

17 August
2015

COUNCIL MINUTES

Council Chambers



John Brown
General Manager,
Break O'Day Council
13 July 2015

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08/15.1.0 ATTENDANCE

08/15.1.1 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

08/15.1.2 Apologies

Nil

08/15.1.3 Leave of Absence

Nil

08/15.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 14.1*)
Manager Corporate Services, Bob Hoogland (*Item 5.0 – 12.0*)
Manager Works and Infrastructure, Stephen Yam (*Item 7.2 – 14.1*)
Building Services Coordinator, Jake Ihnen (*Item 10.2 – 17.2*)
NRM Facilitator, Polly Buchhorn (*Item 12.4 – 15.1*)
Planning Officer, Chris Triebe (*Item 12.1 – 17.0*)
Planning Consultant, Rebecca Green (*Item 12.1 – 17.0*)

08/15.2.0 PUBLIC QUESTION TIME

Nil (0) 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.

08/15.2.1 Various Matters – Communication - St Marys Streetscape – Cornwall Coal Redundancies - Ross Quinn, St Marys

I read with interest the Break O'Day media release 'NBN Co Hinders Transporting of Boats for Local Boat Builder'.

A forthright Mayor condemns the NBN Co for works "undertaken without consultation or consideration of the potential impact on a local business".

How does this differ from the Council's own activities regarding the streetscape at St Marys, in particular the paving or refusal to pave outside my property in Storey Street, St Marys? No consultation, no contact and no offer of explanation?

When Cornwall Coal Co announced in 2014 job losses in excess of 20 positions, there was seemingly no outcry from Council as to the 'flow on effect' to the community.

When I raised my concerns with the General Manager as to the lack of communication/consultation regarding the works carried out at my property I was informed that he was "seeking an explanation". An explanation is yet to be offered.

When I emailed the Mayor, the only response I was afforded was "I have received your email".

- 1/ Will an explanation of the lack of communication/consultation be forthcoming?
- 2/ Does Council consider it appropriate to publicly condemn an organisation when it acts in the same manner?
- 3/ Why was there no Council input when jobs were threatened at the Cornwall Coal mine?
- 4/ What measures has Council taken to mitigate the flow on effect of these job losses?

Reply

- 1/ In his letter to Mr Quinn on 29 July the General Manager agreed that the proposed works should have been discussed with you in relation to your Story Street property during the pre-commencement phase as was undertaken for all of the businesses affected in the Main Street. Further explanation will be provided.
- 2/ Unlike NBN Co, Council does undertake communication with affected property owners and community groups for major projects it is undertaking.

- 3/ There was Council input including a media release on 8th December 2015 highlighting the impact on the area and seeking State government support to address the issue. It was also highlighted to State Government politicians but because it wasn't a 'headline' number of hundreds of jobs interest appreciation of the impact on the community was not truly appreciated.
- 4/ Council had a number of conversations and meetings as well as offering support and assistance to the Department of State Growth to address the impact of the retrenchments. This included an offer to facilitate communication with the affected workers as Cornwall Coal would not work with the Department on this matter.

08/15.2.2 Properties with Tenancies - John McCormack, St Helens

Why has Council adopted the new policy on properties with tenancies when this was thrown out only a few years ago?

Surely this is a retrograde step for encouraging development in our region?

Reply

Council identified that for a property with a tenancy, each tenancy impacts on services to the municipality.

However, under the present arrangements, a property with multiple tenancies only contributes one (1) service (general waste) charge payment towards those services.

Council does not see this as having any negative impact on development but more fairly matches service payment with service consumption.

08/15.3.0 CONFIRMATION OF MINUTES

08/15.3.1 Confirmation of Minutes – Council Meeting 20 July 2015

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/15.3.1.206 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the minutes of the Council Meeting held on the 20 July 2015 be confirmed.

