

COUNCIL MINUTES

Monday 14 December 2015

Council Chambers



John Brown
General Manager
Break O'Day Council
14 December 2015

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12/15.1.0 ATTENDANCE

12/15.1.1 Present

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

12/15.1.2 Apologies

Councillor Janet Drummond

12/15.1.3 Leave of Absence

Nil

12/15.1.4 Staff in Attendance

General Manager, John Brown
Records Officer, Carol Joyce
Manager Community Services, Chris Hughes (*Item 1.0 – 17.4*)
Building Services Coordinator, Jake Ihnen (*Item 10.2 – 17.5*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 12.1*)
Planning Officer, Chris Triebe (*Item 13.2 – 17.1*)
Planning Coordinator, Paula Kloosterman (*Item 11.2 – 12.1 Item 13.2 – 17.4*)
Works & Infrastructure Supervisor (*Item 1.0 – 13.2*)
Work Health & Safety Coordinator (*Item 11.7 – 12.1*)
Communications Officer (*Item 17.7*)

12/15.2.0 PUBLIC QUESTION TIME

Three (3) 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.

12/15.2.1 Break O'Day Land Use Strategy – Mr Todd Dudley, St Marys obo North East Bioregional Network Inc

We received a letter from the Council dated 7th December entitled Submissions-Draft Land Use and Development Strategy.

In the letter it was stated that in relation to a proposed extension of the Falmouth settlement that "Having regard to the amount of urban zoned land which is currently available in the municipality, they (referring to consultants TCG PLANNING) believe this will make it difficult to support the expansion of this area when lodging future proposals with the Tasmanian Planning Commission". Further in a summary of the main changes to the Strategy Section 7.5 PRINCIPLES FOR GROWTH states "Development should focus on already cleared areas of land".

The consultants TCG PLANNING proposal to consider rezoning land to Urban at Beaumaris is in clear contravention of 7.5 PRINCIPLES FOR GROWTH and also sound planning principles whereby there should be no expansion of Urban Zoning when there is a glut of subdivided and Urban Zoned land in the serviced areas of Break 0 Day.

Why then have the consultants recommended rezoning of land in Beaumaris which is covered in botanically rich coastal heathland and woodland and when there is clearly a significant surplus of subdivided and Urban Zone land in serviced areas such as St Helens, St Helens Point and most relevantly Scamander?

Reply

Referring to the Draft Land Use and Development Strategy, Section 7.5 Principles for Growth (Land use and Development Strategy, Page 53) we cannot locate the statement 'Development should focus on already cleared areas of land'. Is this perhaps an interpretation of the stated principle that 'The amount of additional land which will be needed for housing will be governed by the predicted population growth in the area, with consideration of current available zoned land'? This principle clearly acknowledges the point you make that future development must consider blocks already subdivided and developed. Population growth will determine demand and developers will respond accordingly. It is Council's responsibility to have areas zoned suitable to accommodate settlement demand and reduce any possibility of constraints in land supply driving prices higher than necessary

The TCG Planning recommendation for Beaumaris recognises the environmental value of the area and suggests settlement should be retained within the confined boundaries already established by the existing northern and southern extent of settlement. Suggested areas of settlement is restricted to infill in the area between the already settled areas with an expansion of Low Density Residential Zone (LDR) as already established to the immediate Northern settled area and in close proximity to the Southern area of Low Density Residential.

This recommendation supports good planning practice in that it confines settlement to defined areas enhancing service delivery efficiencies and reducing scattered residential development. It is considered that the proposed consideration of additional LDR as proposed the Strategy would not be inconsistent with the principles of urban consolidation avoidance of ribbon development, as well as the principles of the State Coastal Policy. This also provides opportunity for planned population growth in the coastal areas identified as a positive factor in encouraging growth by providing residential blocks close to the ocean, traditionally a desirable location to invest and reside.

In regard to the environmental values of the area the report acknowledges this in the statement of the Vision for Beaumaris as a 'coastal village which provides continued opportunity for visitor accommodation, while respecting environmental values and coastal processes on the eastern side of the Tasman Highway'. Indeed the environmental values of the area are inherent to its appeal and their preservation is important to all stakeholders. The purpose of the Low Density Zone is stated in the BODC Interim Planning Scheme (12.1.1.3) is 'to ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on the public views' which has the dual effect of providing protection for environmental values. The recommendation to extend the Low Density Zone in a section is a clear indication of the recognition that the land does have environmental values and this form of development is the most appropriate to preserve those values.

