that allows the area to be maintained as contributing to the bushfire hazard management area for the created lots. Disturbed areas outside of the easement are to be revegetated with local endemic species that recognise proximity to adjacent dwellings existing and proposed. A proposed planting schedule (species and planting density) is to be submitted to Council for approval prior to commencement.
  - d. Weed management methods are employed.
- 15. Tag all trees to be removed and inspect for any signs of wildlife prior to any clearing on the site. Should any wildlife be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger.
- 16. Clearing of native vegetation must be limited to that which is necessary for the subdivision works and bushfire hazard management area. Clearing of native vegetation must not occur within the mapped watercourse.

17. Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any **hollows** observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property or adjoining Council owned land (PID2503461).
18. 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, roadway or into any drain, wetland or watercourse.
19. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
20. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

## ADVICE

- *All new road reservation and/or drainage reserve areas and public open space areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.*
- *TasNetworks has provided the following advice:  
"Based on the information provided, the development is not likely to adversely affect TasNetworks' operations."*

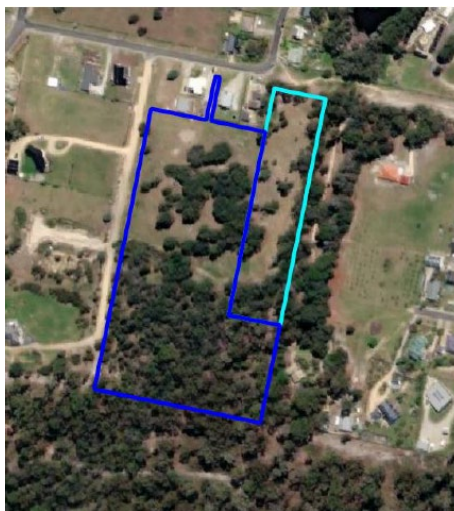
*As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at their earliest convenience".*

- *All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Infrastructure and Development Services.*
- *If any Aboriginal relics are uncovered during works:*
  - a) *All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction.*
  - b) *The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: 1300 487 045, Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au) and*
  - c) *The relevant approval processes will apply with state and federal government agencies.*

- *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 the subdivision of land at Lawry Height St Helens, CT141663/8. The proposal includes 11 residential lots, including the balance lot. Residential lots will be accessed via The application also includes proposed works on the adjoining Council owned land for the provision of services (stormwater and sewer) within an existing 2.5m wide easement. Lots will be accessed via Ocean Vista Drive and a newly created cul de sac.



**Subdivision Lot – Dark Blue line;  
Council Public Open Space – light blue line.**

## DISCUSSION:

- The Senior Town Planner advised that the application is for a 13 Lot Subdivision consisting of 11 Residential Lots (including one (1) Balance Lot), one (1) Road Lot and one (1) Public Open Space Lot. The application includes works on adjoining Council owned land for the provision of storm water and sewer services within an existing 2.5m wide easement.
- The Senior Town Planner stated that the 3.171 hectare existing site has primary frontage to Lawry Heights, St Helens with additional frontage to Ocean Vista Drive. The subdivision includes the creation of a cul-de-sac to service the created lots.
- The Senior Town Planner advised that the created lots range from 542m<sup>2</sup> to 1094m<sup>2</sup> with the Balance Lot achieving 2.24 hectares.
- The Senior Town Planner stated that the application relied on demonstrating it satisfied nine (9) performance criteria relating to the General Residential Zone (GRZ), Road and Rail Assets Code, Biodiversity Code and Water Quality Code.
- The Senior Town Planner advised that one (1) representation was received and this was addressed in section 5 of the report.
- Clr LeFevre stated that this will create much needed new residential lots however some are smaller than he would have liked.



- Cllr Wright stated that she is pleased that the applicant went back and listened to what representatives had mentioned previously.

#### COUNCIL DECISION:

**04/22.6.2.64**      Moved: Cllr B LeFevre / Seconded: Cllr K Wright

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 13 LOT SUBDIVISION (11 RESIDENTIAL LOTS (INCLUDING 1 BALANCE LOT), 1 ROAD LOT AND 1 PUBLIC OPEN SPACE LOT) on land situated at LAWRY HEIGHTS, ST HELENS described in Certificate of Title 141663/8 be APPROVED subject to the following 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			
Plan / Document Name	Reference Number	Prepared By	Dated
Plan of Subdivision	Sheet 1/2 46195-P06	PDA Surveyors	17 March 2022
Plan of Subdivision	Sheet 2/2 46195-P06	PDA Surveyors	17/13/2023 Note incorrect date provided
Traffic Impact Statement (TIS)	Rev A1	Andrew Howell	March 2021
Natural Values Report	Lot 8 Lawry Heights, St Helens - Version 2.	Scott Livingston	7 December 2021
Bushfire Hazard Management Report: Subdivision	Lot 8 Ocean vista Drive, Lawry Heights - Version 2.	Scott Livingston	7 December 2021
Lawry Heights Subdivision Stormwater Impacts	Memo	Hydrodynamica	8 July 2021

2. Approval is for eleven (11) residential lots, one road lot and one public open space lot.
3. The developer shall be required to contribute an amount in cash equivalent to 5% of the unimproved valuation of the land in lieu of the provision of open space, prior to the sealing of the Final Plan.
4. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA **2022/00313-BODC** as attached to this permit.
6. Submit to Council a Consent to Register a Legal Document for the development from TasWater confirming:
  - a. a reticulated water supply network connection is available to each lot; and
  - b. a sewerage network connection is available to each lot; and
  - c. all the requirements of TasWater have been satisfied.

