



COUNCIL MEETING MINUTES

Monday 18 March 2019
Council Chambers, St Helens

John Brown, General Manager
Break O'Day Council
18 March 2019

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OPENING

The Mayor to welcome Councillors, staff and members of the public and declare the meeting open at 10.00am.

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the Tasmanian Aboriginals as the traditional custodians of the land on which we meet today, and pay respect to the elders past and present.

CONDOLENCES TO CHRISTCHURCH

Mayor Tucker acknowledged the tragic event in Christchurch on Friday 15 March 2019 and requested a minutes silence. At the conclusion of the minutes silence the Mayor read the following statement

Break O'Day Council would like to express our deepest sympathies and condolences to the families and friends of those affected by the Christchurch terrorist attack on Friday March 15.

Our thoughts and prayers are with the people of New Zealand during this time and we hope despite the devastation of this act, that unity, strength and love will be the Kiwi characteristics that win out on the day.

As a Council and a community we strongly condemn the actions of the terrorists involved as well as any derogatory and inappropriate comments made in response to this horrific act of violence on people peacefully at prayer.

We understand that this will have a widespread effect on the people of New Zealand particularly emergency services and all levels of the New Zealand Government and we would like to voice our support for them and the nation as they continue to deal with the devastating effects of this act of terror.

Mayor Tucker advised that he will also write to the Mayor of Christchurch on behalf of Council.

03/19.1.0 ATTENDANCE

03/19.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Kristi Chapple
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor John Tucker
Councillor Lesa Whittaker
Councillor Kylie Wright

03/19.1.2 Apologies

Nil.

03/19.1.3 Leave of Absence

Nil.

03/19.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1*)
Manager Infrastructure and Development Services, David Jolly (*Item 1.0 – 17.3*)
Communications Coordinator, Jayne Richardson (*Item 1.0 – 16.6*)
Building Services Coordinator, Jake Ihnen (*Item 1.0 – 16.1*)
Planning Services Coordinator, Geraldine O'Connor (*Item 1.0 – 11.1*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 13.1*)
Community Services Project Officer, Erica Lowry (*Item 1.0 – 11.2 / 12.1 – 15.1*)

03/19.2.0 PUBLIC QUESTION TIME

Three (3) people in the gallery.

In accordance with Section 31(1) of the Local Government (Meeting Procedures) Regulations 2005 the following questions were submitted in writing prior to the Council Meeting.

Nil.

03/19.3.0

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 sought advice on agenda items 03/19.8.1, 03/19.8.2 and 03/19.8.3 in relation to his position about to commence with State Parliament. The General Manager advised that there is no interest as Clr J Tucker has not yet commenced this role and at this point in time he is still a sitting Councillor with Break O'Day until his resignation has been received and that there is no potential pecuniary interest or benefit in the items.

Clr J Drummond declared a non-pecuniary interest for agenda item 03/19.14.2 – Community Funding Program 2018 – 2019 as she is the Vice-Chair of the Hub4Health.

03/19.4.0

CONFIRMATION OF MINUTES

03/19.4.1

Confirmation of Minutes – Council Meeting 18 February 2018

OFFICER'S RECOMMENDATION:

That the minutes of the Council Meeting held on the 18 February 2018 be confirmed.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/19.4.1.43

Moved: Clr G McGuinness / Seconded: Clr K Chapple

That the minutes of the Council Meeting held on the 18 February 2018 be confirmed.

CARRIED UNANIMOUSLY

03/19.5.0 COUNCIL WORKSHOPS HELD SINCE 18 FEBRUARY 2018 COUNCIL MEETING

There was a Workshop held on Monday 4 March 2019 – the following items were listed for discussion.

- Local Government Association of Tasmania (LGAT) - AGM/General Meeting 25 July 2018 – Submissions of Motions
- Budget Review 31 January 2018
- SMS Rate Reminder
- Litter Collection for Council Infrastructure
- Community Funding Program 2018 – 2019
- Draft Local Provisions Schedule (LPS) Project
- Development Services Statistics Reporting
- Review – LG03 – Councillors Code of Conduct Policy
- Review – LG05 – Social Media Policy Review
- Review of Council Delegations
- Walking Tracks
- Community Pool
- Australia Day
- Noise Complaint
- Caravan By-Laws
- Reducing Speed Limit on Binalong Bay
- Local Government Association of Tasmania (LGAT) – Proposed Motion for Annual General Meeting (AGM)

03/19.6.0 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.

03/19.6.1 Application to Amend the Break O'Day Interim Planning Scheme

FILE REFERENCE	Amendment 2/2019
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DECISION STATEMENT:

To determine an application for amendment to the *Break O'Day Interim Planning Scheme 2013* to insert Bushfire-Prone Areas Overlay maps into the planning scheme as recommended by the Tasmania Fire Service (TFS).