In addition the report contains the following statement which again recognises that planning and development decision must be made in sympathy with the land and its characteristics.

16. Settlement Character Descriptions and Plans (Land use and Development Strategy, Page 95)

Further, the Settlement Plans provide recommendations and/or investigation areas only with detailed site specific investigations to occur prior to rezoning occurring to confirm site capability and suitability.

Does the Council support expansion of Urban development at Beaumaris (in contravention of the Break 0 Day Settlement Strategy) which involves clearing high value coastal heathland and woodland native bushland and doing so when there is a large surplus of subdivided and Urban zoned serviced land in nearby Scamander ?

Reply

It is unclear which aspect of the 1996 Settlement Strategy you are referring to. Without specific details to address we can only infer from the rest of your question that you ask about expanding the LDR in Beaumaris which we have addressed above.

Also can Council explain why the Manager for Community Services (Chris Hughes) is the contact person for the Land Use and Development Strategy rather than the Planning Staff employed by the Council? We ask this as it was apparent at a recent Tasmanian Planning Commission hearing that Council's Planning staff have had little or no involvement in the Land Use and Development Strategy.

Reply

The Manager Community Services managed the project to which this Strategy is just one of. Council's Planning staff were involved in the initial consultation of this document and more recently were asked to review the document and provide feedback.

12/15.3.0 CONFIRMATION OF MINUTES

12/15.3.1 Confirmation of Minutes – Council Meeting 16 November 2015

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/15.3.1.311 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the minutes of the Council Meeting held on the 16 November 2015 be confirmed.

CARRIED UNANIMOUSLY

12/15.3.2 Confirmation of Minutes – Council Annual General Meeting 23 November 2015

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

That the minutes of the Council Annual General Meeting held on the 23 November 2015 be confirmed.

12/15.3.2.312 Moved: Clr B Lefevre / Seconded: Clr J McGiveron

CARRIED UNANIMOUSLY

12/15.4.0

COUNCIL WORKSHOPS HELD SINCE 16 NOVEMBER 2015 COUNCIL MEETING

There was a Workshop held on Monday 7 December 2015 the following items were listed for discussion and the workshop was followed by a site visit for Council to the St Helens Multi-Purpose Stadium:

- Consultation – Draft Tasmanian Integrated Freight Strategy
- Fit for Work (Alcohol & Drug) Policy and Procedure
- Amendment to Schedule of Fees & Charges 2015-2016
- Review – Corporate Credit Card Policy
- Review – Procurement (Code for Tenders and Contracts) Policy
- Nature Strip Policy
- Private Works and Plant Hire Policy
- Renaming Park at St Marys
- Sale of Tennis Court – Reserve Price – 17 Grant Street, Fingal
- Remuneration for the Use of the Tittley Shack – Binalong Bay
- Multicultural Strategy
- Request for Space to Sell Gift Ideas
- Planning Items – Tully Street, St Helens Cemetery
- Planning Topic for Discussion and Guidance Sought
- Junk Around Houses
- Expressions of Interest – Lease – Hangar Space at the St Helens Airport
- Lagoon Opening Protocols
- Naming of the Multi-Purpose Stadium
- Great Eastern Drive Town Entrance Signage
- Lottah to Poimena (Blue Tier) Road
- Smart Spaces – Clr H Rubenach-Quinn

12/15.5.0

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.

Nil.

12/15.6.0

PETITIONS

Nil.

12/15.7.0 NOTICES OF MOTION

12/15.7.1 Notice of Motion – Eddystone Point / Larapuna – Clr G McGuinness

DISCUSSION:

- Clr McGuinness advised that this is perhaps the most important historical structure in our Municipality. There are in excess of 130 pre 1900 shipwrecks on the reef around Eddystone Point. He also stated that he had visited this site at least 10 times and has never been challenged showing the lack of management and preservation to the areas historical assets. There had also been some damage to the smaller historical light installation. Clr McGuinness would like to see the area used for the betterment of the area.

