

COUNCIL MINUTES

Monday 15 February 2016

Council Chambers



John Brown
General Manager
Break O'Day Council
15 February 2016

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CONTENTS

CONTENTS.....	3
02/16.1.0 ATTENDANCE.....	5
02/16.1.1 Present.....	5
02/16.1.2 Apologies.....	5
02/16.1.3 Leave of Absence.....	5
02/16.1.4 Staff in Attendance.....	5
02/16.2.0 PRESENTATION BY REPRESENTATIVES OF THE HMAS TOBRUK STEERING COMMITTEE.....	5
02/16.3.0 PUBLIC QUESTION TIME.....	6
02/16.4.0 CONFIRMATION OF MINUTES.....	6
02/16.4.1 Confirmation of Minutes – Council Meeting 18 January 2016.....	6
02/16.5.0 COUNCIL WORKSHOPS HELD SINCE 18 JANUARY 2016 COUNCIL MEETING.....	6
02/16.6.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE.....	7
02/16.7.0 PETITIONS.....	7
02/16.7.1 Petition Objecting to the Changes Signage in Falmouth and Break O’Day Region.....	7
02/16.8.0 NOTICES OF MOTION.....	8
02/16.8.1 Notice of Motion – Footpath, Main Road Binalong Bay – Cllr B LeFevre.....	8
02/16.9.0 COUNCILLOR’S QUESTIONS ON NOTICE.....	9
02/16.10.0 COUNCILLOR’S QUESTIONS WITHOUT NOTICE.....	9
02/16.10.1 Local Government Reform – Cllr J Drummond.....	9
02/16.10.2 Rotary Signs at Both Entrances to St Helens – Cllr K Wright.....	9
02/16.10.3 Traction Engine at Lions Park – Cllr G McGuinness.....	10
02/16.10.4 Needle Exchange Program – Cllr H Rubenach-Quinn.....	10
02/16.10.5 Traction Engine at Lions Park – Cllr M Osborne.....	10
02/16.10.6 Signage for Boggy Creek – Cllr J Drummond.....	10
02/16.11.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS.....	11
02/16.11.1 Mayor’s Communications for Period Ending 15 February 2016.....	11
02/16.11.2 Councillor’s Reports for Period Ending 15 February 2016.....	11
02/16.11.3 Mayor’s and Councillor’s Items.....	12
02/16.12.0 BUSINESS AND CORPORATE SERVICES.....	13
02/16.12.1 Corporate Services Department Report.....	13
02/16.12.2 Monthly Financial Report.....	13
02/16.12.3 Visitor Information Centre Report.....	14
02/16.12.4 Flag at Half Mast – Protocol/Procedure.....	14
02/16.12.5 Review of Personal Use of Social Media Policy.....	15

02/16.12.6 Budget Review - as at 31 December 2015	15
02/16.13.0 WORKS AND INFRASTRUCTURE	17
02/16.13.1 Works and Infrastructure Report.....	17
02/16.13.2 Animal Control Report	18
02/16.13.3 Northern Regional Waste Management Agreement.....	18
02/16.13.4 Cecilia Street Streetscape Upgrade	19
02/16.14.0 COMMUNITY DEVELOPMENT.....	19
02/16.14.1 Community Services Report.....	19
02/16.14.2 St Marys Museum & Community Space – Community Feedback	19
02/16.15.0 DEVELOPMENT SERVICES	20
02/16.15.1 Development Services Report	20
02/16.15.2 Planning Approvals Issued	20
02/16.15.3 Building Services Approvals	20
02/16.15.4 Amnesty Proposal	21
02/16.15.5 Purchase of Tennant Floor Polishing Machine.....	21
02/16.16.0 GOVERNANCE	22
02/16.16.1 General Manager’s Report.....	22
02/16.16.2 Council Meeting Minutes.....	23
02/16.16.3 HMAS Tobruk Project.....	23
02/16.17.0 PLANNING AUTHORITY	25
02/16.17.1 DA244-2015 – Serpentarium – West Street, St Helens.....	25
02/16.17.2 DA237-2015 – Replacement of Sunroom & Construction of Deck & Boat Shed – 2 Hilltop Drive, Binalong Bay	28
02/16.18.0 CLOSED COUNCIL	30
02/16.18.1 Outstanding Actions List for Closed Council.....	30
02/16.18.2 Construction of Multi-purpose Change Room Facility, St Helens Sports Complex - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015.....	30
02/16.18.3 Tender – Litter Collection Services for Council Infrastructure - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015.....	30
02/16.18.4 Tender – Cleaning of Council Facilities - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015.....	30
02/16.18.5 Presentation by East Coast Regional Tourism Organisation (ECRTO) – Visitor Information Centre Review - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2015	30