RECOMMENDATION:

That the Council:

1. Acting as Planning Authority, under Section 34 (1) (b) (former provisions) of the ***Land Use Planning and Approvals Act 1993***, initiate draft amendment 2/2019 to amend the ***Break O'Day Interim Planning Scheme 2013*** by:
 - a. inserting a Bushfire-Prone Areas Overlay map as shown in Appendix A to Bushfire-Prone Areas Overlay, Break O'Day LGA Planning Report, Tasmania Fire Service, March 2019; and
 - b. Amendment to clause 1.2.1 to refer to the additional overlay maps by insert after "Overlay maps marked 1 to 84." the following words: *including Bushfire-Prone Area Overlay maps 1 to 44.*
2. Acting as Planning Authority, under Section 35 (1) (former provisions) of the ***Land Use Planning and Approvals Act 1993*** resolve to certify draft amendment 2/2019, to the ***Break O'Day Interim Planning Scheme 2013*** as meeting the requirements specified in Section 32 (former provisions) and place it on Public Exhibition for 28 days, in accordance with Section 38 (former provisions) of the Act.

DISCUSSION:

- Clr McGiveron stated that the workshop presentation with Tasmania Fire Service (TFS) was very informative and gives certainty.
- Clr McGuinness stated that he backs up the comments made by Clr McGiveron.
- Clr Wright asked in relation to the landslip areas as she was not at the workshop and can't see any reference to this in the report. The Building Services Coordinator stated that at this stage this will still be declared a Bushfire Prone Area and it will be looked at further by TFS.

COUNCIL DECISION:

03/19.6.1.44 Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That the Council:

1. Acting as Planning Authority, under Section 34 (1) (b) (former provisions) of the ***Land Use Planning and Approvals Act 1993***, initiate draft amendment 2/2019 to amend the ***Break O'Day Interim Planning Scheme 2013*** by:
 - a. inserting a Bushfire-Prone Areas Overlay map as shown in Appendix A to Bushfire-Prone Areas Overlay, Break O'Day LGA Planning Report, Tasmania Fire Service, March 2019; and
 - b. Amendment to clause 1.2.1 to refer to the additional overlay maps by insert after "Overlay maps marked 1 to 84." the following words: *including Bushfire-Prone Area Overlay maps 1 to 44.*

2. Acting as Planning Authority, under Section 35 (1) (former provisions) of the *Land Use Planning and Approvals Act 1993* resolve to certify draft amendment 2/2019, to the *Break O'Day Interim Planning Scheme 2013* as meeting the requirements specified in Section 32 (former provisions) and place it on Public Exhibition for 28 days, in accordance with Section 38 (former provisions) of the Act.

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.

03/19.7.0 PETITIONS

03/19.7.1 Petition – Seal and Reduce Speed Limit of the Upper Scamander Road, Upper Scamander

FILE REFERENCE	19/3697
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OFFICER'S RECOMMENDATION:

That Council receive the petition and write to the Department of State Growth requesting the speed limit be reduced on Upper Scamander Road, Scamander.

INTRODUCTION:

The petition which was received was signed in February 2019 and the following was proposed on the petition:

We, the undersigned, are concerned citizens who urge our Council to act now to seal the Upper Scamander Road and to reduce the speed limit to 60kph and to erect signs accordingly.

DISCUSSION:

- The General Manager noted that whilst the Petition didn't meet the guidelines it was treated by Council officers in the same manner. He also advised that the Manager of Infrastructure and Development Services is aware of the condition of Upper Scamander Road.

COUNCIL DECISION:

03/19.7.1.45 Moved: Clr J McGiveron / Seconded: Clr J Tucker

That Council receive the petition and write to the Department of State Growth requesting the speed limit be reduced on Upper Scamander Road, Scamander.

CARRIED UNANIMOUSLY

03/19.8.0 NOTICES OF MOTION

Mayor Tucker vacated the Chair at 10.09am and Deputy Mayor McGiveron took the Chair.

03/19.8.1 Notice of Motion – Single Use Plastics – Clr M Tucker

MOTION:

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 given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

The Break O'Day Council request that LGAT lobby the State Government to take the leadership in developing a consistent statewide approach to banning the use of single use plastics in takeaway food packaging.

DISCUSSION:

- The General Manager noted the similarity between the two (2) Notices of Motion and advised that following discussions between Mayor Tucker and Clr Drummond a combined motion had been developed which was now before Councillors for consideration.
- Clr Drummond agrees with Mayor Tucker and strongly supports item 2 about working with the community.
- Mayor Tucker stated that there needs to be a consistent approach with State Government legislation.

COUNCIL DECISION:

03/19.8.1.46 Moved: Clr M Tucker / 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 given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

The Break O'Day Council support the initiative of the Hobart City Council to ban single use plastics in takeaway food packaging and that Council:

1. Request that LGAT lobby the State Government to take leadership in developing a consistent state wide approach to banning the use of single use plastics in takeaway food packaging; and
2. Work with our community on initiatives to reduce usage in the meantime.

CARRIED UNANIMOUSLY

Mayor Tucker resumed the Chair at 10.12am.

03/19.8.2 Notice of Motion – Mountain Bike Track in the Fingal Valley – Clr J Tucker

MOTION:

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 given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council look at building a mountain bike track in the Fingal Valley, and have it shovel ready for funding at the next State election.

