

15
DECEMBER
2014

COUNCIL MINUTES

Council Chambers



John Brown
General Manager,
Break O'Day Council
15 December 2014

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12/14.1.0 ATTENDANCE

12/14.1.1 Present

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

12/14.1.2 Apologies

Councillor Tim Warren

12/14.1.3 Leave of Absence

Nil

12/14.1.4 Staff in Attendance

General Manager, John Brown
Acting Executive Assistant, Carol Joyce
Manager Community Development, Chris Hughes (*Item 1.0 – 17.2*)
Manager Corporate Services, Bob Hoogland (*Item 7.2 – 11.10*)
Manager Works & Infrastructure, Stephen Yam (*Item 7.2 – 16.3*)
Risk Officer, Simone Ewald-Rist (*Item 7.2 – 11.5*)
Manager Human Resources, Paula Kloosterman (*Item 13.7 – Item 16.3*)
Planning Officer, Chris Triebe (*Item 13.7 – Item 16.3*)
Planning Officer, James Stewart (*Item 13.7 – Item 16.3*)
Development Services Administration Officer, Rebecca Venton (*Item 13.7 – Item 16.3*)
Planning Officer, Chris Triebe (*Item 13.7 – Item 16.3*)
NRM Facilitator, Polly Buchhorn (*Item 13.7 – Item 14.5*)

12/14.2.0 PUBLIC QUESTION TIME

Ten (10) 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.

12/14.2.1 Fingal Streetscape Project – Ms M Carin, Fingal

In regard to the Fingal streetscape project. The money is allocated for beautification. At the last consultation, Mr Jennings stated that the monies allocated would actually be spent on infrastructure. Residents of the valley believe these are two (2) separate issues. We have been promised the streetscape program for so long and other 'more important' projects have taken precedent. Enough procrastination. Work needs to commence. Money spent. Fingal is the gateway to the area. Please give us a date for commencement.

Reply

Council has in its 2014/2015 Capital Works Program funding for the streetscape upgrade adjacent the main street in Fingal. Streetscape works on the northern side will be between Mathinna Road and Lomond Place, and on the southern side between Brown Street and Sweets Bodyworks.

Tender for the works was advertised on 22 November 2014 and will close on 16 December 2014. Works are expected to commence in February or March 2015, and should be completed within 12 weeks from the start date.

12/14.2.2 Footpaths in Fingal – Mr P Southworth, Fingal

When is Council intending to repair or replace the dangerous footpaths in Fingal?

Reply

Council has tendered for the footpath to be replaced on the northern side of the main street between Mathinna Road and Lomond Place, and on the southern side between Brown Street and Sweets Bodyworks shop. The tenders close on 16 December 2014 and works will commence after summer so that we do not impact on the summer tourist season. Are there particular footpaths you are referring to?

12/14.2.3 Feral Cat Problem in Fingal – Mr P Southworth, Fingal

What is Councils intention regarding the feral cat problem and the health risk that they pose to the community of Fingal?

Reply

Council endorsed for this financial year a new Cat Management Program that follows the strategy and requirements of state legislation.

There are feral cats all over Break O'Day and the new program will begin in the St Marys area next year, where there is a significant feral cat population around the waste disposal

site. The program aims to tackle both symptoms and underlying causes - intended activities at St Marys include controlling this population and addressing with the community cat management in general. The program is intended to be developed over time and move on to other local communities where there are significant feral cat problems in the future.

Council is conscious of the broad scale of the problem and that long term gains will require efforts to be measured and expertise to grow. There are things communities and individuals can do themselves under the Tasmanian Cat Management Act.

12/14.2.4 Depot at Fingal – Mr J Partington, Fingal

Does Council intend to reopen the depot at Fingal and if so when?

Reply

There are currently no plans to reopen the depot at Fingal. However Council will be reviewing its service delivery model to generate efficiencies and the future role of this site will form part of those considerations. The Works Department will continue to use it as a storage area and for staff amenities in the meantime.

12/14.2.5 Outdoor Furniture in Fingal – Mr J Partington, Fingal

Why does it state in Council that eight sets of outdoor furniture have been installed in Fingal when there are only five sets installed. Where are the other sets and why was this matter stated as finalised in your minutes and by whom .

Reply

Council Officers provide information to be included in the Council Agenda one (1) week prior to the publication of the agenda. The works were proposed to have been completed at the time that the Council meeting was scheduled to have occurred. Council officers ceased the installation of all picnic table sets and standalone seating after a conversation with the committee undertaking renovation works at the memorial site at Fingal. Works are to be rescheduled once an agenda item is discussed at the December Council meeting.

The location of new seating has now been rescheduled to include:

Completed furniture:

- ✓ 3 x Fingal Park (1 in front of toilet block and 2 at rear)
- ✓ 1 x BBQ Area – Goal Cells

Outstanding re-scheduled furniture:

- 1 x Fingal Open Space area (Triangle shaped land) – not yet installed;
- 1 x Picnic Table, Talbot Street, Fingal (replacement of existing adjacent to café) – not yet installed;
- 1 x Fingal Swimming Hole, Fingal – Not yet installed – pending additional seating at Fingal Cenotaph.

