

19 MAY  
2014

# COUNCIL MINUTES

Council Chambers



Bob Hoogland  
Acting General Manager,  
Break O'Day Council  
19 May 2014

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**05/14.1.0 ATTENDANCE**

**05/14.1.1 Present**

Mayor Sarah Schmerl  
Deputy Mayor Hannah Rubenach  
Councillor Reon Johns  
Councillor John LeFevre  
Councillor John McGiveron  
Councillor Margaret Osborne OAM  
Councillor Mick Tucker

**05/14.1.2 Apologies**

Councillor Donna Coulson  
Councillor Glenn McGuinness  
General Manager, Des Jennings  
Executive Assistant, Angela Matthews

**05/14.1.3 Leave of Absence**

Nil

**05/14.1.4 Staff in Attendance**

Acting General Manager, Bob Hoogland  
Records Officer, Carol Joyce  
Manager Community Services, Chris Hughes  
Manager Works and Infrastructure, Stephen Yam (*Item 12.2, 12.6 – 17.4*)

## 05/14.2.0 PUBLIC QUESTION TIME

One (1) person 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.*

### 05/14.2.1 St Marys Railway Station – Mrs K Watkins, St Marys

Is it Councils practice to allow a sole trader to occupy the St Marys Railway Station and carry out a business in a ratepayer owned building?

Is rent charged?

What financial benefit is there to the ratepayer in this arrangement?

#### **Reply**

Council undertook a process calling for Expressions of Interest to use the St Marys Railway Station.

As per Council's decision a lease agreement is in place with Council's approved tenant.

As per Council's standard lease agreement for community outcomes in Council owned facilities a "peppercorn" or nominal rent is in place.

Council would very rarely expect a financial outcome from its lease arrangements, these are almost invariably excepted to achieve community outcomes for example, providing a museum for visitors and our community.

### 05/14.2.2 Scamander Childs Playground – Mr G Weedon, Beaumaris

The Break O'Day Council has made at least four (4) attempts to rectify the flaws in the tarp design over the Scamander child's playground, consequently Break O'Day Council six (6) months ago removed tarp.

I am a carpenter with 50 years experience if I do a job which is not up to standard I have to rectify the problem otherwise I will get a bad name. Seems to me that there's two (2) standards here could Break O'Day Council please answer these points:

1. When is Council going to put tarp back?
2. If not, why not?

Looking forward with great anticipation to council's reply.

#### **Reply**

The shade sail was removed due to repeated damage by a combination of vandalism and wind/storm.

Management has been considering the cost/benefit of repair versus replacement.



As there is no budget allocation, at this stage, for replacement, we have determined on an approach of repairing the sail and installing it for the period of greatest risk of sun impact which coincides with the lower risks of storm damage. Seasonally, this will be approximately end of November to end of March, depending on work staff availability and common sense with respect to holidays, such as Easter.

### **05/14.3.0 CONFIRMATION OF MINUTES**

#### **05/14.3.1 Confirmation of Minutes – Council Meeting 23 April 2014**

##### **DISCUSSION:**

No discussion took place on this item.

##### **COUNCIL DECISION:**

**05/14.3.1.113** Moved: Clr Lefevre / Seconded: Clr Osborne

That the minutes of the Council Meeting held on the 23 April 2014 be confirmed.

**CARRIED UNANIMOUSLY**

#### **05/14.3.2 Confirmation of Minutes – Special Council Meeting 9 May 2014**

##### **DISCUSSION:**

No discussion took place on this item.

##### **COUNCIL DECISION:**

**05/14.3.2.114** Moved: Clr McGiveron / Seconded: Clr Lefevre

That the minutes of the Special Council Meeting held on the 9 May 2014 be confirmed.

**CARRIED UNANIMOUSLY**

There was a Council Workshop held on Monday 5 May and the following items were listed for discussion as well as a presentation regarding the Leona Road Bridge:

- 2014/2015 Draft Rates Resolution
- 2014/2015 Draft Budget
- 2013/2014 March Budget Review
- 2014/2015 Fees and Charges
- Memorial Gardens
- Wombat Walk
- Flood Damaged Landslides and Other 2013 Flood Damage
- Rural Slashing Standard
- Forest Lodge Road
- Typical Stormwater Issues
- Canhams Road Drainage
- Leona Road Bridge Update
- Titley Shack – Binalong Bay
- Memorial Park
- Boundary Issue – St Helens Point Road
- Planning Items
- Weed Officer
- Feral Cat Program – Budget Proposal
- Fire Abatement Procedures
- Review – Asbestos Product – Building Policy
- Review – Council Fees Remission for Properties Destroyed by Fire Policy
- Review – Volunteer Policy and Guidelines
- Review – Confidentiality Policy
- Review – Smoking Policy
- Workplace Health & Safety – Suggested Motion
- Draft Forest Management Plan – Public Consultation
- Notice of Motion – Support for Blue Tier Reserve
- Community Justice Worker Proposal
- CWUnion National – Community Campaign – Hands Off Aussie Post
- Land Locked Blocks
- TasWater Media Release – Shake-up of Headworks Charges to be put to Owners
- Roses Tier Road – Used by Log Trucks
- Dumping Rubbish Behind Scamander and Beaumaris
- Youth Worker

## 05/14.5.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr Rubenach advised she has a conflict of interest for agenda item 05/14.13.8 – Request for Financial Assistance – Break O’Day Regional Arts – Community Volunteers Event. Clr Rubenach is the Vice President of Break O’Day Regional Arts.

