

COUNCIL MINUTES

Monday 18 September 2017

Council Chambers



Bob Hoogland
Acting General Manager
Break O'Day Council
18 September 2017

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09/17.1.0 ATTENDANCE

09/17.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor John Tucker
Councillor Margaret Osborne OAM
Councillor Janet Drummond
Councillor Hannah Rubenach-Quinn
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Kylie Wright

09/17.1.2 Apologies

Nil

09/17.1.3 Leave of Absence

Nil

09/17.1.4 Staff in Attendance

Acting General Manager, Bob Hoogland
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 15.0*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.1*)
Planning Coordinator, Paula Kloosterman (*Item 6.2*)
Planning Consultant, Rebecca Green (*Item 1.0 – 6.2*)
Planning Officer, Chris Triebe (*Item 1.0 – 6.2*)
Works Supervisor, Wayne Polden (*Item 10.1 – 14.1*)
Building Services Coordinator, Jake Ihnen (*Item 1.0 – 16.1*)
Development Services Administration Officer, Rebecca Venton (*Item 1.0 – 6.2*)
Development Services Administration Officer, Karyn Stewart (*Item 1.0 – 6.2*)

09/17.2.0 PUBLIC QUESTION TIME

Nil (0) people in the gallery.

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

09/17.2.1 Camping Area at Fingal Park – Clr G McGuinness on behalf of Mr P Hall, Fingal

Is the RV camping area behind the Fingal toilet block for overnight use only?

If this is the case is Break O’Day Council going to erect a sign stating just that to prevent people camping for weeks at a time and preventing overnight use of others?

Reply

The camping area at Fingal Park is not an overnight camping area. The greater Fingal community see an economic benefit to allowing longer term stays and any unfavourable behaviour is dealt with on an individual basis rather than based on how long someone stays at the location.

09/17.3.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr J Drummond declared a Non-Pecuniary Interest (Conflict of Interest) for agenda Item number 09/17.12.5 – Request for Rate Remission – Lot 4 Tasman Highway, St Helens as she is a general Board Member of the North East Tasmanian Land Trust.

09/17.4.0 CONFIRMATION OF MINUTES

09/17.4.1 Confirmation of Minutes – Council Meeting 21 August 2017

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 August 2017 be confirmed.

DISCUSSION:

- Clr Rubenach-Quinn requested that her comments on page 24 of the August 2017 minutes in relation to the motion regarding the Acknowledgement of Country be amended as those printed don't make sense. The change relates to her comments to be changed to –“to acknowledge their very functional governance and social structures”.
- Mayor Tucker asked Clr McGiveron to clarify his thoughts as the Mayor was not in attendance at the last Council Meeting. Clr McGiveron stated that the motion was passed unanimously so he was unsure. Clr Rubenach-Quinn stated that her comments as noted make no sense as to what is written and she can't pass minutes that don't represent what she has stated.
- Clr Osborne stated that the confirmation of minutes is for the decisions not the discussion.
- Clr J Tucker stated that as Clr Osborne said the notes are put up on the board during the meeting and these could be corrected at that time.
- Clr Rubenach-Quinn stated that she doesn't believe it is up to Councillors to scrutinise what is being typed on the board during the meeting. Clr Drummond agrees.

COUNCIL DECISION:

09/17.4.1.199 Moved: Clr G McGuinness / Seconded: Clr K Wright

That the minutes of the Council Meeting held on the 21 August 2017 be confirmed with amendment as proposed by Clr H Rubenach-Quinn.

CARRIED UNANIMOUSLY

09/17.5.0 COUNCIL WORKSHOPS HELD SINCE 21 AUGUST 2017 COUNCIL MEETING

There was a Workshop held on Monday 4 September there was a presentation from Tania Rattray MLC, who was briefed by Council with respect to the TasWater takeover – the following items were also listed for discussion.