The Consent to Register a Legal Document is required prior to submitting to the Council any request for approval of a plan of subdivision (i.e. Survey Plan).

5. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed in accordance with TasNetworks Service and Installation Rules current version. Submit to Council a Certificate of Completion for the development provided by TasNetworks, confirming all approved lots are provided with underground power connection to each lot. The Certificate of Completion is required to be provided prior to submitting to Council any request for approval of a plan of subdivision (i.e. survey plan).
6. An underground telecommunications system, including broadband internet must be provided to service all lots and installed to the approval of the Responsible Authority.
7. A Restrictive Covenant is to be prepared to ensure the requirements of the Bushfire Hazard Management Report are adhered to and property owners are aware of requirements of maintaining hazard management areas with each respective lot created.
8. Unless otherwise specified within a condition, all works must comply with the Municipal Standards including property access, specifications and standard drawings. Any design must be completed in accordance with Council's subdivision design guidelines to the satisfaction of Council's Manager Infrastructure and Development Services. Any construction, including maintenance periods, must also be completed to the approval of Council's Manager Infrastructure and Development Services.

**a. Stormwater**

- i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve.
- ii. Prior to the commencement of any development on site, unconditional certification of the storm water design of the subdivision, which includes the design life of the proposed development and compliance with current version of ARR 2019 incorporating Tasmanian requirements for climate change and sea-level rise, must be provided to Council by a qualified professional engineer practicing in the fields of hydrology and hydraulics.  
Underground Stormwater Infrastructure, located on Lawry Heights and between Ocean Vista Drive and Council Public Open Space (PID2503461) is to be upgraded to a standard to safely and efficiently collect and transfer additional stormwater from the proposed development within Council's stormwater system. Consideration is to be given to anticipated further development associated with the development site when determining upgrade of stormwater infrastructure. Stormwater infrastructure upgrade design is to be certified by a qualified professional engineer.
- iii. Each of lots 1 to 10 and Balance Lot must be provided with a connection to the Council's stormwater system, constructed by a licenced plumber in accordance with LGAT Standard Drawings.
- iv. No works are to be undertaken within the public road reserve, including but not limited to stormwater connections, until a permit to undertake works in the road reservation has been issued by Council. All permitted works within the road reserve are to be financed by the applicant.



**b. Roads**

- i. Provision of a fully constructed road for the full length of all the property frontages, complete with kerb and channel. An exception to this requirement is the balance lot. In this instance the fully constructed road is to extend to the access / crossover servicing the balance lot.
  - ii. Provision of a footpath located on one side of the road.
  - iii. Provision of a singular vehicle crossing for each lot within the subdivision, including the balance lot. All accesses need to be constructed in accordance with Standard Drawing TSD-RO9-V3.
  - iv. All necessary line marking and signage.
9. Any new nature strips, or areas of nature strip that are disturbed during construction, must be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds and rocks prior to Council accepting the development.
10. Prior to the commencement of the works, a site management plan must be submitted detailing how soil and water is to be managed on the site and adjoining Council owned public open space, during the construction process to prevent the escape of soil and sediments beyond the site boundaries. The management plan should be compatible with *“Waterways and Wetlands Works Manual – Environmental Best Practice Guidelines when undertaking Works on Waterways and Wetlands in Tasmania”* and is to include but not be limited to, the following:
  - a) Allotment boundaries, contours, approximate grades of slope and directions of flow;
  - b) Location of adjoining roads, impervious surfaces, underground services and existing drainage;
  - c) Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling;
  - d) Clearly identify vegetation for removal by tagging or other suitable identification method to clearly identify vegetation for removal and retention. Alternatively, delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling.
  - e) Critical natural areas such as drainage lines/mapped watercourse, wetlands and unstable grounds;
  - f) Erosion or siltation prevention;
  - g) The estimated dates for the start and finish of the works;
  - h) The erosion control practices to be used on the site such as cut off drains, fenced areas to be undisturbed, revegetation program, stabilisation methods etc.;
  - i) The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps etc.;
  - j) Timing of the site rehabilitation or landscaping program;
  - k) Outline of the maintenance program for the erosion and sediment controls.
11. No trimming, filling or reshaping of the site is to occur which would result in a concentration of stormwater flow onto other property, or cause ponding or other stormwater nuisance.

