

# COUNCIL MEETING MINUTES

Monday 21 November 2022  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
21 November 2022

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

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

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

## OPENING

*The Mayor welcomed Councillors and staff and declared the meeting open at 10am.*

## 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.*

## 2022 LOCAL GOVERNMENT ELECTIONS – DECLARATIONS OF OFFICE

The General Manager advises that the Certificate of Election for the 2022 Local Government Elections was issued to the Break O'Day Council on 1 November 2022 (as per attached)

Section 321 of the Local Government Act 1993 (Tas) requires that:

- (1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.
- (2) A person elected as a councillor who has not made a declaration must not-
  - (a) act in the office of councillor, mayor or deputy mayor; or
  - (b) take part in the proceedings of any meeting of the council or a committee.
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting

The General Manager advises that the Councillors named in the Certificate of Election made their declarations of office as follows:

Clr Kristi Chapple at the Council office on 3 November 2022  
Clr Michael Tucker at the Council office on 4 November 2022  
Clr Ian Carter at the Council Chambers on 4 November 2022  
Clr Liz Johnstone at the Council Chambers on 4 November 2022  
Clr Vaughan Oldham at the Council Chambers on 4 November 2022  
Clr Gary Barnes at Fingal on 4 November 2022  
Clr Barry LeFevre at the Council office on 9 November 2022  
Clr Janet Drummond at the Council Chambers on 9 November 2022

The General Manager further advises that Clr Kylie Wright will be making her Declaration of Office on 17 November 2022.

### OFFICER'S RECOMMENDATION:

That Council:

1. Notes the Certificate of Election issued to the Break O'Day Council on 1 November 2022.
2. Acknowledges the Declarations of Office by Gary Barnes, Ian Carter, Kristi Chapple, Janet Drummond, Liz Johnstone, Barry LeFevre, Vaughan Oldham, Michael Tucker, and Kylie Wright.

### DISCUSSION:

Nil.

### COUNCIL DECISION:

**11/22.4.1.214**      Moved: Clr J Drummond/ Seconded: Clr B LeFevre

That Council:

1. Notes the Certificate of Election issued to the Break O'Day Council on 1 November 2022.
2. Acknowledges the Declarations of Office by Gary Barnes, Ian Carter, Kristi Chapple, Janet Drummond, Liz Johnstone, Barry LeFevre, Vaughan Oldham, Michael Tucker, and Kylie Wright.

**CARRIED UNANIMOUSLY**

## **11/22.1.0 ATTENDANCE**

### **11/22.1.1 Present**

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Gary Barnes  
Councillor Ian Carter  
Councillor Janet Drummond  
Councillor Barry LeFevre  
Councillor Vaughan Oldham

### **11/22.1.2 Apologies**

Nil

### **11/22.1.3 Leave of Absence**

Clr K Wright requested a leave of absence from the 1 November to 19 December 2022.

Clr L Johnstone requested a leave of absence from Council Meetings on 21 November 2022 and 19 December 2022 because of previously arranged caring responsibilities for her elderly mother which unfortunately cannot be changed.

### **11/22.1.4 Staff in Attendance**

General Manager, John Brown  
Executive Assistant, Rebecca Wood  
Manager Infrastructure and Development Services, David Jolly (1.0 – 18.3)  
Manager Community Services, Chris Hughes (1.0-17.6)  
Manager Business Services, Raoul Harper (1.0-17.6)  
Corporate Services Coordinator, Angela Matthews (1.0-17.6)  
Development Services Coordinator, Jake Ihnen (1.0-16.6)  
Senior Town Planner, Deb Szekely (1.0-6.3)  
Communications Coordinator, Jayne Richardson (1.0-17.6)  
NRM Facilitator , Polly Buchhorn (14.0-16.6)

## **11/22.2.0 PUBLIC QUESTION TIME**

Four (4 ) people in the gallery.

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

### 11/22.2.1

### St Marys Footpath – Barry Gillies

Would council consider extending the footpath from the Esk Highway up Cameron Street to Grant Street?

We now have three (3) people in motor scooters that have to use them on the road, as the grass verge is too difficult to traverse.

**Reply:**

A project scope will be developed by Council officers for consideration by the Council as a future potential project.

### 11/22.2.2

### DA 014-2022, 42 Lot Subdivision – Todd Dudley

In relation to the 42 lot subdivision at Tully Street being considered today DA 014-2022. It is my understanding that this development proposes to direct stormwater from the site into Medeas Cove which is a Conservation Area. The Break O’Day Coastal Lagoon Assessment report by North Barker for NRM North and Break O’Day Council (2009) lists urban development and increased nutrient and pollutant run off and increased sediment and nutrient input as key threats to Medeas Cove.

Can Council confirm that the permit conditions for the DA ensure the stormwater generated by this development will be properly treated before entering Medeas Cove and ultimately Georges Bay through measures such as pollutant traps, sediment traps, limits on site coverage on each lot to maintain permeable surfaces to absorb run off etc?

**Reply:**

The Planning Permit is appropriately conditioned to meet the required engineering standards.

The following will guide the sub-division stormwater system design and construction.

- Tasmanian Municipal Standards – Drawings
- Tasmanian Municipal specifications and Drawings
- Tasmanian Stormwater Policy Guidance and Standards for Development
- Tasmanian subdivision guidelines.
- Break O’Day Council Stormwater System Management Plan – adopted December 2019.
- Policy AM08 Subdivision New Works & Infrastructure Construction.

Does Council have a policy on stormwater management which provides guidance to developers and council staff on best practice stormwater management to be implemented as part of development applications?

**Reply:**

As listed above.

### 11/22.2.3

### Binalong Bay Foreshore – Todd Dudley



Binalong Bay Foreshore. The Break O'Day Council has leased part of the Binalong Bay foreshore (Humbug Point Nature Recreation Area) from Parks and Wildlife for many years now probably decades. During that time the condition of the land has declined year after year due to lack of weed management and illegal vegetation removal.

The lease area has unprecedented levels of weeds choking out the remnant native bushland.

Will Council allocate sufficient resources to ensure that the lease area is managed in accordance with the requirements of the management objectives for the Humbug Point Nature Recreation Area which will require a long term weed management program, ecological restoration of degraded sites and more measures to discourage illegal cutting and poisoning of native vegetation by local ratepayers?

**Reply:**

Council continues to undertake weed management activity in the foreshore area, including the removal of green and general garden waste dumped by local residents. Any cutting down of vegetation is reported to Parks & Wildlife Service for them to investigate and take action. They are the authority with the power to address this matter.

Council officers are currently in the process drafting a longer term Weed Management Plan for the portion of foreshore area that is leased to Council. The draft plan will be provided to the Council in due course. Implementation of the Plan and resource requirements will be discussed with Parks & Wildlife Service.

#### **11/22.2.4                      St Marys Pass – Sandra French AM**

1. “ Does the Break O’Day Council have within its Strategic Plan any action to pursue a designated large vehicle route from the escarpment to sea level to alleviate congestion and large vehicle use on St Marys Pass?”

The vehicles over the years have become larger and indeed much heavier on the pass.

The pass was originally built to carry horse and carriage or bullocks and drays and has catered for cars of course over many years but I believe for the safety of users and for the safety of the pass itself a dedicated road needs to be created for now and into the future.

Following or meeting a large B-Double is daunting enough for the locals, as you elected representatives know, but for tourists with whom I have spoken with, state that they will use another way to reach St Helens in the future.

If the Council does not have this action for a designated large vehicle route within the plan, I ask that this be discussed and included in the Strategic Plan and that discussions take place with both the State and Federal Governments for monies and engineering advice.

**Reply:**

The Council does not have within the Break O'Day Strategic Plan 2017-2027 a specific reference to alternatives for the St Marys Pass. A Strategic Plan is high level in nature and we have Infrastructure Strategies focused on responding to growing and changing needs of our community. Within Council's 2022-23 Annual Plan there is a specific Action (4.3.1.1) State Road Network - Pursue upgrades to State Government road infrastructure assets (Tasman Highway, Esk Main Road & Binalong Bay Road) to improve safety and reliability. There has been a similar action in previous years

2. My question relates to a question I posed in December 2019.

What has Council done or is doing with discussions concerning the pass / now passes with the State Government?

**Reply:**

The Council is continually raising with the State Government its concerns in relation to the St Marys Pass and the quality of road maintenance in general as well as the St Marys Pass specifically. Some examples of action taken prior to the recent flurry of correspondence and meetings include:

- 2023 State Budget Submission – requesting an investigation into an alternate route to the St Marys Pass
- March 2022 Notice of Motion to the Local Government Association of Tasmania – seeking the support of Councils around the State regarding an independent review of the construction and maintenance methodology being used by the Department of State Growth
- 2022 State Budget Submission – requesting an investigation into an alternative route to the St Marys Pass as well as raising concerns with State Highway maintenance
- November 2020 Letter to General Manager – State Roads – expressing concerns with State Road maintenance including St Marys Pass

Council now has a commitment from the Minister for Infrastructure, Michael Fergusson, and the Department of State Growth that an investigation of alternative routes will commence shortly after repairs are completed on the St Marys Pass. This is a significant step forward.

#### **11/22.2.5 Mowing of Grass, Scamander – Sandra French AM**

Is it intentional that the Break O'Day Council discriminates between people living on the southern and northern side of the Scamander River?

Why such a question you may ask?

For over 60 years my husband's family has lived on the northern side of the river where they as fisher people have enjoyed a safe walk to the river to be able to enjoy a quiet time, to enjoy a spot of fishing and to chat with visitors and tourists doing the same. Now when the summer season is

upon us the grass has not been cut (not happened before) and the area now looks uncared for at the height of the school holidays and the tourist season.

People staying at “Pelican Sands” and “Blue Seas” have had a great deal of angst in attempting to walk through very thick, wet, long grass to sit on the riverbank and fish because the Council has not cut the grass in over six weeks. I am being told it is because it is crown land. So, why is the grass being cut on the southern side, when that is part of the riparian area, that is, crown land?