Please note that Council Officers will be providing a report for Council consideration to install 6 x bench seating located at the Fingal cenotaph and pathway at full cost to Council.

Council Building Services coordinator and Facilities/Technical Manager in consultation with councils General manager have rolled out the picnic seating replacement program around the municipality. This program will continue to be rolled out as resources are available to complete the work.

12/14.2.6 Weed Spraying Program in Fingal – Mrs C Partington, Fingal

Does Council have a program of poisoning weeds growing between the asphalt and the kerb and guttering in Fingal and if not why not?

Reply

Council staff will spray and remove weeds where they are identified in our inspection program. This is an ongoing issue in all town areas which Council will be addressing.

12/14.2.7 Works in Fingal – Mrs C Partington, Fingal

Why is only minimal work being done in Fingal? It appears that only selective mowing is done, no whipper snipping and the grass that is mown is left to lie in the gutters creating weed problems, drainage problems and pollution problems for the river.

Reply

Council provides the same level of service for all its towns. However if there are areas of concern, we would be happy if you pointed them out to us.

12/14.2.8 South Sister Area – Mrs B Rubenach, St Marys

1. To each Councillor who is considering rescinding the motion regarding lobbying Government to permanently protect the South Sister area from logging – Can you please state the grounds on which you believe his motion of October 2014 should be rescinded.
2. How many of the Councillors have visited the South Sister area? How many have seen the stunning scenic panoramic views of the coastline from Larapuna/Eddystone Point to Freycinet
 - The fertile plains and valleys stretching from St Marys to Ben Lomond
 - The magnificent mountain ranges and hills that stretch as far as the eye can see
 - Saw Wedge Tailed eagles soaring above their habitat of untouched natural environment
 - Know of the 2 species of velvet worms in the South Sister area and the unique boundaries these 2 species maintain?

3. How many Councillors realise the huge tourist potential the untouched South Sister area has for attracting overseas tourists (especially Asian tourists) with its wild life, both flora and fauna and unspoilt beauty? Eg in summer the area is a 'sea' of white with wild white iris bloom?

How many Councillors can see the possibility of using the South Sister area as a tourist recreational; area for things like abseiling, nature trails, bush walking etc. A promoted tourist adventure program could provide employment for those made redundant from the coal mine. People want to come to beautiful accessible natural areas untouched by logging/forestry. The South Sister area is one of Australia scenic, nature diverse gems so why would you want to damage it by logging the area?

4. How many Councillors have spoken to the local community about their love for the South Sister area and how it provides holistic (body, soul and spirit) to the well-being of the local community?

Reply

This item is listed for consideration later in this meeting.

12/14.3.0 CONFIRMATION OF MINUTES

12/14.3.1 Confirmation of Minutes – Council Meeting 17 November 2014

DISCUSSION:

No discussion took place on this item

COUNCIL DECISION:

12/14.3.1.343 Moved: Clr McGuinness / Seconded: Clr McGiveron

That the minutes of the Council Meeting held on the 17 November 2014 be confirmed.

CARRIED UNANIMOUSLY

12/14.3.2 Confirmation of Minutes – Annual General Meeting 24 November 2014

DISCUSSION:

No discussion took place on this item

COUNCIL DECISION:

12/14.3.2.344

Moved: Clr McGuinness/ Seconded: Clr Drummond

That the minutes of the Council Annual General Meeting held on the 24 November 2014 be confirmed.

CARRIED UNANIMOUSLY

12/14.4.0 COUNCIL WORKSHOPS HELD SINCE 17 NOVEMBER 2014 COUNCIL MEETING

There was a Council Workshop held on the 1 December 2014 where three (3) presentations were made to Council by Tas Fire Service, Marine and Safety Tasmania (MAST) and the East Coast Regional Tourism Organisation (ECRTO), the following items were also listed for discussion:

- On Street Dining Policy
- Public Open Space Policy
- Financial Reporting
- September 2014 Budget Review
- Periodic Construction Contracts – Tendering and Procurement Policy
- Quarries – Gravel Usage and Costs
- Tasman Highway/St Helens Point Road Intersection Upgrade
- Use of Public Open Space Policy
- Planning Items
- Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander People
- Gillies Road, St Marys

12/14.5.0 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.

12/14.6.0 PETITIONS

Nil

12/14.7.0 NOTICES OF MOTION

12/14.7.1 Notice of Motion – Richardson Road Dam, St Marys – Clr J Drummond

DISCUSSION:

- Clr Drummond stated that there was community concern at the volume of water after large rain events, damage to property and the environment. Damage to the Richardson Road bridge from the dam forcing trees against it.
- Clr McGiveron suggested that Council look at issue prior to a workshop.

COUNCIL DECISION:

12/14.7.1.345 Moved: Clr Drummond/ Seconded: Clr Rubenach

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 conduct a site visit and look into the options to ensure the safety of the community of St Marys in the event of a sharp rain event which might breach the spillway at the Richardson Road Dam and cause damage to environment and property in the St Marys area.

