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ACKNOWLEDGEMENT OF COUNTRY

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

Mayor Tucker requested that all present stand for a minutes silence in memory following the recent passing of past Mayor Robert Legge OAM.

06/18.1.0 ATTENDANCE

06/18.1.1 Present

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

06/18.1.2 Apologies

Councillor John Tucker

06/18.1.3 Leave of Absence

Nil.

06/18.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Communications Coordinator, Jayne Richardson (Item 1.0 – 16.5)
Manager Corporate Services, Bob Hoogland (Item 6.2 – 13.1)
Manager Infrastructure & Development Services, David Jolly (Item 1.0 – 17.4)
Community Services Project Officer, Erica Lowry (Item 1.0 – 16.5)
Building Services Coordinator, Jake Ihnen (Item 2.0 – 16.5)
Planning Officer, Chris Triebe (Item 13.3 – 15.5)
Planning Consultant, Rebecca Green (Item 2.0 – 7.0)
Works Support Officer, Kristina Freshney (Item 6.2 – 14.2)
NRM Facilitator, Polly Buchhorn (Item 14.4 – 16.5)
06/18.2.0  PUBLIC QUESTION TIME

13 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.

06/18.2.1  Justification for Recommendation to “Not Provide Funding” – Mrs K Smith obo Seymour Community Action Group Inc

Kerryn Smith obo Seymour Community Action Group read a letter sent from the Treasurer.

To the General Manager - Break O’ Day Council
via email

RE: Council Agenda 06/18.14.4 page 145 – File Ref 018\019\063 - 25 June 2018

Council Officer – Chris Hughes, Manager Community Services

Dear Mayor and Councillors

Question to the Community Service Manager:

Kindly, what is the justification for the recommendation to “not provide funding” to SCAGI?

The officer’s report introduction fails to give a detailed background of the community project. At the time of the back-burn (Aug 2016) SCAGI was informed by the Parks Fire Brigade Unit that NRM North would be the go to authority to apply for post burn weed management funding. This advice turned out to be incorrect as we were told by NRM North that they generally don’t fund gorse management.

SCAGI had no say in the extent of area which was burnt. We were left with over 14 hectares of burnt impenetrable, standing gorse skeletons waiting to germinate the post fire seedbank. Please see the attached - May 2018 Progress Comparison-aerial photograph. Now over 90% of all burnt gorse has been mulched and all weed re-growth has been sprayed. We managed without an unsuccessful SUEZ grant last year and the community contributed $9000 towards the mulching of the burnt gorse. The weed management is ongoing and requires further funding. Our community feels empowered by the gained accessibility of the infestation and is determined to set an example to other land owners.

The local community is invited to working bees and field days to come together and celebrate our achievements. The last field day attracted nearly 30 people ranging in age from 5 to over 80 years old. Families, women, men and children were in the mix.

Visitors to the area will enjoy a natural wetland environment instead of a gorse covered impenetrable weed mass over 2 metres in height. The environment is encouraged to regenerate naturally by the removal of any invasive weed species.

We were very surprised that our project was not successful in this year’s Community Funding Program especially as we heard that not all funding allowance was distributed this year.

Regarding NRM North’s comment that we have taken on too much with this project I would like to point out again that we were put in this situation with no say in it. We all recognise it is a big commitment and feel that we will need some assistance over the long run.

All activities are regularly updated on our website and periodically on the Gorse Eradication Strategy for Seymour Wetlands; Weed and Disease Management Plan (WMP)
Chris Hughes states under ‘Strategic Plan & Annual Plan: “Not Applicable” whereas the BODC Strategic Plan 2017-2027 on your website states the following:

Under the ‘Environment section 13’. Strategies: 3. Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

Under ‘Key Focus Areas’ - Land Management – “Develop the financial and human resources to undertake projects and activities which address environmental issues such as weeds and land degradation”.

Under ‘Assessing Progress’ the policy shows two point which are applicable to our project, “Land management projects and activities undertaken” and “Community awareness activities”.

With this background information we hope you have justification of our commitment to the project and that we have clarified the reasons for the need of future funding.

Yours sincerely

Daniel Steiner
Treasurer

Seymour Community Action Group Inc. scagi7215@gmail.com www: https://scagi7215.wixsite.com/scagi

Attachments: May 2018 Comparison & May 18 comparison background
May 2018 - progress comparison

below showing dense impenetrable gorse clusters over 2 metres in height before the burn in Aug 2016
23 Aug 2016 - two days before the controlled back-burn / fuel-reduction looking south down the access track from Templestowe beach to Champ Street

showing dense impenetrable gorse clusters over 2 metres in height before the burn in Aug 2016
REPLY

This matter is listed on the today's Council Agenda and will be considered at that time.

06/18.2.2 Scenic Protection Code - Mr T Dudley obo NE Bioregional Network, St Helens

The Local Governments of Southern Tasmania have collectively employed Geoscene and Inspiring Place to undertake a comprehensive assessment of the scenic values of their municipalities. The information and associated report generated will be used to inform the new Scenic Protection Codes as part of the new Statewide Planning Scheme process.

Will Break O’Day contact Geoscene/Inspiring Place and do likewise in the Break O’Day Municipality to ensure that the scenic values of our region are comprehensively identified and properly protected?

In 2005 the Resource Planning and Development Commission stated our coastlines are of “the highest visual and environmental quality in the State”.

REPLY

Council has no obligation to contact or use the services provided by Geoscene or Inspiring Place at this stage. Break O’Day Council is working collaboratively with northern region Councils and will be guided by any initiative related to preserving scenic values.

06/18.2.3 Sale of Public Open Space by Break O’Day Council - Mr T Dudley obo NE Bioregional Network, St Helens

On May 22nd 2018 in the Examiner there was an article in which Mayor Tucker announced that Public Open Space in Break O’Day would be disposed of.

The Mayor was quoted as saying: “This land has been identified as surplus to the needs of Council and rather than footing the bill in terms of land tax and maintenance costs, we would rather sell off the land and put the savings and the sale proceeds back into the community.”

We ask the following questions:

a) Is the Council aware that under Section 19(D) of the Land Tax Act 2000 that any public open space maintained by Council and used for recreation by the community is exempt from paying land tax?

b) If Council has not maintained and promoted the use of designated Public Open Space for recreation how much land tax has been paid on these blocks as a result of lack of maintenance and availability for recreational use?

c) If Council has spent little or no money on maintaining these Public Open Spaces why is Council claiming they will save money on maintenance costs?
Isn’t the most important question to ask how this existing Public Open Space could be used to enhance the natural environment and quality of life for local residents by providing spaces for exercise, relaxation and enjoyment of nature and improving wellbeing and mental health outcomes rather than Council deeming the land “surplus to Council needs”?

Below we include the relevant legislation to be included as part of our Public Question Time.

**Land Tax Act 2000**

19B Partially exempt land: public parks and gardens

(1) Land tax is not payable in respect of land that is a park or garden, where the park of garden is
   - a. Held or owned by a local authority or other local governing or statutory public body (other than an applicable authority as defined in section 39A of the Local Government Act 1993);
   - b. In public recreational use.

