

16 March  
2015

# COUNCIL MINUTES

Council Chambers



John Brown  
General Manager,  
Break O'Day Council  
16 March 2015

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## **03/15.1.0 ATTENDANCE**

### **03/15.1.1 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  
Councillor Kylie Wright

### **03/15.1.2 Apologies**

Nil

### **03/15.1.3 Leave of Absence**

Nil

### **03/15.1.4 Staff in Attendance**

General Manager, John Brown  
Executive Assistant, Angela Matthews  
Manager Community Services, Chris Hughes (*Item 1.0 – 14.1*)  
Building Services Coordinator, Jake Ihnen (*Item 1.0 – 13.2 / 13.3 – 15.4*)  
Manager Corporate Services, Bob Hoogland (*Item 8.1 – 12.2*)  
Manager Works and Infrastructure, Stephen Yam (*Item 7.4 – 17.4*)  
NRM Facilitator, Polly Buchhorn (*Item 13.5 – 15.1*)

## 03/15.2.0 PUBLIC QUESTION TIME

Four (4) 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.*

### 03/15.2.1 Break O'Day Indoor Multi-Purpose Stadium – Mr & Mrs Rubenach, St Marys

1. (a) As stage one (1) has an estimated cost of \$1.55m who foots the bill if it exceeds this estimation?
  - (b) What is the estimated cost for stage 2?
  - (c) What is the estimated cost for stage 3?
  - (d) Will the Federal Government and State Government be contributing to Stage 2 and Stage 3? If yes, then what is the percentage of funding? If no, will Council be footing the bill?
2. How much rise in rates will be necessary for St Helens to have this stadium?
3. Will user fees/charges cover all maintenance/management costs?
4. What projects within the Municipality will be put on hold as the result of Council approving/financing this St Helens Stadium?
5. Was the extensive consultation with the community about this facility being high priority only conducted within the St Helens area or were Fingal Valley residents equally included in this consultation?

#### Reply

1. A) The budgeted amount of \$1.55 million (approved by Council on Monday 16 February 2015) was derived from the tendered price, which also includes the required allowances for project management and construction contingency.  
  
B) The estimated cost for Stage 2 comprises the interconnecting foyer and existing building alterations at a budgeted cost of \$450,000 (inclusive of tender allowances), contingency and project management costs.  
  
C) The scope of stage 3 has not yet been fully determined or costed as it will depend on the scope approved by Council for Stage 2. It is envisaged that this stage will include formalising on site car parking, external lighting and stormwater infrastructure, which forms part of the overall master plan for the St Helens Sport and Recreational complex.  
  
D) Council Officers are actively applying for additional community grant funding to assist with future stages (mentioned above) for the project. If these funding applications are unsuccessful then the further stages will be considered by Council during budget deliberations in future capital works programs.

2. Council Officers are prioritising capital works programming in ongoing budgets. As stage 1 of the project is the significant upfront cost and is a budgeted item for 2014/2015 financial year, a rise in the rate would not be anticipated.
3. Council Officers are developing a business plan and strategic operational model for the future of ongoing operations and maintenance of the building. Some cost comparisons have been developed based on similar models in other areas of Tasmania. The intent is to ensure that the operational model developed is ultimately cost neutral in future years through sound business planning; close monitoring of costs and marketing of the stadium, including corporate sponsorship.
4. Council has committed to various highly prioritised capital projects which are currently being planned and costed. Council have not yet budgeted for any additional capital expenditure for these; however there are many large capital projects which will be submitted for consideration - which includes the upgrade of the Georges Bay Barway and Pelican Point, Fingal Streetscape improvements, St Marys Streetscape improvements, Lions Park development and the new hospital. Additionally, Council have committed a substantial amount of funds to the Fingal Old Tasmanian Hotel redevelopment and upgrades, as well as various smaller projects in and around Fingal town centre, for example, the new toilet block and street furniture.

Council is aware of the importance of these projects to the community and will continue to consider these projects with careful consideration during future budget deliberations.

5. This project was included in the municipal management plan. Various community forums were held during the planning phases for the St Helens Sport and Recreation Complex Master Plan discussions. The conceptual plan of the proposed project as a whole - not just the indoor facility - was also on display at the St Marys Hall on 26 and 27 July 2012, where people were given the opportunity to comment. Furthermore, Council officers have actively engaged potential users, the current users of the sports complex and invited to community members to attend on a regular basis, during the planning and design of the Break O'Day Multi-purpose Indoor Stadium. The aim of these meetings was to ensure the design incorporated potential for multipurpose uses and includes a magnitude of benefits for the whole municipality and beyond.

