

COUNCIL MINUTES

Monday 19 October 2015

Council Chambers



John Brown
General Manager
Break O'Day Council
19 October 2015

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15(2)F Of The Local Government (Meeting Procedures) Regulations 2015.33

10/15.1.0 ATTENDANCE

10/15.1.1 Present

Mayor Mick Tucker
Deputy Mayor John McGiveron
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Hannah Rubenach-Quinn
Councillor John Tucker

10/15.1.2 Apologies

Councillor Margaret Osborne OAM
Councillor Kylie Wright

10/15.1.3 Leave of Absence

Nil

10/15.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 17.3*)
Communications Officer, Jayne Richardson (*Item 1.0 – 16.2*)
Manager Works and Infrastructure, Stephen Yam (*Item 1.0 – 14.1*)
Manager Corporate Services, Bob Hoogland (*Item 1.0 – 17.3*)
Planning Coordinator, Paula Kloosterman (*Item 13.2 – 16.2 / 17.3*)
Planning Consultant, Rebecca Green (*Item 13.2 – 16.2*)

10/15.2.0 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.

Nil.

10/15.3.0 CONFIRMATION OF MINUTES

10/15.3.1 Confirmation of Minutes – Council Meeting 21 September 2015

DISCUSSION:

- With amendments Clr H Rubenach-Quinn and Clr J Drummond as per the following:
 - o Item 09/15.16.1, page 23 (amendment to planning scheme) - The discussion says "Clr Rubenach-Quinn agrees with community safety side specifically with Stieglitz" – Clr Rubenach-Quinn believes it does not accurately reflect the argument she presented, so she would prefer this to be replaced with "Clr Rubenach-Quinn agrees with the need for addressing community safety issues in regards to Stieglitz, however has concerns with the potential impacts the amendment could have on opening up quarrying opportunities elsewhere in the Environment Management Zone".
 - o Item 09/15.16.1, page 23 (amendment to planning scheme) - "Clr Drummond fully agree with Clr Rubenach-Quinn's reasoning, and feel that there are not enough safeguards or qualifications to prevent future, similar, amendments to the planning scheme."

COUNCIL DECISION:

10/15.3.1.258 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 21 September 2015 be confirmed.

CARRIED UNANIMOUSLY

10/15.3.2 Receipt of Minutes - Audit Panel – 21 September 2015

FILE REFERENCE	018\005\024\
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DISCUSSION:

- Clr McGiveron and Clr Tucker thanked the Manager Corporate Services for his involvement and provision of information to enable them to undertake their roles effectively on the Audit Panel.

COUNCIL DECISION:

10/15.3.2.259

Moved: Clr B LeFevre / Seconded: Clr J Tucker

That Council receive the Minutes of the Audit Panel and adopt the recommendations of that meeting, noting:

- the treatment of reviewing of Policies
- the further review of the valuation of land under roads
- the request for an update of KPI's in Risk Management
- the recommended process for a review of the Audit Panel Charter
- the requested update in the status of Codes of Conduct

and, That Council request an update of the status of the implementation of Asset Management Plans, integrated with the Long Term Financial Plan, with firm time frames

CARRIED UNANIMOUSLY

10/15.4.0 COUNCIL WORKSHOPS HELD SINCE 21 SEPTEMBER 2015 COUNCIL MEETING

There was a Workshop held on Monday 5 October 2015 the following items were listed for discussion:

- Local Government Association of Tasmania (LGAT) – Continuous Improvement Framework
- Disposal of Land – Main Street, St Marys
- Litter Collection Tender Specifications
- Forest Lodge Road
- Mathinna Hard Rubbish Collection
- Cemetery Master Plans
- St Helens Memorial Park Pine Trees
- Cherrywood Drive, Scamander
- Road Dust Suppression Policy
- Cemeteries Management Policy
- Stormwater Connection Policy
- Lagoon Openings
- Tully Street Cemetery
- Change of Road Name – Fire Road to Kennel Hill Road
- Change of Road Name – Old Gardens Road to Gardens Pit Road
- Groves Road, Ansons Bay
- Potential Hangers Development – St Helens Airport
- Review of Conservation Covenant Support Policy
- Reducing Risk of Boat Sewage Discharges in Georges Bay
- Local Government Association of Tasmania (LGAT) – Representation – State Fire Commission
- Disability Supported Accommodation Facility – Working Group Innovative Regional Approach to Restoration or Sustainable Use of Plantations

- Council Actions
- Various Suggestions from Ms N Walter – Floating Pontoon – Kings Park Walkway – Bike Racks

10/15.5.0 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.

10/15.6.0 PETITIONS

Nil.