- Intention to Make New By-Law – Animal Management By-Law No 1 of 2017.
- Policy Review – EP09 Public Health Warnings (Sewage Spill).
- Policy Review – LG30 Public Interest Disclosure.
- St Marys Streetscape Upgrade – Part 2.
- Proposed Playground – St Helens Recreation Ground.
- Binalong Bay.
- Planning Scheme Matter As Recently Raised by North East Bioregional Networks Inc.
- Update of the Proposed 2018 Break O'Day Triathlon.

09/17.6.0 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.

09/17.6.1 DA108-2017 – Construction of Carport – 9 Doepel Place, St Helens

FILE REFERENCE	DA 108-2017
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OFFICER'S RECOMMENDATION:

After due consideration of the representations 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 **CARPORT** on land situated at **9 DOEPEL PLACE, ST HELENS** described in Certificate of Title 140389/17 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 108-17 received by Council 28 June 2017, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
3. 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.
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.

ADVICE

- 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:

Application is made for the construction of a 12.5m by 5.2m by 3m pre-fabricated carport against the eastern dwelling wall and the southern garage wall. The steel posts will support a polycarbonate roof. Rainwater runoff will be directed to the existing connections to the reticulated stormwater system.

DISCUSSION:

- Clr McGuinness noted that the Planning Consultant wrote to complainant regarding mediation - did this take place? The Planning Officer advised that no it did not take place as no response was received.
- Clr Rubenach-Quinn asked a question in relation to the stormwater. According to the plans it is to be directed to down pipes located into the middle of the carport, Clr Rubenach-Quinn stated that she is just making sure for her own mind that this is functional – how will this work to get down? The Planning Officer advised that the existing stormwater arrangements are satisfactory and the additional structure does not add to the stormwater quantities, Council's Works Department has determined that the arrangements, as designed are appropriate. It will be part of the building approval process to confirm that, as constructed, the stormwater arrangements function appropriately.

COUNCIL DECISION:

09/17.6.1.200 Moved: Clr M Osborne / Seconded: Clr J Tucker

After due consideration of the representations 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 **CARPOR** on land situated at **9 DOEPEL PLACE, ST HELENS** described in Certificate of Title 140389/17 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 108-17 received by Council 28 June 2017, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.
3. 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.
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.

ADVICE

- 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

FILE REFERENCE	DA 018/2017
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OFFICER’S RECOMMENDATION:

That the Council:

1. Considers the representations received to Amendment 01/2017 to the Break O’Day Interim Planning Scheme 2013, and the planning permit DA018-2017, together with the responses provided.
2. Recommends to the Tasmanian Planning Commission that draft Amendment 01/2017 be approved as certified and exhibited.
3. Recommends to the Tasmanian Planning Commission that the conditions of DA018-2017 be amended to include a new condition 2 regarding amended plans to remove four (4) x ensuite amenities and remove all powered and unpowered sites (12 in total) north of 8-18 Heather Place, St Helens and south of internal access road to show this area as landscaped areas only, and implementation of a management plan and conditions 2 to 15 be renumbered as 4 to 17 respectively as follows:

Conditions

1. Development must accord with the Development Application DA 018-2017 received by Council 6 February 2017, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. Prior to any works commencing on site, amended plans must be submitted to and approved by the Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must show the removal of all powered and unpowered sites (12 in total) north of 8-18 Heather Place, St Helens and south of internal access road to show this area as landscaped areas only.
3. Prior to the commencement of use, a detailed site management document must be submitted to and approved by the Council. When approved, the site management document will be endorsed and will then form part of the permit. The document must include:
 - a) The proposed ‘Rules of the Holiday Park’ document;
 - b) Provisions for the management and of patron behaviour;
 - c) Measures to ensure patron’s control of all domestic animals on leads or within enclosures at all times;
 - d) Measure to control noise from generators, TVs, radio and the like;
 - e) Check-in procedures;
 - f) Emergency management, including controls in relation to any on-site open fires and barbeques;

- g) Any other relevant matters.
- 4. The applicant must comply with the conditions as contained within TasWater’s Submission to Planning Authority Notice dated 13 June 2017 TWDA 2017/00166-BODC (copy attached to this permit).
- 5. Prior to commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i). plant species;
 - (ii) Boundary and internal fencing details (if applicable).