CARRIED UNANIMOUSLY

08/15.4.0 COUNCIL WORKSHOPS HELD SINCE 20 JULY 2015 COUNCIL MEETING

There was a Workshop held on Monday 3 August 2015 the following items were also listed for discussion:

- Fingal Valley Workforce
- Review of Elected Member Allowances and Support Policy
- Request to Remit Rates
- Tasmanian Audit Office – Interim Management Report
- Review of Conservations Covenant Support Policy
- Request for Amendment of Tenancy Lease
- Narrowing Differential Rating Cents in the Dollar Variation
- Potential Quarry
- Quarry on North Ansons Bay Road
- St Marys and Fingal Dog Posts
- Ansons Bay Waste Management
- Caravanning in the St Helens Foreshore Area
- Sale of Public Land – 181 St Helens Point Road, Stieglitz
- Review – Community Facility Hire Policy – Amended
- Submission – Scalefish Review 2015 – Draft Management Plan
- Planning Items
- Spanish Heath
- Council Facebook Proposal
- Public Information
- Playground for St Helens Sports Complex

08/15.5.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Nil

08/15.6.0 PETITIONS

Nil

08/15.7.0 NOTICES OF MOTION

08/15.7.1 Notice of Motion – Support for the Gonski Agreement – Clr H Rubenach

DISCUSSION:

- Clr Rubenach stated that the community want this to push forward for our community.
- Clr J Tucker advised that there was a forum held on the 5 August regarding feedback on the Education Legislation with Minister Rockliff. 12 people in total attended this meeting. The question was asked of the Minister in relation to what about the Gonski Agreement and the Minister replied that this would be rolled out in the next financial year.
- Clr McGuinness stated that the Labour Federal Government had bi-partisan support and now the new Government have wound it back. We are vitally affected by this agreement.
- Clr Drummond stated that St Marys District High School has lost 1.4 positions as a result of not having this funding.
- Clr J Tucker stated that the State Government issued an ultimatum and public servants were offered a wage freeze which the teachers did not take up. Clr J Tucker stated that he has great concerns putting a letter to the Government when they have been here and done a forum which was an opportunity for people to have a say.
- Clr LeFevre advised that he attended a forum in Devonport on behalf of the Mayor regarding the Education Legislation and the Gonski Agreement was not raised. Clr LeFevre stated that he agreed with Clr J Tucker there is not sufficient funding at Federal and State Government level.
- Clr Rubenach stated that the forum was held on a weekday and was not about the Gonski Agreement it was about Education Legislation.

COUNCIL DECISION:

08/15.7.1.207 Moved: Clr H Rubenach / Seconded: Clr J Drummond

That Council write to Premier Will Hodgman:

- a) stating our support for the Gonski agreement; and
- b) asking him to deliver the additional Gonski funding that will ensure the schools in our area have the right resources, targeted to reach the children who need it most.

FOR Clr H Rubenach, Clr J Drummond, Clr M Osborne, Clr K Wright, Clr G McGuinness

AGAINST Clr J McGiveron, Clr J Tucker, Clr B LeFevre, Clr M Tucker

CARRIED

DISCUSSION:

- Clr Rubenach stated that Council does have a community engagement policy however it is not strong enough and there needs to be a procedure that goes with it.
- Clr J Tucker asked whether this motion is duplicating the previous motion passed in relation to creating additional email lists.
- Clr McGuinness stated that we do a good job with it we just don't tell the public about it.

COUNCIL DECISION:**08/15.7.2.208**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 consider developing a Public Consultation Policy and Public Consultation Procedure.

CARRIED UNANIMOUSLY**DISCUSSION:**

- Clr Drummond stated that this has come about because of the Land Use Strategy submissions.
- Mayor Tucker stated that sometimes we receive emails/submissions that do not require a response.
- The General Manager stated that the Customer Service Charter comes into play.
- The Manager Community Services stated that she would like to workshop this for more discussions to find out more detail.
- Clr Rubenach stated that some problems arise when consultants have been involved. There needs to be clarification as to who should respond to and acknowledge submissions.
- Clr LeFevre stated that this should be overlaid with common sense.
- The Mayor stated that item 7.2 and 7.3 should be workshopped together and one (1) report provided.

COUNCIL DECISION:

08/15.7.3.209

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 develops a policy of acknowledging all submissions from the public and take to a workshop for further discussion.