DISCUSSION:

- Clr J Tucker stated that he thinks there is a lot of benefit to the community.
- Clr McGiveron stated that he agrees, there certainly needs more things in the Valley and this should incorporate walking tracks as well.
- Clr Wright stated that she agrees with Clr McGiveron in regard to walking tracks.

COUNCIL DECISION:

03/19.8.2.47 Moved: Clr J Tucker / Seconded: Clr J McGiveron

A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council look at building a mountain bike and walking tracks in the Fingal Valley, and have it shovel ready for funding at the next State election.

CARRIED UNANIMOUSLY

03/19.8.3 Notice of Motion – Single Use Plastics LGAT and Hobart Council – Clr J Drummond

MOTION:

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 given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:

That Council support the Hobart Council motion to be presented to the Local Government Association Tasmania in July 2019 and work with Hobart Council and our own community to seek sector and State government support for a state-wide ban on single-use plastics.

DISCUSSION:

No discussion took place on this item as it was withdrawn and dealt with in item 03/19.8.1.

COUNCIL DECISION:

Motion withdrawn as this was combined with agenda item 03/19.8.1.

03/19.9.0 COUNCILLOR'S QUESTIONS ON NOTICE

03/19.9.1 Proposal for a Bus Stop and Seating on Story Street, St Marys – Clr J Drummond

I have been approached by community members who wait for the bus daily on the western side of Story Street, St Marys, to request a bus stop seat in a dry area.

Would Council consider placing a seat under the existing rotunda on the corner of Story Street and Main Road to allow community members to remain comfortable and dry whilst waiting for a bus. This would work to assist everyone, including those living with mobility issues, whilst waiting for the bus. It could also add to the amenity and visual appeal of the upgraded streetscape.

Reply

Councillors may consider the seeking of broader community comment in relation to Clr Drummonds question on notice.

The rotunda is used for an event display once per year for the bike and car show.

Removable seating can be installed to cater for such events. Purchase and installation costs may be considered for inclusion in the 2019-2020 budget.

03/19.9.2 YouCamp – Clr J Drummond

With the increase of listings of local properties on YouCamp. What is the position of Council with regard to properties being listed on the YouCamp site? What are the requirements in our Local Government Area? Are we able to provide a fact sheet containing information that could be made readily available to community members interested in using their property in this way.

Reply

Visitor Accommodation use as defined in the Break O'Day Interim Planning Scheme 2013 is 'use of land for providing short or medium term accommodation for persons away from their normal place of residence. Example include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, **overnight camping area**, residential hotel and serviced apartment. The scheme requires that a Planning Permit for Visitor Accommodation Use is to be approved prior to the commencement of such a use.

As the requirements would differ for each application (depending on zone etc), specific details for each enquiry would be more suitable than a fact sheet.

03/19.10.0 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.

03/19.10.1 Regarding the DA138 – 2018 – RV Park – 17 Colchis Creek Drive, St Helens – Cllr J Drummond

Condition 4 of the planning approval contained the clause:

After due consideration of the representation received pursuant to Section 57 of the Land Use Planning & Approvals Act 1993 and the Break O'Day Council Interim Planning Scheme 2013 that the application for RV Park on land situated at 17 Colchis Creek Drive, St Helens described in Certificate of Title CT 163360/300 be APPROVED subject to the following conditions:

4. Prior to the use commencing, a detailed site management document must be prepared to the satisfaction of Council's Planning Coordinator. The document must include:
 - a. The proposed 'Rules of the Park' document;
 - b. Provisions for the management and patron behaviour;
 - c. Measures to ensure patron's control all domestic animals on leads or within enclosures at all times;
 - d. Measures to control noise from generators, TVs, radios and the like;
 - e. Check-in procedures; and
 - f. Any other relevant matters.

Is Council able to advise if the 'Rules of the Park' document has been presented to Council's Planning Coordinator, and if so is the Planning Coordinator satisfied with the document.

Is this document available to the Public?

As raised at the planning authority meeting there were concerns over the “policing” of the ‘Rules of the Park’. Can you advise if the ‘Rules of the Park’ are in place that they are being monitored as being adhered to?

Reply

The detailed site management document is required prior to the use commencing. Council has not yet received this document as yet, however we are aware it is currently being prepared and await advice from the Consultant who represents the owner of this property.

03/19.10.2 ALGA Newsletter – Government’s Housing Infrastructure Body – Cllr J Drummond

Will Council be investigating the approach outlined in the ALGA email dated 15 March 2019 “Government’s Housing Infrastructure Body Seeks Local Government Interest” which relates to a \$1 billion fund for eligible infrastructure projects to unlock new housing supply, particularly affordable housing, considering the housing crisis in this area.

Reply

Yes, Council’s Economic Development Officer has been investigating options which included suggestions from within the community which has been reported to Council. This opportunity will be examined.