02/16.1.0 ATTENDANCE

02/16.1.1 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
Councillor Janet Drummond

02/16.1.2 Apologies

Nil

02/16.1.3 Leave of Absence

Nil

02/16.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 12.2 / 12.6 – 15.1*)
Manager Corporate Services, Bob Hoogland (*Item 2.0 – 13.1*)
Manager Works & Infrastructure, Stephen Yam (*Item 1.0 – 14.1*)
Planning Consultant, Rebecca Green (*Item 16.3 – 18.1*)
Building Services Co-ordinator, Jake Ihnen (*Item 1.0 – 12.2 / 12.5 – 12.6 / 13.1 – 18.5*)
Planning Coordinator, Paula Kloosterman (*Item 16.3 – 18.1*)

*That Council suspend standing orders to allow discussion and questions – **CARRIED UNANIMOUSLY***

02/16.2.0 PRESENTATION BY REPRESENTATIVES OF THE HMAS TOBRUK STEERING COMMITTEE

Presentation was made by Peter Paulsen and Nick Crawford.

Normal meeting procedures resumed at 10.30am

02/16.3.0 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.

Nil.

02/16.4.0 CONFIRMATION OF MINUTES

02/16.4.1 Confirmation of Minutes – Council Meeting 18 January 2016

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/16.4.1.22 Moved: Clr G McGuinness / Seconded: Clr J Tucker

That the minutes of the Council Meeting held on the 18 January 2016 be confirmed.

CARRIED UNANIMOUSLY

02/16.5.0 COUNCIL WORKSHOPS HELD SINCE 18 JANUARY 2016 COUNCIL MEETING

There was a Workshop held on Monday 1 February 2016 the following items were listed for discussion.

- Tasmanian Government's Draft Climate Change Action Plan 2016-2021
- Media Release – House of Assembly Standing Committee on Community Development - Inquiry into the State Fire Commission – Call for Submissions 8 January 2016
- Council Meeting Minutes and Audio Procedures
- Flag at Half Mast – Protocol/Procedure
- Review of Personal Use of Social Media Policy
- 2016/2017 Budget Timetable
- Cecilia Street Streetscape Upgrade
- Lions Park Landscaping
- Litter Collection
- Northern Regional Waste Management Agreement
- St Marys Museum and Community Space – Community Feedback
- Break O'Day Regional Arts – Council Facilities Hire Fees
- Amnesty Proposal

- Construction of Multi-Purpose Change Room Facility, St Helens Sports Complex
- Kirwans Beach BBQ
- Purchase of Tennant Floor Polishing Machine
- NRM Special Committee of Council
- Cleaning Tender
- Litter Tender
- Impact of Pokie Machines – Request for Council to Consider Joining Community Coalition

02/16.6.0 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 B LeFevre declared an interest in Agenda Item No 02/16.17.2 – DA237-2015 – Replacement of Sunroom and Construction of Deck and Boatshed – 2 Hilltop Drive, Binalong Bay.

Clr M Tucker declared an interest in Agenda Item No 02/16.13.4 – Cecilia Street Streetscape Upgrade.

Clr M Tucker declared an interest in Agenda Item No 02/16.15.5 – VIC.

02/16.7.0 PETITIONS

02/16.7.1 Petition Objecting to the Changes Signage in Falmouth and Break O’Day Region

FILE REFERENCE	032\005\014\
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DISCUSSION:

- The General Manager advised that community members from Four Mile Creek and St Helens have also requested that reinstatement of the signs be looked at.
- Clr Rubenach-Quinn advised that she has also heard from other towns as well, particularly St Marys.
- Clr Drummond asked whether it would be possible to reinstate all of the signs. The General Manager advised that some are easier than others as we need to look at appropriate locations as well as some of the signs are in better condition than others.

COUNCIL DECISION:

02/16.7.1.23 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Drummond

That Council receive the petition and advise that Council is willing to negotiate the placement of the old township sign in a location suitable and agreed to by all parties.

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

Clr McGuinness abstained from voting.

02/16.8.0 NOTICES OF MOTION

02/16.8.1 **Notice of Motion – Footpath, Main Road Binalong Bay – Clr B LeFevre**

DISCUSSION:

- Clr McGuinness stated that improvements in the stormwater drainage in the street would also be required.
- The General Manager advised that the works staff would investigate what is required and this would form part of the report.
- Clr Osborne stated that we should not use gravel for footpaths as the gravel Council is using at the moment is not disabled friendly.
- Clr Rubenach-Quinn asked whether this would form part of the 2016/2017 budget considerations. The General Manager advised that it would be.