COUNCIL DECISION:

12/15.7.1.313 Moved: Clr G McGuinness / Seconded: Clr J Tucker

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

That Council writes to the Premier requesting a meeting of all stakeholders in Eddystone Point/Larapuna lighthouse precinct to find a way forward to include the following Stakeholders:

- State Government
- Break O'Day Council
- Tasmanian Aboriginal Corporation
- Friends of Eddystone Point
- AMSA
- maybe Professional Fisherman's Association
- Aboriginal Land Council of Tasmania
- and any other stakeholders which Council may feel will be beneficial to participate

To undertake the following:

a) Preserve and maintain in perpetuity all physical assets of the precinct;

and

b) Allow for some tourism venture to take place which maximises the immense historical value of Break O'Day's most important historical asset and provides much needed employment and economic benefit to our community.

CARRIED UNANIMOUSLY

DISCUSSION:

- The question was asked about protocols around flag flying.
- This matter was raised following councils flying the flag at half-mast on 17 November in solidarity for Paris after the terrorist attacks.
- Manager Corporate Services responded that the State Government advises on protocols and the request to fly the flag half-mast for the Paris terrorist attack was initiated through LGAT.
- Mayor Tucker stated that any and all relevance of having a flag at half-mast will be lost if we follow the request to have the flag at half-mast everyday a tragedy occurs anywhere in the world. The flag at half-mast protocol for the Paris tragedy was put forward to the government by LGAT which the State Government supported and through the official channels that we as Local Government always follow this was done via the State Government Protocol Office and was therefore officially recognised this way. As Local Government we always follow the flag protocol circulated by the State Government.
- Clr LeFevre advised we need to workshop to define rules and regulations so we cannot be targeted for just doing this for the sake of.
- Clr Rubenach-Quinn discussed stopping the sentence at the end of the word office and gave examples of several terrorist attacks around the world resulting in thousands being killed during 2015, which we have as yet not acknowledged in the same manner as the Paris attacks. We should develop a protocol for flying the flag at half-mast in solidarity for all people affected by terrorist acts throughout the world.

COUNCIL DECISION:

12/15.7.2.314

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

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

That Council develop a protocol for flying the flag at half-mast outside Council office.

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

This item will be adjourned to a future workshop

12/15.9.0 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.

12/15.9.1 St Helens Point Progress Association – Street Numbering – Clr K Wright

Asked about the possibility of Council looking at street numbering in all local streets to improve the visibility of property identification for police/emergency service.

Reply

Council provide numbers to urban and rural properties throughout the municipality in accordance with AS/NZS 4819:2011, either when requested or if made aware of a deficiency during a development application assessment process. It is Council's understanding that it is then up to the landowner to ensure the number is displayed in a manner that ensures it is readily visible by users of the road but not out of character with the area.

If the Progress Association is requesting Council to provide numbers on the kerbing (where available), this would be a matter to be considered by Council's Works Manager.

12/15.9.2 St Helens Point Progress Association – BBQ Stieglitz Foreshore – Clr K Wright

Asked what time frame they would be expecting to see the new BBQ installed.

Reply

The Stieglitz BBQ is included in this financial years capital works program. The design is currently being completed which has been designed with similar themes at the newly constructed Beauty Bay BBQ shelter. It is expected that regulatory approvals will be obtained early in 2016 and works will commence in February/March 2016.

12/15.9.3 Sewage in the Bay – Clr K Wright

A resident asked about the problem with sewage being able to get into the bay and how it is affecting the seafood/oyster farms in the bay and what we are proposing to do about it, as he believes it has been happening for a very long time.

Reply

The issues surrounding shell fish harvesting and processing is closely monitored by DPIPW and the Tasmanian Shellfish Quality Assurance Program (TSQAP), this program carefully monitors everything in commercial shellfish growing areas, from water quality to shellfish health. In the recreational harvest areas the Director of Public Health issues warnings from time to time. A good example is the installation of signage by the Health Department at public places all along the east coast warning recreational fishers about the high amount of algae toxins contained within shellfish on the East Coast of Tasmania at the moment.

The other contributing factor in relation to this impact on Water Quality is the issue of illegal connections of stormwater into TasWater's sewer mains which is contributing to the Jason Street pump station overflowing into Georges Bay. Council acknowledges that there are currently 8 confirmed illegal connections to the sewerage infrastructure and TasWater have recently supplied Council with the list of properties affected.

Council officers will begin investigations into how these properties can be rectified in the new year. Additional to this work TasWater has invested significant resources into rectifying faulty manhole covers and improvements to their infrastructure to improve unwanted filtration into the Sewer mains.