CARRIED UNANIMOUSLY

12/14.7.2 Notice of Motion – Rescind Motion 10/14.7.1.290 – Protection of South Sister – Clr J Tucker

DISCUSSION:

- Clr J Tucker advised State Government has already reached a decision, need to get all the facts, problems with loss of jobs in the area from the mine. Need to create jobs not shutting the area up and suggested taking to a workshop and discuss ideas.
- Clr McGiveron supports the need to go to a workshop.
- Clr Rubenach advised State Government only offered six (6) years protection. South Sister has huge holistic and historical value to the area.
- Clr Lefevre agrees need to go to a workshop to learn more.
- Clr Drummond advises natural environment, tourism prospects. Motion needs to stand as put.
- Clr M Tucker asked what is the actual size of the area to be locked up and protected.
- Clr Osborne stated can't go forward with a rescinded motion, we are not moving forward.
- Clr McGuinness against motion, has spoken to people in St Marys who didn't want to see the area touched, need to take to workshop.
- Clr Drummond stated that the previous motion 10/14.7.1.290 should stand as put and that I did not support the rescission motion put by Clr Tucker.

The Mayor vacated the Chair and Deputy Mayor McGiveron took the chair at 10.20am to enable Mayor Tucker to speak.

Clr Tucker retook the Chair at 10.22am.

COUNCIL DECISION:

12/14.7.2.346 Moved: Clr Tucker/ Seconded: Clr McGiveron

That Council rescind the Council decision number 10/14.7.1.290 as follows.

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 acknowledge the recreational and emotional value of the South Sister area to residents and write to the state government requesting permanent protection of South Sister beyond the six (6) years provided by the rebuilding the Forest Industry Act 2014.

With the consent of the seconder, Clr McGiveron, Clr J Tucker withdrew the motion.

It was agreed that Council discuss the matter at a Council Workshop.

12/14.7.3 **Notice of Motion – Lighting for BBQ at Fingal – Clr M Osborne**

DISCUSSION:

- Clr Rubenach said it is a good idea and will benefit the community in Fingal.
- Clr Drummond supports idea, low cost and will help Fingal.

COUNCIL DECISION:

12/14.7.3.347 Moved: Clr Osborne/ Seconded: Clr McGiveron

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 put a light in the BBQ area at Fingal, this light be able to be switched off and that the money to be taken from the lifestyle budget and the report be waived.

CARRIED UNANIMOUSLY

DISCUSSION:

- Clr Rubenach stated Council needs to be proactive and instil confidence in the community, processes need to be in place for access over road reserves. Motion is to only ask for a report.
- Clr McGiveron stated needs looking at and sorting out, we don't want to create unrealistic expectations.
- Clr Tucker against motion, concerned about wording of the motion, taking on roads that are not Council's, Council roads should be given priority.
- Clr Drummond stated that this does not bind Council, it is just sorting out road issues.
- Clr McGiveron states lots of people have road issues, Council cannot provide an unrealistic expectation.
- Clr McGuinness states whether an access is legal can be a very grey area and needs fixing.

COUNCIL DECISION:

12/14.7.4.348

Moved: Clr Rubenach/ Seconded: Clr 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 investigate the need and feasibility of proactively responding to the many ongoing requests (and likely future requests) to determine the ownership and maintenance responsibility of roads under dispute throughout the municipality.

FOR	Clr M Tucker, Clr McGiveron, Clr Rubenach, Clr Osborne, Clr Lefevre, Clr Drummond, Clr McGuinness
AGAINST	Clr J Tucker
CARRIED	

DISCUSSION:

- Clr J Tucker asked what Council thinks and advised that this came about as the report for Quarries was not tabled for two years, and gravel has been a great expense to Council. Gives a better flow of information from Council staff to Councillors.
- Clr McGiveron states a Council motion from two (2) years ago has not been actioned, still haven't seen the report.

COUNCIL DECISION:

12/14.7.5.349

Moved: Clr J Tucker / Seconded: Clr McGiveron

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 all staff have 120 days to provide reports and to implement Council actions. If they are not going to be able to achieve this target, a report as to the legal reason or such as to why, is to be tabled to Council before 90 days has lapsed.

FOR Clr M Tucker, Clr McGiveron, Clr Rubenach, Clr J Tucker, Clr Lefevre, Clr Drummond, Clr McGuinness
AGAINST Clr Osborne
CARRIED

12/14.8.0 COUNCILLOR'S QUESTIONS ON NOTICE

12/14.8.1 Numbering of Houses within the Municipality – Clr J Drummond

Would you please advise the councillors of how the plan to provide street numbering, on the kerbside, or otherwise, in the municipality is progressing please?

Reply

In December 2012, Council resolved the following:

“That Council make the community aware, through Council’s newsletter and other media including Star FM, Valley Voice, Fingal Focus and the Coastal Column, of the importance of clearly visible street numbers and request local emergency services reinforce this message”.