Works must not commence prior to the approval of the Soil and Water Management Plan by Council. The Plan must be implemented and maintained during construction to ensure that soil erosion is appropriately managed.

12. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
13. The provision of infrastructure to all approved lots, including water, sewage, power, stormwater and telecommunications must be completed prior to submitting to Council any request for approval of a plan of subdivision (i.e. survey plan).
14. The developer will ensure that works proposed within Council owned public open space (PID 2503461) are contained as much as possible within the existing 2.5m wide drainage easement and
  - a. Disturbance / removal of native vegetation is minimised at all times;
  - b. Methods of stockpiling and reinstating of soil are employed;
  - c. Vegetating the disturbed area associated with the easement (2.5m wide), to a standard that allows the area to be maintained as contributing to the bushfire hazard management area for the created lots. Disturbed areas outside of the easement are to be revegetated with local endemic species that recognise proximity to adjacent dwellings existing and proposed. A proposed planting schedule (species and planting density) is to be submitted to Council for approval prior to commencement.
  - d. Weed management methods are employed.
15. Tag all trees to be removed and inspect for any signs of wildlife prior to any clearing on the site. Should any wildlife be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger.
16. Clearing of native vegetation must be limited to that which is necessary for the subdivision works and bushfire hazard management area. Clearing of native vegetation must not occur within the mapped watercourse.
17. Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any **hollows** observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property or adjoining Council owned land (PID2503461).
18. 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, roadway or into any drain, wetland or watercourse.
19. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with and using the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE 2015, Eds. K. Stewart & M. Askey-Doran. DPIPWE, Hobart, TAS).
20. A copy of the final plan of survey and schedule of easements is to be submitted to Council for assessment of sealing. The plan will not be sealed until such time as all conditions on this permit have been complied with. Council may, at the developer's request, accept a bond or bank guarantee, for particular works or maintenance, to enable early seal and release of the final plan of survey.

## ADVICE

- All new road reservation and/or drainage reserve areas and public open space areas shall be transferred to Council prior to takeover of the subdivision works as council assets at no cost to Council.
- TasNetworks has provided the following advice:  
“Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations.

As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at their earliest convenience”.

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council’s Manager Infrastructure and Development Services.
- If any Aboriginal relics are uncovered during works:
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction.
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: 1300 487 045, Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au) and
  - c) The relevant approval processes will apply with state and federal government agencies.
- 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

### 04/22.6.3 DA269-2021 – Dwelling and Shed – Lot 19, 38 Annie Street, St Helens

FILE REFERENCE	DA 269-21
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#### OFFICER’S RECOMMENDATION:

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O’Day Interim Planning Scheme 2013* that the application for DWELLING AND SHED on land situated at Lot 19, 38 ANNIE STREET, ST HELENS described in Certificate of Title 156477/103 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.

<b>Approved Plans</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Sheet		Urban Design Solutions	20 January 2022
Survey plan extract	02 of 17 V-4	Urban Design Solutions	20 January 2022
Site plan	03 of 17 V-4	Urban Design Solutions	20 January 2022
Floor plan	05 of 17 V-4	Urban Design Solutions	20 January 2022
Elevations	06,07 of 17 V-4	Urban Design Solutions	20 January 2022
Shed Plans – Elevations and floor plans	SE, EE, FP, Unnumbered Sheet, EFE, SFE, CS	Rainbow Building Solutions	15 October 2021 and received by Council 16 February 2022

- 2 The crossover from the kerb to the property boundary (Annabel Drive) must be constructed in accordance with standard drawing TSD-R09-v3.
- 3 Prior to any work commencing on the stormwater connection and/or the crossover a permit must be obtained by submitting a Works Permit application form.
- 4 Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
- 5 Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
- 6 All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
- 7 All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

## **ADVICE**

1. 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 seeks planning consent for the construction of a single dwelling and a shed, located at Lot 19, 38 Annie Street, St Helens. A copy of the plans is contained in **Attachment A**.

## DISCUSSION:

- The Planning Officer advised that the site is 812m<sup>2</sup> and the application was discretionary on the side set back of the shed from the eastern boundary; It was also discretionary within the Road and Rail Assets Code as it is a corner site and has two (2) accesses.
- The Planning Officer stated that one representation was received. The representation was addressed in the body of the report.
- The Planning Officer stated that Council's Works Department reviewed the proposal and had no objections to the two (2) accesses.
- Clr Wright stated that she has no concerns with the application.
- Clr Chapple stated that it seems very straight forward.