(2) However, for the purposes of subsection (1), if any part of land is not a park or garden in public recreational use, the Commissioner is to apportion the land value of the land between exempt land and general land, for which purpose –
   - a. The apportioned assessed land value in respect of exempt land is to be determined by multiplying the assessed land value of the land by the proportion of the land that is a park or garden in public recreational use; and
   - b. The apportioned assessed land value in respect of general land is to be the assessed land value of the land less the apportioned assessed land value in respect of exempt land calculated under paragraph (a).

(3) For the purposes of this section –
   - a. A park or garden held or owned as provided in subsection (1) is taken to be in public recreational use if –
      - i. The park or garden is used for recreational purposes; and
      - ii. The relevant local authority or other local governing or statutory public body normally provides the public with free access to the park or garden; and
   - b. A park or garden held or owned by a local authority or other local governing or statutory public body is taken not to include any premises that are built, and used, for the specific purpose of conducting sporting activities; and
   - c. A Government Business Enterprise is taken not to be a statutory public body.

(4) In this section –
   - Park or garden includes part of a park or garden.

**REPLY**

a) Yes.
b) No land tax has been paid.
c) The properties Council has advertised represent a range of property types and accordingly have differing maintenance requirements and costs. Some are minimal but some require more regular attention. Until addressed, this maintenance cost continues to accumulate and is an ongoing and unnecessary burden on the ratepayers of Break O’Day if there are more appropriate tenure options.
d) Council, as elected representatives of the community of Break O’Day undertook the extensive and widely and deeply consulted Municipal Management Plan including the Recreation and Open Space Plan. Council is implementing the recommendation of this Plan and through this process is asking and answering the very important question for each of these properties, “What is the most appropriate tenure to achieve the best overall outcomes for our community?”

**06/18.2.4 Remnant Native Vegetation (Including Swift Parrot Habitat) St Helens Point Road - Mr T Dudley obo NE Bioregional Network, St Helens**

Given the historical poisoning of native vegetation opposite Cunningham Street on St Helens Point Road and current removal of native trees from the new Caravan Park site on St Helens Point Road can Council commit to ensure that the remnant native trees and vegetation on the northern side of St Helens Point Road between Talbot Street around to Cunningham Street will be left as is?

**REPLY**

All native vegetation removal is subject to a planning application to demonstrate compliance against E8 Biodiversity Code of the Break O’Day Interim Planning Scheme 2013, unless an exemption for such removal applies.

**06/18.2.5 Jason Street – Mr J Albury, St Helens**

1. There is still water coming down the road and Council have been onsite and there is still nothing done. Can this please be fixed?

2. The TasWater works at the bottom of Jason Street have been left is a mess. Could Council ask them to come back as they must fix this?

**REPLY**

1. Council officers will continue to monitor the ground water condition and undertake road dig outs as required during Spring 2018.

2. TasWater will reseal the trenched area of the street once the new sewer main has been fully commissioned.
Clr Wright read out the attached correspondence from the Friends of Four Mile Creek Inc.

22 June, 2018

Cr Kylie Wright  
Break O Day Council  
32-34 George Bay Esplanade  
ST HELENS Tas 7216  

Dear Kylie,  

The Friends of Four Mile Creek, on behalf of the Four Mile Creek Community, are seeking an urgent resolution to the maintenance of the bridge at Four Mile Creek.  

As you are aware, no maintenance has been carried out on this bridge since it was put in place after the fires in 2006.  

It is now riddled with rust. Local fishermen who pass under the bridge say it is even worse underneath.  

As you know once rust occurs it will continue to eat away at the bridge and destroy the integrity of the structure.  

The FOFMC are concerned that if the bridge is opened to vehicles during an emergency it may not withstand the traffic.  

Also it has become an environment problem with rusty mental and paint dropping off into the creek.  

We look forward to a resolution.

Kind regards,  

TANYA HANN  
President  

CHRISTINE OLESZKIEWICZ  
Treasurer
REPLY

In April 2018, Council Officers sought expert opinion as to the degree of corrosion occurring on the structure and quotation to address localised areas of corrosion.

Once all quotes have been received, Council will act to apply corrosion protection.

It is noted that the bridge has a 2 tonne gross load limit that limits the class of vehicle that can use the bridge in any event.

06/18.3.0 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 Drummond advised that she had a non-pecuniary interest in agenda item 06/18.13.6 – St Marys Community Space – Groom Street as she is the Facilitator/Secretary of the group and wrote the letter of request to Council.

Clr LeFevre advised that he had a non-pecuniary interest in agenda item 06/18.16.2 – Business Enterprise Centre (BEC) – Continued Funding Approval as he is a Board Member of the BEC.

06/18.4.0 CONFIRMATION OF MINUTES

06/18.4.1 Confirmation of Minutes – Council Meeting 21 May 2018

OFFICER’S RECOMMENDATION:

That the minutes of the Council Meeting held on the 21 May 2018 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

06/18.4.1.122 Moved: Clr M Osborne / Seconded: Clr G McGuinness

That the minutes of the Council Meeting held on the 21 May 2018 be confirmed.

CARRIED UNANIMOUSLY
06/18.5.0  COUNCIL WORKSHOPS HELD SINCE 21 MAY 2018 COUNCIL MEETING

There was a Workshop held on Monday 4 June 2018 – the following items were listed for discussion.

- Review of the Operation of St Helens Tip Shop
- LG11 Rates Remissions and Exemptions Policy – Draft
- Adoption of 2018-2019 Budget Estimates
- St Marys Community Space – Groom Street
- Fingal Waste Transfer Station – New Retaining Wall Concept
- Fingal General Cemetery Masterplan
- Seymour Community Action Group Inc
- Disability Access Committee – Township Walks – St Marys and Fingal
- Break O’Day International Women’s Day
- Proposed Buggy Shed – Scamander Sports Complex
- Business Enterprise Centre (BEC) - Continued Funding Approval
- Review - Meeting Procedures
- Review – Council Workshop Procedures
- Review – Planning Authority Guidelines

06/18.6.0  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.

06/18.6.1  DA 042-2018 – Ancillary Dwelling and Rear Fence – 6 Bayvista Rise, St Helens

<table>
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<tr>
<th>FILE REFERENCE</th>
<th>DA 042-2018</th>
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OFFICER’S RECOMMENDATION:

After due consideration of the representations received pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Break O’Day Council Interim Planning Scheme 2013 that the application for Ancillary Dwelling & Rear Fence on land situated at 6 Bayvista Rise, St Helens described in Certificate of Title CT 145166/22 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 042-2018 received by Council 21 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2018/00275-BODC as attached to this permit.

3. All stormwater runoff from the proposed ancillary dwelling must be detained by on-site water storage systems and disposed of into the storm water system servicing the existing dwelling by means that will not result in soil erosion or other stormwater nuisance.

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 ancillary dwelling must be reinstated to the satisfaction of Council and at the cost of the developer.

6. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the ancillary dwelling on the subject site.

ADVICE:

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council’s Manager Works and Infrastructure.

- 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

INTRODUCTION:

Application is made for the construction of a 58.63m² ancillary dwelling to the west of an existing dwelling and a 2.4m high colorbond fence along the western rear boundary at 6 Bayvista Rise, St Helens. Residential use (single dwelling, including an ancillary dwelling) in the General Residential Zone of St Helens is a no permit required use without qualifications, under Table 10.2 of the Break O’Day Interim Planning Scheme 2013.
DISCUSSION:

- Clr Osborne stated that it is all self-explanatory.
- Clr LeFevre stated that it meets the Planning Scheme requirements.
- Clr Rubenach-Quinn asked whether the fence is included as part of the dwelling under 10.4.2 P3. The Planning Consultant advised that the definition says a dwelling is excluding out buildings therefore the fence is excluded as it is not a habitable dwelling.
- Clr Rubenach-Quinn asked whether the justification for the height of the fence is for bushfire protection and is the reason given by a qualified person to determine that this is an appropriate and necessary measure. The Planning Consultant advised that under the Boundary Fences Act, 2.1m colourbond fences are exempt, the application has been
reviewed and the BAL assessment is not required until a building application is received however it is good to consider any implications that it may have in regards to a planning application. BAL 40 or higher will not be signed off these days unless it meets a performance solution to reduce the BAL level.

- Clr Rubenach-Quinn asked whether the covenant on this property is relevant. The Planning Consultant also advised that this still meets the single dwelling issue on the covenant.

**COUNCIL DECISION:**

**06/18.6.1.123** Moved: Clr M Osborne / Seconded: Clr B LeFevre

After due consideration of the representations received pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Break O’Day Council Interim Planning Scheme 2013 that the application for Ancillary Dwelling & Rear Fence on land situated at 6 Bayvista Rise, St Helens described in Certificate of Title CT 145166/22 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 042-2018 received by Council 21 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.

2. All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, TWDA 2018/00275-BODC as attached to this permit.

3. All stormwater runoff from the proposed ancillary dwelling must be detained by on-site water storage systems and disposed of into the storm water system servicing the existing dwelling by means that will not result in soil erosion or other stormwater nuisance.

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 ancillary dwelling must be reinstated to the satisfaction of Council and at the cost of the developer.

6. All conditions of this permit must be completed to the satisfaction of the responsible authority, prior to the occupancy of the ancillary dwelling on the subject site.

**ADVICE:**

- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and/or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council’s Manager Works and Infrastructure.
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

CARRIED UNANIMOUSLY

06/18.6.2 DA 054-2018 – Dwelling/Visitor Accommodation – 74A Main Road, Binalong Bay

FILE REFERENCE DA 054-2018

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 Dwelling/Visitor Accommodation on land situated at 74A Main Road, Binalong Bay described in Certificate of Title CT 149855/112 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 054-2018 received by Council 26 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.

2. All runoff from the proposed building must be collected and contained within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Overflow stormwater disposal from the strata lot must be in accordance with recommendations provided by Pitt & Sherry (report dated 15 January 2015) and GES (report dated 20 April 2018), to the existing system within the complex. The stormwater must be a piped connection and not allowed to create overland flows.

3. The areas shown to be set aside for vehicle access and car parking must be:
   a. Completed prior to the use of the development commencing;
   b. Designed and laid out in accordance with provisions of E6.0 of the Break O’Day Interim Planning Scheme 2013;
   c. Provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
   d. Constructed with a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties.

4. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council’s Plumbing Permit Authority.

5. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.
6. An occupancy limitation of four (4) persons shall be applied to the visitor accommodation use.

7. The owner is to apply for registration as a “Supplier of drinking water from a private water source” for the visitor accommodation use.

8. Native vegetation must not be removed outside that necessitated by the proposed development.

9. 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.

10. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling/visitor accommodation 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.

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

- 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 an additional dwelling on an existing property off Main Road, Binalong Bay. Residential use of the proposed additional multiple dwelling in the Village Zone of Binalong Bay is a permitted use without qualifications, under Table 16.2 of the *Break O’Day Interim Planning Scheme 2013*. The dwelling is also to be used when not used by the owner for visitor accommodation, which is a permitted use without qualifications, under Table 16.2 of the *Break O’Day Interim Planning Scheme 2013*. 
Adjacent site at 74 Main Road

Subject site
Subject site

Subject site
Existing access (common property)

DISCUSSION:

- Clr McGuinness stated he believes the performance criteria have been met although has reservations, as he is concerned with the size of the blocks but can’t see any reason not to approve the application.

COUNCIL DECISION:

06/18.6.2.124 Moved: Clr G McGuinness / Seconded: Clr M Osborne

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 Dwelling/Visitor Accommodation on land situated at 74A Main Road, Binalong Bay described in Certificate of Title CT 149855/112 be APPROVED subject to the following conditions:

Development must accord with the Development Application DA 054-2018 received by Council 26 February 2018, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
1. All runoff from the proposed building must be collected and contained within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Overflow stormwater disposal from the strata lot must be in accordance with recommendations provided by Pitt & Sherry (report dated 15 January 2015) and GES (report dated 20 April 2018), to the existing system within the complex. The stormwater must be a piped connection and not allowed to create overland flows.

2. The areas shown to be set aside for vehicle access and car parking must be:
   a. Completed prior to the use of the development commencing;
   b. Designed and laid out in accordance with provisions of E6.0 of the Break O’Day Interim Planning Scheme 2013;
   c. Provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
   d. Constructed with a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties.

3. Effluent disposal is subject to a technical assessment and issue of a Plumbing Permit by Council’s Plumbing Permit Authority.

4. Use of the development must not create a nuisance as defined by the Environmental Management and Pollution Control Act 1994.

5. An occupancy limitation of four (4) persons shall be applied to the visitor accommodation use.

6. The owner is to apply for registration as a “Supplier of drinking water from a private water source” for the visitor accommodation use.

7. Native vegetation must not be removed outside that necessitated by the proposed development.

8. 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.

9. Any damage that may occur to any Council infrastructure during the construction of the proposed dwelling/visitor accommodation 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.
• Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.

• Activities associated with construction works are not to be performed outside the permissible time frames listed:

  Mon-Friday 7 am to 6 pm  
  Saturday 9 am to 6 pm  
  Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

*The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations.*

06/18.7.0  PETITIONS

Nil.

06/18.8.0  NOTICES OF MOTION

*The Mayor vacated the Chair at 10:26am*

*Deputy Mayor took the Chair at 10.26am*

06/18.8.1  Notice of Motion – Shower at Beauty Bay – Clr M Tucker

MOTION:

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

That Council:

1. Put in a small seat and a small table/bench right next to the shower.

2. Put a one (1) meter wide cement path from the shower to the toilet block.

3. Put a coat of clear sealer on the shower base like the footpaths in the street have on them to seal the cement.
SUBMISSION IN SUPPORT OF MOTION:

The new shower that is now at Beauty Bay is already being used by the early morning swimmers and they love it.