## 05/14.6.0 PETITIONS

Nil

## 05/14.7.0 NOTICES OF MOTION

### 05/14.7.1 Notice of Motion – Surf Angling Club – Clr M Osborne

#### DISCUSSION:

- Clr Osborne stated that the Surf Angling Club pay rates of \$600 for an event held once a year – Non for profit organisation.
- Clr Tucker supported the proposal, great event asked for a permanent remission.

#### COUNCIL DECISION:

**05/14.7.1.115**                      Moved: Clr Osborne / Seconded: Clr Tucker

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 the Surf Angling Club be exempt from rates for the shed they use once a year to run the Swimcart fishing competition as they are a non-profit organisation.

**CARRIED UNANIMOUSLY**

**DISCUSSION:**

- Clr Osborne stated that the Facilities Manager who checks grounds and facilities before games have deemed the score boxes unsafe, the football club are prepared to undertake repairs however they need funds to fix.
- Clr Johns stated that this has been reported before why has it waited this long and not in a maintenance program.
- Clr Osborne stated that the scoreboard is Councils asset and responsibility.
- Clr LeFevre asked why not provide 50/50 contribution.
- Clr Tucker stated that this is a good thing for community.
- Mayor Schmerl stated that they are contributing by doing the work, they are asking Council for funds to purchase materials.

**COUNCIL DECISION:****05/14.7.2.116**Moved: Clr Osborne/ Seconded: Clr Johns

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 out of our community and heritage funding or public open space funding provide \$2,000 to undertake repairs to the scoreboard at the St Helens Football Ground.

**CARRIED UNANIMOUSLY****DISCUSSION:**

- Clr Tucker stated that this needs a regional approach, need to work with Dorset Council. Upgrading of road, infrastructure project, sealing of road for transporting of milk trucks. Need to do everything to progress this matter.
- Clr Rubenach stated that it is undiplomatic for Council to pass a motion for another Councils area, without first discussing it with that Council.
- Mayor Schmerl advised that she has spoken to Mayor at Dorset Council.
- Clr Johns stated that it needs Councils support to approach another Council.
- Clr LeFevre stated that there needs to be clarification of sealing at the junction. Clr Tucker explained the motion and the area concerned.

## COUNCIL DECISION:

**05/14.7.3.117**

Moved: Clr Tucker/ Seconded: Clr McGiveron

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

That the Mayor and General Manager approach Dorset Council to jointly request for sealing of the road from the junction of Musselroe and Dorset boundary through Gladstone to Bridport.

**FOR** Clr Schmerl, Clr McGiveron, Clr Lefevre, Clr Osborne, Clr Tucker  
**AGAINST** Clr Lefevre, Clr Rubenach  
**CARRIED**

**05/14.7.4**

**Notice of Motion – Placing a Plaque on the St Marys  
Cenotaph – Clr R Johns**

## DISCUSSION:

- Clr Osborne asked whether the local RSL had been asked for their comment and approval.
- Clr Johns supported the request and stated that Council could seek approval from the RSL in preparing the report.

## COUNCIL DECISION:

**05/14.7.4.118**

Moved: Clr Johns/ Seconded: Clr Rubenach

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

That Council grant permission for Ms Jan Sparkes to place a plaque on the St Marys Cenotaph honouring the effort those women did during war and police actions.

**CARRIED UNANIMOUSLY**

**DISCUSSION:**

- Clr Johns stated that a hard copy of presentation submitted prior, can prevent a waste of time if it doesn't relate to Council.
- Clr Rubenach stated that we are possibly making it too hard for some groups to present, we should be more flexible.
- Clr McGiveron stated that we should request a summary of presentations from people who approach Council rather than those who are invited.

**COUNCIL DECISION:**

05/14.7.5.119

Moved: Clr Johns/ Seconded: Clr Osborne

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

That organisations and individuals who wish to make a workshop presentation are required to submit a written summary of their presentation to assist Councillors to decide if they wish to have a live presentation.

**CARRIED UNANIMOUSLY****05/14.8.0****COUNCILLORS QUESTIONS ON NOTICE****05/14.8.1****Gravel Road Maintenance Costs – Clr M Tucker**

To the General Manager

Can you ask the Works Manager do a report on the following?