CARRIED UNANIMOUSLY

08/15.7.4

Notice of Motion – Information Provided to Councillors – Clr J Drummond

DISCUSSION:

- The General Manager suggested that this item be dealt with in conjunction with items 7.2 and 7.3 and review the processes.

COUNCIL DECISION:

08/15.7.4.210

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 submissions received by Council in response to planning and policy developments are placed on the hub to be accessed by Councillors.

List for a Council Workshop along with item 7.2 and 7.3.

CARRIED UNANIMOUSLY

08/15.7.5

Notice of Motion – Flying the Aboriginal Flag – Clr H Rubenach

DISCUSSION:

- Clr Rubenach stated that she has surveyed other Council's in Tasmania and it is mixed as to what each Council does.
- Clr Drummond stated that we have three (3) poles there is no reason why we couldn't fly it all the time.
- Clr McGiveron stated that it should be flown for special occasions.
- Clr J Tucker stated that there are flag flying protocols we should follow them.
- Clr Wright stated that it is an inclusion thing as well as we have Aboriginal people within our community.

- Clr Osborne stated why would we fly at schools and not Council when we can.
- Clr Rubenach stated that we have one of the highest Aboriginal Heritage in Tasmania.

COUNCIL DECISION:

08/15.7.5.211

Moved: Clr H Rubenach / Seconded: Clr J Drummond

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

That Council investigate flying the Aboriginal flag alongside the Australian National and Tasmanian flags on a daily basis (when the Council office is open).

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

08/15.8.0

COUNCILLOR'S QUESTIONS ON NOTICE

Nil.

08/15.9.0

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.

08/15.9.1

Communication - Clr M Osborne

When an email comes into Council through the administration email address, who decides where it goes?

Reply

The General Manager advised that it goes in the first instance to the Records Officer and if she is unsure where to action it she will check with the General Manager.

08/15.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

08/15.10.1 Mayor's Communications for Period Ending 17 August 2015

21.07.15	Launceston	- Shared Services Discussions with Meander, Northern Midlands, West Tamar, Dorset and George Town Councils
22.07.15	Launceston	- Meeting with Minister Peter Gutwein - Local Government Association of Tasmania (LGAT) Conference
23.07.15	Launceston	- Local Government Association of Tasmania (LGAT) Conference
24.07.15	Launceston	- Local Government Association of Tasmania (LGAT) Conference
28.07.15	Launceston	- Clr LeFevre attended the TasWater General Meeting on behalf of the Mayor
29.07.15	St Helens	- Meeting with Minister Ferguson and Mark Shelton MP - Meeting with Rebecca White MP
31.07.15	Devonport	- Clr LeFevre attended an Education Review Act Forum on behalf of the Mayor
03.08.15	St Helens Sorell	- Council Workshop - South East Councils Meeting
07.08.15	Launceston	- Northern Tasmania Development (NTD) – Local Government Committee Meeting
12.08.15	St Helens	- Meeting with Representatives from UTas regarding Education Ambassadors
15.08.15	St Helens	- Walking Wounded
17.08.15	St Helens	- Council Meeting

08/15.10.2 Councillor's Reports for Period Ending 17 August 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 – Clr Barry LeFevre

- Discussion around the Great Eastern Drive and how impressed they are with signage, etc.
- AGM later this week.
- Discussions around future of Chamber and the name.
- Council discussions were around the name and it was agreed that Council support the status quo and possible promotion throughout the Valley as there are a number of new businesses in St Marys in particular.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- No meeting has taken place.

Star FM – Clr Kylie Wright

- Unable to attend last meeting however reported from the minutes.
- Need some new volunteer radio announcers.
- New radio transmitter on Flagstaff Hill sharing with the fire service.