COUNCIL DECISION:

02/16.8.1.24 Moved: Clr B LeFevre / Seconded: Clr G McGuinness

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:

A footpath be established on the sea side of the section of road, Main Road (beside the Skeleton Bay turn off) to the commencement of Hill Top Drive, at Binalong Bay, in the 2016/2017 financial year. This work be completed before Christmas 2016, in preparation for the major holiday period.

CARRIED UNANIMOUSLY

02/16.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

02/16.10.0 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.

02/16.10.1 Local Government Reform – Cllr J Drummond

The Minister for Planning and Local Government, The Hon Peter Gutwein, on 5 November 2014, announced an invitation to all Tasmanian Councils to engage in a process of discussion around voluntary local government reform. Would Council update the community about the voluntary Council reform discussions to date, and in particular when the proposed community consultations will be taking place in Break O'Day Municipality.

Reply

The General Manager advised that the Minister had control of the timeframes and the SE Council's group has only just agreed on Consultants (one (1) week ago). The Northern Council's group is still waiting for tick off from the State Government. The process is taking longer than expected to get to the start line.

The General Manager advised that he would place a brief article in the next Council newsletter providing an update to the community.

02/16.10.2 Rotary Signs at Both Entrances to St Helens – Cllr K Wright

Both signs have been removed due to road works. One sign has been retrieved after being dug out of a pile of dirt from the entrance near Priory Road. The sign which was at the Lions Park/Boggy Creek entrance has not been found or returned. Can these signs please be reinstated and replaced by those responsible?

Reply

The Manager Works and Infrastructure advised that Council staff will ensure the signs are reinstated in their original locations.

02/16.10.3 Traction Engine at Lions Park – Clr G McGuinness

Is the Traction Engine at the Lions Park going to have a fence around it?

Reply

Yes.

02/16.10.4 Needle Exchange Program – Clr H Rubenach-Quinn

Has Council established a needle exchange program at St Marys or in the Fingal Valley similar to St Helens?

Reply

No needle exchange program has been established at St Marys, Fingal or St Helens.

Council has a needle container disposal facility at the Council chambers.

Replacement needle containers are not provided by Council, they have to be purchased at the pharmacy.

The St Marys hospital will accept full needle containers which should satisfy the needs of the Fingal Valley residents.

02/16.10.5 Traction Engine at Lions Park – Clr M Osborne

Can the Traction Engine at the Lions Park stay where it is now?

Reply

The steam engine will be relocated to a space closer to the car park for the following reasons:

- Integration into the landscaping plan which has been prepared placing it closer to facilities such as the BBQ shelter, seating and the playground
- To enable the engine to be protected from sea/weather elements as much as possible.
- To allow for easier and safer access to enable maintenance when required.

02/16.10.6 Signage for Boggy Creek – Clr J Drummond

Is the proposed signage for Boggy Creek outlined in the DA for St Helens Point Road/ Tasman Highway in an earlier report in 2009 being prepared or likely to be prepared in the future with the landscaping of the Lions Park on the other corner?

Reply

The proposed sign has been designed by the North East Bioregional Network, which is similar to the sign installed at Kings Park.

The sign has been submitted to Council's Development Services for approval as required under the DA. Once approval is received, the sign will be manufactured and installed.

02/16.11.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

02/16.11.1 Mayor's Communications for Period Ending 15 February 2016

18.01.16	St Helens	- Presentation to Riding for the Disabled – Prize from naming of the Multi-Purpose Stadium
26.01.16	St Helens	- Australia Day Awards ceremony and celebrations
01.02.16	St Helens	- Council workshop
03.02.16	St Helens	- Meeting with the CEO of COTA Tas (Council on the Ageing)
04.02.16	St Helens	- Meeting with Minister Rene Hidding & Allan Garcia (Infrastructure Tasmania)
06.02.16	St Helens	- TS Argonaut assessment for most efficient unit awards
10.02.16	St Helens	- Meeting with East Coast Regional Tourism Organisation
12.02.16	Launceston	- LGAT General meeting - Review of Regional bodies in Northern Tasmania
15.02.16	St Helens	- Council meeting
15.02.16	Coal River	- Meeting with Hon Michael McCormack (Assistant Minister to the Deputy Prime Minister) – the future of Regional Australia

02/16.11.2 Councillor's Reports for Period Ending 15 February 2016

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

- No meeting since last Council Meeting, scheduled for Tuesday 16 February 2016.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- Meeting took place last Thursday 11 February 2016 and it was quite a lengthy meeting.
- Discussion around how to make the Committee more functional. Recommendations will come forward to a workshop prior to a Council Meeting.
- NRM Committee Membership – a community or agency representative member to take up a second seat at the NRM North Association – this is to be appointed by the Break O'Day NRM Committee for 2016.
- Report will be provided to a Council workshop which includes recommendations about changes to the NRM Special Committee Charter.
- Recommendations will be coming regarding the Georges Bay Sewage Pollution campaign.