03/19.11.0 MAYOR’S & COUNCILLOR’S COMMUNICATIONS

03/19.11.1 Mayor’s Communications for Period Ending 18 March 2019

19.02.2019	Hobart	– Local Government Association Tasmania (LGAT) Stakeholder event
20.02.2019	Hobart	– Local Government Association Tasmania (LGAT) General Management Committee
24.02.2019	St Helens	– St Helens Point Progress Association Meeting
25.02.2019	St Helens	– Councillor Strategic Priorities Workshop
03.03.2019	St Helens	– Break O’Day Community Triathlon Presentation Awards
04.03.2019	St Helens	– Council Workshop
06.03.2019	St Helens	– Northern Tasmania Development Corporation (NTDC) – Federal Election Regionally Significant Priorities
07.03.2019	Swincart Beach	– Turning the Sod – MTB media event with Senator Jonathon Duniam
07.03.2019	St Helens	– St Helens Neighbourhood House – With One Voice Launch
11.03.2019	St Helens	– St Helens Probus Club annual meeting
18.03.2019	St Helens	– Council Meeting

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 Kylie Wright

- Clr Wright apologised as she had misplaced her notes from meeting.
- There were lots of things discussed about the map that has been prepared with some changes to be made.
- Said she had come under fire regarding certain aspects of Planning Authority and decisions which had been made and that the Chamber would be writing to the General Manager for clarification.

NRM Special Committee – Clr Janet Drummond

- Next meeting is on Wednesday 1 May.

Barway Committee – Clr John McGiveron

- No changes.
- Heard nothing from MAST for the last fortnight.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- Hasn't been a meeting since the last one, the next one will be in April in Break O'Day.

Mental Health Action Group – Clr Barry LeFevre

- Meeting scheduled for 27 June.

Disability Access Committee – Clr Janet Drummond

- The Manager Community Services is endeavouring to convene a meeting.

03/19.12.0

BUSINESS AND CORPORATE SERVICES

03/19.12.1

Corporate Services Department Report

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with in the Business and Corporate Service Department since the previous Council Meeting.

DISCUSSION:

- The Manager Corporate Services advised that Council is currently flying flags at half mast as per advice from the Department of Premier and Cabinet until further notice.
- The Manager Corporate Services advised that a submission would be forwarded to the Minister in regards to the free camping in Break O'Day.

COUNCIL DECISION:

03/19.12.1.48 Moved: Clr J Tucker / Seconded: Clr L Whittaker

That the report be received.

CARRIED UNANIMOUSLY

03/19.12.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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OFFICER'S RECOMMENDATION:

That the following reports for the month ending 28 February 2019 be received:

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

INTRODUCTION:

Presented to Council are the monthly financial statements.

DISCUSSION:

The Manager Corporate Services advised that there is nothing further to add as the budget review is to be considered in this agenda.

COUNCIL DECISION:

03/19.12.2.49 Moved: Clr J Tucker / Seconded: Clr L Whittaker

That the following reports for the month ending 28 February 2019 be received:

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

CARRIED UNANIMOUSLY

02/19.12.3 **Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Visitor Information Centre.

DISCUSSION:

- Clr Drummond asked in relation to the Valley Voice archive – what level of consultation has been done around this? The Fingal Valley Neighbourhood House (FVNH) now print the Valley Voice and the FVNH have a curator coming down as they had been successful in obtaining grant funding to work with the Historical Society. Clr Drummond stated that she would think the archive would be better kept at the FVNH. Mayor Tucker stated that perhaps a copy of those records could be kept at St Helens and the originals at the FVNH. Mayor Tucker asked, would this be an onerous task to have a backup of these publications. The Manager Corporate Services advised that he would check with the Curator at the St Helens History Room and she could liaise with the FVNH and come to a suitable arrangement.

COUNCIL DECISION:

03/19.12.3.50 Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

03/19.12.4 Audit Panel – Receipt of Minutes

FILE REFERENCE	018\005\024\
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OFFICER'S RECOMMENDATION:

That Council receive the minutes of the Audit Panel 18 February 2019.

INTRODUCTION:

Council's Audit Panel meets every three (3) months and the minutes of each meeting are required to be provided to Council.

DISCUSSION:

- The Manager Corporate Services stated that he had nothing further to add.
- Ctrs McGiveron and Drummond stated that they both recently attended the Audit Panel Training in Launceston.

COUNCIL DECISION:

03/19.12.4.51 Moved: Clr J Drummond / Seconded: Clr L Whittaker

That Council receive the minutes of the Audit Panel 18 February 2019.

CARRIED UNANIMOUSLY

03/19.12.5 Budget Review 31 January 2018

FILE REFERENCE	018\007\001\
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OFFICER'S RECOMMENDATION:

That Council receive the Budget Estimates 2018-2019 Review as at 31 January 2019 and the following variances be applied to the original 2018-2019 budget as set by Council Minute:

Amend Capital Expenditure (brackets denote an adverse variance)	\$
IT – server upgrades	(15,000)
St Marys Rec Grounds (through Pacing Club contribution)	(6,000)
St Helens foreshore toilet block	(15,000)
St Helens foreshore power upgrade	10,000
Jetty upgrades – Cunningham Street (MAST funded)	(110,000)
St Marys streetscape	12,000
Reseal – Cherrywood Drive	5,000
– Coach Road	5,000
- Parnella Drive	5,000
- Rossarden Road (4 segments)	17,000