The request is a simple one. I have been asked if we can put in a small seat and a small table / bench right next to it so people can have a shower and sit down and put on their shoes etc and have their towel on a bench or table so it’s not in the dirt.

DISCUSSION:

- Clr Drummond asked, are we talking smaller than our regular picnic table? Mayor Tucker advised that yes he is thinking just a small seat or table for people to put their clothes, towel, etc on.

COUNCIL DECISION:

06/18.8.1.125 Moved: Clr M Tucker / Seconded: Clr M Osborne

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

That Council:

1. Put in a small seat and a small table/bench right next to the shower.
2. Put a one (1) meter wide cement path from the shower to the toilet block.
3. Put a coat of clear sealer on the shower base like the footpaths in the street have on them to seal the cement.

CARRIED UNANIMOUSLY

Mayor Tucker resumed the Chair at 10.28am

06/18.9.0 COUNCILLOR’S QUESTIONS ON NOTICE

Nil.
06/18.10.0  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.

06/18.10.1  St Helens Markets Tables - Clr J Drummond

St Helens Markets have advised that they are missing tables that were used during the fires last year, they are still missing nine (9) tables?

REPLY

The General Manager advised that this has been investigated and has been the subject of numerous discussions with a Market Committee representative, Officers we will arrange a report to Councillors

06/18.10.2  Vegetation Removal – St Helens Point Road - Clr K Wright

It appears that there has been significant slashing by our contractor, of the foreshore area across the road from the Parkside caravan park development. The concern here is the issue of the coastal toe erosion which is prevalent in that area and all around St Helens Point Road through to near the Jetty Road area.

The question is, why has this occurred when there is a very strong argument against removing vegetation from area affected by the coastal toe erosion, as this action could lead to the undermining of the road in that area and including the area known as Possum Tom where there has already been significant erosion and tree loss into the water. Undermining of the road could make necessary considerable works and further future expense to Council.

What measures are the Council taking to ensure that contractors area aware of the issues of removing vegetation in areas of concern.

REPLY

Foreshore Erosion

The erosion at the foreshore is being caused by two (2) mechanisms. The first is tidal erosion, the second is gully head erosion due to natural underground water flow. Both will occur irrespective of vegetation as evidenced by the fallen trees along the embankment.

Council’s Manager Infrastructure & Development Services, Works Operations Manager and Engineer inspected the extent of erosion in mid-May. A project brief is being prepared to invite qualified engineering consultants to prepare erosion mitigation plans and costings for the purpose of seeking Australian Government and Tasmanian State Government co-funding to retard the rate of erosion and to construct a foreshore walking track that links Lions Park to O’Connors Beach.
Mowing Contractor

Roadside slashing occurred in April 2018. The contractor was not advised by the Works Team Leader that a sensitive area existed nearby the usual area of roadside slashing. The contractor has since been made aware of and shown the area not to mow in future.

06/18.11.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

06/18.11.1 Mayor’s Communications for Period Ending 25 June 2018

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.05.2018</td>
<td>Campbell Town</td>
<td>Department of Premier &amp; Cabinet – Stakeholder Reference Group – Camping &amp; RV Facilities</td>
</tr>
<tr>
<td>30.05.2018</td>
<td>Launceston</td>
<td>Local Government Association of Tasmania (LGAT) – General Management Committee</td>
</tr>
<tr>
<td>31.05.2018</td>
<td>Hobart</td>
<td>Premiers Local Government Committee</td>
</tr>
<tr>
<td>02.06.2018</td>
<td>St Helens</td>
<td>East Coast Regional Tourism Awards</td>
</tr>
<tr>
<td>03.06.2018</td>
<td>St Helens</td>
<td>St Helens History Room – Exhibition Opening – My Culture, My Story</td>
</tr>
<tr>
<td>04.06.2018</td>
<td>St Helens</td>
<td>Council Workshop</td>
</tr>
<tr>
<td>04.06.2018</td>
<td>St Helens</td>
<td>Whitelion Presentation with Commonwealth Bank</td>
</tr>
<tr>
<td>08.06.2018</td>
<td>Bracknell</td>
<td>Solar Farm Open Day</td>
</tr>
<tr>
<td>08.06.2018</td>
<td>Fingal</td>
<td>Official Opening of the Khaya Gallery</td>
</tr>
<tr>
<td>17.06.2018 to 20.06.2018</td>
<td>Canberra</td>
<td>National General Assembly of Local Government – Australian Local Government Association (ALGA)</td>
</tr>
<tr>
<td>25.06.2018</td>
<td>St Helens</td>
<td>Council Meeting</td>
</tr>
</tbody>
</table>

06/18.11.2 Councillor’s Reports for Period Ending 25 June 2018

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
- Dave Duggan has stood down as President and Peter Paulsen is currently Acting President.

NRM Special Committee – Clr Margaret Osborne
- Next meeting is scheduled for July.

Barway Committee – Clr John McGiveron
- MAST said this is all proceeding and they are currently looking at a tender for a dredge.
- The dump site looks like it will be at Blanche Beach.
- The plan is to get a dedicated dredge and continue as planned.
Regional Tourism Organisation (RTO) – Clr Glenn McGuinness
- Last meeting was via teleconference to enable specific matters to move forward.
- Expressions of Interest are going out very soon for new Board Members. Clr McGuinness advised that he has a proforma for skills based nominations to be on the Board. The proforma is quite extensive would love Councillors to encourage people in the tourism business to apply. Clr McGuinness will circulate the proforma to all Councillors and has stated that he is happy to talk to anyone if they have any questions.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness
- Nothing to report.

Mental Health Action Group – Clr Barry LeFevre
- Met mid-June and the Committee discussed the Ochre issue and the recent loss of the three (3) doctors.
- The $1,000 that was won for the LIFE Award has been kept for now as it may be used to send someone to Nationals next year.
- Going to reduce their meetings at this stage and meet twice a year as the Suicide Prevention Committee will be doing a lot of their work for the next couple of years.

Disability Access Committee – Clr Janet Drummond
- There was a meeting on Friday to go around St Helens to look at the Main Street and the Playground. We didn’t think it was necessary to go to the Lions Park at this stage due to the motion in regards to a new walkway around the bay.

06/18.12.0 BUSINESS AND CORPORATE SERVICES
06/18.12.1 Corporate Services Department Report

FILE REFERENCE 018\018\001\

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 he had nothing further to add.
COUNCIL DECISION:

06/18.12.1.126  Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

06/18.12.2  Monthly Financial Report

FILE REFERENCE  018\018\001\n
OFFICER’S RECOMMENDATION:

That the following reports for the month ending 31 May 2018 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 clarified some points in relation to some jetties expenditure.
- Clr LeFevre asked with regard to the jetties and the expenditure and the surplus that is left over for the future, in the future estimates there is nothing there. The General Manager advised that the carry forwards will be carried forward automatically once it is known what is left from this year’s budget and this will flow through future reports.
- Clr Drummond asked in relation to item CE175, the demolition of the Fingal Sports Complex toilet block. Will there be toilets at that facility once this is demolished or will they be replaced. The Building Services Coordinator advised that at this stage there is not a replacement scheduled as there is a Council decision on the books to defer the replacement at the moment.
COUNCIL DECISION:

06/18.12.2.127 Moved: Clr K Wright / Seconded: Clr G McGuinness

That the following reports for the month ending 31 May 2018 be received:

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

CARRIED UNANIMOUSLY

06/18.12.3 Visitor Information Centre Report

FILE REFERENCE 040\028\002\

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 we have been responding to TripAdvisor when comments are received.
- Clr LeFevre commended the Manager Corporate Services and the people who work there on the professionalism of the History Room and VIC.