- Break O’Day Council Annual Plan 2015/2016 – Environmental Sustainability Policy.

Star FM – Clr Kylie Wright

- Meeting held on the 27 January 2016.
- Clr Osborne has been following up with student announcers from the school.
- Further discussion regarding solar panels. Originally installed incorrectly regarding the power phasing.
- Reports been prepared regarding functions within the station, eg roles and responsibilities.
- StarFM has been announced as being the number 1 streaming station in Tasmania – this is for online streaming.

Barway Committee – Clr John McGiveron

- Amendment to planning scheme has gone through for the quarry.
- DA for quarry operation has been submitted and is at EPA for assessment.
- The DA for the wall is currently being prepared, it has been difficult to get P&WS to sign off on their part due to staff being unavailable due to fires.
- Tenders will be called in coming weeks for quarry operations.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- This report will be provided by CEO and Chair later in the meeting in Closed Council.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- Museum has had some additions. Kym from the History Room is curating items with more photographs being framed to be included.
- Has got really good acceptance by the community.
- Investigate the inclusion of a plaque to identify Council’s contribution as well as why the shack was retained.

Mental Health Action Group – Clr B LeFevre

- Met last Monday 8 February 2016.
- Commenced community action plans and looking for community feedback to identify gaps.

02/16.11.3 Mayor’s and Councillor’s Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

02/16.12.0 BUSINESS AND CORPORATE SERVICES

02/16.12.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Manager Corporate Services Manager advised that correspondence had been received from the Department of State Growth who advised that the free public wifi is progressing.
- Mayor Tucker asked whether there was anything Council could do to assist with computer failures eg more back up or UPS systems? The Manager Corporate Services advised that a report is being prepared by PEAK Computing which will include some costed recommendations to assist in situations like this. We should wait for this report to be received and then consider recommendations.

COUNCIL DECISION:

02/16.12.1.25 Moved: Clr M Osborne / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

02/16.12.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Clr J Tucker asked about the 29% against "Sales" – The Manager Corporate Services advised that the majority of this is for sales at the Visitor Information Centre for which the information is slow coming though as we are just going through the peak season. He explained that also Council has just put out for tender four (4) vehicles.
- Clr Drummond asked why the "Audit Fees" are 121% - The Manager Corporate Services advised that this is the final figure for the 2014/2015 audit for which the significant item was expenses which were not budgeted for and had never been charged in previous years despite being part of the quote received
- Clr LeFevre asked why is there an allocation of \$110,000 still showing for Moutling Bay Jetty Replacement? Clr LeFevre stated that we could channel this money to Kirwans and Beauty Bay jetties for maintenance/repairs? The General Manager stated that he agreed and that the Works Department were in the process of getting a second quote for the removal of the Moulting Bay Jetty.

COUNCIL DECISION:

02/16.12.2.26 Moved: Clr J McGiveron / Seconded: Clr H Rubenach-Quinn

That the following reports for the month ending 31 January 2016 be received:

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

CARRIED UNANIMOUSLY

*Adjourned for morning tea at 11.06am
Meeting resumed at 11.19am*

02/16.12.3 **Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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DISCUSSION:

- Clr Rubenach-Quinn asked what was the damage to the dragon sculpture? The Manager Corporate Services advised that the damage was inflicted on the tail and we are currently getting a quote to repair.

COUNCIL DECISION:

02/16.12.3.27 Moved: Clr K Wright / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

02/16.12.4 **Flag at Half Mast – Protocol/Procedure**

FILE REFERENCE	002\024\008\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.12.4.28

Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council continue with the current protocols and arrangements and not introduce a specific procedure.

Councillors can approach the Mayor to request either a local or state-wide action. This would be considered and if deemed appropriate, implemented locally or an approach made through LGAT to the State Protocol Office.

CARRIED UNANIMOUSLY

02/16.12.5

Review of Personal Use of Social Media Policy

FILE REFERENCE	002\024\001\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.12.5.29

Moved: Clr J Drummond / Seconded: Clr K Wright

That Policy LG05 – Personal Use of Social Media as amended be adopted.