Council has been advised that local community groups are also investigating opportunities to undertake this project.

12/14.8.2 Numbering of Houses within the Municipality – Clr J Drummond

Would it be possible to put a reminder into the Break O’Day Council Newsletter about making street number visible to assist emergency services.

Reply

Yes.

12/14.8.3 Mobile Telephone Coverage at Mathinna – Clr J Drummond

Would you please update the Councillors as to whether Council received a response from the Minister for Telecommunications in regard to the Mobile Telephone Coverage at Mathinna?

Would the Mayor please consider writing again to the Minister for Telecommunications on behalf of the Mathinna residents requesting urgent action to be taken, to provide coverage, in light of the upcoming bush fire season.

Reply

A response was received from Minister Paul Fletcher MP, Federal Minister for Communications on the 24 March 2014 advising that the matter has been listed on the database for areas reported to have poor coverage.

The Mayor could write again as a follow up, however this unfortunately would not eventuate any outcomes for the upcoming bushfire season.

12/14.9.0 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.

12/14.9.1 Ride on Mower at Fingal – Clr Drummond

To the General Manager:

Is it possible that a ride on mower could be left at Fingal depot so that it could be accessed by workers from Commonwealth programs working at the Neighbourhood House?

Reply

The Manager Works and Infrastructure advised that a mower could be made available subject to an induction program on use of the mower occurring and satisfactory arrangements regarding care of the mower and access. Most likely the mower could only be made available on weekends due to Council's operational needs.

12/14.9.2 St Marys Streets – Clr Rubenach

To the Works Manager:

Can St Marys streets please be cleaned before Christmas?

Reply

A town maintenance team has commenced cleaning the kerbs and between the kerbs and wheel stops on Esk Main Road, and moving onto Gray Road next. This work will be completed before Christmas.

12/14.9.3 December 2015 Council Meeting – Cllr B LeFevre

To the General Manager:

Could the proposed 21 December 2015 Council meeting be brought forward to 14 December 2015? This gives Council staff time to enact decisions made at the Council meeting.

Reply

A report will be listed on the January Council agenda for this proposal to be formally considered by Council.

12/14.9.4 Council Submission into State Government Inquiry into Forestry – Cllr J Tucker

To the General Manager:

The State Government is having an inquiry into Forestry. Could Council make a submission into that inquiry, with regard to the Government selling Forestry off so as to increase rate base.

Reply

The inquiry into Forestry relates to investigations into the financial matters which Council staff understands will not cover the matter of the Government selling Forestry off. Should the opportunity arise in the future, Council could make a submission if they would like to.

12/14.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

12/14.10.1 Mayor's Communications for Period Ending 15 December 2014

18.11.14	St Helens	- China Ready Seminar
19.11.14	Launceston	- Local Government Association of Tasmania (LGAT) General Meeting
20.11.14	Launceston	- Local Government Association of Tasmania (LGAT) Mayors Workshop
21.11.14	St Helens	- Meeting with Chair and CEO of the East Coast Regional Tourism Organisation (ECRTO)
24.11.14	St Helens	- Council Annual General Meeting
27.11.14	St Helens	- Elected Member Training
28.11.14	St Helens	- Elected Member Training
01.12.14	St Helens St Marys	- Council Workshop - Greater Esk Tourism (GET) Annual General Meeting
03.12.14	St Helens	- Meeting with Deputy Mayor, Council Officers and Representative from Parks & Wildlife Services regarding Burns Bay Boat Ramp Car Parking Facilities
05.12.14	Launceston	- Northern Tasmania Development (NTD) – Annual General Meeting - Official Opening – Kiss a Fish Cookery School - Meeting with Chair and CEO of the East Coast Regional Tourism Organisation (ECRTO) and the Premier - Northern Tasmania Development (NTD) – C8 Summit for Elected Members
11.12.14	St Helens	- St Helens District School 140 Year Anniversary – Tree Planting - St Helens District School Presentation Day
12.12.14	St Helens	- Healthy House – Mens Health Forum
15.12.14	St Helens	- Council Meeting

12/14.10.2 Councillor's Reports for Period Ending 15 December 2014

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 Margaret Osborne

- Nothing to report, no meeting.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- No meeting.

Star FM – Clr Tim Warren

- Absent.

Barway Committee – Clr John McGiveron

- Presentation from Justin Foster from MAST, need to lobby State Government for funding.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- Short meeting after Christmas dinner, good attendance. Introduction of consultant. All going good.

Binalong Bay Foreshore Master Plan – Community Reference Group – Clr Glenn McGuinness

- No meeting for some time, combine with Titley shack report. Reference group been working hard, come up with good solutions. Thanks to Chris Hughes for work also outside of work hours.

Titley Shack Reference Group – Clr Glenn McGuinness

- No meeting.

12/14.10.3 Mayor’s and Councillor’s Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

12/14.11.0 BUSINESS AND CORPORATE SERVICES

12/14.11.1 Corporate Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

12/14.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Clr Rubenach questioned why has Council exceeded half of electricity budget.
- Clr J Tucker questioned St Helens Point Road Budget amendment.