Scamander was in the top 10 places to visit in Australia a while ago but it would certainly not receive a good outcome at the moment because of the “wilderness”.

The return visitors are asking why has the area become such a wilderness?

Scamander has always been very clean, neat and tidy on both sides of the river and the residents take great pride in their gardens and nature strips, cutting the grass outside their boundaries to achieve such.

The 80% of residents who are cutting their nature strips would be saving Council time and monies, so, surely this time could be used to quickly cut “the wilderness”.

If Council is adamant about this ridiculous and petty situation I ask that the area be mowed now before the dry summer weather commences so that the area does NOT become a fire hazard or a snake area. When the grass is kept low, reptiles can of course be easily seen.

I am utterly amazed that the Council can so easily discriminate between the north and the south of the village and a sensible outcome would be to cheerfully cut the grass as has been the case for years. This is the first time that I have ever seen the area in such a state of neglect. I respectfully ask that you reconsider “not cutting the grass” to “cutting the grass” to beautify both side of the Scamander River.

Thanking you for your time.

**Reply:**

The area of land on the northern side of the Scamander River is owned by The Department of Natural Resources and Environment and who have responsibility for the property. Council does not hold a lease over the area. The area is not included within our town maintenance mowing maps. Council does however mow the grass within the Wattle Drive road reservation.

We understand that the original owner and builder of the Blue Seas Villas constructed and installed seats in this area and then subsequent owners and Managers have looked after this area.

Council will take up the matter with our local member of Parliament, John Tucker and ask him if he could follow through with a request for the area to be maintained.

The area of land on the southern side of the Scamander River that is maintained by Council is a public land reserve, Council maintains the area as a result of having built infrastructure on the land and also because it owns part of the area.

## 11/22.3.0

## 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 K Chapple declared an interest in Agenda Item 11/22.6.1 – DA 014-2022 – 42 Lot Subdivision – 61A Tully Street, St Helens.

Clr G Barnes declared an interest in Agenda Item 11/22.6.3 – DA 244-2022 - Community Shed – 20 Talbot Street, Fingal.

Clr G Barnes declared an interest in Agenda Item 11/22.16.3 – Fingal Community Shed.

## 11/22.4.0

## CONFIRMATION OF MINUTES

### 11/22.4.1

### Confirmation of Minutes – Council Meeting 17 October 2022

#### OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 17 October 2022 be confirmed.

#### DISCUSSION:

Nil.

#### COUNCIL DECISION:

**11/22.4.1.215**      Moved: Clr K Chapple / Seconded: Clr J Drummond

That the minutes of the Council Meeting held on the 17 October 2022 be confirmed.

**CARRIED UNANIMOUSLY**

## 11/22.5.0

## COUNCIL WORKSHOPS HELD SINCE 17 OCTOBER 2022 COUNCIL MEETING

There was a Workshop held on Wednesday 9 November 2022 and the following items were listed for discussion.

- Local Government Association of Tasmania (LGAT) – Motions Received for December General Meeting

- 2022 – 2023 Annual Plan
- Animal Control Report
- Mannalargenna Day 2022
- Cornwall – Local Township Plan
- Mathinna – Local Township Plan
- Fingal – Local Township Plan
- Request to Reallocate Funding from Triathlon Event to Park Run Event
- Fitness on the Foreshore
- Request for Financial Support – St Helens Online Access Centre
- Pending Development Application Updates
- St Marys Indoor & Evacuation Centre – Community Feedback and Conceptual Design
- Fingal Community Shed
- NRM Committee Meeting Minutes 13 September 2022
- Nomination of Councillors for Council Representatives on Committees and Boards
- Council Meeting Dates and Workshop Dates for 2023
- Office Closure – Christmas to New Year
- Remote Connection to Council Meetings
- Live Streaming of Council Meetings – Cllr J Drummond
- Community Chat Concept (Councillors) – Cllr K Chapple

## 11/22.6.0 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.

Councillor K Chapple left the meeting at 10.11am.

### 11/22.6.1 DA 014-2022 – 42 Lot Subdivison – 61A Tully Street, St Helens

FILE REFERENCE	DA 014-22
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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 42 LOT SUBDIVISION on land situated at 61A TULLY STREET, ST HELENS described in Certificate of Title 140172/1 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 (Amended)	47661-P07	PDA Surveyors	31/10/2022
Traffic Impact Statement (TIS)	Final June 2022	Traffic and Civil Services	June 2022
Stormwater Management Report		Hydrodynamica	August 2022
Concept Fill Heat Map	47661	PDA Surveyors	24/01/2022

2. Approval is for thirty-eight (38) residential lots and four (4) road lots.
3. Approval is for the subdivision in 4 stages as follows:  
Stage 1: Lots 1-6, Road 101.  
Stage 2: Lots 7-21, Road 102.  
Stage 3: Lots 22-28, Road 103.  
Stage 4: Lots 29-38, Road 104.
4. The applicant must obtain a current (not less than one (1) month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The cash in lieu contribution shall total 5% of that value.
5. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2022/00225-BODC as attached to this permit.
6. Submit to Council a Consent to Register a Legal Document for the development from TasWater confirming:

- a) Reticulated water supply network connection is available to each lot
- b) Sewerage network connection is available to each lot
- c) That 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).

7. Detailed engineering drawings showing the upgrade of the Tully Street/Road Lot 101 Junction in accordance with items a) and b) below, must be provided to the Department of State Growth for review and acceptance as part of a works permit application (see NOTE):
  - a) The installation of a Junction warning sign W2-4A(L) on the Eastern approach (West Bound) to the proposed junction with a 100m distance plate W8-5A(100).
  - b) Retrofit of A Simple Left and Right turn junction layout as per DSG Urban Junction Standard SD84.001, showing a 8.8m Rigid Truck as the design vehicle for the left turn entry geometry.

*NOTE: A valid works permit is required for all works undertaken in the State road (Tully Street) reservation. Details of the permit process and application forms can be found at: [www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings/new\\_or\\_altered\\_access\\_onto\\_a\\_road\\_driveways](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways). Applications must be received by the Department of State Growth a minimum of twenty business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.*

8. The Developer shall enter into an agreement with Break O'Day Council as to the engineering performance and design standards applicable to this land development, including works proposed on Council owned land and adjacent privately owned land, in accordance with Break O'Day Council stated policies and requirements and the Tasmanian Subdivision Guidelines current version. Specifically, the subdivision will not adversely impact any neighbouring property.

The final agreement shall be subject to unconditional certification by a qualified civil engineer of all aspects of design and construction, commensurate with the design life of the development. Adopted design lives of buried infrastructure, and of the development as a whole, shall not be less than 100 years. Design lives of other infrastructure components which are to be handed over as public assets shall also be nominated. All of these matters shall be set out in a design report which accompanies the certification.

No physical work shall commence prior to the signing of this agreement.

#### **a) Stormwater**

- i) Provision shall be made to allow stormwater flow up to a 100-Year ARI storm, to flow overland without undue inundation of any properties. Flow paths are to be shown on the submitted engineering drawings.
- ii) Stormwater drainage networks shall not include open drains in private properties, open detention basins, or soakage pits for injection of stormwater into groundwater.
- iii) A stormwater connection point shall be provided at the lowest surface level on each Lot, capable of receiving the 1:5 (20%) AEP flows generated via each Lot.

- iv) As-built drawings, together with operations and maintenance manuals for any devices requiring servicing / checking (pump stations, pollutant traps etc.) shall be provided before the certified infrastructure is handed over.

**b) Roads**

- i) Provision of a fully constructed road for the full length of all the property frontages, complete with kerb and channel.
- ii) Provision of a footpath located on one side of the road.
- iii) Construct Road lots 101 and 102 to minimum road width of 8.9m consistent with LGAT Urban Roads Standard Drawing TSD-R06-v1.
- iv) Construct Cul-De-Sacs Road lots 103 and 104 to minimum road width of 6.9m consistent with LGAT Urban Roads Standard Drawing TSD-R06-v1. Cul-de-sac turning heads in accordance with Urban Roads Cul-de-sac Turning Heads TSD R07-v2.
- v) Provision of a singular vehicle crossing for each lot within the subdivision. All accesses need to be constructed in accordance with LGAT Urban Road Driveways Standard Drawing TSD-R09-v1.
- vi) All necessary line marking and signage.
- vii) Prior to sealing a Plan of Survey for Stages 2-4, the developer must provide a turning space (temporary and gravel) for each stage in accordance with the minimum standard required (Min. 12.5m radius).
- viii) 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.

**c) Electricity/telecommunications**

- i) 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).
- ii) An underground telecommunications system including broadband internet must be provided to service all lots and installed to the approval of the Responsible Authority.

9. 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.

- 10. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.
- 11. 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. Prior to Council's acceptance of these assets, there will be a 12-month defect liability period post practical completion after which the Council will undertake a final completion inspection. Any identified defects will be addressed by the developer before Council's acceptance of these assets.*
- *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

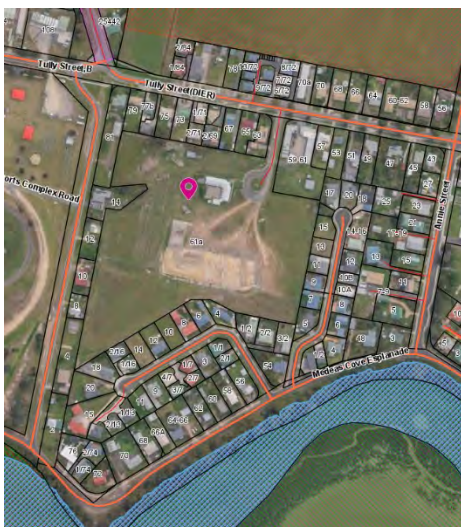
Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

## INTRODUCTION:

The Applicant is seeking approval for the subdivision of a 4.57ha lot located at 61A Tully Street, St Helens into 38 residential lots and 4 road lots. The site formerly operated as the Seabrook Christian School which closed in 2012. Since this time several proposals for the site, including outdoor education, Holiday Park and a museum have reached various stages of approval, however none were commenced. The school buildings remain but the 'existing use right' for the educational use has lapsed due the introduction of a new Planning Scheme in 2013, after the use was vacated in 2012. The land was subject to a further Planning Scheme Amendment in 2017, which rezoned the land from Community Purpose to General Residential. Under the current Planning Scheme, 'Educational and Occasional Care' uses are prohibited, except for a childcare centre.