## COUNCIL DECISION:

**04/22.6.3.65**      Moved: Clr K Wright / Seconded: Clr K Chapple

After due consideration of the application received and Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for DWELLING AND SHED on land situated at Lot 19, 38 ANNIE STREET, ST HELENS described in Certificate of Title 156477/103 be APPROVED subject to the following conditions:

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

Approved Plans			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Sheet		Urban Design Solutions	20 January 2022
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Shed Plans – Elevations and floor plans	SE, EE, FP, Unnumbered Sheet, EFE, SFE, CS	Rainbow Building Solutions	15 October 2021 and received by Council 16 February 2022

2. The crossover from the kerb to the property boundary (Annabel Drive) must be constructed in accordance with standard drawing TSD-R09-v3.
3. Prior to any work commencing on the stormwater connection and/or the crossover a permit must be obtained by submitting a Works Permit application form.
4. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
5. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.

- 6 All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within 2 metres of any Council owned infrastructure must be done in consultation with Council's Works Operations Manager.
- 7 All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.

#### **ADVICE**

1. 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 2015.*

## **04/22.7.0 COUNCIL MEETING ACTIONS**

### **04/22.7.1 Outstanding Matters**

The report was received.

## **04/22.8.0 PETITIONS**

Nil.

## 04/22.9.0 NOTICES OF MOTION

### 04/22.9.1 Notice of Motion – Provision of Crossing in Main Street, St Marys – Clr J Drummond

#### **MOTION:**

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

That Council re-consider the provision of pedestrian cross over points and/or traffic islands in the Main Street of St Marys.

#### **SUBMISSION IN SUPPORT OF MOTION:**

In mid 2018 Midson Traffic Pty were engaged by Council to look at the matter of the St. Marys pedestrian cross over points and traffic islands.

This was in response to community concerns being brought to Council concerning community members with mobility issues, those using mobility scooters or wheelchairs and young families with pushchairs experiencing difficulties when crossing the road.

A report was prepared, but was never implemented, due to the potential loss of parking spaces. However, the safety of pedestrians should be reconsidered as this road becomes busier and busier and harder to cross safely.

#### **COUNCIL DECISION:**

This item has been deferred to the May Council Meeting due to Clr Drummond being absent from the meeting.

### 04/22.9.2 Notice of Motion – Signage for Town Hall Car Park, St Marys – Clr J Drummond

#### **MOTION:**

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

That Council invest in better signage for the Town Hall Car Park in St Marys. This signing to include the entry points to town so that visitors, as well as locals, know of, and are encouraged to use the parking at the Town Hall car park.

#### **SUBMISSION IN SUPPORT OF MOTION:**

This matter has been raised previously but no action has resulted.

#### **COUNCIL DECISION:**

This item has been deferred to the May Council Meeting due to Cllr Drummond being absent from the meeting.

### **04/22.9.3                      Notice of Motion – Free Use of St Marys Town Hall – Cllr J Drummond**

#### **MOTION:**

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

That Council work with community groups and provide free use of the St Marys Town Hall, so that a Repair Cafes can be established and run by volunteers on a regular basis.

#### **SUBMISSION IN SUPPORT OF MOTION:**

This will result in a reduction of materials being sent to landfill for Council. If the model is successful it may be possible to extend this facility to other townships in the municipality.

#### **COUNCIL DECISION:**

This item has been deferred to the May Council Meeting due to Cllr Drummond being absent from the meeting.

### **04/22.10.0                      COUNCILLOR'S QUESTIONS ON NOTICE**

Nil.



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

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

### 04/22.11.1      **Safety Concerns with Private Access on Tasman Highway Roadworks – Clr K Wright**

There seems to be still some confusion around the issues with the access to Mr Stephens property on Tasman Highway, within the area of the road works.

1. Council response to my initial question regarding the dangers of access, was a statement that “No previous concerns had been raised” (presumably by the affected party, Mr Stephens). I question this statement, as I have seen copies of emails previously sent to Council staff in relation to this issue. Can this please be looked into?
2. There has apparently been a misunderstanding, that Mr Stephens requested a reduction of speed limit in the vicinity of his property. This was not the case, so Councils response to Mr Stephens has caused further confusion, as the response to Mr Stephens included information on the process to apply for the speed reduction. Mr Stephens has emailed Council asking why his initial question has not yet been answered, but instead informed the Department of State Growth that Mr Stephens was requesting a speed reduction, which is apparently incorrect. Can this matter please be clarified and appropriate response be given to Mr Stephens, regarding his initial question.

#### **Reply**

1. All correspondence from Mr Stephens prior to the Council meeting on 21 February related to the safety of the “kerbside” waste collection and identified the speed limit and sight distance as a contributing factor. Mr Stephens also suggested a Traffic Engineers report should be done. Council responded to Mr Stephens on 18 January and 7 February and also advised him that Council is not the road authority for the Tasman Highway. Mr Stephens was advised that his concerns were forwarded to the Department of State Growth (DSG) with a request for the department to respond to him regarding his suggestion for a Traffic Engineers report to be undertaken.
2. An email received from Mr Stephens the day after the Council meeting (22 February) contained a letter referring to “my unsafe access” and supporting photos. Council acknowledged receipt of the email on 24 February and advised that the email would be forwarded to DSG with a request for them to respond directly to Mr Stephens. Mr Stephens email was forwarded to DSG on 24 February.