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 5 prior to any use of the development.

- 6. Storm water from the new development is to be collected and securely piped to an approved point of discharge to Council’s underground storm water reticulation so as to ensure that flooding, erosion and nuisance are avoided. Design and construction shall be to the satisfaction of Council’s Engineer.
- 7. The applicant must ensure that external plant and mechanical equipment are located and / or designed to avoid interruption to the amenity of adjoining residential properties.
- 8. a) The areas shown to be set aside for General vehicle access and car parking must be:
 - i) completed before the use of the development;
 - ii) provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Standards Australia (2002): Australian Standard AS 2890.2 – 2002, Parking Facilities – Part 2: Off-Street Commercial vehicle facilities; Sydney and to the satisfaction of Council’s General Manager;
 - iii) provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - iv) surfaced with an impervious surface and drained to Council’s stormwater drainage system;
 - v) Line-marked to indicate each space to the satisfaction of the Council.
- 9. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.
- 10. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- 11. No works are to commence on the stormwater connection until a permit to undertake works in the road reservation has been issued by Council’s Works Manager for the stormwater connection.

12. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
13. All works associated with the development must be conducted in accordance with a soil and water management plan, *Guidelines for Soil and Water Management*, Hobart City Council. Material must not be burnt on site and all trade waste must be disposed of in a licensed waste disposal facility. During demolition/construction all existing materials must be checked for the presence of asbestos and if found, handling, protection and disposal must be carried out as per "Code of Practice for the Removal of Asbestos" (NOHSC:2002(1988)). All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
14. Power supply/service is to be provided to the development underground.
15. Exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.
16. Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.
17. 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 Manager Works and Infrastructure.*
- *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
- *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
- *All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.*

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

Note: Councillors are advised that under Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* – Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

INTRODUCTION:

To make a recommendation to the Tasmanian Planning Commission regarding draft amendment to the Break O’Day Interim Planning Scheme 2013 and an associated development application.

DISCUSSION:

- The Planning Consultant advised that this report relates to Section 39 of LUPA and this report is now considering the representations and a response is provided in the report.
- The Planning Consultant advised that if the recommendation is passed it then goes to the Planning Commission for a hearing.
- Clr Drummond asked in relation to the dust and point 9 on the conditions – does this condition relate to the management plan as well? The Planning Consultant advised that yes it does, the issue of dust should be included in the management plan as well.
- Clr Drummond asked in relation to plantings – are we going to have something in the conditions that comply with appendix 3 in the Planning Scheme in regards to weeds. The Planning Consultant advised that condition 5 is that they need to submit a more detailed landscape plan and this must include the identification of species.

COUNCIL DECISION:

09/17.6.2.201 Moved: Clr M Osborne / Seconded: Clr J Tucker

That the Council:

1. Considers the representations received to Amendment 01/2017 to the Break O’Day Interim Planning Scheme 2013, and the planning permit DA018-2017, together with the responses provided.
2. Recommends to the Tasmanian Planning Commission that draft Amendment 01/2017 be approved as certified and exhibited.

3. Recommends to the Tasmanian Planning Commission that the conditions of DA018-2017 be amended to include a new condition 2 regarding amended plans to remove four (4) x ensuite amenities and remove all powered and unpowered sites (12 in total) north of 8-18 Heather Place, St Helens and south of internal access road to show this area as landscaped areas only, and implementation of a management plan and conditions 2 to 15 be renumbered as 4 to 17 respectively as follows:

Conditions

1. Development must accord with the Development Application DA 018-2017 received by Council 6 February 2017, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. Prior to any works commencing on site, amended plans must be submitted to and approved by the Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must show the removal of all powered and unpowered sites (12 in total) north of 8-18 Heather Place, St Helens and south of internal access road to show this area as landscaped areas only.
3. Prior to the commencement of use, a detailed site management document must be submitted to and approved by the Council. When approved, the site management document will be endorsed and will then form part of the permit. The document must include:
 - a) The proposed 'Rules of the Holiday Park' document;
 - b) Provisions for the management and of patron behaviour;
 - c) Measures to ensure patron's control of all domestic animals on leads or within enclosures at all times;
 - d) Measure to control noise from generators, TVs, radio and the like;
 - e) Check-in procedures;
 - f) Emergency management, including controls in relation to any on-site open fires and barbeques;
 - g) Any other relevant matters.
4. The applicant must comply with the conditions as contained within TasWater's Submission to Planning Authority Notice dated 13 June 2017 TWDA 2017/00166-BODC (copy attached to this permit).
5. Prior to commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i). plant species;
 - (ii) Boundary and internal fencing details (if applicable).

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 5 prior to any use of the development.
6. Storm water from the new development is to be collected and securely piped to an approved point of discharge to Council's underground storm water reticulation so as to ensure that flooding, erosion and nuisance are avoided. Design and construction shall be to the satisfaction of Council's Engineer.

7. The applicant must ensure that external plant and mechanical equipment are located and / or designed to avoid interruption to the amenity of adjoining residential properties.
8. a) The areas shown to be set aside for General vehicle access and car parking must be:
 - i) completed before the use of the development;
 - ii) provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1-2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Standards Australia (2002): Australian Standard AS 2890.2 – 2002, Parking Facilities – Part 2: Off-Street Commercial vehicle facilities; Sydney and to the satisfaction of Council’s General Manager;
 - iii) provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - iv) surfaced with an impervious surface and drained to Council’s stormwater drainage system;
 - v) Line-marked to indicate each space to the satisfaction of the Council.
9. The area set-aside for parking and associated access and turning must be designed, constructed and maintained at all times to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties.
10. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
11. No works are to commence on the stormwater connection until a permit to undertake works in the road reservation has been issued by Council’s Works Manager for the stormwater connection.
12. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council’s website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.
13. All works associated with the development must be conducted in accordance with a soil and water management plan, *Guidelines for Soil and Water Management*, Hobart City Council. Material must not be burnt on site and all trade waste must be disposed of in a licensed waste disposal facility. During demolition/construction all existing materials must be checked for the presence of asbestos and if found, handling, protection and disposal must be carried out as per “Code of Practice for the Removal of Asbestos” (NOHSC:2002(1988)). All worked areas not covered by structures must be promptly and progressively stabilised (e.g. revegetated) so that they will not erode and/or act as a source of sediment transfer.

14. Power supply/service is to be provided to the development underground.
15. Exterior and security lighting must be designed, baffled and located in accordance with Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" such that no direct light is emitted outside the boundaries of the subject land.
16. Loading and unloading of delivery goods and merchandise and the like must be carried out within the boundaries of the subject land.
17. 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 Manager Works and Infrastructure.*
- *Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.*
- *The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.*
- *All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.*
- *Activities associated with construction works are not to be performed outside the permissible time frame listed:
Monday-Friday 7am to 6pm
Saturday 9am to 6pm
Sunday and public holidays 10am to 6pm*

Note: Councillors are advised that under Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015* – Parts 2A and 3 of the *former provisions* remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

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.

09/17.7.0 PETITIONS

Nil.