Through this subdivision application, the 'residential' use class is to be assigned to the whole of the site. Should current or future land owners wish to demolish, re-use or redevelop the existing school building for any use, including residential use, a separate development application would be required and would be subject to the full range of relevant planning considerations, including on-site car parking, traffic and stormwater management, and impacts on adjoining residential land uses.



Locality Plan



Proposed Subdivision Plan

## DISCUSSION:

The Development Services Coordinator noted the following:

- Two (2) representations were received for this application.
  - The first representation related to public open space and after detailed assessment in accordance with Council policy it was found that this was not necessary due to the proximity to the sports complex. A cash in lieu payment for open space will be required and forms a condition of the permit.
  - The second representation related to flooding, inundation and stormwater design. Conditions within the permit, specifically condition eight (8), was customised for this development and this has addressed this concern for the planning phase. Further information will be provided before the commencement of work.
  - A minor error was found in the traffic impact assessment which refers to refers to 37 residential lots instead of 38. This is because there were two (2) lot 1s in the original plan. This is an administration error only and does not change the number of lots proposed or assessment criteria relied upon.
- Councillor LeFevre supported the recommendations and noted the extensive conditions.
  - Councillor Drummond asked does the stormwater get directed into Medeas Cove conservation area? The Development Services Coordinator said yes it does and as part of the engineering they are doing upgrades to that area.
  - Councillor Drummond asked if pollution and sediment traps would be included as part of this engineering. The Development Services Coordinated responded yes.
  - Councillor Drummond expressed her concern that the development is being approved without stormwater being finalised. The Development Services Coordinator said the specific concern raised was about properties on Heather Place, the plan originally included an open drain in this area and they have now come up with an alternative solution which forms part of the conditions of the permit and that these detailed designs are not a requirement at the planning stage.
  - Councillor Drummond noted that she wants to make sure we have enough safeguards in place regarding stormwater.
  - Councillor Carter asked if lot 104, which seems to open onto Young Street, is to provide access to the recreation area. The Development Services Coordinator advised that lot 104 refers only to the road lot number. Lots 101-104 are road lots which are being created as part of the subdivision. Councillor Carter clarified by asking will this road allow access to the recreation area. The Development Services Coordinator said this is not part of the proposal and pedestrian access to the existing public open space (St Helens Sports Complex) would be via Tully Street.

## COUNCIL DECISION:

**11/22.6.1.216**

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

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 42 LOT SUBDIVISION on land situated at 61A TULLY STREET, ST HELENS described in Certificate of Title 140172/1 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 (Amended)	47661-P07	PDA Surveyors	31/10/2022
Traffic Impact Statement (TIS)	Final June 2022	Traffic and Civil Services	June 2022
Stormwater Management Report		Hydrodynamica	August 2022
Concept Fill Heat Map	47661	PDA Surveyors	24/01/2022

2. Approval is for thirty-eight (38) residential lots and four (4) road lots.
3. Approval is for the subdivision in 4 stages as follows:
  - Stage 1: Lots 1-6, Road 101.
  - Stage 2: Lots 7-21, Road 102.
  - Stage 3: Lots 22-28, Road 103.
  - Stage 4: Lots 29-38, Road 104.
4. The applicant must obtain a current (not less than one (1) month old) valuation, by a registered land valuer, of the subject land, less one of the proposed lots. The cash in lieu contribution shall total 5% of that value.
5. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2022/00225-BODC as attached to this permit.
6. Submit to Council a Consent to Register a Legal Document for the development from TasWater confirming:
  - a) Reticulated water supply network connection is available to each lot
  - b) Sewerage network connection is available to each lot
  - c) That 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).
7. Detailed engineering drawings showing the upgrade of the Tully Street/Road Lot 101 Junction in accordance with items a) and b) below, must be provided to the Department of State Growth for review and acceptance as part of a works permit application (see NOTE):
  - a) The installation of a Junction warning sign W2-4A(L) on the Eastern approach (West Bound) to the proposed junction with a 100m distance plate W8-5A(100).

- b) Retrofit of A Simple Left and Right turn junction layout as per DSG Urban Junction Standard SD84.001, showing a 8.8m Rigid Truck as the design vehicle for the left turn entry geometry.

*NOTE: A valid works permit is required for all works undertaken in the State road (Tully Street) reservation. Details of the permit process and application forms can be found at: [www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings/new\\_or\\_altered\\_access\\_onto\\_a\\_road\\_driveways](http://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways). Applications must be received by the Department of State Growth a minimum of twenty business days prior to the expected commencement date for works in order to allow sufficient time for the application to be assessed. No works are to be undertaken until a written permit has been issued.*

8. The Developer shall enter into an agreement with Break O'Day Council as to the engineering performance and design standards applicable to this land development, including works proposed on Council owned land and adjacent privately owned land, in accordance with Break O'Day Council stated policies and requirements and the Tasmanian Subdivision Guidelines current version. Specifically, the subdivision will not adversely impact any neighbouring property.

The final agreement shall be subject to unconditional certification by a qualified civil engineer of all aspects of design and construction, commensurate with the design life of the development. Adopted design lives of buried infrastructure, and of the development as a whole, shall not be less than 100 years. Design lives of other infrastructure components which are to be handed over as public assets shall also be nominated. All of these matters shall be set out in a design report which accompanies the certification.

No physical work shall commence prior to the signing of this agreement.

**a) Stormwater**

- i) Provision shall be made to allow stormwater flow up to a 100-Year ARI storm, to flow overland without undue inundation of any properties. Flow paths are to be shown on the submitted engineering drawings.
- ii) Stormwater drainage networks shall not include open drains in private properties, open detention basins, or soakage pits for injection of stormwater into groundwater.
- iii) A stormwater connection point shall be provided at the lowest surface level on each Lot, capable of receiving the 1:5 (20%) AEP flows generated via each Lot.
- iv) As-built drawings, together with operations and maintenance manuals for any devices requiring servicing / checking (pump stations, pollutant traps etc.) shall be provided before the certified infrastructure is handed over.

**b) Roads**

- i) Provision of a fully constructed road for the full length of all the property frontages, complete with kerb and channel.
- ii) Provision of a footpath located on one side of the road.
- iii) Construct Road lots 101 and 102 to minimum road width of 8.9m consistent with LGAT Urban Roads Standard Drawing TSD-R06-v1.



- iv) Construct Cul-De-Sacs Road lots 103 and 104 to minimum road width of 6.9m consistent with LGAT Urban Roads Standard Drawing TSD-R06-v1. Cul-de-sac turning heads in accordance with Urban Roads Cul-de-sac Turning Heads TSD R07-v2.
- v) Provision of a singular vehicle crossing for each lot within the subdivision. All accesses need to be constructed in accordance with LGAT Urban Road Driveways Standard Drawing TSD-R09-v1.
- vi) All necessary line marking and signage.
- vii) Prior to sealing a Plan of Survey for Stages 2-4, the developer must provide a turning space (temporary and gravel) for each stage in accordance with the minimum standard required (Min. 12.5m radius).
- viii) 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.

**c) Electricity/telecommunications**

- i) 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).
- ii) An underground telecommunications system including broadband internet must be provided to service all lots and installed to the approval of the Responsible Authority.

9. 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.

10. Any restrictive covenants created by this subdivision are not to preclude the use/development of this land for State, Commonwealth or Local Government purposes.

11. 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. Prior to Council's acceptance of these assets, there will be a 12-month defect liability period post practical completion after which the Council will undertake a final completion inspection. Any identified defects will be addressed by the developer before Council's acceptance of these assets.*
- *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:*
  - d) *All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction.*
  - e) *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*
  - f) *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

Councillor K Chapple returned to the meeting at 10.20am.

### 11/22.6.2 DA 243-2022 – St Marys Indoor Recreation Complex – 2 Gray Road, St Marys

FILE REFERENCE	DA 243-2022
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#### OFFICER'S RECOMMENDATION:

After due consideration of the representation received pursuant to Section 58 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **SPORTS AND RECREATION - CONSTRUCTION OF ST MARYS INDOOR RECREATION COMPLEX** on land situated at **2 GRAY ROAD, ST MARYS** described in Certificate of Title 152467/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Job No: 21016, Drawing No: SK101 Revision P3	Edwards Simpson	+ 14.10.22
Floor Plan	Job No: 21016, Drawing No: SK241 Revision P3	Edwards Simpson	+ 29.09.22
Elevations	Job No: 21016, Drawing No: SK301 Revision P2	Edwards Simpson	+ 29.09.22
Elevations	Job No: 21016, Drawing No: SK302 Revision P3	Edwards Simpson	+ 29.09.22
Amended Planning Scheme Response		-	14 <sup>th</sup> October 2022

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2022/01651-BODC** as attached to this permit.
3. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of into Council's reticulated stormwater system (Reservoir) in accordance with the requirements of Council's Infrastructure and Development Services Manager.