3. Council is not the road authority for the Tasman Highway and Mr Stephens concerns have all been forwarded to DSG. Council have requested that DSG respond directly to Mr Stephens. DSG have advised that the matter is being managed by “the project team” and nominated a “Project Manager”. The Project Manager provided the following advice to Council on 7 March:

*The Tasmanian Government is committed to its Towards Zero – Tasmanian Road Safety Strategy, aimed at reducing serious injuries and fatalities on Tasmania’s roads. As such, work is being carried out on the Tasman Highway and includes realigning the road near Mr Stephens property to make it safer for all road users.*

*The Department of State Growth advises that the sight distance from Mr Stephens property access is some 190 metres looking to the north and over 300 metres looking south. These lengths satisfy national road design guidance for the operating speed of traffic using the road. For clarity, if a vehicle came into view just as a driver was pulling out of the access to turn right towards St Helens, it would take some 8 seconds for it to reach the access location, which is sufficient time for the exiting vehicle to move clear of the southbound traffic lane.*

*The Department also advises with regards to garbage collection, the upgraded road has about 1.5 metres of level space outside the edge of the traffic lane. This is considered suitable to place a normal sized garbage bin. Garbage collection trucks are fitted with orange flashing lights to alert drivers that they are slow moving and may stop. Additionally, the forward line of sight is adequate for a following driver to observe the truck, react and slow down.*

#### **04/22.11.2                      Request for Update - Motion Regarding Investigations for a Swimming Pool – Mayor M Tucker**

Could Council please be updated regarding the motion put up regarding investigations be undertaken into a swimming pool.

#### **Reply**

The General Manager advised that there has been a bit of chat on social media around a proposal for a swimming pool at the St Helens Sports Complex. The information on the draft Concept Plan was taken out of context as it was in relation to the updating of the St Helens Sports Complex Master Plan for the provision of a potential site for the future.

The General Manager advised that with regard to a previous notice of motion, we have conducted initial investigations on proposed or new facilities at George Town, Circular Head and Southern Midlands and Council Officers will report back to Council on these investigations. It will be necessary for Council to engage professional assistance to progress the investigations and there will be a budget allocation required for this analysis to be undertaken.

22.03.2022	St Helens	– Northern Tasmania Regional Land Use Strategy – Residential Demand and Supply Study
22.03.2022	St Helens	– Catch Up with St Helens Police
22.03.2022	St Helens	– Bendigo Bank Community Stadium Special Committee Meeting
23.03.2022	Canberra	– Australian Local Government Association – Board Meeting
24.03.2022	Canberra	– Australian Local Government Association – Board Meeting
25.03.2022	Canberra	– Australian Local Government Association – Board Meeting
04.04.2022	St Helens	– Council Workshop
12.04.2022	Devonport	– Local Government Reform – Elected Members Consultation
20.04.2022	St Helens	– Council Workshop

*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 report as Clr Osborne was absent.

NRM Special Committee – Clr Janet Drummond

- No report as Clr Drummond was absent.

East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- ECTT staffing matters were discussed including succession planning and strengthening administration procedures. It was noted that COVID is stretching many East Coast Business operators to the limit, particularly in relation to staff shortages. ECTT staff have also been impacted by COVID.
- A presentation from BODEC (Break O'Day Employment Connect) and SERDA (South East Region Development Association) was warmly received by the Board. Both organisations are kicking goals and making a significantly positive difference to employment in the area.
- Discussion took place about branding for the future. What will capture the audiences interest and publicise our region best, will be looking into that further.
- It was interesting to note that while visitor numbers are still below normal the average spend has risen dramatically.
- Glamorgan Spring Bay Council will make an announcement in June regarding their future funding of ECTT.

Mental Health Action Group – Clr Barry LeFevre

- Things progressing as mentioned previously we are trying to sure up funding from when we move from the Trial Site to whoever takes it over in the future.
- The Mental Health Action Group were sent a section of the budget that says that approximately \$46M will be given to regional areas which includes 31 Trial Sites.

#### Disability Access Committee – Clr Janet Drummond

- No report as Clr Drummond was absent.

#### Bay of Fires Master Plan Steering Committee – Clr Glenn McGuinness

- No report as Clr McGuinness was absent.

## **04/22.13.0 BUSINESS AND CORPORATE SERVICES**

### **04/22.13.1 Corporate Services Department Report**

<b>FILE REFERENCE</b>	018\018\001\
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#### **OFFICER'S RECOMMENDATION:**

That the report be received.