- St Columba Falls Road (2 segments)	68,000
Widen & seal St Helens Point Road (CG525)	(29,000)
Kismet Place roadworks	15,000
Roadworks St Helens Point Road (CG510)	10,000
Digout St Helens Point Road (CG535)	(30,000)
Gardens Roadworks (RTR)	(113,000)
Ansons Bay Road seal failure	(30,000)
Digout Rex Court St Helens	(30,000)
Digout St Helens Point Road	(50,000)
Otway Creek Bridge, Rossarden Road	8,000
Ransoms River Bridge, Fitzgerald Road	31,700
Forester Creek Bridge, Ansons Bay Road	60,000
TOTAL CAPITAL ADJUSTMENT	(181,300)
Amend Operating Revenue	
MAST funding of Cunningham Street jetty upgrades	110,000
TOTAL OPERATING ADJUSTMENT	110,000
TOTAL BUDGET ADJUSTMENT	(71,300)

INTRODUCTION:

The 2018/2019 budget has been reviewed by management, particularly noting additional capital activities being undertaken and compensating savings.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/19.12.5.52 Moved: Clr J McGiveron / Seconded: Clr L Whittaker

That Council receive the Budget Estimates 2018-2019 Review as at 31 January 2019 and the following variances be applied to the original 2018-2019 budget as set by Council Minute:

Amend Capital Expenditure (brackets denote an adverse variance)	\$
IT – server upgrades	(15,000)
St Marys Rec Grounds (through Pacing Club contribution)	(6,000)
St Helens foreshore toilet block	(15,000)
St Helens foreshore power upgrade	10,000
Jetty upgrades – Cunningham Street (MAST funded)	(110,000)
St Marys streetscape	12,000
Reseal – Cherrywood Drive	5,000
– Coach Road	5,000
– Parnella Drive	5,000
– Rossarden Road (4 segments)	17,000
– St Columba Falls Road (2 segments)	68,000

Widen & seal St Helens Point Road (CG525)	(29,000)
Kismet Place roadworks	15,000
Roadworks St Helens Point Road (CG510)	10,000
Digout St Helens Point Road (CG535)	(30,000)
Gardens Roadworks (RTR)	(113,000)
Ansons Bay Road seal failure	(30,000)
Digout Rex Court St Helens	(30,000)
Digout St Helens Point Road	(50,000)
Otway Creek Bridge, Rossarden Road	8,000
Ransoms River Bridge, Fitzgerald Road	31,700
Forester Creek Bridge, Ansons Bay Road	60,000
TOTAL CAPITAL ADJUSTMENT	(181,300)
Amend Operating Revenue	
MAST funding of Cunningham Street jetty upgrades	110,000
TOTAL OPERATING ADJUSTMENT	110,000
TOTAL BUDGET ADJUSTMENT	(71,300)

CARRIED UNANIMOUSLY

03/19.13.0 WORKS AND INFRASTRUCTURE

03/19.13.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly summary update of the works undertaken through the Works and Infrastructure Department for the previous month and a summary of the works proposed for the coming month, and information on other items relating to Council's infrastructure assets and capital works programs.

DISCUSSION:

- The Manager Infrastructure and Development Services advised that he had nothing further to add.
- Cllr Drummond asked in relation to the motion on the 19 March 2018 regarding Telstra pit at Fingal, where is this up to. The Manager Infrastructure and Development Services advised that Telstra have been onsite and had a look but nothing further has been done. The Manager Infrastructure and Development Services will start discussions with the

Department of State Growth regarding a crash barrier being installed and change the speed zone to extend the 50km/h sign towards Cornwall Coal to enable a path to be installed in this area.

COUNCIL DECISION:

03/19.13.1.53 Moved: Clr B LeFevre / Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

03/19.13.2 **Animal Control Report**

FILE REFERENCE	003\003\018\
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OFFICER'S RECOMMENDATION:

That the report be received by Council.

INTRODUCTION:

This is a monthly update for animal control undertaken since the last meeting of Council.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/19.13.2.54 Moved: Clr J McGiveron / Seconded: Clr K Chapple

That the report be received by Council.

CARRIED UNANIMOUSLY

03/19.14.0 **COMMUNITY DEVELOPMENT**

03/19.14.1 **Community Services Report**

FILE REFERENCE	011\034\006\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the Community Services Department.

DISCUSSION:

- Mayor Tucker acknowledged Erica Lowry (Council's Community Services Projects Officer) who had recently been announced as the winner of the Local Government Inspirational Leader Award As part of the International Women's Day TasPlan Awards for Excellence.
- Cllr McGuinness asked, have we got any further info regarding the Crown Lease at Binalong Bay. The Manager Community Services advised that we have nothing yet, hopefully by the next meeting if not sooner.
- Cllr Drummond asked in relation to the MTB town link trail, are the toilets going to be composting at the trail head. The General Manager advised that we are still looking at options as to what is suitable, the option for the water supply at the trail head is important for a number of reasons, eg wash down facilities, filling water bottles, toilets, etc.
- Cllr Drummond asked in regards to a Councillor tour of the Poimena to Bay of Fires Trail, has this progressed. The General Manager advised that access is a bit restricted at the moment but as soon as this is able we will arrange.