What is the future expected road maintenance costs for the two (2) gravel road links?

Priory to the North Ansons Bay turn off and North Ansons Bay to the Musselroe Bay Road junction.

What options does Council have to reduce or limit these maintenance costs over the next five (5) years?

What sources of existing and or new gravel are available for Council if funding for road sealing becomes available?

**Reply**

The Manager of Works and Infrastructure has been requested to provide a report to the June Council Meeting providing advice in relation to the questions raised.

### **05/14.8.2 Footpaths and Car Parking Outside Morty's Complex – Clr J McGiveron**

To the Acting General Manager,

Who was responsible for the engineering design plans of the new footpaths and car parking bays in Cecilia Street in front of Morty's Complex?

Do the parking bays comply with the relevant Australian Standards for width between the roadway curb and vertical edge of the footpath?

#### **Reply**

The new footpaths and car parking bays in front of Mort Douglas' development were designed by Launceston City Council.

Yes, the car park width complies with Australian Standard AS 2890.5 Part 5 On-street parking

### **05/14.8.3 Pine Tree at Fingal Depot – Clr R Johns**

To the General Manager

There is a large pine tree at the Fingal depot when will this tree be disposed of?

#### **Reply**

The tree was removed from the Fingal Recreational Grounds as it was assessed as dangerous. It will be disposed with other timber and surplus equipment within six (6) months by public tender.

### **05/14.8.4 Potholes in Fingal – Clr R Johns**

To the Works Manager.

Fleming, Seymour and Frazier Streets in Fingal have large pot holes when will these be filled in?

#### **Reply**

Thank you for the information. The roads will be inspected and repair works prioritised. We only have one (1) rural roads crew and they are starting on Upper Scamander Road on Monday 12 May 2014, as the road requires urgent attention.

## 05/14.9.0 COUNCILLORS 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.*

### 05/14.9.1 Impact of Rate Concessions from Federal Government Budget - Cllr H Rubenach

What will be the likely impact on our ratepayers with the Federal Government budget proposal of not contributing to concessions on Council rates?

How much had the Federal Government contributed in the past and how much more will our eligible ratepayers now be paying themselves (if the State Government does not increase their contribution to fill the gap)?

#### Reply

It seems that Pension subsidies are jointly funded by the State and Federal Governments.

There are lobbying efforts to commit the State Government to meet the shortfall.

We really cannot provide any clarification on the impacts of the federal budget decision on ratepayers as it will depend on a decision of the State Government.

### 05/14.9.2 Youth Worker – Cllr R Johns

To acting General Manager

Why did an ad appear in the Examiner calling for a Youth Worker when the Health House at St Helen email Council detailing a similar position and seeking a partnership?

#### Reply

Council did receive an email from St Helens Neighbourhood House, providing an option for providing Youth Worker capability.

Council did consider this option at a Workshop and at management level but determined:

- Council has only just transitioned from an outsourcing arrangement and was now preferring an “in house” approach;
- The position being advertised is a combined administrative/youth worker, functions that could not be combined through the outsourced approach.



### 05/14.9.3 Bridge on Cleland Drive - Clr J LeFevre

Is the bridge on Cleland Drive which currently has a load limit on it included in the 2013/2014 or 2014/2015 bridge replacement program?

#### Reply

This bridge is included for replacement in the 2013/2014 bridge replacement program.

### 05/14.10.0 MAYOR'S & COUNCILLORS COMMUNICATIONS

#### 05/14.10.1 Mayor's Communications for Period Ending 19 May 2014

***Mayor Sarah Schmerl has been on leave from Monday 3 March 2014 and returned on Monday 5 May 2014 and Deputy Mayor Hannah Rubenach was Acting Mayor during this period.***

24.04.14	<b>Hobart</b>	- State Fire Commission Meeting
28.04.14	<b>Derby</b>	- North East Trails Media Launch
02.05.14	<b>St Helens</b>	- Meeting with Rebecca White - St Helens Netball Centre Opening
05.05.14	<b>St Helens</b>	- Council Workshop - Meeting with President of St Helens Marine Rescue - Citizenship Ceremonies
09.05.14	<b>St Helens</b>	- Northern Tasmania Development (NTD) Executive Meeting via telephone - Special Council Meeting - NE Axemans Annual Dinner
13.05.14	<b>Launceston</b>	- TasWater Owners Representatives General Meeting
19.05.14	<b>St Helens</b>	- Council Meeting

#### 05/14.10.2 Councillors Reports for Period Ending 5 May 2014

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

St Helens and Districts Chamber of Commerce and Tourism – Mayor Sarah Schmerl/Clr Margaret Osborne

- Mayor Schmerl unable to attend Tuesday meetings, Clr Osborne can attend in future.

NRM Special Committee – Deputy Mayor Hannah Rubenach

- No meetings.