09/17.8.0 NOTICES OF MOTION

Mayor Tucker stepped down from the Chair and Deputy Mayor McGiveron took the Chair

09/17.8.1 Notice of Motion – Date of Australia Day – Clr M Tucker

MOTION:

That the Break O’Day Council write to the Prime Minister asking the Federal Government to initiate conversations with the community regarding the date of Australia Day

SUBMISSION IN SUPPORT OF MOTION:

The ongoing discussions about Australia Day are being quite divisive in the community and in some cases is being used as a political platform for those seeking to raise their profile within the community or in some cases it incites actions such as the recent vandalism of monuments in Sydney. Leadership needs to be shown by the leaders of our communities to address the issue which seems to be in part driving this behaviour and the increasing division in our community.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

09/17.8.1.202 Moved: Clr M Tucker / Seconded: Clr B LeFevre

That the Break O’Day Council write to the Prime Minister asking the Federal Government to initiate conversations with the community regarding the date of Australia Day

CARRIED UNANIMOUSLY

Mayor Tucker resumed the Chair

09/17.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

09/17.9.1 Councillors Talking to the Press about Council Business – Cllr M Osborne

Have the rules changed and all Councillors are now able to talk to the press regarding Council business?

Reply

The rules have not changed, as per Section 27 of the Local Government Act 1993 under the “Functions of Mayors and Deputy Mayors” –

- (1) The functions of a Mayor are -
 - (b) to act as the spokesperson of the Council.

As per Section 28 of the Local Government Act 1993 under the “Functions of Councillors” –

- (3) In performing any function under this Act or any other Act, a Councillor must not –
 - (b) perform any function of the Mayor without the approval of the Mayor.

09/17.10.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

Nil.

09/17.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

09/17.11.1 Mayor's Communications for Period Ending 18 September August 2017

30.08.17	Launceston	– Local Government Association (LGAT) General Management Committee
04.09.17	St Helens	– Council Workshop
04.09.17	St Helens	– St Helens Neighbourhood House Annual General Meeting
08.09.17	Hobart	– Investiture for recipients of Queens Birthday honours
18.09.17	St Helens	– Council Meeting

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

St Helens and Districts Chamber of Commerce and Tourism –Clr Barry LeFevre

- No meeting has taken place since the last Council Meeting.
- The AGM has been moved to 29 September.

NRM Special Committee – Clr Janet Drummond (Acting Chair)

- No meeting has taken place since the last Council Meeting.

Barway Committee – Clr John McGiveron

- There is a problem with the oyster lease.
- MAST have met with Birdlife Tasmania and there appears to be nesting period in the area and all works have to be undertaken outside the bird breeding season and has now pushed back the start date from October 2017 until April 2018.
- Clr Rubenach-Quinn asked what species of birds are in the area?
- Dora Point site is a major camping area during summer and would have thought campers would have put more impact in the area.
- Clr J Tucker asked why has it taken so long for this to come up and what has happened in the past?
- A letter should be sent to MAST and Minister Hidding asking for information.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- There has been no meeting held since the last Council Meeting.
- The AGM will be held on Thursday 28 September at Swansea.
- Very close to appointing a new Chairperson.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- No meeting has been held since the last Council Meeting.

Mental Health Action Group – Clr Barry LeFevre

- The Mental Health Action Group met on the 6th September and unfortunately there were a number of apologies due to illness and work commitments. Issues discussed included;
 1. Training for small community champions is in the process of being organised with Wendy French identified as an ideal candidate to administer the training.
 2. The nature and timing of our Mental Health week. It was agreed that the two (2) schools would help determine the date as their input is essential. The date will most likely be in November with the initial thinking being there would be a special day each at St Marys and St Helens.
 3. Allan Johnson from Wellways outlined new support/training which will be available to interested groups located remotely. The focus is on preventative Mental Health and coping strategies.
 4. We resolved to apply for Government and PHT funding for Youth Mental Health. This will constitute a "one stop shop concept" for Youth Mental Health services and be accessible Monday-Friday. If successful, and we need to be, there will be enormous improvement in the cohesion of services and consequently the number of youth utilising providers.

09/17.12.0 BUSINESS AND CORPORATE SERVICES

09/17.12.1 Corporate Services Department Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that there is nothing further to add.

COUNCIL DECISION:

09/17.12.1.203 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

09/17.12.2 Monthly Financial Report

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

That the following reports for the month ending 31 August 2017 be received:

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

- The Manager Corporate Services reported back to a question from Clr Rubenach-Quinn from a couple of months ago regarding the Overtime payments. The Manager Corporate Services advised that it is slightly over budget but it is ok, things happened early in the financial year but it will even itself out over the year.