### **03/15.2.2 Break O'Day Indoor Multi-Purpose Stadium – Mr R McIntyre, St Helens**

What about the shade survey, has this been done?

#### **Reply**

Yes, the shading diagrams were completed by Council's Planning Staff. Representatives of the TS Argonaut have been consulted with in relation to the subsequent shading of the adjacent building. The shadow diagrams are available for viewing at the Council offices by appointment with Council's Building Services Coordinator.



## **03/15.3.0 CONFIRMATION OF MINUTES**

### **03/15.3.1 Confirmation of Minutes – Council Meeting 16 February 2015**

#### **DISCUSSION:**

Clr Rubenach sought clarification to the minutes that Clr Rubenach, Clr Drummond and Clr LeFevre were against the decision for the Multi-Purpose Stadium to proceed.

Moved: Clr H Rubenach / Seconded: Clr B LeFevre

**CARRIED UNANIMOUSLY**

#### **COUNCIL DECISION:**

**03/15.3.1.55** Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That the minutes of the Council Meeting held on the 16 February 2015 be confirmed with the above amendment.

**CARRIED UNANIMOUSLY**

## **03/15.4.0 COUNCIL WORKSHOPS HELD SINCE 16 FEBRUARY 2015 COUNCIL MEETING**

There was a Council Workshop held on the 2 March 2015 where a presentation was made to Council by the Lower Georges Riverworks Trust, the following items were also listed for discussion:

- Local Government Reform
- Gifts and Benefits Policy
- 2015-2016 Budget – Rates Policy
- Notice of Motion – November Council Meeting – Clr M Osborne – Roses Tier Road
- Fingal Streetscape Tender
- St Marys Streetscape Tender
- Kerb and Guttering Profiles in front of Mortys Causing Vehicle Passenger Safety
- St Helens Streetscape
- Quarry Operation Update
- St Marys Hall Car Parking
- Kerb and Guttering Profiles for Main Streets
- Support for Use of Medicinal Cannabis – Clr Hannah Rubenach
- Planning for Sustainable Tourism on Tasmania’s East Coast – Project
- Municipal Management Plan (MMP) – Land Use Strategy
- Memorial Park – Location of Gun
- Community Grant Projects
- Council Taking Over Jetties
- Festival of Voices – 17-19 July 2015
- Break O’Day Multi-Purpose Indoor Stadium
- South Sister

- 2015/2016 Budget Strategy Discussion
- Tasmanian Breath of Fresh Air (BOFA) – Regional Innovation
- Local Government Association of Tasmania (LGAT) – Annual General Meeting – 22 July 2015 – Call for Submission of Motions
- The Tasmanian Opportunity – Transition Asylum Seekers to Tasmania
- Bay of Fires – Free Camping
- Request for Installation of Bench Seat for Memorial – Scamander Skate Park

## **03/15.5.0                    DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE**

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

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

Clr J Tucker declared a potential interest for 03/15.8.1 Large Scale Land Clearance Policy –Clr J Tucker advised he will leave the meeting if there is any discussion to the response.

Clr Rubenach and Clr Drummond advised that they are members of various community groups who have applied for community grants – they queried their interest – it was noted that they were not part of the management of these committees, just members therefore did not need to declare an interest.

## **03/15.6.0                    PETITIONS**

Nil

## 03/15.7.0 NOTICES OF MOTION

*Mayor Tucker vacated the Chair and Deputy Mayor John McGiveron took the Chair*

### 03/15.7.1 Notice of Motion – Request for Toilet at the Car Park on Gardens Road – Clr M Tucker

#### DISCUSSION:

- Clr M Tucker stated this is a high use area.
- Clr McGuinness stated that Parks & Wildlife Services have put in place walking tracks and viewing areas with no toilet within several kilometres. Correspondence to the Minister needs to be strong and identify these issues.
- Clr Rubenach asked whether a specific area had been identified as we would not want to lose any parking in the area.
- Clr J Tucker stated that he supports this suggestion however Policemans Point is also in need of toilet facilities as there is camping available with no facilities. There are toilet facilities at Cosy Corner which could be used on Gardens Road if required. Clr J Tucker also stated that the Bay of Fires Lodge utilise the Policemans Point area and they could be asked to contribute to the installation of toilet facilities in this area.
- Clr McGuinness stated that he is happy with the amendment however would not like to see the original point on Gardens Road being diluted by a request for facilities at Policemans Point.