TasWater have now began a process of testing and potholing their infrastructure to ensure their networks are operating at the required capacity. Any faults or blockages in this line may also be contributing to the overflow of sewerage spills into the bay.

12/15.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

12/15.10.1 Mayor's Communications for Period Ending 14 December 2015

23.11.15	St Helens	- Council Annual General Meeting
27.11.15	St Marys	- Greater Esk Tourism (GET) Christmas Function
02.12.15	St Helens	- Green Army Graduation
03.12.15	St Helens	- Meeting with Representatives from the Local Government Association of Tasmania (LGAT)
04.12.15	George Town	- Northern Tasmania Development (NTD) – Local Government Committee Meeting
07.12.15	St Helens	- Council Workshop
09.12.15	St Helens	- Break O'Day Municipal Emergency Management Meeting
10.12.15	St Helens	- St Helens District High School – Presentation Day - Tasmania Road Safety Strategy Forum
11.12.15	St Marys Devonport	- Deputy Mayor John McGiveron attended the St Marys District School – Presentation Day obo of the Mayor - The Mayor and General Manager attended a meeting with the Regional Councils Group and Senator Richard Colbeck, Australian Minister for Tourism
14.12.15	St Helens	- Council Meeting

12/15.10.2 Councillor's Reports for Period Ending 14 December 2015

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 – Mayor Mick Tucker/Clr Barry LeFevre

- Very little was discussed.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- Meeting was not held as there was no quorum.

Star FM – Clr Kylie Wright

- Looking at training to involve year 11 students for announcing.
- Installation of solar panels hasn't impacted as yet on power bills, may take a while to kick in with benefits.

Barway Committee – Clr John McGiveron

- Boats are coming in and out through the barway, but still a few issues.
- MAST have requested people to look after their moorings as they sink if they get too heavy with build-up.
- Still waiting for amendment to the Planning Scheme.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- No meeting held in November but there will be one on Wednesday in Bicheno.
- Opening of the Devils Corner winery will also happen on Wednesday.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- Advised that it is very much appreciated that councillors came out and had a look at the progress.
- Contact has been made with Rachel Titley and arranging to get photos to add to museum.
- Looking forward to the car park being fixed up with the Christmas period coming up.

Mental Health Action Group – Clr Barry LeFevre

- A new group no report this meeting.

12/15.10.3 Mayor's and Councillor's Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

12/15.11.0 BUSINESS AND CORPORATE SERVICES

12/15.11.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Manager Corporate Services pointed out a few printing errors in the report.

COUNCIL DECISION:

12/15.11.1.315 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

12/15.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Clr McGuinness asked about the Trail of the Tin Dragon in reserves and what is happening.
 - Manager Corporate Services replied this is for the Weldborough walkway which is still happening.
- Mayor Tucker asked if we had any information as yet on the flood damage claim.
 - Manager Corporate Services replied no.

COUNCIL DECISION:

12/15.11.2.316 Moved: Clr B LeFevre/ Seconded: Clr G McGuinness

That the following reports for the month ending 30 November 2015 be received:

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

CARRIED UNANIMOUSLY

12/15.11.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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DISCUSSION:

- Clr Rubenach-Quinn asked whether the door count statistics for after 4pm are needed as maybe this is extra work for staff.
 - Manager Corporate Services replied he is tempted to keep as provides some good information and is not a huge task.
- Clr LeFevre asked about relocation discussions
 - Manager Corporate Services replied should be information in the ECRT0 report which they are still waiting on.

COUNCIL DECISION:

12/15.11.3.317 Moved: Clr H Rubenach-Quinn/ Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

12/15.11.4 Review – Procurement (Code for Tenders and Contracts) Policy

FILE REFERENCE	002\024\001\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.11.4.318 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council adopt Policy LG07 – Procurement (Code for Tenders and Contracts) as amended.

CARRIED UNANIMOUSLY

12/15.11.5 Review – Corporate Credit Card Policy

FILE REFERENCE	002\024\001\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.11.5.319

Moved: Clr M Osborne/ Seconded: Clr J Tucker

That Council adopt Policy LG16 – Corporate Credit Cards as amended.