COUNCIL DECISION:

12/14.11.2.350 Moved: Clr Rubenach/ Seconded: Clr McGiveron

That the following reports for the month ending 30 November 2014 be received:

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

CARRIED UNANIMOUSLY

12/14.11.3 **Corporate Services Department Report**

FILE REFERENCE	018\018\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.3.351 Moved: Clr Lefevre/ Seconded: Clr McGuinness

That the report be received.

CARRIED UNANIMOUSLY

12/14.11.4 **Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.4.352 Moved: Clr Drummond/ Seconded: Clr Osborne

That the report be received.

CARRIED UNANIMOUSLY

12/14.11.5 Risk Management Report

FILE REFERENCE	002\025\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.5.353 Moved: Clr Lefevre/ Seconded: Clr Osborne

That the report be received.

CARRIED UNANIMOUSLY

12/14.11.6 Audit Panel – Appointment of Independent Chair, Appointment of Council Representatives and Confirmation of Charter

FILE REFERENCE	018\005\006\
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DISCUSSION:

- Clr McGuinness stated Councillors names should be decided at workshop – move with names being left blank.
- Clr Rubenach offered to go on panel.

COUNCIL DECISION:

12/14.11.6.354 Moved: Clr Lefevre/ Seconded: Clr Osborne

That:

- Council adopt the Audit Panel Charter, common to the sub regional working group.
- Council appoint Mr Steven Heryk as independent chairperson for the Audit Panel, as agreed by the sub regional working group, as per the recommended Agreement.
- That Council consider the appointment of two (2) Councillors and one (1) alternative Council representative at the next workshop.

CARRIED UNANIMOUSLY

12/14.11.7 EP10 – On Street Dining Policy

FILE REFERENCE	002\024\006\
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DISCUSSION:

- Clr Rubenach stated certain locations that won't fit with policy

COUNCIL DECISION:

12/14.11.7.355 Moved: Clr McGiveron/ Seconded: Clr McGuinness

That Council adopt Policy EP10 – On Street Dining.

CARRIED UNANIMOUSLY

12/14.11.8 Budget Review – As At 30 September 2014

FILE REFERENCE	018\007\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.8.356 Moved: Clr McGuinness/ Seconded: Clr Osborne

That Council receive the Budget Estimates 2014/2015 Review as at 30 September 2014 and the following variances be applied to the original 2014/2015 budget as set by Council Minute:

Amend Capital Expenditure	
	\$
CC010 Replace PL1211	(5,500)
CC015 Replace PL1214	(6,600)
CC030 P & E Renewal	185,000
CC025 Backhoe Bucket	(5,700)
CC026 Toro Mower	(13,670)
CC027 Toro Mowers	(23,700)
CC028 Brushcutters	(2,125)
CC032 Replace PL1067	(37,200)
CC034 PL1300 Ute	(37,200)
CC036 Roof Rack	(1,700)
CC037 Mini Excavator	(40,000)
CC038 Excavator Trailer	(30,000)
CC039 Chainsaws	(2,400)
CC715 Remove Asbestos Fingal Community Centre	(10,000)
CC736 Re-roof Portland Hall	(45,000)
CC745 St Helens Ball Courts	250,000
CC750 Designs Additions Marine Rescue	(5,000)
CC750 Titley Shack Improvements	(15,970)
CC737 Memorial Park Toilet Re-roof	(5,000)
CC140 St Helens Streetscape	100,000
CC115 Foreshore Pedestrian Crossing	46,000
CC120 VIC Pedestrian Crossing	29,000
CC106 Tully Street Footpath	(7,000)

CB305 Ansons Bay Road Resheet	140,000
CB175 St Helens Pt Road kerb & Channel	(25,000)
CB315A Upper Scamander Road Resheet	40,000
Bridge Renewal	300,000
Reseals	25,000
CA666 Cecilia Street Stormwater	330,000
CA666 Cecilia Street Stormwater	(237,000)
CC830 Lions Park Car Park etc	100,000
CC510 Dig Outs	41,500
CC525 St Helens Pt Road Widening	(41,500)
CC505 Emma drive Four Mile Creek kerb, gutter, seal	(27,000)
CC532 Medeas Cove Esplanade Stabilisation	(11,900)
CB810 Tin Dragon Project Weldborough	(191,000)
CA805 Bay of Fires Interp	(9,000)
CB725 Beauty Bay barbecue & shelter	(2,200)
CB835 Foreshore Shelter	(1,100)
CC825 Fingal Park Furniture	(15,500)
CC827 Fishermans Park Shelter	(10,000)
CA875 Netball Courts	(6,400)
CC842 Kirwans Beach Tables etc	(4,700)
CC844 Fingal Depot Remove Fuel Tanks	(5,500)
CC807 Foreshore Lighting	(9,000)
CC815 Memorial park Upgrade	(20,000)
CC848 Beaumaris park Plans	(2,500)
CC849 Cornwall park plans	(6,000)
CC850 Falmouth Tennis Court Fence	(8,000)
CC851 Binalong Bay Tennis Court Fence	(27,000)
CB846 Aerodrome Upgrade	(55,000)
TOTAL	577,435