CARRIED UNANIMOUSLY

02/16.12.6

Budget Review - as at 31 December 2015

FILE REFERENCE	018\007\001\
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DISCUSSION:

- The Manager Corporate Services advised that the reallocation for Ansons Bay Road Dig Outs is retargeting rather than over expenditure.

COUNCIL DECISION:**02/16.12.6.30**Moved: Clr M Osborne / Seconded: Clr G McGuinness

That Council receive the Budget Estimates 2015-2016 Review as at 31 December 2015 and the following variances be applied to the original 2015/2016 budget as set by Council Minute:

Amend Capital Expenditure (brackets denote an adverse variance)	\$
CC810 St Helens Multi Use Change Rooms	(18,291)
CD755 Scamander Sports Complex	(31,000)
CA115 Fingal Streetscape	(18,000)
CA110 St Marys Streetscape	(57,000)
CD160 Cecilia Street K&C	(5,000)
CD165 Tully Street K&C	(5,000)
CD615 CD655 Implement SWMP Priorities	10,000
CD510 Dig Out Lawry Heights	40,000
CD515 Dig Out Binalong Bay Road	20,000
CD517 Dig Out Ansons Bay Road	(40,000)
CD522 Dig Out Gardens Road	(20,000)
CD555 Greater Eastern Drive Town Entry Signs (grant funded)	(11,600)
TOTAL	(135,891)

Amend Profit and Loss Items (brackets denote an adverse variance)	\$
1626 Place of Assembly Licences	(2,000)
1675 TasWater Tax Equivalentts	60,000
1676 TasWater Dividends	(60,000)
1793 Capital Grants – Great Eastern Drive Town Entry Signs	11,600
1971 Contractors – St Helens Point Intersection	(30,000)
1996 Professional Fees – St Helens Point Intersection	30,000
1994 Internal Audit (new audit panel compliance costs)	(7,000)
TOTAL	2,600
TOTAL BUDGET ADJUSTMENT	(133,291)

CARRIED UNANIMOUSLY

02/16.13.0 WORKS AND INFRASTRUCTURE

02/16.13.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- Clr LeFevre referred to the Cornwall Coal contribution for the bridge replacement that is currently still sitting in outstanding items and stated it is quite clear we won't be getting a contribution is it worth just taking this item off the list? The Manager Works and Infrastructure advised that they haven't actually said no as yet.
- Clr Drummond asked whether there are any timeframes on the Cornwall bridge replacement yet? The Manager Works and Infrastructure stated that there is no timeframe at this stage as there are still processes to go through before funding is released.
- Clr Drummond advised the Manager Works and Infrastructure that she had forwarded an email regarding some maintenance, trip hazard, etc at The Stables Market.
- Clr Rubenach-Quinn asked if scrap steel is not being collected from WTS's can people still take it there? The Manager Works and Infrastructure advised they could still take it.
- Clr Wright asked whether we should be charging for EWaste? The Manager Works and Infrastructure advised he will ask the Northern Waste Management Group to investigate.
 - o Clr Wright stated that if TV's are ending up in general waste the management of the tips needs to be looked at, should be looking at more recycle and resell.
 - o Clr Wright stated that the tip attendants should look at loads in more detail.
 - o Clr Wright stated that a lot of it is education to people and people to think about their waste before it all goes into landfill.
 - o The Manager Works and Infrastructure will check the terms of reference in the contract and report back to a workshop.
 - o Clr Drummond asked whether the recycling report be given to Council prior to review of MDG Contracting in case we need to renegotiate prior to the renewal. The Manager Works and Infrastructure advised that yes, this could happen.
- Clr J Tucker asked how the Valley Crew was going as there were initial concerns regarding productivity, could Council get a report as to how this is going?
- Clr McGuinness raised concerns regarding flood damage in Cornwall. What is the program to get the grates working and to improve the drainage on the other side? The General Manager noted that the grates had been installed as part of a stormwater project and that kerb and gutter is now required through capital works.
- Clr McGuinness asked whether Roads to Recovery money could be used for flood mitigation in St Marys from Irish Town Road bridge into the town? The Manager Works and Infrastructure stated that he would need to check the terms of reference for the Roads to Recovery funds to see what could be done.
- Clr's Drummond and Rubenach-Quinn both stated that the outdoor crews did a wonderful job during the floods, lots of positive comments had been received.

COUNCIL DECISION:

02/16.13.1.31 Moved: Clr K Wright / Seconded: Clr M Osborne

That the report be received by Council.