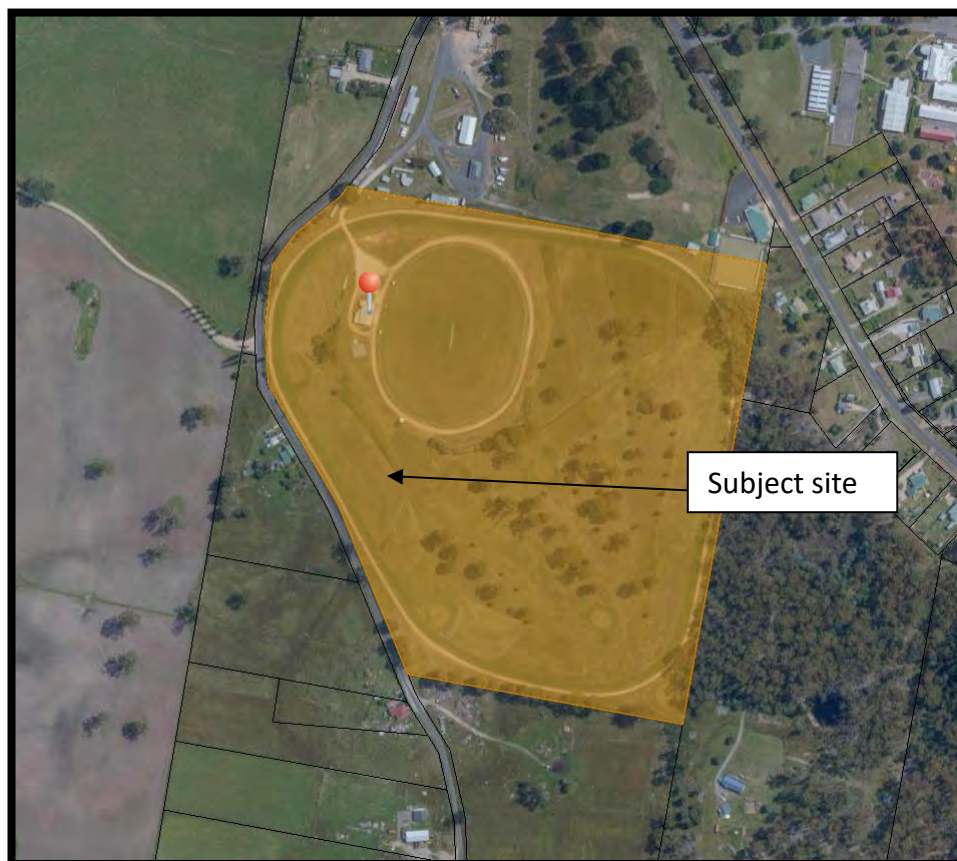
4. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
5. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

#### 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.*
- *Activities associated with construction works are not to be performed outside the permissible time frames listed:  
Monday - Friday 7 am to 6 pm  
Saturday 9 am to 6 pm  
Sunday and public holidays 10 am to 6 pm*

#### PROPOSAL SUMMARY:

Application is made for the demolition of an existing 240m<sup>2</sup> clubroom building and construction of a new indoor recreation building at 2 Gray Road, St Marys. Sports and Recreation use in the Recreation Zone is a permitted use without qualifications, under Table 18.2 of the *Break O'Day Interim Planning Scheme 2013*.



## DISCUSSION:

- The Senior Planning Officer advised that the use class for this development is Sport and Recreation and is a permitted application within that zone. The development includes the demolition of the existing building and construction of the new recreation building. The development has satisfied all acceptable solutions and approval is recommended with five conditions.
- Councillor Drummond and Councillor LeFevre both agreed this is a great project which is excellent for the valley.

## COUNCIL DECISION:

**11/22.6.2.217**      Moved: Clr J Drummond/ Seconded: Clr B LeFevre

After due consideration of the representation received pursuant to Section 58 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **SPORTS AND RECREATION - CONSTRUCTION OF ST MARYS INDOOR RECREATION COMPLEX** on land situated at **2 GRAY ROAD, ST MARYS** described in Certificate of Title 152467/1 be APPROVED subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Job No: 21016, Drawing No: SK101 Revision P3	Edwards Simpson +	14.10.22
Floor Plan	Job No: 21016, Drawing No: SK241 Revision P3	Edwards Simpson +	29.09.22
Elevations	Job No: 21016, Drawing No: SK301 Revision P2	Edwards Simpson +	29.09.22
Elevations	Job No: 21016, Drawing No: SK302 Revision P3	Edwards Simpson +	29.09.22
Amended Planning Scheme Response		-	14 <sup>th</sup> October 2022

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, **TWDA 2022/01651-BODC** as attached to this permit.

3. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed of into Council's reticulated stormwater system (Reservoir) in accordance with the requirements of Council's Infrastructure and Development Services Manager.
4. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
5. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

## 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.*
- *Activities associated with construction works are not to be performed outside the permissible time frames listed:*  
*Monday - Friday 7 am to 6 pm*  
*Saturday 9 am to 6 pm*  
*Sunday and public holidays 10 am to 6 pm*

## CARRIED UNANIMOUSLY

### 11/22.6.3 DA 244-2022 – Community Shed – 20 Talbot Street, Fingal

FILE REFERENCE	DA 244-2022
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## OFFICER'S RECOMMENDATION:

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Community Meeting & Entertainment – Community Shed** on land situated at **20 Talbot Street, Fingal** described in Certificate of Title CT 17192/1 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated

Site Plan	Job No: 21016, Sheet No's: SK001	Edward + Simpson	29/09/22 (Rev: P3)
Floor Plan	Job No: 21016, Sheet No's: SK002	Edward + Simpson	29/09/22 (Rev: P3)
Elevations	Job No: 21016, Sheet No's: SK003	Edward + Simpson	29/09/22 (Rev: P3)
Amended Planning Submission		-	14 <sup>th</sup> October 2022

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed to existing stormwater connection to Council's reticulated stormwater system.
3. 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.
4. Prior to the Community Shed commencing use on site, at least two vehicle parking spaces must be line marked or delineated for the building and use within the shed.
5. No further signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.

## 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.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:
  - Monday - 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 use and development of a community shed to be constructed at 20 Talbot Street, Fingal. Community meeting and entertainment use in the Community Purpose Zone is a permitted use without qualifications, under Table 17.2 of the *Break O'Day Interim Planning Scheme 2013*.





Site Photos

#### DISCUSSION:

- The Senior Planning Officer advised the use class for this development is community meeting and entertainment and is a permitted use within that zone. The development did need to satisfy ten performance criteria. Eight of the ten criteria were related to the heritage listing of the surrounding area. The development is recommended for approval with six conditions.
- Councillor LeFevre said this is a wonderful development for Fingal.
- The General Manager noted that the numbering of the permit conditions requires correction.

#### COUNCIL DECISION:

**11/22.6.3.218**      Moved: Clr B LeFevre/ Seconded: Clr J Drummond

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Community Meeting & Entertainment – Community Shed** on land situated at **20**

**Talbot Street, Fingal** described in Certificate of Title CT 17192/1 be **APPROVED** subject to the following conditions:

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

Approved Plans / Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Job No: 21016, Sheet No's: SK001	Edward + Simpson	29/09/22 (Rev: P3)
Floor Plan	Job No: 21016, Sheet No's: SK002	Edward + Simpson	29/09/22 (Rev: P3)
Elevations	Job No: 21016, Sheet No's: SK003	Edward + Simpson	29/09/22 (Rev: P3)
Amended Planning Submission		-	14 <sup>th</sup> October 2022

2. All stormwater runoff from the proposed development must be detained by on-site water storage systems and overflow disposed to existing stormwater connection to Council's reticulated stormwater system.
3. 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.
4. Prior to the Community Shed commencing use on site, at least two vehicle parking spaces must be line marked or delineated for the building and use within the shed.
5. No further signage is approved as a part of this permit; any future signage will be subject to a separate application should it be required.
6. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.

#### 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.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:
  - Monday - 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.*

## **11/22.7.0 COUNCIL MEETING ACTIONS**

### **11/22.7.1 Outstanding Matters**

The report was received.

## **11/22.8.0 PETITIONS**

Nil.

## **11/22.9.0 NOTICES OF MOTION**

### **11/22.9.1 Live Stream of Council Meetings – 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 develop a procedure to live stream Council meetings, this would provide for the live streaming of the public component of Council meetings. The streaming would not include the part of a meeting when Council is 'closed' to the public.

#### **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.

A live stream of proceedings would improve transparency and community engagement with Council Meetings and increase public access to Council decisions and debate, this was an issue frequently raised by many residents in the lead up to the local government election. I put this motion forward initially in 2018 and it was defeated.

Not all residents can attend Council meetings, due to distances and other commitments in their lives. The live streaming would allow greater access to the full proceedings by residents and would increase opportunities for public scrutiny and thus ensure greater governance outcomes.

On Council Meeting days, the public parts of the Council Meeting could be streamed live on a Break O'Day meeting stream channel (possibly on YouTube). Past recordings could be listened on a meeting stream channel. This model is in place in various other Council areas within Tasmania.

A live stream of meetings would capture the debate, discussion and behaviour of councillors, and the nuances that are not reflected in text-based minutes. This would lead to greater transparency and public scrutiny of behaviour within the chamber. 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".

I have conducted a quick scan of the 29 council websites in Tasmania and from the information contained on those pages, it appears that 12 councils provide live streaming, this is however not a comprehensive audit. This number has increased since I last conducted an audit in December of 2018.