Amend Profit and Loss Items (brackets denote an adverse variance)	
	\$
1611 General Rate	32,000
1613 Fire Levy	14,000
1767 Contributions	7,000
1781 Profit on Sale of Assets	10,000
1792 Federal Grants Revenue	(43,000)
1793 State Grants Capital	(317,000)
1811 Salaries & Wages	(35,000)
1897 Materials	(1,400)
1971 Building/Works Contractors	178,800
1971 Building/Works Contractors	20,000
1997 Professional Fees – Strategic Projects	(263,000)
1998 Other Professional Fees	20,000
2255 Fire Levy	(14,000)
Strategic Projects	(77,500)
TOTAL	(469,100)
TOTAL BUDGET ADJUSTMENT	\$108,335

CARRIED UNANIMOUSLY

12/14.11.9 Review – AM02 – Public Open Space Policy

FILE REFERENCE	002\024\006\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.9.357 Moved: Clr Rubenach/ Seconded: Clr J Tucker

That Council adopt the Policy AM02 Public Open Space as amended.

CARRIED UNANIMOUSLY

12/14.11.10 Request to Remit Service Charges – Fingal District Progress Committee Inc

FILE REFERENCE	PID 6412049 14/19677
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.11.10.358 Moved: Clr Rubenach/ Seconded: Clr Osborne

That Council refuse the request for remission of the service charges for the Fingal Railway Station.

FOR Clr M Tucker, Clr Rubenach, Clr J Tucker, Clr Osborne, Clr Lefevre, Clr McGuinness
AGAINST Clr McGiveron, Clr Drummond
CARRIED

12/14.12.0 WORKS AND INFRASTRUCTURE

12/14.12.1 Works and Infrastructure – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

12/14.12.2 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- Clr McGiveron asked where is gravel coming from for North Ansons Bay Road.
- Clr Lefevre asked have you heard back from Cornwall Coal about bridge contribution.
- Clr Drummond spoke about recycling options throughout the Municipality, an agenda item will be prepared to discuss at next Council workshop.

COUNCIL DECISION:

12/14.12.2.359 Moved: Clr Osborne/ Seconded: Clr Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

12/14.12.3 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

- Clr J Tucker questioned about the mounting number of pigs, is there a policy or just dog control. Should it be discussed in workshop.

COUNCIL DECISION:

12/14.12.3.360 Moved: Clr Osborne/ Seconded: Clr McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

12/14.12.4 World Orienteering Championships

FILE REFERENCE	032\005\007\
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DISCUSSION:

- Clr McGuinness asked why has area changed.

COUNCIL DECISION:

12/14.12.4.361 Moved: Clr Osborne/ Seconded: Clr Rubenach

That Council agree to undertake the works within the existing budget allocation.

CARRIED UNANIMOUSLY

*Adjourned for morning tea 11.11 am
Meeting resumed at 11.27am*

12/14.12.5 **Lions Car Park Vehicle Access**

FILE REFERENCE	030\001\073\
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DISCUSSION:

- Clr McGuinness stated this has been exhausted at workshop.
- Clr McGiveron stated no point in altering until work done.

COUNCIL DECISION:

12/14.12.5.362 Moved: Clr McGuinness/ Seconded: Clr Rubenach

That Council carry out minor works to ensure the safety of the Tasman Highway and St Helens Point Road Intersection by installing line marking and signage at the southern and northern access of the Lions Park car park, and keeping the existing through traffic.

CARRIED UNANIMOUSLY

12/14.13.0 **COMMUNITY DEVELOPMENT**

12/14.13.1 **Community Services – Strategic Plan Activity Report**

COUNCIL DECISION:

Received.

12/14.13.2 Community Services Report

FILE REFERENCE	N/A
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DISCUSSION:

- Clr Rubenach spoke about Land Use & Development Strategy.

COUNCIL DECISION:

12/14.13.2.363 Moved: Clr Osborne/ Seconded: Clr Lefevre

That the report be received.

CARRIED UNANIMOUSLY

12/14.13.3 Committee Representation – Australia Day Awards Committee

FILE REFERENCE	005\003\012\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.13.3.364 Moved: Clr Osborne/ Seconded: Clr McGuinness

That in accordance with the Break O’Day Council Awards Policy, Council appoint:

- Julie Severin
- Julie Watkins; and
- Gerald Aulich

to the Australia Day Awards Committee as community representatives and as part of the community they have the authority to consider applications and determine recipients of the Australia Day Awards.

CARRIED UNANIMOUSLY

12/14.13.4 LG49 – Management of Public Open Space Policy

FILE REFERENCE	002\024\006\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.13.4.365 Moved: Clr J Tucker/ Seconded: Clr Osborne

That Council adopt the Policy LG49 Management of Public Open Space and Management implement the associated procedure.