#### COUNCIL DECISION:

**03/15.7.1.56**      Moved: Clr M Tucker / Seconded: Clr G McGuinness

That Council authorise the Mayor to write to Minister Groom, Minister for Parks and Wildlife Services requesting a toilet be installed at the car park at the very end of the Gardens Road and that toilet facilities also be provided at Policemans Point.

**CARRIED UNANIMOUSLY**

*Mayor Tucker retook the Chair*

### 03/15.7.2 Notice of Motion – Green Army Project Round 3 – Clr J Drummond

#### DISCUSSION:

- Clr Drummond stated that there could be opportunities from 2015/2016 up to 2017 for training opportunities through these grants.
- Clr Osborne stated that she has seen great things happen with these opportunities especially for the youth that are between high school and gaining employment.

## COUNCIL DECISION:

**03/15.7.2.57**      Moved: Clr J Drummond / Seconded: Clr H 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 make application for further job training opportunities through the Green Army Project Round 3 application process.

**CARRIED UNANIMOUSLY**

**03/15.7.3**      **Notice of Motion – Weed Management Officer – Clr J Drummond**

## DISCUSSION:

- Clr Rubenach stated that this would be an important role to coordinate between private land owners and Council and to get on top of priorities.
- Clr J Tucker stated that we have an NRM Facilitator, could we utilise this role more for this work and coordinate with the outside workforce.
- Clr McGuinness stated that he supports this for a report. Could the report incorporate funding opportunities from Governments as it is not just a local issue. Also look at combining the role within other roles already filled and the affordability of employing another officer. Clr LeFevre agreed.

## COUNCIL DECISION:

**03/15.7.3.58**      Moved: Clr J Drummond / Seconded: Clr H 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 funding for a Weed Management Officer be considered in the 2015-2016 Budget for the Break O'Day Municipality.

**CARRIED UNANIMOUSLY**

## 03/15.7.4 Notice of Motion – Township Welcome Signs – Clr G McGuinness

### DISCUSSION:

- Clr McGiveron stated that the current township signs are looking a bit ordinary and need upgrading and suggested that the inclusion of “welcome to” in Chinese be considered.
- Clr Wright advised that most written characteristics are all the same across various Chinese languages.
- Clr Drummond asked whether we could look at more generic signs like other areas which have numerous languages listed on them? Clr McGuinness stated this starts to get a little difficult as you then have to determine what does not get included.

### COUNCIL DECISION:

#### 03/15.7.4.59 Moved: Clr G McGuinness / Seconded: Clr M Osborne

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

That Council erect signs at the entrance to each of the towns in our municipality which are on tourist routes.

These signs to read "Welcome to St Helens" etc. and the "welcome to" part to be in Chinese as well as English. Most European visitors speak fairly good English but this is not the case with the increasing numbers of Chinese.

**CARRIED UNANIMOUSLY**

## 03/15.8.0 COUNCILLOR'S QUESTIONS ON NOTICE

### 03/15.8.1 Large Scale Land Clearance Policy – Clr J Drummond

Does Council have a position on large scale land clearance in the municipality?

#### Reply

There is no formal policy position. Provisions of the Interim Planning Scheme would apply.

## 03/15.9.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

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

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

### 03/15.9.1 Multi-Purpose Stadium – Clr H Rubenach

For item 02/15.14.6 (February Meeting), standing orders were suspended to allow members of the public to speak to the agenda item if they wished. Was there public notification that this would occur prior to the meeting? If so, how was the public notified?

#### Reply

The request for standing orders was proposed as a result of the user groups and potential future users wishing to express their support/concerns for the project. After consultation between the Mayor and Management it was agreed that this would be allowed for anyone who wished to address Council on this matter.

### 03/15.9.2 State Government Review – Primary Industry Activities Protection Act – Clr J Tucker

The State Government is reviewing the Primary Industry Activities Protection Act, could Council put a submission into this review, with particular emphasis on:

1. Right to Farm  
Where a person buys land near a farm receives a buyer beware form (Council to administer). This is in light of the recent decision by the Launceston City Council to approve an egg farm at Lalla.
2. Conversion of Bush to Farm Land  
The forces at work to end the conversion of native forest to farmland.
3. Capital Value Rates  
The State Government review to move to capital values, and the effect this will have on prime agricultural land near residential areas.

#### Reply

Council officers will raise this matter with the Local Government Association of Tasmania to ascertain the nature of the review which is occurring and the opportunities for involvement as it is a matter affecting Local Government as a sector.

### 03/15.9.3 Farming Rates – Clr J Tucker

Recent research by the Victorian Farmers Federation (VFF) revealed the average farm was paying nine (9) times more in rates compared to commercial businesses in regional Victoria. Given that there is a potential Class Action with this issue, how do the figures compare for the Break O’Day Municipality.