CARRIED UNANIMOUSLY

02/16.13.2 **Animal Control Report**

FILE REFERENCE	003\008\002\
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DISCUSSION:

- Clr Rubenach-Quinn asked whether there is usually a larger amount of dogs missing during storm events? The Manager Works and Infrastructure advised that the Municipal Inspector would usually attempt to contact dog owners first before impounding them.

COUNCIL DECISION:

02/16.13.2.32 Moved: Clr B LeFevre / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

02/16.13.3 **Northern Regional Waste Management Agreement**

FILE REFERENCE	033\030\004\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.13.3.33 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council commit to continue its membership of the Northern Regional Waste Management Agreement from 1 July 2016.

CARRIED UNANIMOUSLY

Mayor Tucker left the meeting due to an interest at 11.50am and Deputy Mayor McGiveron took the Chair.

02/16.13.4 Cecilia Street Streetscape Upgrade

FILE REFERENCE	032\005\007\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.13.4.34 Moved: Clr M Osborne / Seconded: Clr J Tucker

That the Cecilia Street Streetscape Upgrade project, east side of Cecilia Street from 48 Cecilia Street southwards to the intersection of Quail Street and north side of Quail Street east to 36 Quail Street, be included in the 2016/2017 Capital Works Budget.

CARRIED UNANIMOUSLY

Mayor Tucker returned at 11.51am and retook the Chair.

02/16.14.0 COMMUNITY DEVELOPMENT

02/16.14.1 Community Services Report

FILE REFERENCE	011\034\006\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/16.14.1.35 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

02/16.14.2 St Marys Museum & Community Space – Community Feedback

FILE REFERENCE	004\002\007\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.14.2.36 Moved: Clr M Osborne / Seconded: Clr J Drummond

That Council accept the feedback tabled from community consultation sessions held at St Marys for the proposed project – St Marys Museum & Community Space.

CARRIED UNANIMOUSLY

02/16.15.0 DEVELOPMENT SERVICES

02/16.15.1 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/16.15.1.37 Moved: Clr G McGuinness / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

02/16.15.2 Planning Approvals Issued

COUNCIL DECISION:

Received.

02/16.15.3 Building Services Approvals

COUNCIL DECISION:

Received.

02/16.15.4 **Amnesty Proposal**

FILE REFERENCE	031\010\003\
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DISCUSSION:

- Clr J Tucker asked whether we could charge a fee of \$300 on top of the fees? Clr Rubenach-Quinn stated that this would defeat the purpose as they would still be paying the normal fees it just would not be the double fee that's why we have the amnesty.
- Clr J Tucker stated why is it fair that other ratepayers should support people who have done the wrong thing? Clr Rubenach-Quinn stated that she does not believe that it is costing Council because fees still have to be paid. The amnesty would also save Council Officer time if people are self-reporting.
- Clr McGuinness stated that in his experience people buy properties in good faith and then find illegal works have been done and this amnesty helps those people rectify the situation.
- The Building Services Coordinator advised that through the sale process Council Officers do a desktop check not an onsite visit unless it is requested.

COUNCIL DECISION:

02/16.15.4.38 Moved: Clr M Osborne / Seconded: Clr H Rubenach-Quinn

Implement a one (1) month self-report amnesty in April 2016 with a Planning and Building application to be submitted within six (6) months.

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

02/16.15.5 **Purchase of Tennant Floor Polishing Machine**

FILE REFERENCE	025\003\002\
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DISCUSSION:

- The Building Services Coordinator stated that currently we have a temporary contractor and she will be trained on using this machine. Any new contractors will be trained as required.

COUNCIL DECISION:

02/16.15.5.39

Moved: Clr J McGiveron / Seconded: Clr J Tucker

1. That Council purchase the Tennant walk behind scrubber machine to maximise efficiencies with cleaning of floor surfaces in municipality for a total capital cost of \$15,210.14;
2. Adjust the current fees and schedule to include provision of the \$120 + GST hourly rate for private hire.

CARRIED UNANIMOUSLY

Moved: Clr J McGiveron / Seconded: Clr J Tucker: That Council move into Closed Council for a presentation by the Chair and CEO of the East Coast Regional Tourism Organisation – agenda item 02/16.18.5 at 12.05pm.

CARRIED UNANIMOUSLY

Moved: Clr J McGiveron / Seconded: Clr G McGuinness That Council move out of Closed Council at 12.54pm.

CARRIED UNANIMOUSLY

*Meeting adjourned for lunch at 12.54pm
Meeting resumed at 1.46pm*

02/16.16.0 GOVERNANCE

02/16.16.1 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- Clr McGuinness asked whether Council had received a response from the State Government regarding Eddystone Point/Larapuna as the Friends of Eddystone Point had received correspondence that there was a meeting on the 25 February? The General Manager advised that no letter had been received at this stage.
- The General Manager advised that development of the Blue Derby Mountain Bike Project Stage 2 proposal was nearing, a presentation will be arranged.