COUNCIL DECISION:

09/17.12.2.204

Moved: Clr H Rubenach-Quinn / Seconded: Clr B LeFevre

That the following reports for the month ending 31 August 2017 be received:

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

CARRIED UNANIMOUSLY

09/17.12.3 Visitor Information Centre Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Manager Corporate Services advised that there is nothing further to add.

COUNCIL DECISION:

09/17.12.3.205

Moved: Clr J Tucker / Seconded: Clr H Rubenach-Quinn

That the report be received.

CARRIED UNANIMOUSLY

09/17.12.4

Request for Rate Remission – 14 Mangana Road, Fingal

FILE REFERENCE	6413332
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OFFICER'S RECOMMENDATION:

That in accordance with the provisions of *s.129* of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

INTRODUCTION:

Council has received correspondence from Malahide Golf Club requesting a remission for the general rate 2017/2018. Due to the nature of the charge, a request is required annually to remit this charge.

DISCUSSION:

No discussion took place on this item

COUNCIL DECISION:

09/17.12.4.206

Moved: Clr J McGiveron / Seconded: Clr J Tucker

That in accordance with the provisions of *s.129* of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as 14 Mangana Road, Fingal identified as PID 6413332.

CARRIED UNANIMOUSLY

Clr Drummond left the meeting at 10.40am

FILE REFERENCE	2275542
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OFFICER'S RECOMMENDATION:

That in accordance with the provisions of *s.129* of the *Local Government Act 1993*, Council **not approve a remission** as requested for the property known as Lot 4 Tasman Highway, St Helens identified as PID 2275542.

INTRODUCTION:

Council has received correspondence from the property owners requesting a remission for service charges and fire levy, and a discretionary rates remission for the general rate.

DISCUSSION:

- The Manager Corporate Services stated that the request says that they operate similar to the operation of the Winifred Curtis Reserve, upon review of the request it seems that it is very different than the Winifred Curtis Reserve.
- Clr Rubenach-Quinn stated that reading the legislation we can allow exemptions for charitable organisations who occupy the land. Clr Rubenach-Quinn stated that she believes that this is a charitable organisation and do a lot of wildlife monitoring in the area, they run tours on site and have it open to the public to access the site during the year. It is occupied and we should offer a rate remission based on charity status and what they are doing.
- Clr McGuinness stated that they have mentioned the Tasmanian Land Conservancy and they own many thousands of hectares around the state and they don't receive rate remissions. Clr McGuinness believes that this was a piece of land Council offered for sale for non-payment of rates a number of years ago. Clr McGuinness stated that he would like to foreshadow a discussion for a workshop with regards to land that has no foreseeable use eg any development, access, etc yet we still rate them.
- Clr Osborne asked what the monetary value of this is. The Manager Corporate Services advised that it is \$738.40.

COUNCIL DECISION:

09/17.12.5.207

Moved: Clr H Rubenach-Quinn / Seconded: Clr K Wright

That in accordance with the provisions of *s.129* of the *Local Government Act 1993*, Council **approve a remission** as requested for the property known as Lot 4 Tasman Highway, St Helens identified as PID 2275542.

FOR Clr K Wright, Clr H Rubenach-Quinn**AGAINST** Clr J McGiveron, Clr J Tucker, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker**LOST**

09/17.12.5.208

Moved: Clr J Tucker / Seconded: Clr B LeFevre

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **not approve a remission** as requested for the property known as Lot 4 Tasman Highway, St Helens identified as PID 2275542.

FOR Clr J McGiveron, Clr J Tucker, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker
AGAINST Clr K Wright, Clr H Rubenach-Quinn
CARRIED

Clr Drummond returned to the meeting at 10.47am

09/17.12.6 Policy Review – EP09 Public Health Warnings (Sewage Spill)

FILE REFERENCE	002\024\006\
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OFFICER'S RECOMMENDATION:

That Policy EP08 be accepted without amendment.