Business Enterprise Centre (BEC) – Mayor Sarah Schmerl

- No meetings.
- Funding reallocated in federal budget still waiting to see what happens.

Star FM – Clr Reon Johns

- Operating as it should be.
- Looking at new fundraising opportunities.

Barway Committee – Clr John McGiveron

- Still continue pursuing Federal Government funding.
- Temporary dredging not working.
- Something needs to happen otherwise there will be no entrance at all.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- Meeting last week, new ads being launched 25 May.
- \$80,000 worth of ads for their \$30,000, hoping for good response to these ads.
- The RTO Meeting reviewed their business plan.

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

- Agenda item relating to this matter.

### 05/14.10.3 Mayor's and Councillor's Items

#### Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

### 05/14.11.0 BUSINESS AND CORPORATE SERVICES

#### 05/14.11.1 Corporate Services – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

#### 05/14.11.2 Monthly Financial Report

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

- Clr Rubenach stated that the item Reserves, Bay of Fires and Trail of Tin Dragon are not showing fully expended. The Manager Corporate Services advised that these will be tidied up by the end of the financial year.

**COUNCIL DECISION:****05/14.11.2.120**Moved: Clr Johns/ Seconded: Clr Tucker

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

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

**CARRIED UNANIMOUSLY****05/14.11.3****Corporate Services Department Report**

FILE REFERENCE	018\018\001\
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**DISCUSSION:**

Nothing further added.

**COUNCIL DECISION:****05/14.11.3.121**Moved: Clr Johns/ Seconded: Clr Osborne

That the report be received.

**CARRIED UNANIMOUSLY****05/14.11.4****Corporate Services Capital Works Breakdown Report****COUNCIL DECISION:**

Received.

**05/14.11.5****Visitor Information Centre Report**

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

- Clr Rubenach asked whether the issue about apples donated could be worked around. The Manager Corporate Services advised that the Workplace Health and Safety issues identified were very significant and serious. Good idea but the risk outweighed the benefit.

**COUNCIL DECISION:**

**05/14.11.5.122**                      Moved: Clr Johns/ Seconded: Clr Osborne

That the report be received.

**CARRIED UNANIMOUSLY**

**05/14.11.6**                      **Risk Management Report**

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

- Clr LeFevre asked who undertook workplace inspection of two (2) contractors. The Acting General Manager advised that the Risk Officer is undertaking internal audits of both Council works and Contract works.

**COUNCIL DECISION:**

**05/14.11.6.123**                      Moved: Clr Tucker/ Seconded: Clr McGiveron

That the report be received.

**CARRIED UNANIMOUSLY**

**05/14.11.7**                      **2013/2014 Budget Review – as at 31 March 2014**

FILE REFERENCE	018\007\001\
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**DISCUSSION:**

Discussion on this item took place at a Council Workshop.

**COUNCIL DECISION:**

**05/14.11.7.124**                      Moved: Clr Johns/ Seconded: Clr McGiveron

That Council receive the Budget Estimates 2013/2014 Review as at 31 March 2014 and the following variances be applied to the original 2013/2014 budget as set by Council Minute:

<b>Amend Capital Expenditure</b>	
	\$
Ride on Mowers	50,000
Skate Park Lighting	40,000
<b>TOTAL</b>	<b>90,000</b>

<b>Amend Profit and Loss Items</b> (brackets denote an adverse variance )	
	\$
1665 SES Contributions	(3,300)
1671 Interest Income	(30,000)
1778 GST Free Reimbursements	23,000
1794 State Grant Revenue	100,000
1791 Federal Grants Capital	(273,000)
1795 State Grants Capital	20,000
1998 Other Professional Fees	50,000
2105 Plant Repairs & Maintenance	50,000
Interest Payable	80,000
<b>TOTAL</b>	<b>16,700</b>

**CARRIED UNANIMOUSLY**

### 05/14.11.8            2014/2015 Schedule of Fees and Charges

FILE REFERENCE	018\017\004\
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#### **DISCUSSION:**

- Clr Johns asked why do working dogs have licence fees. The Acting General Manager advised that the inspection regime costs the same for working dogs as for non-working dogs.
- Clr McGiveron noted the workshop consideration of the potential impact of prepaid funeral schemes. The Acting General Manager noted the local funeral company had been approached to provide detail for Council to consider a moratorium, if necessary.
- Clr LeFevre asked for clarification of what separated recycle material is. The Acting General Manager advised that this was separating cardboard, glass, etc.

#### **COUNCIL DECISION:**

**05/14.11.8.125**            Moved: Clr Johns/ Seconded: Clr Rubenach

That the Schedule of Fees and Charges for 2014/2015 be adopted as per Section 205 if the *Local Government Act 1993* as amended.