COUNCIL DECISION:

03/19.14.1.55 Moved: Cllr J Tucker / Seconded: Cllr J Drummond

That the report be received.

CARRIED UNANIMOUSLY

Cllr Drummond declared an interest as Vice Chair of the Hub 4 Health in the Community Funding Program item below and did not need to leave the room as the matter was dealt with as a collective and she personally did not receive any direct benefit.

03/19.14.2 Community Funding Program 2018-2019

FILE REFERENCE	018\019\065\
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OFFICER'S RECOMMENDATION:

That Council approve the following projects for funding through the Community Grants Program 2018-2019:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
Cornwall Community Development Group Inc.	Heritage Signage in Minors Wall and Soldiers Walk areas	\$3,322.00	\$0.00			\$3,322.00
East Coast Swans Football Club	Purchase of Dishwasher, Ceramic top stove, plastic container ware and initial installation & fitting	\$3,500.00	\$2,000.00	\$29,500.00		\$35,000.00
Falmouth Community Centre	Upgrade of Tennis Court	\$5,718.60	\$5,718.60			\$17,155.80
Fingal Neighbourhood House	Reticulated Watering System	\$2,000.00	\$500.00			\$2,500.00
Hub 4 Health	Display board for the Active 4 Life Gym in St Marys	\$585.00	\$65.00			\$650.00
Scamander Surf Lifesaving Club	Disabled Toilet	\$500.00	\$795.00			\$1,295.00
St Helens-St Marys RSL Sub Branch Inc.	Employing a Professional Painter to paint the mural on the southern wall of the Memorial Hall, St Helens & Upgrade anti-graffiti protection	\$4,000.00	\$1,000.00	\$15,380.00	\$1,010.00	\$21,390.00
St Helens Hospital Auxiliary	Purchase of Shipping Container for St Marys Recycling Centre	\$3,000.00	\$0.00			\$3,000.00
St Helens Point Progress Association	Sign for advertising bi-monthly meetings	\$123.00	\$20.00			\$143.00
St Marys Pacing Club	Renew carpet in Members Room	\$2,816.00				\$2,816.00
Wildcare Friends of Larapuna Coast		\$1,650.00	\$4200.00 (in Kind)	\$4,950.00	\$19,500.00	\$30,300.00
Ansons Bay Progress Association	Battery and 2 set of Pads for Community Defibrillator	\$514.75	\$0.00			\$514.75

\$27,729.35

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:**03/19.14.2.56**Moved: Clr G McGuinness / Seconded: Clr J Tucker

That Council approve the following projects for funding through the Community Grants Program 2018-2019:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
Cornwall Community Development Group Inc.	Heritage Signage in Minors Wall and Soldiers Walk areas	\$3,322.00	\$0.00			\$3,322.00
East Coast Swans Football Club	Purchase of Dishwasher, Ceramic top stove, plastic container ware and initial installation & fitting	\$3,500.00	\$2,000.00	\$29,500.00		\$35,000.00
Falmouth Community Centre	Upgrade of Tennis Court	\$5,718.60	\$5,718.60			\$17,155.80
Fingal Neighbourhood House	Reticulated Watering System	\$2,000.00	\$500.00			\$2,500.00
Hub 4 Health	Display board for the Active 4 Life Gym in St Marys	\$585.00	\$65.00			\$650.00
Scamander Surf Lifesaving Club	Disabled Toilet	\$500.00	\$795.00			\$1,295.00
St Helens-St Marys RSL Sub Branch Inc.	Employing a Professional Painter to paint the mural on the southern wall of the Memorial Hall, St Helens & Upgrade anti-graffiti protection	\$4,000.00	\$1,000.00	\$15,380.00	\$1,010.00	\$21,390.00
St Helens Hospital Auxiliary	Purchase of Shipping Container for St Marys Recycling Centre	\$3,000.00	\$0.00			\$3,000.00
St Helens Point Progress Association	Sign for advertising bi-monthly meetings	\$123.00	\$20.00			\$143.00
St Marys Pacing Club	Renew carpet in Members Room	\$2,816.00				\$2,816.00
Wildcare Friends of Larapuna Coast		\$1,650.00	\$4200.00 (in Kind)	\$4,950.00	\$19,500.00	\$30,300.00
Ansons Bay Progress Association	Battery and 2 set of Pads for Community Defibrillator	\$514.75	\$0.00			\$514.75

\$27,729.35

CARRIED UNANIMOUSLY

03/19.15.0 DEVELOPMENT SERVICES

03/19.15.1 Development Services Report

FILE REFERENCE	031\013\003\
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OFFICER'S RECOMMENDATION:

That the report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which have been dealt with by the Development Services Department since the previous Council meeting.