CARRIED UNANIMOUSLY

12/15.11.6 Amendment to Schedule of Fees & Charges 2015-2016

FILE REFERENCE	018\017\004\
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DISCUSSION:

- Manager Corporate Services advised that the issues with Fishermans Park had identified a need for this amendment.
- Clr Rubenach-Quinn stated she was against the collection cost charge as there is normally no fee.
- Clr McGuinness advised he was against the amendment of removing the collection cost charge as there is a quite a bit of work in removing these goods.

COUNCIL DECISION:

12/15.11.6.320

Moved: Clr M Osborne/ Seconded: Clr J McGiveron

That Council include the following item in the Schedule of Fees & Charges 2015-2016:

- Collection of goods from land controlled by Council - \$20.00.
- Storage of goods left on land controlled by Council - \$20.00 per week or part thereof.
- Additional costs associated with transport or handling to be recovered at Cost.

An amendment was moved:

12/15.11.6.321

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

To remove the collection of goods from land controlled by Council - \$20.00..

FOR Clr H Rubenach-Quinn, Clr K Wright

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

LOST

The original motion was put

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

AGAINST Clr H Rubenach-Quinn, Clr K Wright
CARRIED

FILE REFERENCE	002\024\001\
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DISCUSSION:

- Clr J Tucker enquired what checks do we have that the Work Health & Safety Coordinator is doing their job properly with the testing.
- Mayor Tucker advised they have been trained and we need to trust that person.
- Clr Rubenach-Quinn asked if this policy is superseding the current LG12, as it seems to be moving to an impairment based policy which is good. What kind of testing is being done? Nothing in policy about impairment for prescription medication. Need to workshop this further. As council is moving from a legal-based policy to an impairment-based policy, we need to be conscious that only impairment is measured. Clr Rubenach-Quinn believes the policy is inadequate in its current form, for example, cannabis can remain testable in the saliva for 12-24 hours, yet impairment typically lasts for less than five (5) hours - this could have legal implications if the test only measures cannabis rather than impairment.
- Mayor Tucker questioned Clr Rubenach-Quinn on her interpretation of what cannabis is, and asked is it legal or not under the state law, as if it is not the policy states "0" tolerance on illicit drugs. The policy is about alcohol and illicit drugs under the present laws.
- Manager Human Resources advised the testing would be the same as police, saliva.
- Clr Wright asked about people that use recreational drugs in their own personal time, what effect will the testing have to them.
- Clr LeFevre stated he supports policy as we need to follow legal guidelines.
- Work Health & Safety Coordinator explained that cannabis can be detectable between 0 – 24 hours compared to other drugs which can be tested for up to 36 hours via saliva testing. If a worker smoked cannabis prior to coming to work it can be detected. If it was smoked on the weekend it cannot be detected. Council is not interested what the worker did over the weekend but when the worker comes to work under the influence it is a different story.
- Mayor Tucker advised we need to show due diligence, trust everyone but need a process and be proactive to show doing the right thing.

COUNCIL DECISION:

12/15.11.7.322 Moved: Clr M Osborne/ Seconded: Clr B LeFevre

That: The Policy, as proposed, be adopted.

An amendment was moved:

12/15.11.7.323 Moved: Clr H Rubenach-Quinn / Seconded: Clr K Wright

Take back to a workshop for further discussion.

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

The original motion was put:

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

12/15.12.0 WORKS AND INFRASTRUCTURE

12/15.12.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- Clr McGiveron asked about the soil used for grass at Lions Park, didn't look suitable.
 - Works Supervisor advised only temporary as landscaping works to be carried out at a later stage.
- Clr Tucker asked whether Council machinery will be in Christmas parade.
 - General Manager advised Council may need to pay staff overtime or ask for volunteers. This would also be the staff break up day.
- Clr LeFevre stated he had been approached about lack of decorations.
- Clr Osborne asked if playground was going back at Lions Park.
 - General Manager replied is also part of landscaping plan.
- Clr Rubenach-Quinn asked about the old bins in St Marys if they are being kept.
 - Works Supervisor replied all will be replaced.
- Clr J Tucker commended staff for works done to Ansons Bay Road.
- Clr LeFevre thanked Works Supervisor for the job he has done since returning to Council.
- Clr McGiveron also thanked the Fingal Valley crew for their efforts.

COUNCIL DECISION:

12/15.12.1.324 Moved: Clr G McGuinness/ Seconded: Clr B LeFevre

That the report be received by Council.

CARRIED UNANIMOUSLY

12/15.12.2 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

- Clr LeFevre asked if Council was still looking at a full time person.
 - General Manager replied that it would need to incorporate other duties like Abatements etc and this would have a flow on effect within a number of other positions.