COUNCIL DECISION:

02/16.16.1.40 Moved: Clr K Wright / Seconded: Clr J McGiveron

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

02/16.16.2 **Council Meeting Minutes**

FILE REFERENCE	014\002\001\
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DISCUSSION:

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

COUNCIL DECISION:

02/16.16.2.41 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

1. That Council endorse the General Manager’s recommendation that the following information be provided in Council Minutes:
 - Officer’s Recommendation
 - Officer’s Report Introduction
 - Discussion [*this would incorporate brief dot points of key points only*]
 - Council Decision
2. That Council endorse the reordering of the Council agenda to move the “Planning Authority” to follow from “Public Question Time”.
3. That Council undertake a review of this decision in three (3) months.

CARRIED UNANIMOUSLY

02/16.16.3 **HMAS Tobruk Project**

FILE REFERENCE	018\019\001\
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DISCUSSION:

- Mayor Tucker asked whether Council could do a media release advising of Council’s position on this project.
- Clr Osborne stated that there needs to be direction on who is contacting who to lobby as it would be better if we had a plan from the Mayor so we are not all contacting the same people.
- The General Manager stated that he will ensure that all Councillors get a full copy of the final version of the proposal.

- Clr Rubenach-Quinn stated that she is hesitant to make a decision when she has not seen all of the supporting information as she previously had concerns with parts of the environmental report.
- Clr McGuinness stated that there is a misconception in the community that the boat will be in Skeleton Bay when it is actually off Skeleton Point. There needs to be a map somewhere showing the proposed location.
- Clr McGuinness stated that we need to go as public as we possibly can as it is very public in the Fraser Coast community with posters in local shops, etc.
- Clr Drummond stated that she has concerns as to where the funding will come from. The Mayor advised that it has been made very clear that this would become a State Government asset and there has been no thought to Council contributing any more money on this other than possible car park works in the area if required.
- Clr Wright asked who would operate the proposed dive centre. Mayor Tucker advised that everything would be tendered out through a transparent process. The General Manager advised that this would all be done by the "Trust" which had been suggested to manage the project.
- Clr Rubenach-Quinn stated that she is supportive of the general concept of proposal, however has concerns with some aspects of the Environmental Report and funding.

COUNCIL DECISION:

02/16.16.3.42

Moved: Clr J Tucker / Seconded: Clr J McGiveron

1. That Council receive the project proposal and supporting documentation for the HMAS Tobruk artificial reef/dive wreck project proposed for Skeleton Bay.
2. That Council formally support the project and commend it to the State and Federal Governments for their consideration.
3. That Council assist with lobbying activities to bring the project proposal to reality.

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

02/16.17.0 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.

02/16.17.1 DA244-2015 – Serpentarium – West Street, St Helens

FILE REFERENCE	DA 244-2015
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DISCUSSION:

- Clr McGuinness stated that all of the people surrounding this have given letters of support for the proposal.
- Clr Rubenach-Quinn sought clarification that if the Planning Scheme Amendment does not go through is the application refused? The Planning Consultant confirmed yes, if the amendment does not go through the application does not proceed.

COUNCIL DECISION:

02/16.17.1.43 Moved: Clr M Osborne / Seconded: Clr J Tucker

DECISION STATEMENT:

1. To determine an application for amendment to the Break O'Day Interim Planning Scheme 2013 to allow on Certificate of Title Volume 131158 Folio 3, Tourist Operation as a discretionary use with the qualification "if for a Serpentarium on CT 131158/3" in Table 14.2 under Section 43(a) of the *Land Use Planning and Approvals Act 1993*.
2. To make a decision on Development Application DA244-2015 for a Serpentarium at 5 West Street, St Helens.

OFFICER RECOMMENDATION:

That the Council:

1. Pursuant to Section 33(3) of the *Land Use Planning and Approvals Act 1993*, initiates amendment to the Break O'Day Interim Planning Scheme 2013 to allow on Certificate of Title Volume 131158 Folio 3, Tourist Operation as a discretionary use with the qualification "if for a Serpentarium on CT 131158/3".
2. Directs Council officer's to prepare draft amendment of the Break O'Day Interim Planning Scheme 2013.
3. In accordance with Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the General Manager its functions under section 35(1) of the Act, for the purposes of amendment to the Break O'Day Interim Planning Scheme 2013.
4. In accordance with Section 38(a) of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition to be 28 days.