COUNCIL DECISION:

06/18.12.3.128 Moved: Clr B LeFevre / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY
06/18.12.4   LG11 Rates Remissions and Exemptions Policy – Draft

FILE REFERENCE  002\024\001\n
OFFICER’S RECOMMENDATION:

That Council adopt the amendments to Policy LG11 Rates Remissions and Exemptions as in the attached document.

INTRODUCTION:

This policy is not due for review, however a change to wording in the Local Government Act 1993 has provided an opportunity to undertake a review and make suggested amendments to the document.

DISCUSSION:

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

COUNCIL DECISION:

06/18.12.4.129     Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council adopt the amendments to Policy LG11 Rates Remissions and Exemptions as in the attached document.

CARRIED UNANIMOUSLY

06/18.12.5   Adoption of 2018-2019 Budget Estimates

FILE REFERENCE  018\007\023\n
OFFICER’S RECOMMENDATION:

That Council adopt the 2018-2019 Budget Estimates document inclusive of:

1. Budget Income Statement
2. Budgeted Statement of Financial Position
3. Budgeted Cash Flow Statement

and,
That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2018 to 30 June 2019 in accordance with the resolutions which follow:

1. **General Rate:**

1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O’Day for the period commencing 1 July 2018 and ending 30 June 2019, namely a rate of 8.26554 cents in the dollar on the assessed annual value (as adjusted) of the land.

1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of $551.00.

1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:

(a) for land which has the defined use, of commercial, in accordance with the list provided by the Valuer General, a varied general rate of 8.26554 cents in the dollar of the assessed annual value (as adjusted) of the land.

(b) for land which has the defined use, of primary production excluding forestry, in accordance with the list provided by the Valuer General, a varied general rate of 8.26554 cents in the dollar of the assessed annual value (as adjusted) of the land.

(c) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land.

2. **Service Charges:**

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O’Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2018 and ending on the 30 June 2019, namely:

2.1 **Waste Management:**
Service charges for different waste management services as follows;

2.1.1 **Waste Infrastructure**
for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, $178.00;

2.1.2 **Waste Collection Services**
(a) for making available the service of a 140 litre mobile waste bin collection within each collection area, $91.50 per bin; and
(b) for making available the service of a 240 litre mobile waste bin collection within each collection area, $150.00 per bin; and
(c) additional 140 litre waste bin will be $91.50 per service, and 240 litre waste bin will be $150.00 per service.
for making available the service of a 240 litre mobile recycling collection within each collection area, $52.00 per bin; and

(e) for each 240 litre mobile recycling collection bin supplied, in addition to the first, $52.00 per bin.

2.1.3 Waste Collection Services – Exceptions
Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

(a) where land is within a collection area pursuant to sub-paragraph (a), (b) or (d) but is vacant and is not used for any purpose, vary the collection service charge to nil;

(b) where improved land is within a collection area pursuant to sub-paragraph (a) (b) or (d) but either of the following two conditions apply (i) the capital value is $3,000 or less above the land value; or (ii) is considered to not be habitable; vary the collection service charge to nil;

(c) where land to which sub-paragraphs (a), (b) or (d) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):
Pursuant to Section 93A of the Local Government Act 1993 Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Cents in the Dollar of AAV</th>
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<tbody>
<tr>
<td>Volunteer brigade rating district</td>
<td>0.31448</td>
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<td>General land</td>
<td>0.50230</td>
</tr>
</tbody>
</table>

Pursuant to Section 93(3) of the Local Government Act 1993 Council sets a minimum amount payable in respect of this service rate of $40.00.

3. Separate Land:
For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

4. Adjusted Values:
For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the Local Government Act 1993.

5. Instalment Payment:
Pursuant to Section 124 of the Local Government Act 1993, Council:

(a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.

(b) determines that the dates by which instalments are to be paid shall be as follows:
   (i) The first instalment on or before 11 September 2018;
   (ii) The second instalment on or before 13 November 2018;
   (iii) The third instalment on or before 5 February 2019; and
   (iv) The fourth instalment on or before 7 May 2019.
(c) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the Local Government Act 1993.

6. Discount:
Pursuant to Section 130 of the Local Government Act 1993 Council offers to all of the ratepayers who are liable to pay rates and charges a discount of 3% of the rates and charges if they are paid, and received by Council, by one payment on or before 11 September 2018.

7. Penalty and Interest:
Pursuant to Section 128 of the Local Government Act 1993, if any rate or instalment is not paid on or before the date it falls due then:
(a) there is payable a penalty of 6% of the unpaid rate or instalment; and
(b) there is payable a daily interest charge of 0.024137% (8.81% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. Words and Expressions:
Words and expressions used both in these resolutions and in the Local Government Act 1993 or the Fire Service Act 1979 have in these resolutions the same respective meanings as they have in those Acts.

INTRODUCTION:
The Budget Estimates and Rates Resolution are considered annually in accordance with Section 82 of the Local Government Act 1993 and are prepared in accordance with Council’s Long Term Financial Plan.

DISCUSSION:
- The Manager Corporate Services advised that the Audit Panel noted that we are moving towards the targets for the financial ratios.
- The General Manager advised that Council has budgeted for the continuation of the NRM Facilitator role as there is no funding available from NRM North at this stage.
- Cllr Rubenach-Quinn raised whether there is any need to continue funding the Girl Guides Sangaree $2,500 a year when they are not running at the moment. Cllr Osborne stated that this is for the maintenance of building to keep the building in our community’s control. Cllr Drummond stated that the building is exempt from rates as well and has concerns when it is not being used. Cllr Drummond asked whether there is another community group we could ask to take over this building? Mayor Tucker stated that we will do some investigations and report back to Council.
COUNCIL DECISION:

06/18.12.5.130 Moved: Clr B LeFevre / Seconded: Clr K Wright

That Council adopt the 2018-2019 Budget Estimates document inclusive of:

1. Budget Income Statement

2. Budgeted Statement of Financial Position

3. Budgeted Cash Flow Statement

and,

That in accordance with the provisions of the Local Government Act 1993, Council adopts the rates and charges for the period 1 July 2018 to 30 June 2019 in accordance with the resolutions which follow:

1. **General Rate:**
   1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O’Day for the period commencing 1 July 2018 and ending 30 June 2019, namely a rate of 8.26554 cents in the dollar on the assessed annual value (as adjusted) of the land.