CARRIED UNANIMOUSLY

12/14.13.5 **Tasmania Hotel – Installation of Solar Panels**

FILE REFERENCE	004\005\004\
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DISCUSSION:

- Council Officers will provide technical assessment advice.

COUNCIL DECISION:

12/14.13.5.366 Moved: Clr Osborne/ Seconded: Clr Rubenach

That Council consents as land owner for a Development Application to be lodged to install solar panels on the Tasmanian Hotel subject to Heritage Tasmania approval.

CARRIED UNANIMOUSLY

12/14.13.6 **Amend Terms of Reference and Change Committee Name from Titley Shack Reference Group to the Titley Shack & Binalong Bay Reference Group**

FILE REFERENCE	010\039\001\
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DISCUSSION:

- Clr McGuinness stated all keen to continue on, opportunities for others to come on at later stages. Happy with ratepayers committee coming on board.

COUNCIL DECISION:

12/14.13.6.367

Moved: Clr Drummond/ Seconded: Clr Rubenach

That Council:

1. disband the Binalong Bay Foreshore Master Plan – Community Reference Group.
2. change the name of the Titley Shack Reference Group to the Titley Shack & Binalong Bay Reference Group;
3. ask the Binalong Bay Ratepayers to nominate a member of their committee to join the Titley Shack & Binalong Bay Reference Group; and
4. amend the Terms of Reference of the Titley Shack Reference Group to reflect the changes

CARRIED UNANIMOUSLY

12/14.13.7 Fingal Cenotaph

FILE REFERENCE	004\012\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.13.7.368

Moved: Clr McGiveron/ Seconded: Clr Osborne

That Council allocate \$8,250.00 exclusive of GST to construct a concrete pathway at the Fingal Cenotaph in readiness for the ANZAC Centenary in 2015.

CARRIED UNANIMOUSLY

12/14.14.0 DEVELOPMENT SERVICES

12/14.14.1 Development Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

12/14.14.2 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.14.2.369 Moved: Clr Osborne/ Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

12/14.14.3 Planning Approvals Issued

COUNCIL DECISION:

Received.

12/14.14.4 Building Services Approvals

COUNCIL DECISION:

Received.

12/14.14.5 Revised Dog Management Policy and Declared Areas

FILE REFERENCE	003\003\014\
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DISCUSSION:

- Clr Rubenach stated some beaches are lessening restrictions. Noted in animal control report tourist don't grasp rules and why. Maybe send out information with rates notice.
- Clr Drummond stated that in light of the recent listing of the Hooded Plover as vulnerable under the Commonwealth EPBC Act I would recommend two (2) amendments to the policy
 1. Marourard Beach - no vehicular access and no dogs; and
 2. Dianas Basin - no dogs to be allowed in the camping area.I commend the NRM Facilitator for his work to date, however more needs to be done with regard to educating the public through interpretative signage, not just prohibiting signage.
- Clr Lefevre commended on balanced approach, better dog free camping area.
- Clr Rubenach stated areas should be fenced off with educating signs.

COUNCIL DECISION:

12/14.14.5.370 Moved: Clr Osborne/ Seconded: Clr Lefevre

That the revised Dog Management Policy 2014, including declared areas, be adopted pursuant to the Dog Control Act 2000.

CARRIED UNANIMOUSLY

12/14.15.0 GOVERNANCE

12/14.15.1 General Manager's – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

12/14.15.2 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- Clr McGuinness asked about navigating of the bay joint venture with UTAS has it progressed any further. General Manager advised that it had not at this stage but would be pursued.

COUNCIL DECISION:

12/14.15.2.371 Moved: Clr Lefevre/ Seconded: Clr McGiveron

That the General Manager's report be received.

CARRIED UNANIMOUSLY

12/14.15.3 Appointment of Councillor – TasWater – Owner Representative

FILE REFERENCE	034\014\013\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

12/14.15.3.372 Moved: Clr McGuinness / Seconded: Clr J Tucker

That Council appoint Councillor Mick Tucker as Council's Owner Representative on TasWater for a period of three (3) years and Councillor John McGiveron be appointed as the proxy.

CARRIED UNANIMOUSLY

12/14.15.4 Gillies Road, St Marys

FILE REFERENCE	032\005\003\
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DISCUSSION:

- Clr McGiveron asked if not on a reserved road what happens there, needs to be determined first and the state of the road.
- Clr Lefevre asked are we setting a precedent.
- Clr M Tucker stated the onus should be on the person making application to have a survey done.
- Clr Rubenach stated she did not think there was a access licence on the reserved road, does this need to be part of motion.
- Clr Drummond stated we need to determine the state of the road and would like to see legal advice from Local Government Division.

COUNCIL DECISION:

12/14.15.4.373 Moved: Clr Osborne/ Seconded: Clr Tucker

That Council:

1. Notes that Gillies Road ceases at the boundary of Property PID 1802021 and Property PID 2623893.
2. Advises Mr Power-Lawrence that Council will agree to accept maintenance responsibility for the extension of Gillies Road through Property PID 2623893 to the boundary with his property provided that the un-named Chalet access road is brought up to the standard required by Council and that the access road is located entirely within the 'Reserved Road'.