COUNCIL DECISION:

12/15.12.2.325 Moved: Clr M Osborne/ Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

12/15.12.3 Nature Strip Policy

FILE REFERENCE	002\024\003\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.12.3.326 Moved: Clr M Osborne/ Seconded: Clr J McGiveron

That: Council adopt Asset Management Policy Number AM-18 Nature Strip Planting, Draft Version 1 (23 October 2015) as the approved policy.

CARRIED UNANIMOUSLY

*Adjourned for morning tea at 11.00am
Meeting resumed at 11.12am*

12/15.12.4 Private Works and Plant Hire Policy

FILE REFERENCE	002\024\003\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.12.4.327 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council adopt Asset Management Policy Number AM-09 Private Works and Plant Hire.

CARRIED UNANIMOUSLY

12/15.12.5 **Talbot and Cunningham Street Jetties**

FILE REFERENCE	004\007\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/15.12.5.328 Moved: Clr M Osborne / Seconded: Clr K Wright

That the officer's report be received for information.

CARRIED UNANIMOUSLY

12/15.13.0 **COMMUNITY DEVELOPMENT**

12/15.13.1 **Community Services Report**

FILE REFERENCE	011\034\006\
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DISCUSSION:

- Clr McGiveron stated he had read that the Mountain Bike Trail will be one of the best in the world.
- Clr Wright advised that there was a bike shop opening today in St Helens.

COUNCIL DECISION:

12/15.13.1.329 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

12/15.13.2 Multicultural Strategy

FILE REFERENCE	011\030\001\
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DISCUSSION:

- Clr Rubenach-Quinn requested to remove the words 'not develop' and replace with 'place on hold'.

COUNCIL DECISION:

12/15.13.2.330 Moved: Clr H Rubenach-Quinn / Seconded: Clr K Wright

That Council place on hold the development of a Multicultural Strategy for the Break O'Day Municipality but link an action to future Council Strategic Plan.

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

12/15.13.3 Amendment to 2015/2016 Fees & Charges Schedule

FILE REFERENCE	018\017\004\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.13.3.331 Moved: Clr M Osborne / Seconded: Clr H Rubenach-Quinn

That the following fees and charges be added to the 2015/2016 Fees and Charges:

Camera and sound recording equipment	Bond:	\$500
	All Day:	\$100
	Half Day:	\$50

CARRIED UNANIMOUSLY

12/15.13.4 Renaming Park at St Marys

FILE REFERENCE	004\008\015\
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DISCUSSION:

This item was discussed at a Council Workshop and no further discussion took place.

COUNCIL DECISION:

12/15.13.4.332 Moved: Clr M Osborne / Seconded: Clr H Rubenach-Quinn

That Council not change the name of the St Marys Library Lions Park.

CARRIED UNANIMOUSLY

12/15.14.0 DEVELOPMENT SERVICES

12/15.14.1 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

- Clr J Tucker asked about the weed infestation management on private property should we be doing this.
 - General Manager replied this is reporting on what the Green Army project is undertaking and some works are on private properties.
- Clr J Tucker said this is confusing and should be listed under the Green Army heading.

COUNCIL DECISION:

12/15.14.1.333 Moved: Clr M Osborne / Seconded: Clr H Rubenach-Quinn

That the report be received.

CARRIED UNANIMOUSLY

12/15.14.2 Planning Approvals Issued

COUNCIL DECISION:

Received.

12/15.14.3 Building Services Approvals

COUNCIL DECISION:

Received.

12/15.14.4 Junk Around Houses

FILE REFERENCE	002\024\006\
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DISCUSSION:

- Clr McGiveron asked how much power does Council have.
 - General Manager replied the power is in the Local Government Act but we need a policy that sits beside this.

COUNCIL DECISION:

12/15.14.4.334 Moved: Clr J Tucker / Seconded: Clr G McGuinness

That Council resolves to develop a policy in respect to unsightly articles.

CARRIED UNANIMOUSLY

12/15.15.0 GOVERNANCE

12/15.15.1 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- Clr Osborne asked about the Building Legislation review and what is being reviewed, anything to do with disability.
 - General Manager replied the whole Act is being reviewed and there will be a report provided to Council.
 - Building Services Coordinator advised pretty sure there is nothing to do with disabilities, mainly processes only.
- Clr LeFevre asked will it be easier to understand and more user friendly.
 - General Manager is sceptical about this.
 - Building Services Coordinator advised will expedite process.
- Clr J Tucker stated that there hasn't been a report about MDG for some time.
 - General Manager will review this.