Barway Committee – Clr John McGiveron

- Approval process is moving forward and MAST are hoping this will be finalised by the end of the year.
- Members of the St Helens Point Progress Association attended a presentation by MAST and offered support wherever required.
- One issue could be getting rock from Akaroa as this is in a conservation area. If this is not able to happen the closest suitable pit would be Weldborough.
- All going well the work will be completed by Autumn.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- Greg Hudson facilitated a workshop with the Board.
- The East Coast were the only area outside Hobart that has increased visitor numbers. If the East Coast can retain 28% visitors that would be good however are aiming to get 31% over the next three (3) years.
- Focus on branding and extend on the 'Just Stop' brand.
- Target market is lifelong learners looking for experiences.
- Presentation by Damien Althus and colleagues who prepared the 'Just Stop' campaign.
- Our challenge is to make the Bay of Fires and Blue Tier front and centre and encourage more people into our area.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- Renovations are proceeding on the Titley Shack.
- Have put feelers out for the museum and don't think there will be a shortage of information available.

08/15.10.3 Mayor's and Councillor's Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

08/15.11.0 BUSINESS AND CORPORATE SERVICES

08/15.11.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Claire Atley will be the new front counter person and will commence next Monday (24 August)
- Vandalism took place last Friday in memorial park.

COUNCIL DECISION:

08/15.11.1.212 Moved: Clr B LeFevre / Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

08/15.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Manager Corporate Services advised that we have recently received a large number of supplementary valuations. It is very hard to budget for these.
- Clr Rubenach noted the item listed under “Reserves” for the Dive Wreck Feasibility Study. The Manager Corporate Services advised that these funds are shown in reserve funds until they have been completely expended.
- Mayor Tucker asked where the funds for the Heavy Vehicle Contribution come from. The Manager Corporate Services advised that there have been some changes with this but he would investigate.
- Mayor Tucker asked what were the funds for under the Trail of the Tin Dragon. The Manager Community Services stated that this is for the viewing platform which will commence later in the year due to the weather.
- Mayor Tucker asked what the \$50,000 was for the Depot Yard Improvements – The Manager Works and Infrastructure advised that this was to install a fence between the tip and the depot, stormwater improvements and compliance issues which have been raised by Council’s insurers.
- Mayor Tucker asked about the Golden Fleece Bridge on Argonaut Road – The Manager Works and Infrastructure advised that we will be applying for grant funding for this replacement under the Bridge Renewals Program.

COUNCIL DECISION:

08/15.11.2.213 Moved: Clr J McGiveron / Seconded: Clr H Rubenach

That the following reports for the month ending 31 July 2015 be received:

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

CARRIED UNANIMOUSLY

08/15.11.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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DISCUSSION:

- The Manager Corporate Services advised that August is locals month at the History Room and you just show proof of ID and it is free to enter the History Room.
- Clr McGuinness asked whether there was anything happening at Halls Falls and the Anchor Stampers? The Manager Corporate Services advised that things are happening with a group of volunteers and communication with Rotary and Parks and Wildlife Services to be able to form up a track to the Anchor Stampers. The Manager Corporate Services advised that he is not sure about Halls Falls.

COUNCIL DECISION:

08/15.11.3.214 Moved: Clr J Drummond / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

08/15.11.4 Request for Rate Remission – Esk Main Road, St Marys

FILE REFERENCE	1720421
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DISCUSSION:

- The Manager Corporate Services advised that this is a standard annual request.

COUNCIL DECISION:

08/15.11.4.215 Moved: Clr M Osborne / Seconded: Clr J McGiveron

That in accordance with the provisions of s.129 of the *Local Government Act 1993*, Council **approve a remission totalling \$84.50** being the waste management collection charge, levied on the property known as Esk Main Road, St Marys, identified as PID 1720421.

CARRIED UNANIMOUSLY

08/15.11.5 Review of Elected Member Allowances & Support Policy

FILE REFERENCE	014\001\004\
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DISCUSSION:

- This item has been previously discussed at a workshop and no further discussion took place as the amendments were focused on legislation changes.

COUNCIL DECISION:

08/15.11.5.216 Moved: Clr G McGuinness / Seconded: Clr K Wright

That Council adopt Policy LG01 – Elected Members Allowances & Support as amended.

CARRIED UNANIMOUSLY

08/15.11.6 **Request to Remit Rates – Malahide Golf Course**

FILE REFERENCE	15/13207; PID 6413332
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DISCUSSION:

- The Manager Corporate Services advised that this has been workshopped previously and there was no further information to add other than what is provided in the Officer’s Report.