[Break O'Day Council](#) – Audio recording  
[Brighton Council](#) – Audio recording  
[Burnie Council](#) – Live streaming  
[Central Coast Council](#) – Live streaming  
[Central Highlands Council](#) – No recording  
[Circular Head Council](#) – Live streaming  
[Clarence City Council](#) – Audio visual recordings  
[Derwent Valley Council](#) – Audio visual recordings  
[Devonport City](#) – Live streaming  
[Dorset Council](#) – Audio recording  
[Flinders Council](#) – No recording  
[George Town Council](#) – Audio recording  
[Glamorgan Spring Bay Council](#) – Live streaming  
[Glenorchy Council \(City of Glenorchy\)](#) – Live streaming  
[Hobart City Council \(City of Hobart\)](#) – Live streaming  
[Huon Valley Council](#) – Live streaming  
[Kentish Council](#) – Audio recording  
[Kingborough Council](#) – Live streaming  
[King Island Council](#) – Audio recording  
[Latrobe Council](#) – No recording  
[Launceston Council \(City of Launceston\)](#) – Live streaming  
[Meander Valley Council](#) – Audio recording  
[Northern Midlands Council](#) – No recording  
[Sorell Council](#) – Live streaming  
[Southern Midlands Council](#) – Audio recording  
[Tasman Council](#) – No recording  
[Waratah-Wynyard Council](#) – Audio visual recordings  
[West Coast Council](#) – Live streaming  
[West Tamar Council](#) – No recording

## DISCUSSION:

- Councillor Drummond advised that this was considered some years ago but has been brought up again as there has been a large shift in the community since then.



- Councillor Chapple fully supported the motion and recognised that it gives people in the community greater opportunity to participate.

## COUNCIL DECISION:

**11/22.9.1.219**      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 Council meetings, this would provide for the live streaming of the public component of Council meetings. The streaming would not include the part of a meeting when Council is 'closed' to the public.

**CARRIED UNANIMOUSLY**

## 11/22.10.0      COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

## 11/22.11.0      COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

Nil.

## 11/22.12.0      MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 11/22.12.1      Mayor's Communications for Period Ending 21 November 2022

25.10.2022	<b>St Helens</b>	– Judging of Student Artworks for Welcome to Town Christmas Signs
27.10.2022	<b>St Helens</b>	– Emerging Community Leaders Program Panel
28.10.2022	<b>St Helens</b>	– Launch of the Ardea Subdivision
01.11.2022	<b>Hobart</b>	– Australian Local Government Association (ALGA) Board Meeting and Annual General Meeting
02.11.2022 03.11.2022	<b>Hobart</b>	– National Local Road and Transport Congress
07.11.2022	<b>St Helens</b>	– Radio Interview
08.11.2022	<b>St Helens</b>	– Athletic Club Meeting

09.11.2022	<b>St Helens</b>	– Council Workshop
11.11.2022	<b>St Helens</b>	– Remembrance Day Ceremony
17.11.2022	<b>St Helens</b>	– Meeting with John Tucker MP
17.11.2022	<b>St Helens</b>	– Guest Speaker at Panorama Hotel
18.11.2022	<b>St Helens</b>	– Community Garden Open Day
19.11.2022	<b>St Marys</b>	– Meeting with Minister Ferguson and John Tucker MP regarding St Marys Pass

- Mayor Tucker provided the following update on St Marys Pass:
  - There were multiple small landslips which needed to be cleared before workers were able to access the main landslip area and the area needed to be stabilised before any work was able to commence.
  - There are significant challenges with work on the site such as a trucks needing to reverse from the top of St Marys Pass down to the worksite as there is no suitable area for the vehicle to turn around.
  - Before major repairs to the Pass can commence they need to dig down until they reach hard rock so that they are able to install a toe. They are unaware how far down they will need to go to reach hard rock.
  - Crews will be working on the pass 12 hours per day, seven days a week.
  - State Growth are working towards getting the St Marys Pass open for traffic prior to Christmas but at this stage this cannot be confirmed.
  - Mayor Tucker discussed the need for an alternate route with the Minister and together they looked at the old hydro line route as a potential opportunity which does not bypass any of the townships within our municipality.
  - Minister Ferguson has given his word that once the Pass has been repaired and Christmas has past they will commence discussions regarding an alternate access route.
  - Mayor Tucker has spoken to Brian Mitchell MP and he has given his word as Federal Member that he will support any requests for funding in regards to this issue.
- Councillor Drummond asked where the date of 31<sup>st</sup> January 2023 which appeared in an article in the Examiner came from.
- Mayor Tucker indicated that he had not seen or heard this date in any communications about the St Marys Pass and believed it to be a misrepresentation by the Examiner.

## 11/22.12.2 Councillor's Reports for Period Ending 21 November 2022

*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 – former Clr Margaret Osborne OAM

- Councillor Chapple attended the most recent meeting as an observer as was able to share the following information:
  - They are going to push for the sealing of Ansons Bay Road from Ansons Bay to St Helens.
  - They have some concerns regarding fuel reductions burns which haven't been attended to in the last seven (7) years.
  - They are looking at providing welcome packs for businesses similar to our new resident packs.

#### NRM Special Committee – Clr Janet Drummond

- The next meeting is due to take place on 6 December 2022.

#### East Coast Tasmania Tourism (ECTT) – Clr Barry LeFevre

- Grace Keath has commenced in her new role as CEO and the next meeting is due to take place on 29 November 2022.

#### Mental Health Action Group – Clr Barry LeFevre

- Councillor LeFevre advised he had a phone conversation last week trying to find out what is happening this year. They have received funding for twelve months which allowed Casey to be employed plus the development of online modules for the community. Councillor LeFevre has asked about a budget pledge for additional funding.

#### Disability Access Committee – Clr Janet Drummond

- The next meeting is due to take place on 25 November 2022 to finalise planning for the International Disability Day event. This event will be based around art being used as therapy and will have guest speakers, flower arranging, mosaic making and a walk in nature.

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

Nil.

## **11/22.13.0 BUSINESS AND CORPORATE SERVICES**

### **11/22.13.1 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 Business Services highlighted the following:
- The finalisation of the Tasmanian Audit Office review of the 2021/2022 financials. This was an onerous process and he thanked the staff, Accountant and General Manager for their assistance. There were no problems however communication from the Audit Office was very poor.
- The Roads to Recovery audit was done and thanked the Manager Infrastructure and Development Services for his support.
- We have exercised the two year option to extend Audit Panel chair Andrew Gray.
- With the rise in interest rates, Council's investments are getting a far greater return which is helping to cover the increase we have seen in operating costs.

## **COUNCIL DECISION:**

**11/22.13.1.220**      Moved: Clr K Chapple/ Seconded: Clr J Drummond

That the report be received.

**CARRIED UNANIMOUSLY**

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

That the following reports for the month ending 31 October 2022 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023
5. Profit and Loss

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**DISCUSSION:**

The Manager Business Services noted the following:

- The significant challenge for new Councillors to understand Council finances as they are quite different to reporting for businesses.
- Depreciation is up 10% on what was budgeted based on a revaluation of assets. This has been hit by an increase in the Council Cost Index and the increase to replace goods and assets if required.
- The Capital Works program is starting to roll forward, a lot of work with wet weather has been reactionary.
- Mayor Tucker asked if the operating expenses for plant hire external was due to the damage to road infrastructure with wet weather. The Manager Business Services advised he would need to confirm this and report back to Council.

**COUNCIL DECISION:**

**11/22.13.2.221**

Moved: Clr K Chapple/ Seconded: Clr B LeFevre

That the following reports for the month ending 31 October 2022 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2022-2023
5. Profit and Loss

**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 Business Services recognised the staff at the centre do such a great job, in particular Deb and Kym, are doing an incredible job with the number of people coming in regarding road closures and alternate routes. They are experiencing lots of challenges with tourists who are expecting to easily get to Launceston within two hours as this is what they had researched before coming to the area.
- The Manager Business Services provided an update on the issues with the projector in the History Room for new Councillors. The new laser projector is expected to be installed between 10-15 December before Christmas.

**COUNCIL DECISION:****11/22.13.3.222**Moved: Clr B LeFevre/ Seconded: Clr I Carter

That the report be received.

**CARRIED UNANIMOUSLY**

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

That Council receive the minutes of the Audit Panel meeting of 3<sup>rd</sup> of October 2022.

**INTRODUCTION:**

Council's Audit Panel meets every three months and the minutes of each meeting are provided to Council.

**DISCUSSION:**

- The Manager Business Services explained to Councillors that it is a legislative requirement for Council to have the Audit Panel and provides a level of independent review. Each quarter staff provide the Audit Panel with the information they require and this is a significant amount of work.

#### **COUNCIL DECISION:**

**11/22.13.4.223**

Moved: Clr K Chapple/ Seconded: Clr J Drummond

That Council receive the minutes of the Audit Panel meeting of 3<sup>rd</sup> of October 2022.

#### **CARRIED UNANIMOUSLY**

The meeting adjourned at 11.00am.

The meeting resumed at 11.26am.

## **11/22.14.0          WORKS AND INFRASTRUCTURE**

### **11/22.14.1          Works and Infrastructure Report**

<b>FILE REFERENCE</b>	014\002\001\
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#### **OFFICER'S RECOMMENDATION:**

That the report be received by Council.

#### **INTRODUCTION:**

This report provides summary detail relating to Asset Maintenance, Weed Control, Waste Management, Capital Project updates and other general activity for the reporting period October 2022.

#### **DISCUSSION:**

- The Manager Infrastructure and Development Services advised the following:
  - o That flood events and follow up are the most significant thing to report on this month as a large number of road and bridge assets have been affected.
  - o The estimate as it stood last Thursday was \$850,000 of damage but has gone up to \$950,000 today.
  - o They have been working through repairs and this is using a lot of internal and contractor resources.
  - o The Works Department is receiving a lot of complaints about other things not being attended to at this time but we need to prioritise based on immediate need.

- Councillor LeFevre noted that most people are reasonable and if informed about urgent needs and priorities they are okay. He noted that we need to publicise this in newsletters and other channels of communication so the public know what is happening.
- The Manager Infrastructure and Development Services advised there is a retaining wall issue with Atlas Drive. Drainage will need to be redone to allow repairs to the retaining wall.
- Mayor Tucker recognised that workers are under pressure trying to keep up with this work load and congratulated them for their efforts.
- The Manager Infrastructure and Development Services is working to finalise the impact report that the weather has had on the capital works program.

#### **COUNCIL DECISION:**

**11/22.14.1.224**

Moved: Clr B LeFevre/ Seconded: Clr V Oldham

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**11/22.14.2**

#### **Animal Control Report**

<b>FILE REFERENCE</b>	003\003\018\
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#### **OFFICER'S RECOMMENDATION:**

That the report be received by Council.