COUNCIL DECISION:

12/15.15.1.335 Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the General Manager's report be received.

CARRIED UNANIMOUSLY

12/15.15.2 Great Eastern Drive Town Entrance Signage

FILE REFERENCE	032\005\014\
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DISCUSSION:

- Clr Rubenach-Quinn stated she couldn't support due to current unique town signs.

COUNCIL DECISION:

12/15.15.2.336 Moved: Clr J Tucker / Seconded: Clr B LeFevre

That Council agree to accept:

- ongoing maintenance, repair and replacement of the signs.
- ongoing responsibility for the removal of unauthorised signs on the state Road Reservation within the towns. This responsibility issue encompasses an area one (1) kilometre prior to the Town Entry Welcome Signs and one (1) kilometre past the Town Entry Welcome signs.

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

12/15.15.3 Lottah to Poimena (Blue Tier) Road

FILE REFERENCE	032\005\007\
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DISCUSSION:

- Clr Wright asked if upgrading was including widening of the road.
 - General Manager replied it will be a four (4) metre wide pavement to increase safety.

COUNCIL DECISION:

12/15.15.3.337 Moved: Clr B LeFevre / Seconded: Clr H Rubenach-Quinn

That Council agree to take over maintenance responsibility for the road from Lottah to Poimena currently maintained by Parks and Wildlife Service subject to the road being brought up to a condition acceptable to Council, or sufficient funds being provided to Council to enable this to occur.

CARRIED UNANIMOUSLY

12/15.16.0 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.

12/15.16.1 DA170-2015 – Carport, Deck, Fence & Alterations – 9 Steel Street, Scamander

FILE REFERENCE	DA 170-2015
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DISCUSSION:

- Clr Rubenach-Quinn asked why the traffic impact assessment doesn't make reference to Pringle Street.
 - Planning Officer replied the new crossover is six (6) metres away from the intersection.
- Clr Rubenach-Quinn asked about Steele Street being the secondary frontage.
 - Planning Officer replied the primary frontage is determined as being the shortest frontage to a road.
- Clr Rubenach-Quinn asked why the garage was put onto Pringle Street.
 - Planning Officer replied that the carport replaces an existing shed and was giving secondary access.

COUNCIL DECISION:

12/15.16.1.338 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

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, DECK, FENCE & INTERNAL ALTERATIONS on land situated at 9 STEEL STREET, SCAMANDER described in Certificate of Title 25997/4 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 170-15 received by Council 20 August 2015, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. The vehicle crossover from the Steel Street carriageway to the property boundary must be constructed and maintained in general accordance with the vehicular crossing requirements of Council's Manager of Works and Infrastructure. The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.
3. No works are to commence on the crossover until a permit to undertake works in the road reservation has been issued by Council's Manager of Works and Infrastructure for the crossover and stormwater connection point.
4. Works on the site must not result in a concentration of flow onto other property, or cause ponding or other stormwater nuisance.

5. The driveway must be constructed in a manner that ensures sediment is neither tracked nor eroded across the property boundary.
6. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.

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.

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

Moved: Clr J Tucker/ Seconded: Clr: G McGuinness: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

- 12/15.17.0** **CLOSED COUNCIL**
- 12/15.17.1** **Outstanding Actions List for Closed Council**
- 12/15.17.2** **Sale of Tennis Court - Reserve Price – 17 Grant Street, Fingal - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**
- 12/15.17.3** **Remuneration for the use of the Titley Shack, Binalong Bay - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**
- 12/15.17.4** **Expressions of Interest – Lease – Hangar Space at the St Helens Airport - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**
- 12/15.17.5** **Bituminous Surfacing Program Tender - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**
- 12/15.17.6** **Little Boggy Creek Quarry Management Expression of Interest - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**
- 12/15.17.7** **Naming of the Multi-Purpose Stadium - Closed Council Item Pursuant To Section 15(2)G Of The Local Government (Meeting Procedures) Regulations 2015**

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

Moved: Cllr J Tucker / Seconded: Cllr M Osborne: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.20pm.

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MAYOR

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DATE