INTRODUCTION:

Council has a schedule for regular review of Policies. This Policy is now due for review according to that Schedule, being three (3) years since the last review.

DISCUSSION:

- The Manager Corporate Services advised that there are no amendments to this policy it is just up for review.

COUNCIL DECISION:

09/17.12.6.209

Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Policy EP08 be accepted without amendment.

CARRIED UNANIMOUSLY

09/17.12.7 Policy Review – LG30 Public Interest Disclosure

FILE REFERENCE	17/14278
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OFFICER'S RECOMMENDATION:

That Council adopt Policy LG30 Public Interest Disclosure as amended.

INTRODUCTION:

Council has very recently amended this Policy as per the review schedule. The Ombudsman has undertaken a review of the guidelines and has required the Policy be amended to suit the revised guidelines.

DISCUSSION:

- The Manager Corporate Services advised that this is a requirement of the Ombudsman with the particular wording.
- Clr Rubenach-Quinn stated that the letter mentions having contents page and flow chart, has this been given any thought? The Manager Corporate Services stated that he thought there was enough in it and didn't bother and he has communicated this to the Ombudsman's Office.

COUNCIL DECISION:

09/17.12.7.210 Moved: Clr B LeFevre / Seconded: Clr J Tucker

That Council adopt Policy LG30 Public Interest Disclosure as amended.

CARRIED UNANIMOUSLY

09/17.13.0 **WORKS AND INFRASTRUCTURE**

09/17.13.1 **Works and Infrastructure Report**

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

- The Works Supervisor advised that there was a lot of work last week with funerals which breaks up the crews.

- Clr McGiveron asked who is doing work on S Road. The Works Supervisor advised that he didn't know. Clr McGiveron commented that he is assuming it is one of the timber companies.
- Clr McGiveron stated that the steep hill up to the plains has a lot of water ruts, etc. The Works Supervisor stated that this is very hard but we have the guys heading that way at the moment.
- Clr McGiveron asked in relation to the edges of Mathinna Plains Road. The Works Supervisor advised that this has been passed onto the Fingal crew and they will take the grass off where possible.
- Clr McGuinness stated that the Griffin Park road right near Griffin Park, there is a big hole which has appeared in the middle of the road. The Works Supervisor advised that he will look into.
- Clr LeFevre stated that he would like to acknowledge the level of professionalism with the work in Young Street, he has received a lot of good comments.
- Clr LeFevre asked what are the people doing in the Esplanade near Cameron Street, what is happening. The Works Supervisor advised that these are TasWater contractors preparing to install a new rising main to the pump station.
- Clr Rubenach-Quinn asked what is proposed for the foreshore stabilisation at O'Connors Beach – Clr Rubenach-Quinn was wondering what this involves. The Works Supervisor advised that he is not sure at this stage this is going to be revisited and he has gone to GeoTas for consultation. The Works Supervisor advised that originally it was going to be rock armouring, but this is not the best for the activity and use for the area.
- Clr Drummond asked in relation to the installation of seats and bins in St Marys, where is this? The Works Supervisor advised it is the other end of the street.
- Clr Drummond asked how were things progressing at the Mathinna Cemetery – what is happening. The Works Supervisor advised that we have now got the new gates so these will be installed in due course and we are doing concrete lawn cemetery strips at the moment.

COUNCIL DECISION:

09/17.13.1.211 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

09/17.13.2 **Animal Control Report**

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

That the report be received by Council.

INTRODUCTION:

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

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

09/17.13.2.212 Moved: Clr K Wright / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

09/17.14.0 **COMMUNITY DEVELOPMENT**

09/17.14.1 **Community Services Report**

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- Clr Drummond asked whether there were any updates regarding the Sangaree Guide Hall, are we any closer to getting guides in there? The Manager Community Services advised that they are looking at putting one in here as there is no longer one at Bicheno, however this is dependent on decisions from Guides Tasmania.
- Clr J Tucker stated that the 26Ten is extremely important for this community.
- Clr McGiveron asked whether anything was moving forward with the Cosmic Egg. The Manager Community Services advised that it was moving forward very slowly we have written to the school.