   1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of $551.00.

   1.4 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:

      (d) for land which has the defined use, of commercial, in accordance with the list provided by the Valuer General, a varied general rate of 8.26554 cents in the dollar of the assessed annual value (as adjusted) of the land.

      (e) for land which has the defined use, of primary production excluding forestry, in accordance with the list provided by the Valuer General, a varied general rate of 8.26554 cents in the dollar of the assessed annual value (as adjusted) of the land.

      (f) for land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.60368 cents in the dollar of the assessed annual value (as adjusted) of the land.

2. **Service Charges:**

   Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O’Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2018 and ending on the 30 June 2019, namely:
2.1 Waste Management:
Service charges for different waste management services as follows;

2.1.1 Waste Infrastructure
for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, $178.00;

2.1.2 Waste Collection Services
(f) for making available the service of a 140 litre mobile waste bin collection within each collection area, $91.50 per bin; and
(g) for making available the service of a 240 litre mobile waste bin collection within each collection area, $150.00 per bin; and
(h) additional 140 litre waste bin will be $91.50 per service, and 240 litre waste bin will be $150.00 per service.
(i) for making available the service of a 240 litre mobile recycling collection within each collection area, $52.00 per bin; and
(j) for each 240 litre mobile recycling collection bin supplied, in addition to the first, $52.00 per bin.

2.1.3 Waste Collection Services – Exceptions
Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;
(d) where land is within a collection area pursuant to sub-paragraph (a), (b) or (d) but is vacant and is not used for any purpose, vary the collection service charge to nil;
(e) where improved land is within a collection area pursuant to sub-paragraph (a) (b) or (d) but either of the following two conditions apply (i) the capital value is $3,000 or less above the land value; or (ii) is considered to not be habitable; vary the collection service charge to nil;
(f) where land to which sub-paragraphs (a), (b) or (d) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

2.2 Fire Protection (fire service contribution):
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Pursuant to Section 93(3) of the Local Government Act 1993 Council sets a minimum amount payable in respect of this service rate of $40.00.

3. Separate Land:
For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.
4. **Adjusted Values:**
For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

5. **Instalment Payment:**
Pursuant to Section 124 of the *Local Government Act 1993*, Council:
(a) decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.
(b) determines that the dates by which instalments are to be paid shall be as follows:
   (i) The first instalment on or before 11 September 2018;
   (ii) The second instalment on or before 13 November 2018;
   (iii) The third instalment on or before 5 February 2019; and
   (v) The fourth instalment on or before 7 May 2019.
(d) where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

6. **Discount:**
Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges a discount of 3% of the rates and charges if they are paid, and received by Council, by one payment on or before 11 September 2018.

7. **Penalty and Interest:**
Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid on or before the date it falls due then:
(a) there is payable a penalty of 6% of the unpaid rate or instalment; and
(b) there is payable a daily interest charge of 0.024137% (8.81% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

8. **Words and Expressions:**
Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

CARRIED UNANIMOUSLY

<table>
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<tbody>
<tr>
<td>06/18.13.1</td>
<td>Works and Infrastructure Report</td>
</tr>
</tbody>
</table>

**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 Manager Infrastructure and Development Services advised that he had nothing further to add.
- Cllr Drummond asked, where are we at with the removal of vegetation in the St Marys Rivulet. The Manager Infrastructure and Development Services stated that the majority of the works have been completed, there is a little more to do but nothing substantial.
- Cllr LeFevre stated that ratepayers have been commenting that stumps have been removed in the main street and Tully Street and that the people are very appreciative.
- Cllr Osborne asked, how long before these areas can be re-grassed. The Manager Infrastructure and Development Services stated that he will check with the Works Operations Manager and get back to Councillors.

COUNCIL DECISION:

06/18.13.1.131 Moved: Cllr G McGuinness / Seconded: Cllr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

Animal Control Report

FILE REFERENCE 003\003\018\

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 there have been a couple of difficult issues to deal with over the last couple of weeks with dog owners.
COUNCIL DECISION:

06/18.13.2.132 Moved: Clr J Drummond / Seconded: Clr M Osborne
That the report be received by Council.
CARRIED UNANIMOUSLY

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

06/18.13.3  Policy – AM03 Street Lighting Policy

FILE REFERENCE 002\024\001\n
OFFICER’S RECOMMENDATION:

That Policy AM03 Street Lighting Policy, as amended, be adopted.

INTRODUCTION:

Council has a schedule for regular review of Policies and this Policy is now due for revision.

DISCUSSION:

The Works Support Officer advised that there was nothing further to add.

COUNCIL DECISION:

06/18.13.3.133 Moved: Clr J McGiveron / Seconded: Clr M Osborne
That Policy AM03 Street Lighting Policy, as amended, be adopted.
CARRIED UNANIMOUSLY

06/18.13.4  Policy – AM08 Subdivision New Works & Infrastructure Construction Policy

FILE REFERENCE 002\024\001\n
OFFICER’S RECOMMENDATION:

That Policy AM08 Subdivision New Works & Infrastructure Construction Policy, as amended, be adopted.
INTRODUCTION:

Council has a schedule for regular review of Policies and this Policy is now due for revision.

DISCUSSION:

The Works Support Officer advised that there was nothing further to add.

COUNCIL DECISION:

06/18.13.4.134  Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Policy AM08 Subdivision New Works & Infrastructure Construction Policy, as amended, be adopted.

CARRIED UNANIMOUSLY

06/18.13.5  Policy – AM14 Mowing Policy

FILE REFERENCE  002\024\001\n
OFFICER’S RECOMMENDATION:

That Policy AM14 Mowing Policy, as amended, be adopted.

INTRODUCTION:

Council has a schedule for regular review of Policies and this Policy is now due for revision.

DISCUSSION:

- Clr Rubenach-Quinn asked in relation to the use of herbicides. The Works Support Officer advised that she is currently working on a weed policy and this will be presented to July Workshop

COUNCIL DECISION:

06/18.13.5.135  Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That Policy AM14 Mowing Policy, as amended, be adopted.

CARRIED UNANIMOUSLY

Clr Drummond left the meeting at 11.13am
OFFICER’S RECOMMENDATION:

That Council give consideration to making an allocation of $3,715 in the 2018/2019 budget for the provision and siting of signage and standard Council picnic table with chair at the St Marys Community Space at Groom Street.

INTRODUCTION:

Janet Drummond, Facilitator of St Marys Community Space Association Inc wrote to Councils General Manager and Executive Assistant requesting assistance from Council for the provision and siting of signage and standard Council picnic table with chair at the Groom Street Community Space.