**CARRIED UNANIMOUSLY**

## 05/14.11.9 Northern Tasmania Development (NTD) – Request for Three (3) Year Funding Commitment

FILE REFERENCE	039\011\005\
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### DISCUSSION:

- Mayor Schmerl advised she is on the Executive Board as secretary, ex officio.
- Clr Johns seeking clarification of how much are the fees per year. The Acting General Manager advised that they are approximately \$23,000 per year.
- Clr LeFevre stated that this comes up every year what are we getting out of this. The Acting General Manager advised that NTD act on behalf of the region and prepare a number of submissions on the regions behalf. State and Federal Governments increasingly expect Local Government to act regionally. There are risks associated with Council not participating.
- Clr McGiveron stated that NTD are good and we need this organisation for regional support for projects such as Mussleroe Road, NTD could help as falls into their area.

### COUNCIL DECISION:

**05/14.11.9.126**                      Moved: Clr Schmerl/ Seconded: Clr McGiveron

That Council confirm the three (3) year funding commitment as requested from 2014/2015 up to and including 2016/2017.

**CARRIED UNANIMOUSLY**

## 05/14.12.0 WORKS AND INFRASTRUCTURE

### 05/14.12.1 Works and Infrastructure – Strategic Plan Activity Report

### COUNCIL DECISION:

Received.

### 05/14.12.2 Works and Infrastructure Report

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

- Clr Johns stated that the installation fit for roller door at the Woodcraft Guild has not been done as yet, although it has been measured.
- Clr McGiveron advised that Burns Bay boat ramp needs cleaning.
- Clr Johns advised that there are stormwater issues on the corner of Aulichs Lane and Main Street St Marys. The Works Manager will revisit the area and inspect.

**COUNCIL DECISION:**

**05/14.12.2.127**                    Moved: Clr Johns/ Seconded: Clr Tucker

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**05/14.12.3**                    **Works and Infrastructure Capital Works Breakdown Report**

**COUNCIL DECISION:**

Received.

**05/14.12.4**                    **Animal Control Report**

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

- Clr LeFevre noted that the pigs have not yet been removed from St Marys.
- Clr LeFevre advised that the trouble dogs in Cecilia Street are back on the prowl.
- Mayor Schmerl reiterated Council's appreciation of the detailed reports.

**COUNCIL DECISION:**

**05/14.12.4.128**                    Moved: Clr Johns/ Seconded: Clr Osborne

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**05/14.12.5**                    **Memorial Gardens Policy**

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

This item was discussed at the Council Workshop, no further discussion took place.

**COUNCIL DECISION:**

**05/14.12.5.129**                    Moved: Clr Johns/ Seconded: Clr Osborne

That Council adopt Asset Management Policy Number AM-13 Memorial Gardens, Draft Version 2 (5 May 2014), as the approved policy.

**CARRIED UNANIMOUSLY**

## 05/14.12.6 Local Government Association of Tasmania (LGAT) Subdivision Guidelines

FILE REFERENCE	031\009\002\
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### DISCUSSION:

- Clr Rubenach asked - 4.1 Services, does this also apply to rural blocks where there are no services, is it adequate for our Council. The Manager Works and Infrastructure offered clarification.
- Clr LeFevre asked whether existing subdivision need to re conform. The Manager Works and Infrastructure advised that no, they do this under the conditions of their existing planning permit.
- Clr Osborne asked do they have time frames to finish. The Manager Works and Infrastructure advised that it depends on the planning permit as it could be a staged subdivision.

### COUNCIL DECISION:

**05/14.12.6.130** Moved: Clr McGiveron/ Seconded: Clr Tucker

That Council adopt the Local Government Association of Tasmania's (LGAT) Subdivision Guidelines.

**CARRIED UNANIMOUSLY**

## 05/14.12.7 Local Government Association of Tasmania (LGAT) Standard Drawings

FILE REFERENCE	031\009\002\
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### DISCUSSION:

No discussion of significance took place on this item.

### COUNCIL DECISION:

**05/14.12.7.131** Moved: Clr McGiveron/ Seconded: Clr Osborne

That Council adopt the Local Government Association of Tasmania's (LGAT) Standard Drawings.

**CARRIED UNANIMOUSLY**



**05/14.13.0 COMMUNITY DEVELOPMENT**

**05/14.13.1 Community Services – Strategic Plan Activity Report**

**COUNCIL DECISION:**

Received.

**05/14.13.2 Community Services Report**

FILE REFERENCE	N/A
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**DISCUSSION:**

- Clr Tucker noted that a request had been received from the Chamber of Commerce for use of banners, if approved do we need to amend the policy. The Manager Community Services confirmed that the existing policy allowed for this.

**COUNCIL DECISION:**

**05/14.13.2.132** Moved: Clr Johns/ Seconded: Clr McGiveron

That the report be received.

**CARRIED UNANIMOUSLY**

**05/14.13.3 Community Services Capital Works Breakdown Report**

**COUNCIL DECISION:**

Received.