#### **INTRODUCTION:**

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

#### **DISCUSSION:**

- The Manager Infrastructure and Development Services advised that a significant amount of time has been spent this last month on dog attacks and declared dangerous dogs. The new Animal Control Officer is fitting nicely into the role.

#### **COUNCIL DECISION:**

**11/22.14.2.225**

Moved: Clr I Carter/ Seconded: Clr J Drummond

That the report be received by Council.

**CARRIED UNANIMOUSLY**



## 11/22.15.0 COMMUNITY DEVELOPMENT

### 11/22.15.1 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 Manager Community Services highlighted that the Australia Day Award nominations have now opened and asked Councillors to please promote this while they are out in the community.

#### COUNCIL DECISION:

11/22.15.1.226 Moved: Clr B LeFevre/ Seconded: Clr K Chapple

That the report be received by Council.

**CARRIED UNANIMOUSLY**

### 11/22.15.2 Mannalargenna Day

FILE REFERENCE	018\019\001\
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#### OFFICER'S RECOMMENDATION:

1. That Council provide the sum of \$2,500.00 towards the Mannalargenna event which is being held in December, 2022.
2. That Council support this event and provide \$2,500 as an annual sponsorship.

#### INTRODUCTION:

Reconciliation Tasmania seeks to assist the many Tasmanians seeking truth and reconciliation in order to make our State more welcoming and informed for all.

#### DISCUSSION:

- The Manager Community Services recognised that this is a great event for our community and recommended for this funding to be included in future budgets so it does not need to be considered each year by Council.

#### **COUNCIL DECISION:**

**11/22.15.2.227**

Moved: Clr B LeFevre/ Seconded: Clr K Chapple

1. That Council provide the sum of \$2,500.00 towards the Mannalargenna event which is being held in December, 2022.
2. That Council support this event and provide \$2,500 as an annual sponsorship.

#### **CARRIED UNANIMOUSLY**

**11/22.15.3**

**Cornwall Township Plan 2022-25**

<b>FILE REFERENCE</b>	002\017\016\
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#### **OFFICER'S RECOMMENDATION:**

That Council receive the Cornwall Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Cornwall community for comment.

#### **INTRODUCTION:**

The purpose of the township plan is to provide a framework for how members of the Cornwall community can work with Council on projects.

#### **DISCUSSION:**

- The Manager Community Services asked that Council allow this to go back to the community for feedback before adoption by Council.

#### **COUNCIL DECISION:**

**11/22.15.3.228**

Moved: Clr J Drummond/ Seconded: Clr I Carter

That Council receive the Cornwall Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Cornwall community for comment.

#### **CARRIED UNANIMOUSLY**

FILE REFERENCE	002\017\016\
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**OFFICER'S RECOMMENDATION:**

That Council receive the Mathinna Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Mathinna community for comment.

**INTRODUCTION:**

The purpose of the township plan is to provide a framework for how members of the Mathinna community can work with Council on projects.

**DISCUSSION:**

Nil.

**COUNCIL DECISION:**

**11/22.15.4.229**

Moved: Clr K Chapple/ Seconded: Clr J Drummond

That Council receive the Mathinna Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Mathinna community for comment.

**CARRIED UNANIMOUSLY**

FILE REFERENCE	002\017\016\
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**OFFICER'S RECOMMENDATION:**

That Council receive the Fingal Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Fingal community for comment.

**INTRODUCTION:**

The purpose of the township plans is to provide a framework for how members of the Fingal community can work with Council on projects.

**DISCUSSION:**

- The Manager Community Services noted that there has been an amendment to this plan since the workshop and asked that Council allow this to go back to the community for feedback before adoption by Council.
- Councillor Drummond requested that Councillors discuss the Hip Camp item which is listed in further detail at a workshop. The Manager Community Services described Hip Camp for as a service that property owners can subscribe to where they are able to charge people to come and stay on their property.
- Councillor Carter asked are you concerned about the small number of people representing the community? The Manager Community Services advised that in her years of experience this is actually a good representation of the community. She reiterated that only people who are interested in wanting to participate actually do. The Communications Coordinator advised that we engaged the community through a variety of different platforms but we can't force people to participate.
- Councillor Carter asked if it is feasible for us to create town goals based on the low response rate? The Communications Coordinator advised that our community engagement strategy is based on giving people ample opportunity to participate rather than focusing on a set percentage of the population because we can't force people. She reiterated that at this point of the township planning it goes back out for community feedback so it is a second chance for members of the community to have a say.

#### **COUNCIL DECISION:**

**11/22.15.5.230**

Moved: Clr I Carter/ Seconded: Clr G Barnes

That Council receive the Fingal Township Plan 2022-25 which has been developed with the community listing actions/projects that the community can work with Council to develop and forward to the Fingal community for comment.

**CARRIED UNANIMOUSLY**

#### **11/22.15.6 Request to Reallocate Funding from Triathlon Event to Park Run Event**

<b>FILE REFERENCE</b>	018\019\001\
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#### **OFFICER'S RECOMMENDATION:**

1. That Council support the new parkrun event by providing sponsorship seed funding.
2. That Council transfer \$2,000 allocated in the 2022 – 2023 Budget for the Triathlon event to the parkrun event.

#### **INTRODUCTION:**

Council has received a written request from the parkrun organisation seeking seed funding which is required to establish this great community event.

#### DISCUSSION:

- The Manager Community Services advised that the triathlon was not able to take place this year. The Park Run is requesting a one off funding request to help them get started in our community.
- Councillor Drummond stated that this is a really positive thing for our community.
- Councillor Carter noted that this is a much more inclusive opportunity for people.

#### COUNCIL DECISION:

**11/22.15.6.231**

Moved: Clr J Drummond/ Seconded: Clr B LeFevre

1. That Council support the new parkrun event by providing sponsorship seed funding.
2. That Council transfer \$2,000 allocated in the 2022 – 2023 Budget for the Triathlon event to the parkrun event.

#### CARRIED UNANIMOUSLY

**11/22.15.7**

#### **Fitness on the Foreshore**

FILE REFERENCE	004\008\013\
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#### OFFICER'S RECOMMENDATION:

1. That Council look at engaging fitness contractors to be part of a program "Fitness on the Foreshore".
2. That Council apply an affordable fee for use of the area to cover costs such as power and extra mowing.
3. That Council delineate a specific area of the St Helens Foreshore area for such activities to take place.

#### INTRODUCTION:

Council staff have identified an issue where fitness instructors would like to run fitness sessions on the St Helens Foreshore.

#### DISCUSSION:

- The Manager Community Services recognised that people within our community would like to run small commercial activities on the foreshore and that under our Lease we can engage

them as contractors to do this on our behalf. This would involve an affordable fee to cover costs and designating a specific area for the classes.

- Councillor Drummond asked what does engaging them as contractors mean to Council? The Manager Community Services said there is no cost to Council we just need to give them permission.
- Councillor Drummond asked what implications does this have for other areas? The Manager Community Services advised that anything classed as a reserve has more stringent conditions so it would need to be looked at on a case by case basis. Council land such as Scamander foreshore would only need a Council decision. These specific issues are only related to Crown Land Services and Parks and Wildlife Service land.

#### **COUNCIL DECISION:**

**11/22.15.7.232**

Moved: Cllr K Chapple/ Seconded: Cllr I Carter

1. That Council look at engaging fitness contractors to be part of a program “Fitness on the Foreshore”.
2. That Council apply an affordable fee for use of the area to cover costs such as power and extra mowing.
3. That Council delineate a specific area of the St Helens Foreshore area for such activities to take place.

#### **CARRIED UNANIMOUSLY**

**11/22.15.8**

**Request for Financial Support – St Helens Online Access Centre**

<b>FILE REFERENCE</b>	002\019\010\
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#### **OFFICER’S RECOMMENDATION:**

That

1. The Mayor meet with the Minister to discuss the funding issues that are being faced by our online centres who service our ageing community;
2. Council staff meet with the coordinators of all three online services to compare what they are funded to deliver and the number of people they are servicing over a funding period;
3. If Council makes a payment to the Online Centres to support the delivery of services, that they be a one off payment and not a recurrent payment; and
4. Council staff work with the St Helens Online Centre to attract more volunteers to assist with the delivery of services to our community.

#### **INTRODUCTION:**

Council has received a written request from the President of the St Helens Online Access Committee seeking Council's support in providing funding to support the request for increased hours at the St Helens Online Access Centre.

#### **DISCUSSION:**

- The Manager Community Services noted that this item has been amended since the workshop to include the recommendation for the Mayor to meet with the Minister, for discussions to happen with all three centres and for Council to provide support to the Online Access Centres to help with attracting volunteers.
- Councillor Drummond thanked Rosina from St Helens Online Access Centre for the report she provided to help Council consider this.
- Mayor Tucker advised that we have commenced the process of trying to obtain a meeting with the Minister to see what we may be able to do in this regard.
- Councillor LeFevre expressed his thoughts that the St Helens Online Access Centre is an amazing organisation and recounted his own experience when he got a new phone but he is concerned regarding funding something that the State Government should be funding. He did recognise that residents cannot currently go into Launceston as easily for support when required because of the pass closure and the centres are being used more heavily so this may be a reason to step in as a one off.
- Councillor Chapple said we need to keep lobbying the State Government and be very careful about stepping in as a one off.
- Councillor Carter clarified that we are working towards getting support from the State Government before Council steps in to support the centre.
- Mayor Tucker reiterated that Council shouldn't make any decision until we hear what the State Government has to say.
- The General Manager indicated that we need to find out where the State Government is heading with the future of these centres as it appears they may be pushing users towards the library network. He is concerned that this new model may not meet our community needs so we need to make sure that what they do works for our community.
- The Manager Community Services advised that better service is able to be provided by a separate entity as libraries are seen as a quiet space and are not conducive to the discussion required in Online Access centres.
- Mayor Tucker recognised that this is a very important issue in our community especially with our aging population but we need to see what the Minister says first.
- Councillor Carter agreed and thinks it is really important that we have a very clear picture of what all three Online Access Centres in our community need.
- Councillor LeFevre understood but was concerned about waiting as it will be at least two months away and there is greater need for the centres with the pass closure. He asked could we contribute \$4000 for two months to help until the pass is complete.
- Mayor Tucker indicated that he was unsure if there is any evidence of increased usage with the pass closure.
- Councillor LeFevre was still concerned about the interim period of two months.