DISCUSSION:

- Cllr Drummond asked in relation to the RMPAT and TPC cases listed in the report, is there any way that any of the mediation can be revealed to Councillors. The General Manager advised that mediation focuses on the appeal grounds that are lodged and that the mediation process is confidential between the parties involved and RMPAT. An amended planning permit is issued following consent orders being signed, the amended planning permit is public. This doesn't occur until ALL of the signatures are on the consent orders as nothing is certain until that time.
- Cllr Drummond asked what is happening in relation to the amenities block at Wrinklers Lagoon. The General Manager advised that at this stage the focus is on the toilet and bus shelter.
- Cllr J Tucker advised that he found a piece of ragwort on the Gardens Road, South Cosy Corner on the Western Side of the road near the power pole. The General Manager requested this information be passed onto Council's NRM Officer and Weeds Officer for further investigation.

COUNCIL DECISION:

03/19.15.1.57 Moved: Cllr B LeFevre / Seconded: Cllr K Chapple

That the report be received.

CARRIED UNANIMOUSLY

03/19.15.2 Planning Approvals Issued

Received.

03/19.15.3 Building Services Approvals

Received.

*Meeting adjourned for Citizenship Ceremony and morning tea at 10.56am
Meeting resumed at 11.18am*

03/19.16.0 GOVERNANCE

03/19.16.1 General Manager's Report

FILE REFERENCE	002\012\001\
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OFFICER'S RECOMMENDATION:

That the General Manager's report be received.

INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various issues which are being dealt with by the General Manager and with other Council Officers where required.

DISCUSSION:

- The General Manager advised that the Destination Action Plan (DAP) will be developed shortly for St Helens with a focus on the MTB activities.
- Cllr McGuinness stated that the MTB network was initially an initiative of NTD with Dorset, Launceston and Break O'Day Councils. Just wondering if it is appropriate to invite Dorset Council at some stage to a viewing of our progress.
- Cllr Drummond asked, is the DAP going to be more widely embraced and cover other areas. The General Manager stated that this particular one has a narrow focus on St Helens. Currently the support is there and the willingness to be involved is there. There were some matters achieved by Council from the old DAP eg signage.

COUNCIL DECISION:

03/19.16.1.58 Moved: Cllr B LeFevre / Seconded: Cllr K Chapple

That the General Manager's report be received.

CARRIED UNANIMOUSLY

FILE REFERENCE	014\001\025\
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OFFICER'S RECOMMENDATION:

Note tabling of the Code of Conduct Panel Determination Report.

INTRODUCTION:

The General Manager has received notification of a determination of a Code of Conduct complaint made by Mayor Tucker in relation to Councillor Wright.

COUNCIL DECISION:

Determination Report Tabled.

03/19.16.3 Election of Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT)

FILE REFERENCE	039\002\008\
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OFFICER'S RECOMMENDATION:

1. That Council nominate Mayor Mick Tucker for President of the Local Government Association of Tasmania (LGAT); and
2. Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

INTRODUCTION:

The Tasmanian Electoral Commission has called for nominations for President of the Local Government Association of Tasmania (LGAT) and Committee members of the General Management Committee of LGAT.

DISCUSSION:

- Clr Wright stated that she cannot support the motion of Mayor Tucker for President of LGAT. Mayor Tucker may not have a full understanding of the Councillor Code of Conduct.
- Clr Drummond asked why this wasn't discussed at the previous workshop. The General Manager advised these sorts of items have not been workshopped in the past hence the presentation directly to a Council meeting.
- Clr J Tucker stated that this would be extremely good for our area if the Mayor was to be successful with this position.
- Clr LeFevre stated that he supports the nomination. Mayor Tucker has an extremely good work ethic and doesn't let any potential political bias get in the way of anything.

- Clr McGiveron stated that this could only do good things for us at this level, as previously we had Bob Legge in this position.
- Clr Drummond stated that she has been talking about inclusiveness, she hasn't seen things about LGAT happen, eg Council having positions as a group. We have asked for agendas to come to Councillors for discussion and this hasn't happened. The General Manager stated that we will bring agendas to Council meetings or on workshop agendas where we can fit them with timeframes. He noted that this had happened in the past.
- Clr McGuinness stated that we should not let personalities influence decisions here, this is the way democracy works. Thinks that this nomination would be a good advocate for this community.

COUNCIL DECISION:

03/19.16.2.59 Moved: Clr J McGiveron / Seconded: Clr J Tucker

1. That Council nominate Mayor Mick Tucker for President of the Local Government Association of Tasmania (LGAT); and
2. Committee Member of the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

FOR Clr J McGiveron, Clr J Tucker, Clr G McGuinness, Clr K Chapple, Clr B LeFevre, Clr M Tucker
AGAINST Clr K Wright, Clr L Whittaker, Clr J Drummond
CARRIED

03/19.16.4 Review – LG03 – Councillors Code of Conduct Policy

FILE REFERENCE	002\024\003\
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OFFICER'S RECOMMENDATION:

That Policy LG03 Councillors Code of Conduct as amended, be adopted.

INTRODUCTION:

As per the legislative requirements Council is required to review the Councillors Code of Conduct Policy within three (3) months after each ordinary election and/or within three (3) months of the Minister making any amendments available therefore this Policy is now due for revision.

The review of the policy also incorporated amendments made by the Minister which were gazetted on the 26 December 2018 which are also required to be included.