#### Reply

The General Manager has requested a copy of the information referred to and once received Officer’s will investigate and a response will be provided.

### 03/15.10.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

#### 03/15.10.1 Mayor’s Communications for Period Ending 16 March 2015

17.02.15	<b>St Helens</b>	<ul style="list-style-type: none"><li>- Meeting with Members of the Tasmanian Labor Party</li><li>- Meeting with Representatives from the Bendigo Bank Steering Committee</li></ul>
18.02.15	<b>Ansons Bay</b>	<ul style="list-style-type: none"><li>- Various meetings with members of the community of Ansons Bay with the Mayor and Deputy Mayor</li></ul>
20.02.15	<b>Launceston</b>	<ul style="list-style-type: none"><li>- Media Skills Workshop</li></ul>
23.02.15	<b>St Helens</b>	<ul style="list-style-type: none"><li>- Meeting with Independent Chair of Audit Committee – Steven Heryk</li></ul>
02.03.15	<b>St Helens</b>	<ul style="list-style-type: none"><li>- Council Workshop</li><li>- Presentation by Representatives of the Lower George Riverworks Trust</li></ul>
04.03.15	<b>Launceston</b>	<ul style="list-style-type: none"><li>- Northern Tasmania Development (NTD) – C8 Meeting</li></ul>
16.03.15	<b>St Helens</b>	<ul style="list-style-type: none"><li>- Council Meeting</li></ul>

#### 03/15.10.2 Councillor’s Reports for Period Ending 16 March 2015

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

St Helens and Districts Chamber of Commerce and Tourism – Mayor Mick Tucker/Clr Margaret Osborne

- Mayor attended the last meeting and spoke in relation to the Blue Tier Mountain Bike Track to assist the Chamber in seeing potential benefits for businesses – new and existing businesses.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- No meeting has taken place.

Star FM – Clr Kylie Wright

- Next meeting on the last Tuesday of the month.

Barway Committee – Clr John McGiveron

- No change since last meeting.
- The boat “Anita” was engaged by MAST and has undertaken some dredging.
- Minister needs to be followed up for an update regarding this matter.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- The Great Eastern Drive is gradually moving along.
- Procedural matters currently being dealt with.
- Minutes will be forwarded when they are available.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- No further meeting until a development application is tabled for the Committee.

### 03/15.10.3 Mayor’s and Councillor’s Items

#### Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
02/15.7.3.35	16 February 2015	That the Mayor speak to the Minister for Infrastructure regarding investigating passing lanes/slow lands on the Esk Highway.	Correspondence forwarded to Minister Hidding.

### 03/15.11.0 BUSINESS AND CORPORATE SERVICES

#### 03/15.11.1 Corporate Services – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

#### 03/15.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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#### DISCUSSION:

- The Manager Corporate Services advised he had nothing further to add but did advise Council that following the end of March the next quarterly budget review will occur..
- Clr J Tucker asked whether Council has a machinery replacement account, if not, when was the last time Council had one and would one be difficult to set up? The Manager Corporate Services advised that there is not one and there had not been one in his time so was unsure whether there had been previously. As far as setting one up this would be a decision of Council. The depreciation is supposed to fund asset replacement.



## COUNCIL DECISION:

**03/15.11.2.60**                      Moved: Clr J Drummond / Seconded: Clr K Wright

That the following reports for the month ending 28 February 2015 be received:

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

**CARRIED UNANIMOUSLY**

## **03/15.11.3**                      **Corporate Services Department Report**

FILE REFERENCE	018\018\001\
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## DISCUSSION:

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

## COUNCIL DECISION:

**03/15.11.3.61**                      Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That the report be received.

**CARRIED UNANIMOUSLY**

## **03/15.11.4**                      **Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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## DISCUSSION:

- The Manager Corporate Services advised that he had nothing further to add. We are seeing what we would expect for this time of year, the numbers seem to be on par.
- Mayor Tucker asked what is Council's percentage contribution to the Visitor Information Network. The Manager Corporate Services advised that it is a flat rate which has been reducing over the last few years in line with the reduction in management required, however we do pay a small percentage for the book easy system that is utilised.

**COUNCIL DECISION:**

**03/15.11.4.62**                      Moved: Clr J Drummond / Seconded: Clr M Osborne

That the report be received.