COUNCIL DECISION:

09/17.14.1.213 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

Adjourned for morning tea at 11.00am
Meeting resumed at 11.10am

09/17.15.0 DEVELOPMENT SERVICES

09/17.15.1 Development Services Report

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

That the report be received.

INTRODUCTION:

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

DISCUSSION:

- The Building Services Coordinator advised that we will be opening the St Marys Railway toilets while the Library Park toilets are being constructed and hopefully they will be done by Christmas.
- Mayor Tucker stated that it is important that we look at the alternative blackwater dump site for the Bay of Fires as soon as possible.
- Clr Rubenach-Quinn asked in relation to the Lower George River Trust – Clr Rubenach-Quinn was wondering what has come in for that? The Building Services Coordinator advised that he will check with the NRM Facilitator and reply to all Councillors

COUNCIL DECISION:

09/17.15.1.214 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

09/17.15.2 Planning Approvals Issued

Received.

09/17.15.3 Building Services Approvals

Received.

09/17.16.0 GOVERNANCE

09/17.16.1 General Manager's Report

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

That the General Manager's report be received.

INTRODUCTION:

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

DISCUSSION:

- The Acting General Manager advised that he and the Mayor attended the Legislative Council Select Committee hearing last week in relation to the proposed State Government takeover of TasWater to speak to Councils submission. Mayor Tucker stated that it was held in Henty House in Launceston and Chaired by Rosemary Armitage. We were questioned for around 50 minutes. Mayor Tucker stated that it is a difficult job for the Legislative Council with the mis-information which has been provided in the press. Mayor Tucker stated that he thought the hearing was extremely positive, however there was one strategy on trade waste which is a government regulated process. Clr McGuinness stated that he would like to commend the comprehensive report which was prepared by Council. Mayor Tucker stated that the Legislative Council did ask very pertinent questions. The Acting General Manager stated that there was an expert from a similar organisation on the mainland who spoke very well against the model the State Government are proposing. Mayor Tucker also stated that this was a CEO from WA who stated that the model proposed was outdated about 20 years ago in Australia. Mayor Tucker advised that he can't pre-empt what the Legislative Council decision may be.
- Clr Drummond asked how long before the decision was to be made? Mayor Tucker stated that we are not sure, we think it may be the end of October/November.

COUNCIL DECISION:

09/17.16.1.215 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That the General Manager's report be received.

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

09/17.17.0 **CLOSED COUNCIL**

09/17.17.1 **Outstanding Actions List for Closed Council**

09/17.17.2 **Release of Information Regarding the Partial Closure of Parkside Avenue, Stieglitz - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

09/17.17.3 **Local Government Reform – Break O’Day and Glamorgan-Spring Bay Councils Boundary Adjustment - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

FILE REFERENCE	014\003\002\
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COUNCIL DECISION:

09/17.17.3.CC Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council:

1. Receive the Break O’Day Council: Boundary Adjustment Modelling report prepared by KPMG and release the report to the community.
2. Provide a copy of the report to Glamorgan-Spring Bay Council, Sorell and Tasman Councils, and Local Government Division.
3. Undertake community information sessions at St Helens and St Marys and seek community feedback through Council’s website and social media.

CARRIED UNANIMOUSLY

09/17.17.3.CC Moved: Clr J Drummond / Seconded: Clr H Rubenach-Quinn

That Council make decision 09/17.17.3.CC – Local Government Reform – Break O’Day and Glamorgan-Spring Bay Councils Boundary Adjustment be made available in the public minutes.

CARRIED UNANIMOUSLY

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

Moved: Clr H Rubenach-Quinn/ Seconded: Clr M Osborne: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 11.33am.

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MAYOR

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DATE