CARRIED UNANIMOUSLY

12/14.16.0 PLANNING AUTHORITY

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2005 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

12/14.16.1 DA059-2014 - Amend Sealed Plan 127102 – Highcrest Avenue, Binalong Bay

FILE REFERENCE	DA 059-2014
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DISCUSSION:

No further discussion took place on this item.

COUNCIL DECISION:

12/14.16.1.374 Moved: Clr Osborne/ Seconded: Clr Tucker

That in accordance with Section 104 (2) (a) and (b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, Council appoint a Council Committee who may hear persons who have asked to be heard and obtain the assistance of legal practitioners, architects, engineers and surveyors.

That in accordance with Section 104 (1) (b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, Council appoint a day to hear any petitioner and those persons who have asked to be heard.

CARRIED UNANIMOUSLY

12/14.16.1.375 Moved: Clr Osborne/ Seconded: Clr Tucker

That Council appoint Clr B LeFevre as a Council representative.

CARRIED UNANIMOUSLY

12/14.16.1.376 Moved: Clr Osborne/ Seconded: Clr Rubenach

That Council appoint Clr J Drummond as a Council representative.

CARRIED UNANIMOUSLY

12/14.16.1.377 Moved: Clr McGiveron / Seconded: Clr Osborne

That Council appoint Clr H Rubenach as a Council representative.

CARRIED UNANIMOUSLY

12/14.16.1.378

Moved: Clr LeFevre/ Seconded: Clr Rubenach

That Council resolve that all decisions made by the above Committee must be endorsed by full Council at the next Ordinary Meeting following the Committee Meeting.

CARRIED UNANIMOUSLY

12/14.16.2

DA145-2013 – Garage Construction – 127 St Helens Point Road, Stieglitz

FILE REFERENCE	DA 145-2013
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DISCUSSION:

- Clr Rubenach asked can this proceed if Council does not go ahead with stormwater. A condition be added that screening be placed or vegetation as fence can be removed.
- Clr McGuinness stated there are many examples of sheds built between dwellings. Whole area has stormwater problems and needs work.

COUNCIL DECISION:

12/14.16.2.379

Moved: Clr McGuinness/ Seconded: Clr Lefevre

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 GARAGE on land situated at 127 ST HELENS POINT ROAD, STIEGLITZ described in Certificate of Title 25191/62 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 145-13 received by Council 9 July 2013, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Upon completion of the stormwater kerb and guttering, all stormwater from the garage and dwelling are to be disposed of within Council’s reticulated stormwater system. All existing discharges directing stormwater in a northerly direction down the northern section of the development site onto Crown Land, are to be terminated and all existing infrastructure be removed within 30 days of Council’s reticulated stormwater system being made available for use.

FOR Clr M Tucker, Clr McGiveron, Clr J Tucker, Clr Osborne, Clr Lefevre, Clr Drummond, Clr McGuinness

AGAINST Clr Rubenach
CARRIED

FILE REFERENCE	DA 175-2014
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DISCUSSION:

- Clr Tucker asked if Forest Practice Code was taken into account as this over-rides our Planning Scheme.
- Clr Rubenach stated should also be aware of Workplace Standards Act.
- Clr Drummond stated potential habitat and there has been flocks of Swift Parrots been sighted in Kings Park in Blue Gums.
- Clr McGuinness advised Council need to act as time is moving on.
- Clr Osborne stated she doesn't believe the perceived habitat.

COUNCIL DECISION:**12/14.16.3.380**Moved: Clr Rubenach/ Seconded: Clr McGiveron

After due consideration of the representations received, 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 the TOUR BOOKING OFFICE on land situated at 223 DORA POINT ROAD, BINALONG BAY described in Certificate of Title 18458/1 be REFUSED for the following reasons:

1. The proposal has not demonstrated compliance with E8.6.1 P2.1 Habitat and Vegetation Management, in that known habitat of the nationally endangered *Lathamus discolor* (swift parrot) will require removal to ensure a safe environment for occupants of the building.
2. The development proposal does not comply with the Purpose of E8.1.1 Biodiversity Code, particularly E8.1.1 b) ii). The applicant has not demonstrated how the proposed building has been appropriately located in a manner that minimises vegetation and habitat loss or degradation in a manner that assists the protection of biodiversity.

FOR Clr M Tucker, Clr McGiveron, Clr J Tucker, Clr Rubenach, Clr Lefevre, Clr Drummond

AGAINST Clr Osborne, Clr McGuinness

CARRIED

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.

Entered into Closed Council at 12.30pm

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

12/14.17.0

CLOSED COUNCIL

12/14.17.1

Outstanding Actions List for Closed Council

12/14.17.2

Titley Shack – Binalong Bay – Request for Lease - Closed Council Item Pursuant To Section 15(2)E Of The Local Government (Meeting Procedures) Regulations 2005

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

Moved: Clr Rubenach/ Seconded: Clr Drummond That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 1.06pm.

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MAYOR

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DATE