**CARRIED UNANIMOUSLY**

**03/15.11.5**                      **Risk Management Report**

FILE REFERENCE	002\025\001\
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**DISCUSSION:**

- The Manager Corporate Services advised that one (1) incident was discovered on the 10 March 2015 where a barrel bolt at the St Helens Sports Complex had been broken.

**COUNCIL DECISION:**

**03/15.11.5.63**                      Moved: Clr J McGiveron / Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

**03/15.11.6**                      **Gifts and Benefits Policy**

FILE REFERENCE	002\024\007\
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**DISCUSSION:**

No discussion of significance took place. The Manager Corporate Services advised that as with any policy this can be reviewed and amended at any stage by Council.

**COUNCIL DECISION:**

**03/15.11.6.64**                      Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council adopt Policy LG49 – Gifts and Benefits Policy.

**CARRIED UNANIMOUSLY**

## 03/15.12.0 WORKS AND INFRASTRUCTURE

### 03/15.12.1 Works and Infrastructure – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

### 03/15.12.2 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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#### DISCUSSION:

- The Manager Works and Infrastructure advised that an application has been sent to Crown Land Services regarding maintenance on German Town and Terrys Hill roads. A verbal response has been received that there are no issues, however we will await a written response.
- The Manager Works and Infrastructure advised that three (3) applications were submitted for Federal Bridge Grant Funding. None of the applications were successful however we are awaiting a meeting to be arranged to receive feedback in regards to the applications.
- Cllr McGiveron asked whether anything had been received from Cornwall Coal? The Manager Works and Infrastructure advised nothing had been heard to date since the last discussion which was held with Officers advising that any decision would be taken at the Board Meeting.
- Cllr Rubenach stated that it sounds like a good outcome with “Skippy Corner”.
- Cllr J Tucker stated that in the MDG minutes which had been provided it stated a new pad was to be installed at the St Helens Waste Transfer Station, what is this for? The Manager Works and Infrastructure advised that this will replace the one which collapsed on the left as you enter the site where the household rubbish is emptied. Cllr J Tucker asked whether this is a job that Council’s works crews would be able to do? The Manager Works and Infrastructure stated that he would investigate this further as to how it will fit in with their current program.
- Cllr Drummond thanked the Works Department for placing a rubbish bin outside Hilly’s IGA at St Marys so promptly.

#### COUNCIL DECISION:

03/15.12.2.65 Moved: Cllr K Wright / Seconded: Cllr M Osborne

That the report be received by Council.

**CARRIED UNANIMOUSLY**

### 03/15.12.3 Animal Control Report

FILE REFERENCE	003\008\002\
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#### DISCUSSION:

- Clr Drummond advised that the report refers to bulls from the St Marys School Farm have been getting out. She has received a number of reports that this is not where they were coming from, they are apparently coming from a private property. The General Manager advised clarification on this would be sought.

#### COUNCIL DECISION:

**03/15.12.3.66**                      Moved: Clr G McGuinness / Seconded: Clr K Wright

That the report be received by Council.

**CARRIED UNANIMOUSLY**

### 03/15.12.4 Richardson Road Dam

FILE REFERENCE	028\015\005\
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#### DISCUSSION:

- Clr McGiveron asked why do we need a dam? Do we need the water or are we better off opening up and letting it run free? The Manager Works and Infrastructure stated that we don't need the water, it used to be used for irrigation purposes.
- Mayor Tucker stated that we should not accept responsibility for this.
- Clr Rubenach stated that Council should take responsibility and if we were to let water out there should be community consultation as it is used for recreational purposes.
- Clr J Tucker, is there any information or facts that Council constructed the dam? Clr Rubenach responded that her great grandfather gave the land to Council and she has the paperwork.
- Clr McGiveron stated that this was never used for irrigation, it was there as part of the St Marys town water supply.
- Clr McGiveron asked what sort of recreational use? Clr Rubenach responded that people fish there.
- The General Manager advised that it currently belongs to Crown, it sits on Crown Land. Council records would need to be checked to see if there is or has been any leases in place for this land.

#### COUNCIL DECISION:

That the matter be listed for discussion at a future workshop.

**CARRIED UNANIMOUSLY**

## 03/15.12.5 Flooding at the St Helens Visitor Information Centre Car Park

FILE REFERENCE	004\002\005\
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### DISCUSSION:

- Clr McGiveron asked whether the area could be re-profiled with asphalt so the water just runs off? The Manager Works and Infrastructure stated that there is already pavement failure in the area which has occurred.
- Clr Rubenach asked when could a permanent solution possibly happen? The Manager Works and Infrastructure advised that it would probably be capital works in the next two (2) years.
- Clr LeFevre stated that the works gang should just be able to look at it and do something, there is no need for an engineers report.
- Clr Osborne stated that the whole area needs to be looked at with gardens and everything. This is where tourists go when they first get to town and it should look inviting.
- Mayor Tucker stated that we are going to end up with a lake, ponding. He has concerns with spending of the money that may exacerbate the problem.
- Clr's Drummond and Rubenach agree with Clr Osborne, it would be nice to put some gardens in.