**05/14.13.4 Request for Council Sponsorship – Ten Days on the Island 2015**

FILE REFERENCE	005\026\001\
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**DISCUSSION:**

- Clr McGiveron and Clr Osborne were requesting clarification on what is being provided.
- Clr LeFevre asked can Council give something else besides money.

## COUNCIL DECISION:

05/14.13.4.133

Moved: Clr Johns/ Seconded: Clr Tucker

That Council support in principle this venture and make a financial contribution of \$3,000.00 towards the Ten Days on the Island program scheduled for the 20-29 March 2015 and also waive the hire fees of any Council owned facilities that may be used in the program subject to events being held in the Municipality.

**FOR** Clr Schmerl, Clr Rubenach, Clr McGiveron, Clr Tucker, Clr Johns, Clr Osborne  
**AGAINST** Clr Lefevre  
**CARRIED**

*Adjourned for morning tea 10.53am  
Returned from morning tea 11.03am*

## 05/14.13.5 St Helens Football Club Inc – Request for Funding

FILE REFERENCE	004\008\025\
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## DISCUSSION:

- Clr LeFevre stated that the funds requested are not much for construction of new change room, will they come back to Council later for more funds. Clr Osborne advised that the football club will have money of their own, whole project at this stage approximately \$260,000.
- Clr Rubenach asked that when discussion are held can there be an OH&S report undertaken.

## COUNCIL DECISION:

05/14.13.5.134

Moved: Clr Johns/ Seconded: Clr McGiveron

That Council list for discussion at budget meetings, this request received from the St Helens Football Club for \$50,000 to assist in the construction of a new change room facility to be located between the existing football and cricket grounds.

**CARRIED UNANIMOUSLY**

## 05/14.13.6 Binalong Bay Foreshore Master Plan

FILE REFERENCE	002\017\009\
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### DISCUSSION:

- Clr LeFevre asked how much money is in the Binalong Bay is public open space reserves. The Acting General Manager confirmed \$71,502 as per the financial statements.

### COUNCIL DECISION:

#### 05/14.13.6.135 Moved: Clr McGiveron/ Seconded: Clr Tucker

1. That Council in principle adopt the Binalong Bay Foreshore Master Plan as prepared by WAX Design;
2. That the Binalong Bay Tennis Court improvements be fully costed and incorporated in the 2014/2015 budget;
3. That the works be funded from Public Open Space Reserve; and
4. That Council enter into a Licence Agreement with National Parks & Wildlife to adjust a boundary alignment to include the whole tennis court located within Humbug Point Nature Recreation Area.

**CARRIED UNANIMOUSLY**

## 05/14.13.7 Conceptual Plans - Memorial Park

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

This item was discussed at the Council Workshop.

### COUNCIL DECISION:

#### 05/14.13.7.136 Moved: Clr Johns/ Seconded: Clr Tucker

1. That Council endorse the conceptual plan that has been prepared in relation to the proposed upgrade of the Memorial Park in St Helens; and
2. That Council provide funding in the 2014-2015 budget estimates to allow lighting to be installed on the mural and lone pine in readiness for the ANZAC Centenary in 2015.

**CARRIED UNANIMOUSLY**

*Clr Rubenach left the room 11.20am*

**05/14.13.8 Request for Financial Assistance – Break O’Day Regional Arts – Community Volunteers Event**

FILE REFERENCE	018\019\054\
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**DISCUSSION:**

No discussion took place on this item.

**COUNCIL DECISION:**

**05/14.13.8.137** Moved: Clr Johns/ Seconded: Clr McGiveron

That Council support this request from the Break O’Day Regional Arts (BODRA) and provide \$150.00 to assist BODRA with their Community Volunteers Event which was held on Thursday 15 May 2014.

**CARRIED UNANIMOUSLY**

*Clr Rubenach returned 11.21am*

**05/14.14.0 DEVELOPMENT SERVICES**

**05/14.14.1 Development Services – Strategic Plan Activity Report**

**COUNCIL DECISION:**

Received.

**05/14.14.2 Development Services Report**

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

No discussion took place on this item.

**COUNCIL DECISION:**

**05/14.14.2.138** Moved: Clr Johns/ Seconded: Clr Osborne

That the report be received.