COUNCIL DECISION:

08/15.11.6.217 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That: Council remit the general rate for 2015/2016 for Malahide Golf Club, due to the financial hardship experienced by the Club as it reorganises its financial arrangements and operations.

CARRIED UNANIMOUSLY

08/15.11.7 **Request for Amendment of Tenancy Lease**

FILE REFERENCE	004\008\025\
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DISCUSSION:

- The Manager Corporate Services advised that this item has been workshopped and there was nothing further to add.

COUNCIL DECISION:

08/15.11.7.218 Moved: Clr H Rubenach / Seconded: Clr G McGuinness

That: The request be refused and the tenant required to execute the standard lease.

CARRIED UNANIMOUSLY

*Adjourned for morning tea at 10.57am
Meeting resumed at 11.08am*

08/15.12.0 WORKS AND INFRASTRUCTURE

08/15.12.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- The Manager Works and Infrastructure advised that there has still been nothing received from Cornwall Coal regarding the bridge replacement.
- The Manager Works and Infrastructure advised that Skippy Corner vandalism still has not been removed. Advice received from the Department of State Growth is that this is not a high priority.
 - o Clr Drummond asked whether they could do this in September when they are doing other works on the Pass and the road will be closed.
 - o Clr McGuinness asked whether our workforce could do this while the road is closed. The General Manager advised that the problem is that they need an elevated platform to undertake the work.
 - o The Manager Works and Infrastructure advised that he has received the history of the kangaroo for the interpretation panel and the signage is currently being designed.
- Clr Drummond advised that there were issues with the bins at St Marys Tip for people to empty their wheelie bins.
 - o Clr J Tucker stated that we should be making it as easy as possible for people to empty wheelie bins at the tip to avoid dumping elsewhere.
 - o Clr Rubenach stated that there was a huge gap between the wall and the bin, this should be as close as possible so rubbish does not fall in between.
- Clr J Tucker asked why the green trees on Ansons Bay Road were not removed when the others were? The Manager Works and Infrastructure advised that the trees were ok so the officer decided to leave them.
- Mayor Tucker asked when the parking bays outside Morty's would be fixed? The Manager Works and Infrastructure stated that the design work is currently being done and the work will be completed before the tourist season.

COUNCIL DECISION:

08/15.12.1.219 Moved: Clr G McGuinness / Seconded: Clr J Drummond

That the report be received by Council.

CARRIED UNANIMOUSLY

08/15.12.2 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/15.12.2.220 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

08/15.12.3 Ansons Bay Waste Management

FILE REFERENCE	033\027\004\
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DISCUSSION:

- The Manager Works and Infrastructure stated that this item had been discussed at a Council Workshop and there was nothing further to add.

COUNCIL DECISION:

08/15.12.3.221 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That Council approve for the opening hours of the Ansons Bay Waste Transfer Station to be extended on Sundays from the current 12.00 pm to 4.00 pm to a new time period of 10.00 am to 4.00 pm.

That Council approve for two (2) additional waste transfer station opening days at the Ansons Bay Waste Transfer Station to be Fridays and Saturdays from 2.00 pm to 4.00 pm as a trial for eight (8) weeks during the 2015/2016 summer and for two (2) weeks during the 2016 Easter holiday season.

That Council does not approve the provision of a waste bin to be provided outside the Ansons Bay Waste Transfer Station for uncontrolled rubbish disposal during non-opening hours.

That Council investigate options to move structures within the existing lease area and screening proposals to provide a better welcoming on the main road entry into Ansons Bay.

CARRIED UNANIMOUSLY

08/15.12.4 St Helens Recreational Grounds Playground

FILE REFERENCE	004\008\025\
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DISCUSSION:

- Clr J Tucker asked whether we are putting a playground back at Lions Park? Yes.
- Clr J Tucker asked whether we could put a cheaper one at the Lions Park and then one at the Sports Complex as well.

- Clr Osborne stated that the recreation ground is the most utilised area with families. Clr Wright agreed.
- Clr LeFevre stated that he has a problem with doing this out of this year's budget while the stadium is being built. Clr Drummond agreed with Clr LeFevre.
- The General Manager stated that we had always proposed to replace the playground at the Lions Park.
- Clr LeFevre stated that the Lions Park is heavily utilised.