### COUNCIL DECISION:

That the matter be listed for discussion at a future workshop and visit the site.

**CARRIED UNANIMOUSLY**

## 03/15.13.0 COMMUNITY DEVELOPMENT

### 03/15.13.1 Community Services – Strategic Plan Activity Report

### COUNCIL DECISION:

Received.

## 03/15.13.2 Community Services Report

FILE REFERENCE	011\
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### DISCUSSION:

- The Manager Community Services advised that the advertising period for the Mountain Bike Trail has now closed.
- Clr Rubenach asked if the Land Use Strategy was going out for public consultation. The Manager Community Services advised that it is.

### COUNCIL DECISION:

**03/15.13.2.67** Moved: Clr M Osborne / Seconded: Clr J Tucker

That the report be received.

**CARRIED UNANIMOUSLY**

## 03/15.13.3 Request for Financial Assistance – Riding for the Disabled St Helens Inc

FILE REFERENCE	038\006\015\
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### DISCUSSION:

No discussion took place on this item.

### COUNCIL DECISION:

**03/15.13.3.68** Moved: Clr M Osborne / Seconded: Clr H Rubenach

That Council contributes to the fencing changes, as requested, of \$1,069.80.

**CARRIED UNANIMOUSLY**

## 03/15.13.4 St Helens Memorial Park – Location of M2A2 Gun

FILE REFERENCE	004\008\024\
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### DISCUSSION:

- Clr Rubenach asked what the cost of the slab would be? The Manager Community Services advised she would need to find out and advise Council.

## COUNCIL DECISION:

03/15.13.4.69

Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council approve the relocation of the M2A2 gun to the front of the Memorial Park – facing Cecilia Street and located between the two (2) palm trees as show in the attached photograph.

### CARRIED

Clr Rubenach abstained from voting on this item.

*Meeting adjourned at 10.56am*

*Meeting resumed at 11.11am*

03/15.13.5

## Planning for Sustainable Tourism on Tasmania's East Coast

FILE REFERENCE	002\017\014\
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## DISCUSSION:

- The Manager Community Services advised that there has been public consultation at each stage of this project as there were tight time frames which had to be met.
- Clr Rubenach asked whether there would be public consultation on the final report. The Manager Community Services advised there would be.

## COUNCIL DECISION:

03/15.13.5.70

Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council adopt the following plans:

- Report 1 – Sustainable Tourism Options Report;
- Component 2 – Preliminary Biodiversity and Heritage Evaluation;
- Component 3 – Sustainable Tourism Plan; and
- East Coast Tasmania Trail Feasibility Assessment

### CARRIED UNANIMOUSLY

FILE REFERENCE	020\004\001\
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*The Mayor vacated the Chair and the Deputy Mayor took the Chair, the Mayor foreshadowed a motion if the current motion is lost.*

**DISCUSSION:**

- Mayor Tucker stated that he is against the recommendation. He does not believe this is Council's role or core objective of Local Government to lobby Federal Legislation to be changed when it has not been approved by the Australian Medical Association (AMA). It is an illegal substance.
- Clr Osborne asked Mayor Tucker why he didn't present his views at the Council Workshop. The Mayor replied that workshops are for information gathering and discussion not to make decisions.
- Clr Rubenach stated that she is not pushing for legalisation, she is actually requesting investigations to take place. The role of Council is to promote health and safety of the community.
- Clr Drummond supported Clr Rubenach's statement that a lot of people have said that they want further research to be undertaken and we should follow suit of other Councils.
- Clr J Tucker stated he has concerns regarding the legalisation and noted that the motion currently refers to legalisation – how would it be policed. Cannabis is a lot more difficult to police than poppies which are controlled. Growing cannabis will lead to more criminal activity.
- Clr McGuinness stated that he disagrees with Mayor Tucker – it is our duty to represent community views to lobby Governments, however Clr McGuinness stated he does have mixed views on this particular issue. Clr McGuinness supports the notion of "further investigation" but does not support the legalisation of cannabis.
- Clr LeFevre stated he has concerns with ultimately legalisation.
- Clr J Tucker asked how do you know if it is for medicinal use or other uses?
- Clr Drummond stated that she supports trials in Tasmania as she could see an industry to generate some employment and income to the area.
- Clr Wright stated that there would have to be checks and balances and some sort of registers in place. If done properly and in a procedural manner could be policed.
- Clr J Tucker stated that we could end up with other health issues.