The email request is as follows:

From: Janet Drummond [mailto:jandrummond@bigpond.com]
Sent: Monday, 7 May 2018 10:51 AM
To: John Brown; Angela Matthews
Cc: Janet Drummond; Valley Voice; Mr Paul & Genieveve Aulich
Subject: St Marys Community Space - Groom Street

Good morning John,

I am writing in my role as facilitator for the St Marys Community Space Association Inc. to request assistance from Council with three items:

1. The provision of a hooped sign holder as on Story Street and the Town Hall Precinct in St Marys for erection, with due requests provided to the planning department for installation at 18 Groom Street. The Association thought that as this is a piece of land which will revert to Council it would be best to use the same kind of signage on the block as is present in our townships in other areas. The top of the sign would say St Marys Community Space and below that the Association would anticipate adding blades to name the sponsors of the project. To date the sponsors are Break O’Day Council, the Tasmanian Community Fund and the St Helens - St Marys Community Bank. We request that either Council consider providing the hooped sign free of charge, or in the alternative that Council provide the sign at cost to the Association, this would be paid from out of fund raising activities by the Association. The Association shall then add blades as required;

2. For the same reasons as mentioned above, the provision of a standard table and chair picnic seating seat, with due requests provided to the planning department. We would be able to purchase this from Council using a $500.00 grant provided to us by the St Helens - St Marys Community Bank for this specific purpose and would like to know if Council would meet the difference in cost or if we could pay the difference in the amount of the purchase price from our fund raising activities general consolidated fund?
3. Would Council be able to site these 2 pieces of infrastructure or will the Association need to employ a private contractor for this job?

Please advise as we would like to proceed with these two additions to the block as soon as possible. The Tasmanian Community Fund are anticipating doing a launch of the Outdoor Gym Equipment which they have funded in the very near future and we would need to have the signage resolved and we would love to see the picnic table and chairs in place at the same time.

I am cc’ing Gary Barnes as it was the Fingal Valley Neighbourhood House Grant that achieved the placement of the Gym Equipment, and who requires the launch of the Gym Equipment, and Paul Aulich as the President of the St Marys Community Space Association Inc. into this email for their information.

I thank you for your attention to this matter and hope to hear back from you in the near future.

With kindest regards,

Janet Drummond
Facilitator St Marys Community Space Association Inc.
LLB (Bachelor of Laws), BA Juris (Bachelor of Jurisprudence)
0404 562 320

DISCUSSION:

- Clr Osborne asked whether this can come out of Public Open Space money? The General Manager advised that we do have a general street furniture allocation so it can come out of there.

COUNCIL DECISION:

06/18.13.6.136 Moved: Clr M Osborne / Seconded: Clr J McGiveron

That Council give consideration to making an allocation of $3,715 in the 2018/2019 budget for the provision and siting of signage and standard Council picnic table with chair at the St Marys Community Space at Groom Street.

CARRIED UNANIMOUSLY

Clr Drummond returned at 11.15am
FILE REFERENCE 011\034\006\n
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 Community Services Project Officer provided an update on arrangements for the One Night Stand and advised that there will be Business Information Community Sessions taking place in a couple of weeks. Information provided is still evolving.

COUNCIL DECISION:

06/18.14.1.137 Moved: Clr M Osborne / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE 011\011\002\n
OFFICER’S RECOMMENDATION:

That Council accepts the report provided by the Disability Access Committee which addressed issues for accessibility when planning future works in St Marys and Fingal.

INTRODUCTION:

As one of the standing agenda items for the Disability Access Committee was to address the issue of access around our townships - a walk around was undertaken and a report produced.

DISCUSSION:

The Community Services Project Officer advised that there was nothing further to add.
COUNCIL DECISION:

06/18.14.2.138  Moved: Clr J Drummond / Seconded: Clr J McGiveron

That Council accepts the report provided by the Disability Access Committee which addressed issues for accessibility when planning future works in St Marys and Fingal.

CARRIED UNANIMOUSLY

06/18.14.3  Break O’Day International Women’s Day

FILE REFERENCE  018\019\001\n
OFFICER’S RECOMMENDATION:

That Council acknowledge funding has been provided by the Tasmanian Women in Agriculture to assist with the running of an event to celebrate International Women’s Day.

INTRODUCTION:

A Notice of Motion was raised by Clr Drummond seeking that Council host this event and provide financial assistance.

DISCUSSION:

The Community Services Project Officer advised that there was nothing further to add.

COUNCIL DECISION:

06/18.14.3.139  Moved: Clr J Drummond / Seconded: Clr M Osborne

That Council acknowledge funding has been provided by the Tasmanian Women in Agriculture to assist with the running of an event to celebrate International Women’s Day.

CARRIED UNANIMOUSLY

06/18.14.4  Seymour Community Action Group Inc

FILE REFERENCE  018\019\063\n
OFFICER’S RECOMMENDATION:

That Council not provide funding to assist the Seymour Community Action Group Inc to reduce the issue of gorse on land currently under the control of Crown Land Services.
INTRODUCTION:

The Seymour Community Action Group Inc (SCAGI) lodged an application through the Community Funding Program seeking funding to assist with the removal of gorse from a parcel of land at Seymour – they were unsuccessful in having this project funded through this program.

DISCUSSION:

- Clr Rubenach-Quinn stated that she believes that SCAGI are very proactive in trying to manage a large issue within their community. Our strategic plan identifies a number of things under environment that addresses this project. Clr Rubenach-Quinn stated that she doesn’t believe that there are adequate reasons provided that we not fund this project.
- Clr Drummond stated that she fully supports Clr Rubenach-Quinn’s comments. We have our own Council Weed Officer saying that this will work if it is carried out until the end.
- Clr LeFevre stated that he agrees with Clr McGuinness. It is an extremely important issue; it is way beyond the smaller groups trying to control this issue. We should be working towards a major contribution from someone else to get the job done.
- Clr Osborne stated that she agrees with Clr McGiveron, there are other items in the community grants that we did not fund because they were not on Council land. Clr Osborne also agrees with Clr’s McGiveron and McGuinness that we should look at something in the budget to fund weed eradication.
- Clr Rubenach-Quinn stated that Council has an obligation to the community to fund it this financial year and then look forward to future funding.

COUNCIL DECISION:

06/18.14.4.140 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Drummond

That Council provide funding to assist the Seymour Community Action Group Inc to reduce the issue of gorse on land currently under the control of Crown Land Services.

FOR
Clr J Drummond, Clr K Wright, Clr H Rubenach-Quinn

AGAINST
Clr J McGiveron, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

LOST

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 there was nothing further to add.

COUNCIL DECISION:

06/18.15.1.141 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

06/18.15.2 Planning Approvals Issued

Received.

06/18.15.3 Building Services Approvals

Received.

06/18.15.4 Provision of Road Name: Telecom Lane off Story Street, St Marys

OFFICER’S RECOMMENDATION:

Council approve the use of the name “Salter Lane” for the road currently un-named off Story Street, St Marys. The road is 85m south of the Story Street intersection with Main Street St Marys and runs in an east – west direction for 115m.
PROPOSAL SUMMARY:

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

DISCUSSION:

The Planning Officer advised that there was nothing further to add.

COUNCIL DECISION:

06/18.15.4.142 Moved: Clr J McGiveron / Seconded: Clr M Osborne

Council approve the use of the name “Salter Lane” for the road currently un-named off Story Street, St Marys. The road is 85m south of the Story Street intersection with Main Street St Marys and runs in an east – west direction for 115m.