COUNCIL DECISION:

08/15.12.4.222 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That Council note that the playground from the St Helens Point Road intersection cannot be reused.

That Council consult with all sporting and recreational group users of the St Helens Recreational Grounds on the need for a playground that will meet Work Health and Safety and Playground Standards.

CARRIED UNANIMOUSLY

08/15.12.5 **St Marys Streetscape Project**

FILE REFERENCE	041\010\002\
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DISCUSSION:

- Clr LeFevre stated that we need to tighten up regarding funding, however he does understand that issues arise.

COUNCIL DECISION:

08/15.12.5.223 Moved: Clr J McGiveron / Seconded: Clr J Drummond

That Council approve an increase of the St Marys Streetscape Upgrade Project budget by \$75,000 with a transfer of the same amount from the Lions Park Improvements Project budget.

CARRIED UNANIMOUSLY

08/15.13.0 COMMUNITY DEVELOPMENT

08/15.13.1 Community Services Report

FILE REFERENCE	011\
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DISCUSSION:

- The Manager Community Services advised that the Weldborough viewing platform had been held off until September/October due to weather.
- Clr Rubenach asked whether regular users of Council facilities were aware of the changes to the Community Facility Hire Policy. The Manager Community Services advised no, not until it is discussed today.
- The Manager Community Services advised that the consultants are currently working through submissions.

COUNCIL DECISION:

08/15.13.1.224 Moved: Clr G McGuinness / Seconded: Clr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

08/15.13.2 Sale of Public Land – 181 St Helens Point Road, Stieglitz

FILE REFERENCE	6790680
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DISCUSSION:

- The Manager Community Services stated that this item has been workshopped previously and there was no further information to add to the Officer's Report.

COUNCIL DECISION:

08/15.13.2.225 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council under Section 178 of the *Local Government Act 1993* authorise the General Manager to sell part of Certificate of Title Volume 19401 Folio 1 being land situate at 181 St Helens Point Road, St Helens.

CARRIED UNANIMOUSLY

08/15.13.3 Community Facility Hire Policy

FILE REFERENCE	002\024\004\
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DISCUSSION:

- The Manager Community Services stated that this item has been workshopped previously and there was no further information to add to the Officer's Report.

COUNCIL DECISION:

08/15.13.3.226 Moved: Clr J Tucker / Seconded: Clr B LeFevre

1. That Council consider the draft Community Facility Hire Policy.
2. That Council considers introducing a (2) two tier Community Grant Scheme:
 - Tier 1 Continued funding for small infrastructure projects and programs; and
 - Tier 2 Provides potential funding for facility fee waivers – up to a maximum of 50%.
3. That Council increases the budget for the Community Grant Scheme from \$30,000 to \$45,000 to accommodate the proposed (2) two tier Community Grant Scheme.

CARRIED UNANIMOUSLY

08/15.13.4 Councillor Representative – Mental Health Action Group

FILE REFERENCE	011\032\001\
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DISCUSSION:

- The Manager Community Services stated that this item has been workshopped previously and there was no further information to add to the Officer's Report.

COUNCIL DECISION:

08/15.13.4.227 Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council appoint Councillor Barry Le Fevre to represent Break O'Day Council on the Mental Health Action Group.

CARRIED UNANIMOUSLY

08/15.13.5 Pyengana Community – Shower Block

FILE REFERENCE	011\034\006\
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DISCUSSION:

- The Manager Community Services stated that this item has been workshopped previously and with further discussions with the group a Sport and Recreation Grant will be prepared on behalf of the Pyengana Community group.

COUNCIL DECISION:

08/15.13.5.228 Moved: Clr M Osborne /Seconded: Clr J Tucker

That Council assists the Pyengana War Memorial Hall and Recreation Ground Committee by providing \$15,000 in principle support for the building of a shower block at the Pyengana Recreation Ground subject to the receipt of grant funding.