## COUNCIL DECISION:

03/15.13.6.71

Moved: Clr M Osborne / Seconded: Clr J Drummond

*That Council makes a statement of support for further investigation, research, trials and ultimately, the legalisation of medicinal cannabis to be grown, processed and prescribed in Tasmania; and that we call on the State and Federal Governments to have compassionate consideration for the legalisation of medicinal cannabis.*

*The Mover and Seconder agreed to amend the motion to become:*

That Council makes a statement of support for further investigation by the State and Federal Governments on the use of medicinal cannabis.

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

*The Mayor retook the Chair.*

## 03/15.14.0 DEVELOPMENT SERVICES

### 03/15.14.1 Development Services – Strategic Plan Activity Report

## COUNCIL DECISION:

Received.

### 03/15.14.2 Development Services Report

FILE REFERENCE	031\013\003\
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## DISCUSSION:

- The Building Services Coordinator advised that investigations are currently taking place in regards to some scheduled capital works projects and potential opportunities for Council to undertake in house with the assistance of a casual employee. Council has a qualified builder on staff and could undertake works on such projects as the replacement of the Lions Park Toilet and works for the Old Tasmanian Hotel in Fingal. Doing this work in house could potentially save Council money in the resources required to prepare tender documentation, project management, etc.
- Clr J Tucker asked whether there was anyway the toilet at the Lions Park could be worked around instead of replacing. The General Manager advised that unfortunately this is where the new car park will be and there is not enough room for

both on the plan, hence it has to move. In saying that as many materials as possible that can be saved and recycled will be.

- Clr Rubenach asked what was happening with the Notice of Intent of Forest operations on Gardens Road.

*Clr J Tucker left the meeting at 11.42am due to Pecuniary Interest*

- The NRM Facilitator advised that he has provided advice to Councils Planning Officer on this matter as he has been involved in the past with the Forest Practice Plan. The General Manager stated that there is nothing further to report until an assessment has been undertaken and all necessary avenues of approval with appropriate agencies have taken place.

*Clr J Tucker returned at 11.43am*

**COUNCIL DECISION:**

**03/15.14.2.74**                      Moved: Clr H Rubenach / Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

**03/15.14.3**                      **Planning Approvals Issued**

**COUNCIL DECISION:**

Received.

**03/15.14.4**                      **Building Services Approvals**

**COUNCIL DECISION:**

Received.

**03/15.14.5**                      **Installation of Memorial Seat**

FILE REFERENCE	004\008\027\
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**DISCUSSION:**

- The Building Services Coordinator advised that he is happy with the designers response in regards to the material to be used. Discussions will continue to take place in relation to the appropriate placement of the seat.

## COUNCIL DECISION:

**03/15.14.5.72** Moved: Clr M Osborne / Seconded: Clr J McGiveron

1. That Council support the installation of the proposed seat adjacent to the Scamander Skate Park subject to a Risk Assessment and consideration of suitability of stainless steel material during summer months.
2. That the proposed seat be fully funded by the community for construction.
3. That Council provide in-kind support to assist with project coordination and ensure works are carried out in accordance with Council standards.

**CARRIED UNANIMOUSLY**

## **03/15.14.6** **Community Consultation on Declaring Areas for Cat Management**

FILE REFERENCE	003\001\004\
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## DISCUSSION:

Councillors agreed there is a need to commence this process as soon as possible.

## COUNCIL DECISION:

**03/15.14.6.73** Moved: Clr M Osborne / Seconded: Clr J Drummond

That Council begin implementing its Feral Cat Management Program by notify the community of its intention to declare certain places at St Marys and Fingal as part of the 2015 program.

**CARRIED UNANIMOUSLY**

## **03/15.15.0** **GOVERNANCE**

### **03/15.15.1** **General Manager's – Strategic Plan Activity Report**

## COUNCIL DECISION:

Received.

## 03/15.15.2 General Manager's Report

FILE REFERENCE	002\012\001\
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### DISCUSSION:

No discussion of significance took place on this item.

### COUNCIL DECISION:

**03/15.15.2.74** Moved: Clr K Wright / Seconded: Clr J McGiveron

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

## 03/15.15.3 Change of Council Meeting Date – June 2015

FILE REFERENCE	041\003\001\
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### DISCUSSION:

- As stated in the Officer's Report, the Mayor and General Manager will be attending the Australian Local Government Association (ALGA) National General Assembly.