#### **INTRODUCTION:**

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

#### **DISCUSSION:**

- The Manager Corporate Services stated that another meeting with Bendigo Community Bank has taken place and this helped to confirm the last few items that need to be clarified to continue the transition and we should have a transition date shortly.
- The Manager Corporate Services commented in regards to the State Grants Commission meeting he attended via video link. The Manager Corporate Services stated that he mentioned to them that they need to look at coordinating their meetings around the Local Government Association of Tasmania (LGAT) so there are no future clashes to enable the Mayor and General Manager to attend. The State Grants Commission are still looking at the tourism cost adjuster and how it affects Break O'Day (BOD), there was more detail in our written report however he did feel that they weren't around how much free camping affects Break O'Day.
- The Manager Corporate Services stated that the other matter was around population change – this is more about when a major employer leaves an area.
- The Manager Corporate Services advised that he met with representatives from the Integrity Commission and advised that there is an online training module they would like us to use. This training would require all employees to have access to the internet during work hours therefore it is not a one size fits all. It really is a focus on prevention.

**COUNCIL DECISION:**

**04/22.13.1.66**      Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

**04/22.13.2**      **Monthly Financial Report**

<b>FILE REFERENCE</b>	018\018\001\
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**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending 30 November 2021 be received:

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

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**DISCUSSION:**

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

**COUNCIL DECISION:**

**04/22.13.2.67**      Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the following reports for the month ending 30 November 2021 be received:

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

**CARRIED UNANIMOUSLY**

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 stated that it feels like they are starting to get some very good numbers, but obviously it is still not where it has been pre Covid. They are getting over 100 people a day which indicates a good season. The Off Peak season may be different to normal, we will see how that progresses.
- The Manager Corporate Services stated that statistics are showing that more people are using devices to make bookings etc but people are still coming in for paper maps, etc which gives the opportunity to convince people to stay longer and spend more money in the community. The VIC is an opportunity for us to sell the area.

**COUNCIL DECISION:**

**04/22.13.3.68**      Moved: Clr K Wright / Seconded: Clr K Chapple

That the report be received.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	002\024\007\
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**OFFICER'S RECOMMENDATION:**

That Policy LG41 Customer Service Charter be adopted as amended and Procedure Customer Service Charter be adopted

**INTRODUCTION:**

This Policy was reviewed in the context of compliance with the Local Government Act, with the requirement to record and report complaints. On that basis, the Policy was reviewed more extensively and the Policy and Procedure elements separated.

**DISCUSSION:**

- The Manager Corporate Services stated that this was considered at a Council Workshop and no changes have been made.

**COUNCIL DECISION:**

**04/22.13.4.69**      Moved: Clr J McGiveron / Seconded: Clr K Wright

That Policy LG41 Customer Service Charter be adopted as amended and Procedure Customer Service Charter be adopted

**CARRIED UNANIMOUSLY**

**04/22.13.5**      **Adoption of 2022/2023 Schedule of Fees & Charges**

<b>FILE REFERENCE</b>	018\017\004\
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**OFFICER'S RECOMMENDATION:**

That Council adopt the Schedule of Fees & Charges 2022/2023 as presented.

**INTRODUCTION:**

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

**DISCUSSION:**

- The Manager Corporate Services advised that there have been a couple of changes since the workshop. We have since received the statutory charges from the State Government advising what the Penalty Fee Unit is and there was one (1) error in the community hire equipment for the Sandcruiser where it listed a bond of \$40 but it should be \$20 (this change will be amended).

**COUNCIL DECISION:**

**04/22.13.5.70**      Moved: Clr B LeFevre / Seconded: Clr K Chapple

That Council adopt the Schedule of Fees & Charges 2022/2023 as presented.

**CARRIED UNANIMOUSLY**

## 04/22.14.0 WORKS AND INFRASTRUCTURE

### 04/22.14.1 Works and Infrastructure Report

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

That the report be received by Council.

#### INTRODUCTION:

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

#### DISCUSSION:

- The Works Operations Manager stated that at the moment Council's biggest concern is getting contractors due to Covid hitting teams and it is difficult to communicate this to the public as it changes by the day.
- Cllr Chapple asked when the walkway around Parkside is commencing. The Works Operations Manager advised that the intent is to start next Tuesday 26 April.
- Cllr LeFevre asked, has a date been proposed for the works to commence at Kirwans Jetty. The Works Operations Manager advised that the arrangement with the contractor is to start next week depending on their Covid situation, the pole driving will start with and then construction.
- Cllr McGiverson stated that the footpath looks good between IGA and Newman Street, St Marys. They have done a good job in adverse conditions.

#### COUNCIL DECISION:

**04/22.14.1.71** Moved: Cllr J McGiverson / Seconded: Cllr B LeFevre

That the report be received by Council.

**CARRIED UNANIMOUSLY**

### 04/22.14.2 Animal Control Report

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

That the report be received by Council.



## INTRODUCTION:

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

## DISCUSSION:

No discussion took place on this item.

## COUNCIL DECISION:

**04/22.14.2.72**      Moved: Cllr B LeFevre / Seconded: Cllr K Wright

That the report be received by Council.

**CARRIED UNANIMOUSLY**

## 04/22.15.0      COMMUNITY DEVELOPMENT

### 04/22.15.1      Community Services Report

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

That the report be received.