CARRIED UNANIMOUSLY

08/15.14.0 DEVELOPMENT SERVICES

08/15.14.1 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

- Clr Drummond advised that the market space was hoping to be launched at the New Years Day races.
- Clr Rubenach advised that there is now a sign at the St Marys Medical Centre advising that sharps will no longer be collected there, therefore Clr Rubenach requested that the service that has been put in place be expanded to St Marys. The Building Services Coordinator advised that he would refer this to the Environmental Health Officer.

COUNCIL DECISION:

08/15.14.1.229 Moved: Clr B LeFevre /Seconded: Clr H Rubenach

That the report be received.

CARRIED UNANIMOUSLY

08/15.14.2 Planning Approvals Issued

COUNCIL DECISION:

Received.

08/15.14.3 Building Services Approvals

COUNCIL DECISION:

Received.

08/15.14.4 Controlling Spanish Heath with Agricultural Lime and Other Alternatives

FILE REFERENCE	05/15.14.5.140
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Clr Drummond left the meeting at 11.58am

Clr Drummond returned at 12.00pm

DISCUSSION:

- Clr Rubenach asked whether Council uses glysohate 600? The NRM Facilitator advised that he didn't know but would be guessing not, it would probably be 360 or something along those lines. Council would only use herbicides registered.
- CLr J Tucker asked why isn't slashing more carefully timed? The General Manager advised that this would be part of the works program, however this would need to be checked.
- Mayor Tucker stated that Council is only responsible for Council verges and Council land.

COUNCIL DECISION:

08/15.14.4.230 Moved: Clr J Drummond / Seconded: Clr G McGuinness

That Council adopt the report.

CARRIED UNANIMOUSLY

08/15.14.5 Tasmanian Natural Resource Management (NRM) Review

FILE REFERENCE	039\002\008\
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DISCUSSION:

- The General Manager advised that due to the timing associated with this review there was not an opportunity for workshop discussions.
- Clr J Tucker stated that they are trying to have too many priorities. They need to reduce these and continue to do what they do well in terms of management of

- weeds, pests, disease and coastal marine management instead of crossing with DPIPWIE and Forest Practices with soil, water, etc.
- Clr Rubenach stated that she agrees with the NRM Facilitators comments.
- Clr's McGuinness and Osborne agree with Clr J Tucker – there is a lot of duplication of services across agencies.

COUNCIL DECISION:

08/15.14.5.231 Moved: Clr K Wright / Seconded: Clr M Osborne

That Council provide a response to the Tasmanian Natural Resource Management Review reflecting the concerns raised.

CARRIED UNANIMOUSLY

08/15.15.0 GOVERNANCE

08/15.15.1 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- The General Manager stated that he had met with Shane Gregory from the Department of State Growth and he advised that there is currently a State Roads Plan being developed for the next ten (10) years and consultation will take place over the next four (4) to five (5) months with Council. We will need to state clear priorities and be quite strategic.

COUNCIL DECISION:

08/15.15.1.232 Moved: Clr J Tucker / Seconded: Clr M Osborne

That the General Manager's report be received.

CARRIED UNANIMOUSLY

08/15.15.2 Office Closure – Christmas to New Year

FILE REFERENCE	004\003\002\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/15.15.2.233 Moved: Clr K Wright / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

08/15.15.3 **Code of Conduct Amendment Bill: Time Frame for Complaint Consultation**

FILE REFERENCE	014\001\025\
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DISCUSSION:

- Various discussion took place on this item and it was agreed that option 4 in the Officer's Recommendation would be most suitable.

COUNCIL DECISION:

08/15.15.3.234 Moved: Clr H Rubenach / Seconded: Clr J Tucker

That Council advise the Local Government Association of Tasmania (LGAT) that its position on the Code of Conduct Amendment Bill: Time Frame for Complaint Consultation is as follows:

1. Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days, but clearly provide the ability for the Code of Conduct Panel to consider related matters that precede the 90 days but are within the current term.