**CARRIED UNANIMOUSLY**

## INFORMATION

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
020-2014	Scamander	Shed & Retaining Wall	57	44	39
264-2013	Scamander	Legalisation of Verandah	NPR	18	2
028-2014	Fingal	Hotel Additions & Garage	57	36	36
270-2013	St Helens	BBQ Area	57	91	28
037-2014	Ansons Bay	Demolition of Shack	57	21	21
030-2014	Scamander	Legalisation of Front Fence	57	33	33
043-2014	Beaumaris	Change of Use - Residential to Visitor Accommodation	58	3	3
234-2013	St Helens	Change of Use - Residential to Visitor Accommodation	58	11	11
026-2014	Mathinna	3 Lot Boundary Adjustment	58	35	26
038-2014	St Helens	Shed	57	23	23
223-2013	Beaumaris	Deck	58	156	11
023-2014	Ansons Bay	Dwelling Additions & Garage	57	55	39
271-2013	Binalong Bay	Dwelling	57	100	40
051-2014	St Helens	Carport	NPR	15	6
049-2014	Binalong Bay	Change of Use - Residential to Visitor Accommodation	58	6	6
022-2014	Beaumaris	Dwelling & Garage	57	58	33
061-2014	St Helens	Awning	58	7	7
160-2013	Binalong Bay	Legalisation of Dwelling Additions/ Alterations & Deck	57	29	29
045-2014	St Helens	Carport	57	40	28
			<b>Average Days to Approve</b>	<b>41</b>	<b>22</b>

**INFORMATION**

No.	BA No.	Town	Development	Value
1	2014 / 00036	Ansons Bay	Building Certificate - Annex	\$5,000.00
2	2013 / 00268	Scamander	New - 2 Colour bond Sheds	\$27,680.00
3	2014 / 00034	St Helens	Veranda Additions	\$2,500.00
4	2013 / 00135	Mangana	Mining Camp, Workshop & Associated Infrastructure	\$100,000.00
5	2009 / 00306	Binalong Bay	Dwelling (Studio)	\$113,400.00
6	2013 / 00215	St Helens	Dwelling & Garage	\$100,800.00
7	2013 / 00269 - STAGE 1	Upper Esk	Shed & shipping container	\$161,250.00
8	2013 / 00264	Scamander	Legalisation of Veranda	\$20,500.00
9	2013 / 00257	Scamander	Machinery Shed	\$8,640.00
10	2014 / 00037	Ansons Bay	Demolition of Shack	N/A
11	2014 / 00018	St Marys	Bedroom and Bathroom additions	\$19,000.00
12	2014 / 00011	Binalong Bay	Additions to Dwelling - Deck, Sunroom and Solar Panels	\$66,500.00
13	2012 / 00168	Ansons Bay	Legalisation of Existing Veranda & New Deck	\$31,000.00
14	2014 / 00014	Falmouth	Dwelling & Shed	\$263,000.00
15	2014 / 00017	Stieglitz	Annexe Extension & New Deck	\$48,500.00
16	2013 / 00266	St Marys	Patio	\$10,500.00
17	2013 / 00184	Pyengana	Legalisation of Dwelling Additions	\$34,300.00
18	2014 / 00034	Beaumaris	Roof over Doorway & Access Ramp	\$4,000.00

<b>ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE</b>		<b>2012/2013</b>	<b>2013/2014</b>
		\$19,005,955	\$9,186,898
<b>ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH</b>			
		<b>MONTH</b>	<b>2013</b>
		April	2014
		\$2,774,580	\$947,770
<b>NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE</b>			
		<b>MONTH</b>	<b>2012/2013</b>
		April	<b>2013/2014</b>
		175	111

**05/14.14.5 Development Services Capital Works Breakdown Report**

**COUNCIL DECISION:**

Received.

**05/14.14.6 Break O’Day Council Feral Cat Management Program**

FILE REFERENCE	003\001\002\
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**DISCUSSION:**

- Clr McGiveron stated that this will be a long task and this is just a first step.

**COUNCIL DECISION:**

**05/14.14.6.139** Moved: Clr Johns/ Seconded: Clr Osborne

That Council initiate and fund the Feral Cat Management Program in 2014/2015.

**CARRIED UNANIMOUSLY**

**05/14.14.7 Break O’Day Council Weed Plan and Weed Management Program Proposal**

FILE REFERENCE	017\012\004\
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**DISCUSSION:**

- Clr Rubenach stated that we have to tackle weed management under legislation we need to tackle specified weeds.

**COUNCIL DECISION:**

**05/14.14.7.140** Moved: Clr M Tucker / Seconded: Clr J McGiveron

That Council do not accept the recommendation to employ a Weeds Officer in the 2014/2015 Budget.

**FOR** Clr J McGiveron, Clr M Tucker, Clr J LeFevre, Clr R Johns  
**AGAINST** Clr M Osborne, Clr S Schmerl, Clr H Rubenach  
**LOST DUE TO NOT MEETING ABSOLUTE MAJORITY**

**05/14.14.7.141**

Moved: Clr M Osborne / Seconded: Clr R Johns

That Council adopt the Break O’Day Council Weed Plan and Weed Management Proposal by excluding financial implications regarding the employment of a Weed Officer as outlined in the plan.

*Meeting adjourned at 11.31am for the Mayor and Acting General Manager to clarify “Absolute Majority” ruling in the meeting procedures  
Meeting resumed at 11.45am*

**CARRIED UNANIMOUSLY**

**05/14.14.8**

**Review – Council Fees Remission for Properties Destroyed by Fire Policy**

FILE REFERENCE	002\024\006\
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**DISCUSSION:**

This item was discussed at the Council Workshop.