DISCUSSION:

- The General Manager highlighted part of the determination in the Code of Conduct Complaint Determination tabled at item 03/19.16.2 and suggested that Council consider an amendment to the Code of Conduct Policy due to the narrow definition which arose under

“Part 3 – Use of Office” that dot point 1 be amended to read “A Councillor must not bring the Council or the office of Councillor into disrepute” this would be done by removing the first three (3) words “The actions of ..” which are in the current and proposed policy

- The General Manager stated that since the discussion at the workshop this point has to come to light, it is a point we weren’t aware of at the last discussion. We could suggest to the State Government that they should consider this point if Council wishes.
- Clr Drummond said that she had gone through closely comparing the Model Code of Conduct with what had been proposed and asked whether Council was required to adopt the Model Code of Conduct without any changes.
- The General Manager advised that Council had some flexibility with this.
- Clr Drummond asked, can we adopt the policy as is and then review it after? The General Manager advised that there is nothing to preclude Council to reviewing the policy at a later time.
- The General Manager advised that this could be reviewed at any time and that the matter had been raised for discussion due to the Determination.

COUNCIL DECISION:

03/19.16.3.60 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That Policy LG03 Councillors Code of Conduct as amended, be adopted.

CARRIED UNANIMOUSLY

03/19.16.5 **Review of Council Delegations**

FILE REFERENCE	014\002\010\
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OFFICER’S RECOMMENDATION:

That having conducted a review of Council’s Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated February 2019.

INTRODUCTION:

The aim of the report is to provide Council with an updated “Break O’Day Delegations Register February 2019” following a review to for adoption.

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

03/19.16.4.61 Moved: Clr B LeFevre / Seconded: Clr J Tucker

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated February 2019.

CARRIED UNANIMOUSLY

03/19.16.6 **Northern Tasmania Development Corporation Ltd (NTDC) – Federal Election Advocacy Regional Projects**

FILE REFERENCE	039\011\003\
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OFFICER'S RECOMMENDATION:

That Council support the following five (5) Regional Priority Projects identified by NTDC for advocacy during the forthcoming Federal Election:

1. Population Program
2. Translink Launceston Gateway
3. FermenTasmania Centre
4. Bioenergy Plant Westbury
5. Hydrogen Energy

INTRODUCTION:

Council has reviewed the draft Regional Economic Development Plan prepared by NTDC and forming part of the Plan are a range of regional projects which have been classified as Tier 1 projects. NTDC in conjunction with Mayors of the northern region (excluding Dorset who are not a member) have discussed and identified five (5) projects which will form the basis of advocacy during the forthcoming Federal Election.

DISCUSSION:

- Clr Whittaker stated that she thinks that No. 4 should be No. 1 – this would almost be more urgent than a population program.
- Mayor Tucker stated that the score is based on economic activity that could be generated through a particular project as well as whether it is shovel ready. No. 4 is not quite shovel ready as much as the ones listed as a higher priority eg funding required for No. 4 is not yet confirmed.

COUNCIL DECISION:

03/19.16.5.62 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That Council support the following five (5) Regional Priority Projects identified by NTDC for advocacy during the forthcoming Federal Election:

1. Population Program
2. Translink Launceston Gateway
3. FermenTasmania Centre
4. Bioenergy Plant Westbury
5. Hydrogen Energy

CARRIED UNANIMOUSLY

Appreciation - Councillor John Tucker

Mayor Tucker expressed Councils appreciation to Clr John Tucker for his time on Council as this is the last time we will see him around the table in his capacity of Councillor. Good luck and all the best for his new role as the Member for Lyons in the Tasmanian Parliament.

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

03/19.17.0 CLOSED COUNCIL

03/19.17.1 Confirmation of Closed Council Minutes – Council Meeting 18 February 2019

03/19.17.2 Outstanding Actions List for Closed Council

03/19.17.3 Litter Collection for Council Infrastructure – Closed Council Item Pursuant to Section 15(2)d of the Local Government (Meeting Procedures) Regulations 2015

COUNCIL DECISION:

03/19.17.3.CC Moved: Clr J Drummond / Seconded: Clr B LeFevre

Open Council

That Council invite tenders for the Litter Collection for Council Infrastructure service.

CARRIED UNANIMOUSLY

03/19.17.4 Disposal of Public Open Space – 186 Gardens Road, Binalong Bay – Closed Council Item Pursuant to Section 15(2)f of the Local Government (Meeting Procedures) Regulations 2015

The following decision from the February Council Meeting was inadvertently not considered in regards to placing information in the Open minutes of Council therefore the decision was revisited at this meeting and the following resolution was made which will appear in the Minutes of Open Council:

COUNCIL DECISION:

03/19.17.4.CC Moved: Clr B LeFevre / Seconded: Clr K Wright

Open Council

1. That Council undertake the necessary boundary adjustment to ensure there is sufficient road reservation available to enable a future road realignment to this section of the Gardens Road and following that the balance of the parcel is transferred to the NETLT; and
2. Transfer costs to be the responsibility of NETLT.

CARRIED UNANIMOUSLY

Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.02pm.

.....
MAYOR

.....
DATE