CARRIED UNANIMOUSLY

08/15.15.4 **Government Owned Land Use**

FILE REFERENCE	15/10702
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DISCUSSION:

- The General Manager advised that Dorset Council would also be involved in this.
- Clr Rubenach stated that she would like to see maps or have a site visit.
- The General Manager advised that maps are being prepared but we will need a working group first to establish the boundaries.
- The General Manager stated that until we see a map we don't know the scale of what we are looking at. It is important to quantify.
- Clr LeFevre stated that he thinks this is a wonderful concept.
- Mayor Tucker stated that this is an incredible opportunity to gather the necessary information.
- It was agreed that there would be a site visit after the mapping exercise is completed.

COUNCIL DECISION:

08/15.15.4.235

Moved: Clr B LeFevre / Seconded: Clr H Rubenach

It is recommended that an officer level working group be established involving Council, relevant State Government agencies to investigate the potential conversion of the identified area from forestry to agricultural purposes with a report to be presented to Council outlining the opportunities and detriments.

CARRIED UNANIMOUSLY

08/15.15.5

Local Government Reform – Modelling Activities

FILE REFERENCE	014\003\002\
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DISCUSSION:

- The General Manager advised that it could be six (6) weeks before anything happens regarding benchmarking. Four (4) firms have been selected by the State Government but there are concerns about ensuring that the best outcome from the consultancy is being restricted because of the State Government's consultant list.

COUNCIL DECISION:

08/15.15.5.236

Moved: Clr G McGuinness / Seconded: Clr J Tucker

1. That Council participate in the benchmarking process and investigation of a shared service model with Councils in the northern region.
2. That Council liaise with Councils from the south-east including Glamorgan-Spring Bay with a view to undertaking modelling regarding merger options and/or boundary adjustment of these Councils as it might affect the Break O'Day Council.
3. That the Mayor and General Manager be authorised to enter into arrangements necessary for this to occur.
4. That at the first 2015-2016 Budget review an allocation of \$50,000 be provided to assist in meeting consultant costs for the modelling exercises.

CARRIED UNANIMOUSLY

08/15.16.0 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.

08/15.16.1 Amendment to Part V Agreement – Petition to Amend Sealed Plan – DA094-2015

FILE REFERENCE	DA 096-2015
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DISCUSSION:

- No discussion took place on this item.

COUNCIL DECISION:

08/15.16.1.237 Moved: Clr J Drummond / Seconded: Clr H Rubenach

After due consideration and based on the receipt of legal advice received from Simmons Wolfhagen dated 22 July 2015 and subsequent advice received 5 August 2015, it is recommended that Council decline to amend Part V Agreement for CT 166597/1 and decline to amend Sealed Plan.

Reasons:

1. Under the Break O’Day Council Planning Scheme 1996 (the previous scheme), a lot of this size could only have been created in the Environment Protection Zone where it facilitated shore based marine farming.
2. The existence of such a lot and the potential for development on it if the restrictive covenant was removed, would be completely inconsistent with the intent of the Rural Resource Zone created in the 2013 interim planning scheme.
3. The removal of the covenant would allow the potential for the existence of a single dwelling in circumstances inconsistent with the objective and scheme standards for dwellings found in clause 26.3.2 of the Break O’Day Interim Planning Scheme 2013.

CARRIED UNANIMOUSLY

08/15.16.2 Application to Amend the Break O’Day Interim Planning Scheme 2013

FILE REFERENCE	01/2015
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

08/15.16.2.238

Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council as Planning Authority, notify the Tasmanian Planning Commission that nil representations were received during the statutory public exhibition period and forward within 35 days of the expiration of the exhibition period referred to in section 38(1)(a), the application and associated documents to the Tasmanian Planning Commission.

In accordance with section 39(2) of the *Land Use Planning and Approvals Act 1993* the associated documents are to include:

- (a) a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to –
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.

CARRIED UNANIMOUSLY

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

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

Entered into Closed Council at 12.51pm

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

08/15.17.0 **CLOSED COUNCIL**

08/15.17.1 **Outstanding Actions List for Closed Council**

08/15.17.2 **Variation to Multi-Purpose Stadium & Building Services
2015/2016 Capital Expenditure Budget Adjustments - Closed
Council Item Pursuant To Section 15(2)D 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 B LeFevre / Seconded: Clr H Rubenach: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 1.00pm.

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MAYOR

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DATE