## INTRODUCTION:

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

## DISCUSSION:

- The General Manager stated that we have a few things happening. The Bay of Fires Master Plan next meeting is scheduled to take place in the next couple of weeks to finalise the brief and then out to a public Expressions of Interest (EOI) process. We are also still having conversations with Parks and Wildlife Services (PWS) regarding further funding for this.
- The General Manager advised that the St Helens Recreation Ground Master Plan is currently out for community comment.
- The General Manager commented in relation to the Township Plan Meetings – we have had four (4) so far which have been really good with good information coming out of these.
- The General Manager stated, in relation to Burns Bay there is nothing further to add. Cllr McGiveron advised that he has sent an email to local MP John Tucker a couple of weeks ago and he is awaiting a reply.

#### **COUNCIL DECISION:**

**04/22.15.1.73**      Moved: Clr K Wright / Seconded: Clr K Chapple

That the report be received.

**CARRIED UNANIMOUSLY**

#### **04/22.15.2      Draft Community Engagement Strategy – Community Engagement**

<b>FILE REFERENCE</b>	002\024\004\
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#### **OFFICER’S RECOMMENDATION:**

That Council endorses the Draft Community Engagement Strategy to go out to the Break O’Day community for feedback as per the Communications Plan.

#### **INTRODUCTION:**

Community Engagement in Local Government is a planned, two-way process. Ensuring individuals, stakeholders and community groups have the opportunity to participate in decision-making processes that affect them and enrich project outcomes and issues resolution.

The development and adoption of a Community Engagement Strategy by Council will provide an important framework to ensure that Council’s community engagement approach is understood by our community and increased participation is achieved.

#### **DISCUSSION:**

- The Communications Coordinator stated that we have developed a survey to fit with the strategy.
- The Communications Coordinator stated that as we opened this up with the Township Plans we have received a bit of feedback already.
- Clr LeFevre stated that we can have a really good plan but it is up to the individuals who actually run the sessions and the people which attend to provide input.

#### **COUNCIL DECISION:**

**04/22.15.2.74**      Moved: Clr K Chapple / Seconded: Clr B LeFevre

That Council endorses the Draft Community Engagement Strategy to go out to the Break O’Day community for feedback as per the Communications Plan.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	004\010\006\
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**OFFICER'S RECOMMENDATION:**

Council provide additional support for this event in 2022 by waiving the Stadium hire fees for the nine (9) day hire but the Bay of Fires Arts Association will be responsible for the cleaning costs of the facility during the hire period totally \$440.00.

**INTRODUCTION:**

Council has received a request from the Bay of Fires Arts Association requesting assistance from Council to waiver the cost and hire fees associated with hiring the Bendigo Bank Community Stadium for the Bay of Fires Winter Arts Prize held in June 2022.

**DISCUSSION:**

- The General Manager advised that clarification was provided and passed onto Councillors with regard to cleaning and their usage.
- Clr McGiveron stated that he had no problem with this however there are a lot of organisations that are not for profit and he was wondering if this will prompt further requests.
- Clr Wright stated with regard to Clr McGiveron's comments she thinks that this is something that maybe we should be considering for other groups.
- Mayor Tucker stated that this has been noted and it is for one (1) year not ongoing to try and help the Bay of Fires Arts Association and he takes on board Clr McGiveron's comments and open the door for others, let's judge this on its merits in the first year.

**COUNCIL DECISION:**

**04/22.15.3.75**      Moved: Clr K Chapple / Seconded: Clr K Wright

Council provide additional support for this event in 2022 by waiving the Stadium hire fees for the nine (9) day hire but the Bay of Fires Arts Association will be responsible for the cleaning costs of the facility during the hire period totally \$440.00.

**CARRIED UNANIMOUSLY**

## 04/22.16.0 DEVELOPMENT SERVICES

### 04/22.16.1 Development Services Report

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

That the report be received.

#### INTRODUCTION:

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

#### DISCUSSION:

- The Development Services Coordinator stated that as Councillors would have noted there was a huge amount of work that has gone into the LPS representations received.
- The Development Services Coordinator stated that the Building Surveyor role has now been filled which is great.
- The Development Services Coordinator stated that the construction of the St Marys toilet block at the Community Space has had a bit of delay but is now back on track.

#### COUNCIL DECISION:

**04/22.16.1.76**      Moved: Cllr J McGiveron / Seconded: Cllr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

## 04/22.16.2 NRM Committee Meeting – Receipt of Minutes

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

That Council receive the Minutes of the NRM Committee Meeting held on 15 March 2022 and consider any items from the Committee for further Council attention.

#### INTRODUCTION:

The Break O'Day NRM Special Committee met on 15 March 2022 at the Break O'Day Child and Family Centre.

#### DISCUSSION:

- Clr LeFevre stated that it is concerning that a quorum couldn't be raised.
- Clr Chapple stated that they had a meeting last week and we did have a quorum and we are looking at a couple of additional members.