- Councillor Carter indicated if this was a dire financial consideration which was for the short term then we can advocate for that but this seems like a long term financial concern.
- Mayor Tucker confirmed that at this stage there is no definite date for a meeting with the Minister but they it has been requested for when he is in Hobart in early December.
- Councillor Drummond clarified that this would come back to another Council Meeting for a decision after the meeting with the Minister.

#### **COUNCIL DECISION:**

**11/22.15.8.233**

Moved: Clr J Drummond/ Seconded: Clr B LeFevre

That

1. The Mayor meet with the Minister to discuss the funding issues that are being faced by our online centres who service our ageing community;
2. Council staff meet with the coordinators of all three online services to compare what they are funded to deliver and the number of people they are servicing over a funding period;
3. If Council makes a payment to the Online Centres to support the delivery of services, that they be a one off payment and not a recurrent payment; and
4. Council staff work with the St Helens Online Centre to attract more volunteers to assist with the delivery of services to our community.

**CARRIED UNANIMOUSLY**

## **11/22.16.0          DEVELOPMENT SERVICES**

### **11/22.16.1          Development Services Report**

<b>FILE REFERENCE</b>	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 Service Coordinator noted that this report highlights key projects to keep Councillors up to date and gives Councillors a breakdown of planning and building approvals that happen each month. This report also includes an update from the NRM Facilitator on environment.

## COUNCIL DECISION:

11/22.16.1.234

Moved: Clr B LeFevre/ Seconded: Clr I Carter

That the report be received.

**CARRIED UNANIMOUSLY**

## 11/22.16.2 St Marys Indoor & Evacuation Centre – Community Feedback and Conceptual Design

FILE REFERENCE	004\010\004\
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## OFFICER'S RECOMMENDATION:

1. Accept Community Feedback attached, and
2. Provide Endorsement of the attached concept plans for the development of the St Marys Indoor & Evacuation Centre,
3. Progress Construction and Tender Documentation with Successful Consultant.

## INTRODUCTION:

Master planning has been completed and considered previously by Council. This project was identified and successful for funding by the Black Summer Bushfire Recovery Grants Program.

This project aims to achieve the following:

1. Replace the current St Marys Football Clubrooms which has passed its useful life and poses a risk to occupants of the buildings;
2. Replace the existing Exhibition Building (currently St Marys Gym) which has reached the end of its useful life and required improvements to meet community needs are not cost effective;
3. Provide for an indoor space which is multi-use for various community needs such as the community gym, indoor activities, meeting space, evacuation centre, change facilities for sports ground and catering.
4. Enhance community wellbeing and community connections, and
5. Aim to reinvigorate existing sporting clubs.

The final conceptual plans have now been finalised and an application have been lodged for a planning permit.

This report seeks to endorsement of Council to allow for the project to progress through to the tender phase (subject to regulatory approvals).

## DISCUSSION:

- The Development Services Coordinator indicated that these plans have had a very good response from the community.
- Councillor Drummond commented that the process was very good and community felt heard.

#### **COUNCIL DECISION:**

**11/22.16.2.235**

Moved: Cllr J Drummond/ Seconded: Cllr I Carter

1. Accept Community Feedback attached, and
2. Provide Endorsement of the attached concept plans for the development of the St Marys Indoor & Evacuation Centre,
3. Progress Construction and Tender Documentation with Successful Consultant.

#### **CARRIED UNANIMOUSLY**

**11/22.16.3**

**Fingal Community Shed**

FILE REFERENCE	004\005\002\
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#### **OFFICER'S RECOMMENDATION:**

1. Accept Community Feedback attached, and
2. Provide Endorsement of the attached concept plans for the development of the Fingal Community Shed;
3. Progress Construction and Tender Documentation with Successful Consultant.

#### **INTRODUCTION:**

This project was identified and successful for funding by the Black Summer Bushfire Recovery Grants Program.

#### **DISCUSSION:**

- The Development Services Coordinator recognised Fingal Valley Neighbourhood House have been very helpful throughout the community feedback process.
- The Development Services Coordinator is hoping to tender both this project and the St Marys Indoor and Evacuation Centre Project simultaneously in the hopes that this will help with costs.

#### **COUNCIL DECISION:**

**11/22.16.3.236**

Moved: Clr K Chapple/ Seconded: Clr B Le Fevre

1. Accept Community Feedback attached, and
2. Provide Endorsement of the attached concept plans for the development of the Fingal Community Shed;
3. Progress Construction and Tender Documentation with Successful Consultant.

**CARRIED UNANIMOUSLY**

**11/22.16.4**

**NRM Committee Meeting Minutes 13 September 2022**

<b>FILE REFERENCE</b>	010\028\003\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Draft Meeting Minutes - NRM Special Committee - 12 April 2022

**OFFICER'S RECOMMENDATION:**

That Council receive the Minutes of the NRM Committee Meeting held on 13 September 2022.

**INTRODUCTION:**

The Break O'Day NRM Special Committee met on 13 September 2022 at the St Helens Child and Family Learning Centre.

**DISCUSSION:**

- The NRM Facilitator noted that item 7.2 regarding a weed problem at Binalong Bay Foreshore from the NRM Committee meeting minutes is missing from the table in the report.
- The NRM Facilitator highlighted the recommendation that Council sponsor a Discovery Bush Ranger program throughout December/January. Council supporting this means we may be able to inject some topics of local/Council interest into the program.
- Mayor Tucker asked for an approximate dollar value. The NRM Facilitator indicated that previously we have provided a sponsorship for \$2000 with other partners.
- Councillor Carter indicated that if Council sponsors a Discovery Ranger that the content of the Discovery Ranger program should be beneficial to our Council goals.

**COUNCIL DECISION:**

**11/22.16.4.237**

Moved: Clr J Drummond/ Seconded: Clr K Chapple

That Council receive the Minutes of the NRM Committee Meeting held on 13 September 2022.

**CARRIED UNANIMOUSLY**

#### **11/22.16.5 Council Engagement with Local Aboriginal Community**

<b>FILE REFERENCE</b>	010\028\003\
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##### **OFFICER'S RECOMMENDATION:**

That Council invite the local Noiheener Aboriginal community organisation to meet with Council at a Council Workshop to share interests and aims.

##### **INTRODUCTION:**

At its September meeting the Break O'Day NRM Special Committee discussed concerns for Aboriginal heritage values and their management in Break O'Day.

##### **DISCUSSION:**

- The NRM Facilitator indicated that issues around Aboriginal land in the community are growing and this is an opportunity for Council to work with the local Aboriginal Community.
- Councillor Drummond said this is a really positive step forward and is a way that we can show we are willing to engage with the local Aboriginal Community.

##### **COUNCIL DECISION:**

**11/22.16.5.238** Moved: Clr J Drummond/ Seconded: Clr K Chapple

That Council invite the local Noiheener Aboriginal community organisation to meet with Council at a Council Workshop to share interests and aims.

**CARRIED UNANIMOUSLY**

#### **11/22.16.6 Community Communications support for Off Road Vehicle Management**

<b>FILE REFERENCE</b>	010\028\003\
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##### **OFFICER'S RECOMMENDATION:**

That Council provide public information and education support to the efforts being made by the Parks and Wildlife Service, private landholders and NRM North to control illegal off road vehicles on St Helens Point.

##### **INTRODUCTION:**

At its September meeting the Break O'Day NRM Special Committee discussed off road vehicle use on St Helens Point.

#### DISCUSSION:

- The NRM Facilitator acknowledged this is fairly tricky but indicated that we need to engage with the community about off road vehicles and the damage they do to the environment. Council has little direct interest except at the airport but we can help with communication and support.
- Mayor Tucker stated that if this use is illegal then the police also need to be involved.

#### COUNCIL DECISION:

**11/22.16.6.239**

Moved: Clr K Chapple/ Seconded: Clr J Drummond

That Council provide public information and education support to the efforts being made by the Parks and Wildlife Service, private landholders and NRM North to control illegal off road vehicles on St Helens Point.

**CARRIED UNANIMOUSLY**

## 11/22.17.0 GOVERNANCE

### 11/22.17.1 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 noted the following:
  - There has been a fair bit of activity around the Future of Local Government Review process. The online sessions were poorly attended by the sector, many only had 6 or 7 attendees. Other than online sessions it has been silent for the rest of the month and he is hoping we don't get a whole lot of information sent to us right before Christmas with the expectation that the Council provide commentary within a few weeks.

- As well as St Marys Pass we are working with State Growth about the back roads and the concerns regarding extra traffic on those roads and introducing temporary measures such as reduced speed limits. The hope is to achieve a 60km/h speed limit for the period of time this is being so heavily used.
- Council is hoping not to do major maintenance on Upper Scamander Road during this time as we would need to close road in some places to grade. Traffic counters showing an average of 670 vehicles per day travelling on this road and it is normally around 100 vehicles per day. State Growth will provide 75% of additional costs to maintain the road throughout this period.
- A Code of Conduct review is currently taking place and hopefully changes will result in an improved process, there will be more training around code of conduct over the next couple of days.

#### COUNCIL DECISION:

11/22.17.1.240

Moved: Clr B LeFevre/ Seconded: Clr G Barnes

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

11/22.17.2

2022-2023 Annual Plan

FILE REFERENCE	002\036\002\
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#### OFFICER'S RECOMMENDATION:

That Council receive the Review as at the 30 September 2022 of the Break O'Day Council Annual Plan the 2022 – 2023.