**COUNCIL DECISION:**

**05/14.14.8.142**

Moved: Clr Johns/ Seconded: Clr Tucker

That Council adopt EP08 Council Fees Remission for Properties Destroyed by Fire Policy as amended.

**CARRIED UNANIMOUSLY**

**05/14.14.9**

**Review – Asbestos Product – Building Policy**

FILE REFERENCE	002\024\006\
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**DISCUSSION:**

This item was discussed at the Council Workshop.

**COUNCIL DECISION:**

**05/14.14.9.143**

Moved: Clr Johns/ Seconded: Clr McGiveron

That Council adopt EP01 Asbestos Product – Building Policy as amended.

**CARRIED UNANIMOUSLY**



## 05/14.15.0 GENERAL MANAGER'S REPORT

### 05/14.15.1 General Manager's – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

### 05/14.15.2 General Manager's Report

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

- Clr Tucker asked where the St Helens Foreshore consultation is up to. The Manager Community Services advised this would be listed on the June Council Workshop agenda.

#### COUNCIL DECISION:

05/14.15.2.144 Moved: Clr Johns/ Seconded: Clr McGiveron

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

### 05/14.15.3 Governance Capital Works Breakdown Report

#### COUNCIL DECISION:

Received.

### 05/14.15.4 Review – Volunteer Policy and Guidelines

FILE REFERENCE	002\024\005\
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#### DISCUSSION:

This item was discussed at the Council Workshop.

#### COUNCIL DECISION:

05/14.15.4.145 Moved: Clr Johns/ Seconded: Clr Osborne

That Council adopt the Volunteer Policy and Guidelines as amended.

**CARRIED UNANIMOUSLY**

## 05/14.15.5 Review – Confidentiality Policy

FILE REFERENCE	002\024\005\
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### DISCUSSION:

No discussion of significance took place on this item.

### COUNCIL DECISION:

**05/14.15.5.146**                      Moved: Clr Johns/ Seconded: Clr McGiveron

That Council adopt the Confidentiality Policy, as amended.

**CARRIED UNANIMOUSLY**

## 05/14.15.6 Review – Smoking Policy

FILE REFERENCE	002\024\005\
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### DISCUSSION:

This item was discussed at the Council Workshop.

### COUNCIL DECISION:

**05/14.15.6.147**                      Moved: Clr Johns/ Seconded: Clr Osborne

That Council adopt the Smoking Policy, as amended.

**CARRIED UNANIMOUSLY**

## 05/14.16.0 PLANNING AUTHORITY

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

### 05/14.16.1 Seaview Avenue, Beaumaris - Dispensation

FILE REFERENCE	BRE D1/2014 – PID 6791245
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#### DISCUSSION:

- Clr Tucker stated that when you look at planning and the area is well covered with housing silly to not allow growth, keep communities together work to try to help stay together.
- Clr McGiveron stated that this requires a change to planning scheme to allow.
- Clr Johns stated that the application falls down on its substance.
- Clr Rubenach stated that they have other options to pursue.
- Mayor Schmerl stated that it comes down to due process..

#### COUNCIL DECISION:

**05/14.16.1.148**                      Moved: Clr Rubenach/ Seconded: Clr Johns

That in accordance with Section 30P (5) of the Land Use Planning and Approvals Act 1993, the proposed dispensation (BRE D1/2014 ) at Seaview Avenue, Beaumaris to allow additional land area to be considered under the provisions of the Low Density Zone, be rejected by the Break O'Day Council Planning Authority.

**FOR**                      Clr Schmerl, Clr Rubenach, Clr McGiveron, Clr Tucker, Clr Johns, Clr Osborne  
**AGAINST**              Clr Lefevre  
**CARRIED**

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

Moved: Clr Johns/ Seconded: Clr Osborne: That Council move into Closed Council.

**CARRIED UNANIMOUSLY**

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

# IN CONFIDENCE

- 05/14.17.0**      **CLOSED COUNCIL**
- 05/14.17.1**      **Outstanding Actions List for Closed Council**
  
- 05/14.17.2**      **Tender – Priory Road Bridge Replacement - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
  
- 05/14.17.3**      **Canhams Road Drainage - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2005**
  
- 05/14.17.4**      **Sale of Public Land – 181 St Helens Point Road, St Helens - Closed Council Item Pursuant To Section 15(2)E Of The Local Government (Meeting Procedures) Regulations 2005**

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

Moved: Clr Johns/ Seconded: Clr Tucker: That Council move out of Closed Council.

**CARRIED UNANIMOUSLY**

Mayor Schmerl thanked everyone for their attendance and declared the meeting closed at 12.20pm.

.....  
**MAYOR**

.....  
**DATE**