5. Pursuant to Section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA244-2015 for Serpentarium at 5 West Street, St Helens subject to the following conditions:

Conditions

1. Development must accord with the Development Application DA 244-2015 received by Council 15 December 2015, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.
2. The applicant must comply with the conditions as contained within TasWater's Submission to Planning Authority Notice dated 6/01/2016 TWDA 2016/00016-BODC (copy attached to this permit).
3. Prior to commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i). plant species;
 - (ii) Boundary and internal fencing details (if applicable);

The Plan shall specify that seeds or rootstocks for plantings are derived from provenance taken within the boundaries of the site or local area.

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 3 prior to the building being occupied.

4. The proposal must accord with the recommendations contained within 'Environmental Values Assessment for 5 West Street, St Helens; Version 2; November 2015; Dr Catriona McLeod' including vegetation retention of DSG community and re-vegetation of all battered slopes.
5. All stormwater runoff from the proposed building, car parking and manoeuvring areas must be detained by on-site water storage systems and overflow disposed of by means to Council's reticulated network that will not result in soil erosion or other stormwater nuisance.
6. 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.
7. The vehicle crossover from the carriageway to the property boundary must be maintained in general accordance with the vehicular crossing requirements of Council's Manager of Works and Infrastructure prior to the use commencing. 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.

8. 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.
9. Effluent disposal is subject to a Special Plumbing Permit to be issued by Council's Environmental Health Officer.
10. Native vegetation must not be removed outside that necessitated by the proposed development.
11. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.
12. Low level bollard style lighting shall be installed adjacent to the internal access road and car parking areas (where applicable).
13. The proposed signs must be:
 - a. professionally designed and legible;
 - b. structurally sound and not in any way hazardous;
 - c. located entirely within the boundaries of Lot C.T. 131158/3;
 - d. situated so as not to obstruct traffic; and
 - e. designed in colours and principles not currently incorporated into statutory or directional signs erected by public authorities.
14. Any damage that may occur to any Council infrastructure during the construction of the proposed development must be reinstated to the satisfaction of Council and at the cost of the developer.

ADVICE

- A copy of 'Bushfire – prepare to survive' should be obtained and used as a guide to preparing yourself and your property for bushfires.
- Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.
- 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.
- 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.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- 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

Clr LeFevre left the meeting at 2.23pm

02/16.17.2 DA237-2015 – Replacement of Sunroom & Construction of Deck & Boat Shed – 2 Hilltop Drive, Binalong Bay

FILE REFERENCE	DA 237-2015
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

02/16.17.2.44 Moved: Clr J McGiveron / Seconded: Clr M Osborne

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 DEMOLITION & REPLACEMENT OF SUNROOM & CONSTRUCTION OF DECK & BOAT SHED on land situated at 2 HILLTOP DRIVE, BINALONG BAY described in Certificate of Title REF: 78613 Folio 8, PID: 6797022 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 237-15 received by Council 30/11/2015, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. The boatshed is approved for non-habitable residential use only and may not be changed without written consent from Council. The installation of facilities and/or any alterations to the boatshed would therefore require a further development application.
3. The vehicle crossover from the 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.
4. No works are to commence within the road reserve until a permit to undertake works in the road reservation has been issued by Council’s Manager of Works and Infrastructure for the construction of the crossover and stormwater connection point.
5. Any evidence of failure of the existing septic system will require a review of the system and subsequent compliance with any lawful directive from Council’s Environmental

Health Officer. This could necessitate the installation of an Aerated Wastewater Treatment System.

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.
7. 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.

CARRIED UNANIMOUSLY

Clr LeFevre returned at 2.26pm

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 Drummond / Seconded: Clr M Osborne: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

02/16.18.0 **CLOSED COUNCIL**

02/16.18.1 **Outstanding Actions List for Closed Council**

02/16.18.2 **Construction of Multi-purpose Change Room Facility, St Helens Sports Complex - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**

02/16.18.3 **Tender – Litter Collection Services for Council Infrastructure - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**

02/16.18.4 **Tender – Cleaning of Council Facilities - Closed Council Item Pursuant To Section 15(2)D Of The Local Government (Meeting Procedures) Regulations 2015**

Mayor Tucker left the meeting at 2.37pm and Deputy Mayor McGiveron took the Chair

02/16.18.5 **Presentation by East Coast Regional Tourism Organisation (ECRTO) – Visitor Information Centre Review - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2015**

Mayor Tucker returned at 2.59pm and retook the Chair

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

CARRIED UNANIMOUSLY

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

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 3.07pm.

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MAYOR

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DATE