### COUNCIL DECISION:

**03/15.15.3.75** Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council agree to change the date of the June Council Meeting to Monday 22 June 2015 commencing at 10.00am.

**CARRIED UNANIMOUSLY**

## 03/15.15.4 Local Government Reform

FILE REFERENCE	014\003\002\
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### DISCUSSION:

- Clr McGuinness asked whether there are people within Government that could say to Councils this is why you should or shouldn't do this? Unsure, until we know benefits.
- The General Manager stated that the Minister is not actively pushing amalgamations.
- Clr Drummond stated that the Government have offered \$25,000 for investigations. Would this be done by our staff or people from outside. The General Manager advised that they would be Consultants and that Council staff would be actively involved to ensure quality of information

- Mayor Tucker stated that if we don't participate in this we may be seen as undermining the process. If we don't investigate we can't support our decision, at least after an investigation we could make an informed decision.
- Clr Osborne stated that we have already tried this with Glamorgan Spring Bay. What would be the benefit with Dorset. Need proof that the areas of our community who already think they are disadvantaged will be anymore advantaged.
- The General Manager advised that Council would be involved in the whole project. Council resources would be required to work in partnership.
- Clr Rubenach stated that we have been down this path before and is concerned with Council resources. We are already doing resource sharing we should continue down the path we are on.
- Clr LeFevre agrees with Mayor Tucker as well as we need to have the community views and need to stay in front of the game.
- Mayor Tucker stated that a lot of people asked during the election campaigns what were our views on amalgamation?
- The General Manager stated that we have to investigate all options, not just amalgamation.
- Clr Drummond stated that if our Officers are working with consultants it will inform officers as well.
- Clr Wright asked whether through this process will there be consultation with the broader community. The General Manager advised that there has to be a level of consultation with the community.

#### **COUNCIL DECISION:**

**03/15.15.4.76**

Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council advise the Minister that Break O'Day Council would like to explore options/investigations available for shared services and amalgamations.

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

**03/15.15.5**

#### **Regional Innovation Action Session**

FILE REFERENCE	011\014\002\
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#### **DISCUSSION:**

- The General Manager advised that he met with the General Manager from Glamorgan Spring Bay Council last week and there was interest in a possible joint project.
- The General Manager advised that he prepared a submission to RDA seeking some financial assistance.
- Clr LeFevre asked who do you envisage would be invited to attend. The General Manager advised that he is currently working on a list, however we need to go beyond what we normally do.

## COUNCIL DECISION:

**03/15.15.5.77**                      Moved: Clr J Drummond / Seconded: Clr H Rubenach

That Council provide 'in principle' support for the proposal with Council Officers to pursue funding and sponsorship to assist in holding the Regional Innovation Action Session.

**CARRIED UNANIMOUSLY**

## **03/15.15.6**                      **TasWater – Shareholders' Letter of Expectations**

FILE REFERENCE	034\014\013\
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## DISCUSSION:

- Clr Osborne asked who represents Council at TasWater meetings. The General Manager advised that the Mayor is the official representative and the Mayor and himself attend the Shareholders Meetings.
- The General Manager advised that the visit by TasWater CEO and Chairman in February can happen more often if Council would like.
- Clr Osborne asked whether the Fingal Water was fixed yet? The Mayor advised that he has not received any written confirmation that testing has been completed as yet.

## COUNCIL DECISION:

**03/15.15.6.78**                      Moved: Clr J Tucker / Seconded: Clr J McGiveron

That Council approve the Shareholder's Letter of Expectations (SLE) which relates to Council's shareholding in the Tasmanian Water & Sewerage Corporation Pty Ltd and authorise the Mayor to sign the Letter on Council's behalf

**CARRIED UNANIMOUSLY**

## **03/15.16.0**                      **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.*

Nil

*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 12.14pm*

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

**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

- 03/15.17.0**      **CLOSED COUNCIL**
- 03/15.17.1**      **Outstanding Actions List for Closed Council**
  
- 03/15.17.2**      **Tender – St Marys Streetscape Upgrade - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
  
- 03/15.17.3**      **Tender – Fingal Streetscape Upgrade - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
  
- 03/15.17.4**      **Community Grants 2014 – 2015 - Closed Council Item Pursuant To Section 15(2)C 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 J Tucker / Seconded: Clr J McGiveron: That Council move out of Closed Council.

**CARRIED UNANIMOUSLY**

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.22pm.

.....  
**MAYOR**

.....  
**DATE**