#### COUNCIL DECISION:

**04/22.16.2.77**      Moved: Clr K Chapple / Seconded: Clr K Wright

That Council receive the Minutes of the NRM Committee Meeting held on 15 March 2022 and consider any items from the Committee for further Council attention.

**CARRIED UNANIMOUSLY**

#### 04/22.16.3 Break O'Day Council Cat Management Program – Winter 2022 Actions

FILE REFERENCE	003\001\003\
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#### OFFICER'S RECOMMENDATION:

That Council endorses plans for two (2) cat management activities in Break O'Day: offering a Council microchipping and de-sexing subsidy for Break O'Day cats, and partnering with the RSPCA and local veterinarian to trial a mobile Cat Management Facility for targeted management of stray and roaming cat populations.

#### INTRODUCTION:

High priorities for cat management in Break O'Day from the Northern Regional Cat Management Strategy are:

- encouraging microchipping and de-sexing of cats by offering a subsidy to offset costs, and
- developing the means and capacity to run targeted cat population management activities (trapping, holding, managing and rehoming stray and roaming cats).

#### DISCUSSION:

No discussion took place on this item.

#### COUNCIL DECISION:

**04/22.16.3.78**      Moved: Clr B LeFevre / Seconded: Clr K Chapple

That Council endorses plans for two (2) cat management activities in Break O'Day: offering a Council microchipping and de-sexing subsidy for Break O'Day cats, and partnering with the RSPCA and local veterinarian to trial a mobile Cat Management Facility for targeted management of stray and roaming cat populations.

**CARRIED UNANIMOUSLY**

## 04/22.17.0 GOVERNANCE

### 04/22.17.1 General Manager's Report

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

That the General Manager's report be received.

#### INTRODUCTION:

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

#### DISCUSSION:

- The General Manager stated that he has had a meeting with the Department of Health and Human Services (DHHS) regarding the helicopter landing area at the hospital. It was very interesting information from their aviation consultant with the calculations to establish an approach path. The General Manager is hoping to have a meeting with Tasmania Police and DHHS mid May.
- The General Manager commented on the Local Government Review process – we are working on a submission which at this stage can only be fairly high level and it is focused primarily around economic development and wellbeing themes and highlighting that they haven't captured everything in these areas for Break O'Day. We will be working on completing this in the next few weeks.

#### COUNCIL DECISION:

**04/22.17.1.79** Moved: Clr K Wright / Seconded: Clr B LeFevre

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

### 04/22.17.2 Break O'Day Recreational Trails Strategy

FILE REFERENCE	22/05858 & 22/05878
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#### OFFICER'S RECOMMENDATION:

That Councillors receive the Break O'Day Recreational Trails Strategy – Draft for Consultation Report and that community feedback be sought.

## INTRODUCTION:

Grant funding from the Commonwealth Government as part of the Building Better Regions Fund Community Investments Stream Round 4 was received to fund the development of a Recreational Strategy for our municipality. This funding matched Councils contribution in the 2020 - 2021 budget of \$30,000.

Following an Expression of Interest process Council engaged TRC Tourism to develop the Recreational Trails Strategy.

The Strategy was developed following engagement with key stakeholders and broader community through facilitating face to face workshops and meetings as well as online surveys.

Council officers have undertaken several reviews of draft editions to form what is now presented for endorsement and consent to seek community feedback on the draft document by Council.

## DISCUSSION:

- The General Manager stated, as discussed at the Council Workshop we have received the Draft Strategy, staff have reviewed and given substantial feedback including feedback from Councillors which will be amended in the front end.

## COUNCIL DECISION:

**04/22.17.2.80**      Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That Councillors receive the Break O'Day Recreational Trails Strategy – Draft for Consultation Report and that community feedback be sought.

**CARRIED UNANIMOUSLY**

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

Moved: Clr J McGiveron / Seconded: Clr B LeFevre

**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

**04/22.18.0**      **CLOSED COUNCIL**

**04/22.18.1**      **Confirmation of Closed Council Minutes – Council Meeting 21 March 2022**

**04/22.18.2**      **Outstanding Actions List for Closed Council**

**04/22.18.3**      **General Manager’s Annual Leave – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

## **COUNCIL DECISION:**

### **TO BE PLACED IN THE PUBLIC MINUTES**

**04/22.18.3.CC**      Moved: Clr K Chapple / Seconded: Clr B LeFevre

That the General Manager’s proposed annual leave be noted and that the Manager Infrastructure and Development Services, David Jolly, be appointed as Acting General Manager.

**CARRIED UNANIMOUSLY**

**04/22.18.4**      **General Manager’s Performance Review – Closed Council Item Pursuant to Section 15(2)A of the Local Government (Meeting Procedures) Regulations 2015**

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

Moved: Clr B LeFevre / Seconded: Clr K Chapple

**CARRIED UNANIMOUSLY**

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.15am.

.....  
**MAYOR**

.....  
**DATE**