#### INTRODUCTION:

Council's management team prepared the 2022 - 2023 Annual Plan based on discussions which occurred through Council workshops and the normal budget/planning process. The Annual Plan was prepared to take into account the matters identified during the recent Strategic Plan review process; broader factors which are impacting Council; and reflecting continuity of existing projects and activities where this exists.

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

*An Annual Plan is to –*

- (a) be consistent with the strategic plan; and*
- (b) include a statement of the manner in which the Council is to meet the goals and objectives of the strategic plan; and*
- (c) include a summary of the estimates adopted under section 82; and*



*(d) include a summary of the major strategies to be used in relation to the Council's public health goals and objectives.*

#### **DISCUSSION:**

- The General Manager noted the following:
  - This is the report for the first three months of the financial year and includes a summary of each goal area.
  - Overall we are sitting at approximately 30% completion. This is unusual as it is higher than expected as we had a number of goals which were scheduled to be completed in the first part of the year eg the Community Engagement Strategy. By the end of the year we would hope to be sitting at around 90% completion.
  - Community: this is the busy part of the year for events and activities as a lot of events happen at the start of the year. The Wellbeing Festival was a great event this year. The Volunteering Strategy was a really good thing and now we are implementing that to help attract new volunteers.
  - Economy: a couple are a little behind and the branding is linked into the township plans. We are waiting on a report to get clearer picture of our population and organise a presentation to Council.
  - Environment: has some very large projects such as the Regional Land Use Strategy. The focus on weeds sits within the Environment goal and this has been a real challenge with the weather this year.
  - Infrastructure: has been impacted by the recent floods and prioritising is being done based on immediate needs. We may need to look at additional resourcing for the car parking strategies. We need to meet with Parks and Wildlife Services and discuss their concerns regarding the Recreational Trails Strategy.
  - Services: The Youth Strategy is a key activity that we want to complete this year. Educational skills and training are struggling with VET delivery at the Trade Training Centre and we are trying to get more of these courses delivered locally for our students.
  - Works Department are working on a service delivery review and making sure we have the right people working in the right places and on the right things.
  - This is a very important document for accountability of Council officers.

#### **COUNCIL DECISION:**

**11/22.17.2.241**

Moved: Clr K Chapple/ Seconded: Clr I Carter

That Council receive the Review as at the 30 September 2022 of the Break O'Day Council Annual Plan the 2022 – 2023.

**CARRIED UNANIMOUSLY**

### 11/22.17.3 Appointment of Councillors as Council Representatives on Committees and Boards

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

That Council appoint the following Councillor representatives to these Committees and Boards:

- Local Government Association of Tasmania (LGAT) – One (1) voting delegate and one (1) proxy
- TasWater – One (1) voting delegate and one (1) proxy
- Break O'Day Council Audit Committee – Two (2) Councillors and one (1) backup Councillor
- East Coast Tasmania Tourism Organisation (ECTT) – One (1) Councillor
- St Helens & Districts Chamber of Commerce and Tourism – Two (2) Councillors
- Australia Day Committee – Two (2) Councillors
- Disability Access Committee – Two (2) Councillors
- Community Stadium – Special Committee of Council – Two (2) Councillors
- Bay of Fires Master Plan Steering Committee – One (1) Councillor
- NRM Committee – Three (3) Councillors – the Chair also needs to be selected from Councils representatives
- Mental Health Action Group – One (1) Councillor
- Tender Opening Committee – Two (2) Councillors

#### INTRODUCTION:

It is necessary to determine Council representatives on various Committees and Boards to ensure adequate representation by Council.

#### DISCUSSION:

- Local Government Association of Tasmania - Mayor Tucker as voting delegate and Deputy Mayor Chapple as proxy.
- TasWater - Mayor Tucker as voting delegate and Deputy Mayor Chapple as proxy.
- Audit Panel Committee – Councillor LeFevre to continue in his current role and Councillor Wright to continue as back up Councillor. One vacancy remaining, this will be discussed again after training with the Audit Panel Chair.
- East Coast Tasmania Tourism – Councillor LeFevre to continue in this role.
- St Helens District Chamber of Commerce and Tourism – Councillor Chapple and Mayor Tucker.
- Australia Day Committee – this is only one meeting per year in January. Councillor Drummond and Councillor Barnes.
- Disability Access Committee – Councillor Drummond and Councillor Wright to continue in their roles.
- Community Stadium – Special Committee of Council – Councillor Chapple and Councillor Carter.

- Bay of Fires Masterplan Steering Committee – Councillor Carter.
- NRM Committee – Councillor Drummond to continue as chair, Councillor Johnstone and Councillor Wright. Councillor Carter will act as backup if required.
- Mental Health Action Group – Councillor LeFevre to continue in this role.
- Tender Opening Committee – Councillor LeFevre and Councillor Oldham.

#### **COUNCIL DECISION:**

**11/22.17.3.242**

Moved: Cllr J Drummond/ Seconded: Cllr I Carter

That Council appoint the following Councillor representatives to these Committees and Boards:

- Local Government Association of Tasmania (LGAT) – One (1) voting delegate Mayor Tucker and one (1) proxy Deputy Mayor Chapple.
- TasWater – One (1) voting delegate Mayor Tucker and one (1) proxy Deputy Mayor Chapple.
- Break O’Day Council Audit Committee – Two (2) Councillors – Councillor LeFevre and one vacancy to be filled and one (1) backup Councillor - Councillor Wright.
- East Coast Tasmania Tourism Organisation (ECTT) – One (1) Councillor - Councillor LeFevre.
- St Helens & Districts Chamber of Commerce and Tourism – Two (2) Councillors - Mayor Tucker and Deputy Mayor Chapple.
- Australia Day Committee – Two (2) Councillors – Councillor Drummond and Councillor Barnes.
- Disability Access Committee – Two (2) Councillors – Councillor Drummond and Councillor Wright.
- Community Stadium – Special Committee of Council – Two (2) Councillors – Deputy Mayor Chapple and Councillor Carter.
- Bay of Fires Master Plan Steering Committee – One (1) Councillor – Councillor Carter.
- NRM Committee – Three (3) Councillors – the Chair also needs to be selected from Councils representatives - Councillor Drummond to continue as chair, Councillor Johnstone and Councillor Wright. Councillor Carter will act as backup if required.
- Mental Health Action Group – One (1) Councillor – Councillor LeFevre.
- Tender Opening Committee – Two (2) Councillors – Councillor LeFevre and Councillor Oldham.

**CARRIED UNANIMOUSLY**

**11/22.17.4**

**Council Meeting Dates and Workshop Dates for 2023**

<b>FILE REFERENCE</b>	014\001\022\
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#### **OFFICER’S RECOMMENDATION:**

That the following dates and times be approved for Council Meetings and Workshops to be held in 2023:

<b>Council Meetings Commencing at 10.00am</b>	<b>Council Workshops Commencing at 10.00am</b>
Monday 16 January	
Monday 20 February	Monday 6 February
Monday 20 March	Monday 6 March
Monday 17 April	Monday 3 April
Monday 15 May	Monday 1 May
Monday 26 June	Monday 5 June
Monday 17 July	Monday 3 July
Monday 21 August	Monday 7 August
Monday 18 September	Monday 4 September
Monday 16 October	Monday 2 October
Monday 20 November	Wednesday 8 November
Monday 18 December	Monday 4 December

#### **INTRODUCTION:**

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

#### **DISCUSSION:**

Nil.

#### **COUNCIL DECISION:**

**11/22.17.4.243**

Moved: Clr K Chapple/ Seconded: Clr J Drummond

That the following dates and times be approved for Council Meetings and Workshops to be held in 2023:

<b>Council Meetings Commencing at 10.00am</b>	<b>Council Workshops Commencing at 10.00am</b>
Monday 16 January	
Monday 20 February	Monday 6 February
Monday 20 March	Monday 6 March
Monday 17 April	Monday 3 April
Monday 15 May	Monday 1 May
Monday 26 June	Monday 5 June
Monday 17 July	Monday 3 July
Monday 21 August	Monday 7 August
Monday 18 September	Monday 4 September
Monday 16 October	Monday 2 October
Monday 20 November	Wednesday 8 November
Monday 18 December	Monday 4 December

**CARRIED UNANIMOUSLY**

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

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12.30pm on Friday 23 December 2022 and reopen on Tuesday 3 January 2023.

**INTRODUCTION:**

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

**DISCUSSION:**

- The General Manager advised that staff generally finish at 12.30pm on the last day for everyone to get together and Councillors are invited to attend.

**COUNCIL DECISION:****11/22.17.5.244**Moved: Clr G Barnes/ Seconded: Clr K Chapple

That Council authorise the General Manager to close the Council Office and the Works Depot for the Christmas Break from 12.30pm on Friday 23 December 2022 and reopen on Tuesday 3 January 2023.

**CARRIED UNANIMOUSLY**

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

Moved: Clr B LeFevre/ Seconded: Clr K Chapple**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

**11/22.18.0**      **CLOSED COUNCIL**

**11/22.18.1**      **Confirmation of Closed Council Minutes – Council Meeting 17 October 2022**

**11/22.18.2**      **Outstanding Actions List for Closed Council**

**11/22.18.3**      **Tender – 2022 / 2023 Bituminous Surfacing Program – Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015**

## **COUNCIL DECISION:**

### **TO BE PUBLISHED IN THE PUBLIC MINUTES:**

**11/22.18.3.CC**      Moved: Clr B LeFevre/ Seconded: Clr J Drummond

That Council award Contract 030\001\137 "2022/2023 Bituminous Surfacing Program" to Crossroads Civil Contracting Pty Ltd.

### **CARRIED UNANIMOUSLY**

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

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12:55pm.

.....  
**MAYOR**

.....  
**DATE**