CARRIED UNANIMOUSLY

06/18.15.5 Proposed Buggy Shed – Scamander Sports Complex

FILE REFERENCE 004\008\032\n
OFFICER’S RECOMMENDATION:

1. That Council grant permission to lodge a Development Application for the proposed 15m X 4m Prefabricated Steel Shed located at the Scamander Sports Complex;

2. That Council support the construction of the proposed 15m X 4m Prefabricated Steel Shed subject to Planning and Building approvals.

INTRODUCTION:

The Scamander Sports Complex Committee proposes to construct a 15m X 4m Prefabricated Steel Shed located at the Scamander Sports Complex.

DISCUSSION:

The Building Services Coordinator advised that there was nothing further to add.
COUNCIL DECISION:

06/18.15.5.143 Moved: Clr J McGiveron / Seconded: Clr J Drummond

1. That Council grant permission to lodge a Development Application for the proposed 15m X 4m Prefabricated Steel Shed located at the Scamander Sports Complex;

2. That Council support the construction of the proposed 15m X 4m Prefabricated Steel Shed subject to Planning and Building approvals.

CARRIED UNANIMOUSLY

06/18.16.0 GOVERNANCE

06/18.16.1 General Manager’s Report

FILE REFERENCE 002\012\001\

OFFICER’S RECOMMENDATION:

That the General Manager’s report be received.

INTRODUCTION:

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

DISCUSSION:

- The General Manager advised that from the State Election the timing of works for the following are:
  o Binalong Bay Road shows up in the current budget papers and works are scheduled over two (2) years.
  o Tasman Highway, we can’t identify specific timing.
  o Georges Bay Marine Infrastructure project – funding will be year 1, nothing year 2 and then over years 3 and 4.

- Clr LeFevre asked, should we workshop the Marine Infrastructure project information. The General Manager stated that he completely agrees with Clr LeFevre as there is quite a broad strategy developing with some key interested community members along with Councillors and staff.

- Clr McGuinness stated that there is $12m allocated to Dianas Basin area of Tasman Highway and that there is a further $9m identified for road infrastructure in our area. Through the ECRTO he was asked whether there were any hot areas that we wanted to be considered as part of this. The General Manager stated that the push from Council has been from St Helens south all the way to Bicheno, the logical bit would be to continue to head south as there are issues specifically south of Scamander.
COUNCIL DECISION:

06/18.16.1.144 Moved: Clr J McGiveron / Seconded: Clr H Rubenach-Quinn

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

Clr LeFevre left the meeting at 11.48am

06/18.16.2 Business Enterprise Centre (BEC) - Continued Funding Approval

FILE REFERENCE 040\082\005\ OFFICER’S RECOMMENDATION:

That Council agree to fund the Break O’Day Business Enterprise Centre (BEC) $28,000 (GST inclusive) for the financial year 2018/2019.

INTRODUCTION:

Council has received a written request from the Break O’Day BEC seeking funding assistance.

DISCUSSION:

The General Manager advised that there was nothing further to add.

COUNCIL DECISION:

06/18.16.2.145 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council agree to fund the Break O’Day Business Enterprise Centre (BEC) $28,000 (GST inclusive) for the financial year 2018/2019.

CARRIED UNANIMOUSLY

Clr LeFevre returned to the meeting at 11.49am

06/18.16.3 Review – Council Workshop Procedures

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

That Council endorse the reviewed Workshop Guidelines.
INTRODUCTION:

The aim of this report is to consider the draft workshop guidelines.

These Workshop Guidelines were prepared to assist Councillors and Staff with the process and procedures for Council Workshops.

DISCUSSION:

- Cllr Rubenach-Quinn requested that there be more information provided in relation to dot points and where necessary referenced back to Legislation.

COUNCIL DECISION:

06/18.16.3.146 Moved: Cllr G McGuinness / Seconded: Cllr B LeFevre

That Council endorse the reviewed Workshop Guidelines.

FOR

Cllr J McGiveron, Cllr M Osborne, Cllr G McGuinness, Cllr B LeFevre, Cllr M Tucker

AGAINST

Cllr H Rubenach-Quinn, Cllr J Drummond

CARRIED

06/18.16.4 Review – Planning Authority Guidelines

FILE REFERENCE

OFFICER’S RECOMMENDATION:

That Council endorse the reviewed Planning Authority Guidelines.

INTRODUCTION:

The guidelines were prepared by a previous Manager Development Services to highlight the roles and responsibilities of Councillors when acting as a Planning Authority.

DISCUSSION:

- Cllr Rubenach-Quinn stated that some of the points should be referenced back to the Act.
- Cllr LeFevre stated that we are getting in the realms of being pedantic.
- Cllr McGiveron stated that he agrees with Cllr LeFevre.
- Cllr Wright stated that she agrees with Cllr Rubenach-Quinn, she would like to know specific links to legislation.
- Cllr Rubenach-Quinn stated that she thinks they are restrictive and would like clear linkages to relevant legislation.
- The General Manager asked Cllr Rubenach-Quinn for specific instances.
COUNCIL DECISION:

06/18.16.4.147 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That Council endorse the reviewed Planning Authority Guidelines.

An amendment was moved:

06/18.16.4.148 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Drummond

That Council take the Planning Authority Guidelines back to a Workshop.

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

Original motion was put:

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

06/18.16.5 2018-2019 Annual Plan

FILE REFERENCE 002\036\002\

OFFICER’S RECOMMENDATION:


INTRODUCTION:

Council’s management team have prepared a draft 2018-2019 Annual Plan based on discussions which have occurred through Council workshops and the normal budget/planning process. The Annual Plan has been prepared to take into account the matters identified in Council’s Strategic Plan and reflects continuity of existing projects and activities where this exists.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

Item deferred to July Workshop and Council Meeting due to timing of information being provided to Council.
Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.


CARRIED UNANIMOUSLY
06/18.17.0 CLOSED COUNCIL

06/18.17.1 Confirmation of Closed Council Minutes – Council Meeting 21 May 2018

06/18.17.2 Outstanding Actions List for Closed Council

06/18.17.3 Contract 030\001\104\ Bridge 4650 Replacement - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015

FILE REFERENCE 030\001\104\n
INTRODUCTION:
The purpose of this report is to seek approval from Council to award Contract No 030\001\104\ Bridge 4650 Replacement to the preferred tenderer.

COUNCIL DECISION:

06/18.17.3.CC Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council award Contract 030\001\104\ “Bridge 4650 Replacement” to BridgePro Engineering.

CARRIED UNANIMOUSLY

06/18.17.3.CC Moved: Clr J Drummond / Seconded: Clr K Wright

That the Council decision be made available in the Public Council Minutes excluding the value of the tender amount.

CARRIED UNANIMOUSLY

06/18.17.4 Enterprise Agreement Process and Staff Salary Increase - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015

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


CARRIED UNANIMOUSLY
Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.30pm.

....................................................
MAYOR

....................................................
DATE