10/15.7.0 NOTICES OF MOTION

10/15.7.1 Notice of Motion - Illegal Building Policy – Clr J Tucker

DISCUSSION:

- Clr J Tucker stated that he has a problem with amnesty periods for people doing the wrong thing.
- Clr LeFevre stated that an amnesty as a one (1) off every three (3) or four (4) years would be better.
- Clr McGuinness asked whether we have tracked what has come in through the amnesty periods in the past? Can we workshop this further.
- The Manager Corporate Services stated that representatives from the Building Department commented in a workshop that deterrents by fines are currently inadequate.
- Clr Rubenach-Quinn stated that she supported Clr McGuinness' comments and would like to discuss further at a workshop.

COUNCIL DECISION:

10/15.7.1.260

Moved: Clr J Tucker / Seconded: Clr B LeFevre

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 a letter is sent to the relevant minister asking them to look at the illegal building policy and in particular deterrents (ie: fines).

In this letter it should outline our council's particular problems with illegal buildings and the lack of deterrents that we can apply to offenders.

An amendment was moved

10/15.7.1.261

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

That this item be deferred to a workshop

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

The amendment becomes the motion:

CARRIED UNANIMOUSLY

10/15.7.2

Notice of Motion – Amendment to the Tender and Procurement Policy – Clr J McGiveron

DISCUSSION:

- Clr McGiveron stated that quotes are not much different from a tender and should be treated the same.
- Mayor Tucker stated that this will underpin transparency for everybody. When the limit was up to \$50,000 this was quite different.
- The General Manager stated that if there is no report the change is made to the policy without officer's comments and advice. The General Manager would like to know where does this sits with the Audit Panel?

COUNCIL DECISION:

10/15.7.2.262

Moved: Clr J McGiveron / Seconded: Clr J 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 Tender and Procurement Policy be amended in the interim to incorporate the following until a formal report is presented to Council:

The Tender Evaluation Committee be convened to open and evaluate all quotes that are sought for goods and services between the value of \$10,000 and \$100,000.

CARRIED UNANIMOUSLY

10/15.7.3

**Notice of Motion – Development of a Multicultural Strategy –
Clr J Drummond**

DISCUSSION:

- Clr J Tucker stated that he has concerns with this, why do we need a strategy? Australia is multi-cultural already.
- Clr Rubenach-Quinn stated that she is totally supportive of this, we already have a diverse community and some people come here and struggle to start with when they first arrive.
- Mayor Tucker has concerns that if we create a strategy we have to support with policies. As Clr Drummond stated there are already approximately 45% business operators in St Marys.
- Clr Drummond stated that we are a progressive Council and we should be welcoming to all people no matter what their background. We want to attract population growth and provide support for all new businesses.
- Clr McGiveron asked how would this strategy be enacted? Those people in the community already causing issues will not take any notice or make any difference.
- Clr J Tucker asked what about those that are already here? Clr Drummond stated that this could support everyone, those already here and those coming.
- The General Manager stated that we need to be sensitive about this issue. There are a number of layers – existing residents; refugees and humanitarian entrants, and, visiting population (tourists), we need to have consideration on the breadth.
- The General Manager stated that there will be actions and policies to flow out of a strategy.

COUNCIL DECISION:

10/15.7.3.263 Moved: Clr J Drummond / Seconded: Clr H Rubenach-Quinn

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 examine the development of a Multicultural Strategy that would support the cultural diversity of our municipality at the present and into the future.

CARRIED UNANIMOUSLY

10/15.7.4 **Notice of Motion – National Disability Insurance Scheme (NDIS) Letter to Tasmanian Government – Clr H Rubenach-Quinn**

DISCUSSION:

- Clr Rubenach-Quinn stated that she would like Council to take an active role now and lobby the State Government.
- Clr LeFevre stated that he is against Council continually writing to the State and Federal Governments – we should do this less often and prioritise so it doesn't dilute our effect.
- Clr McGuinness disagrees with Clr LeFevre and stated that as a small Council writing gives a snapshot to Governments as to what is happening.

COUNCIL DECISION:

10/15.7.4.264 Moved: Clr H Rubenach-Quinn / 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 write to the Tasmanian Government urging them to negotiate an outcome with the Australian Government to see the National Disability Insurance Scheme (NDIS) rollout fully in Tasmania as soon as possible to all people with a disability (regardless of level of need, age grouping or location).

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

10/15.7.5 Notice of Motion – Letter to Tasmanian Government Regarding Water Fluoridation – Clr H Rubenach-Quinn

DISCUSSION:

- Clr Rubenach-Quinn stated that there is no evidence that this has any benefit to the body.
- Clr McGiveron stated that it is much higher level where these decisions are made. Scamander water is not good enough.
- Mayor Tucker asked whether it is the State or Federal Government that should be written to as the Manager Corporate Services circulated an email that it is the Federal legislation that is making this happen.

COUNCIL DECISION:

10/15.7.5.265 Moved: Clr H Rubenach-Quinn / 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 write to the Tasmanian Government asking for: reasons why they will be fluoridating Scamander water supply; evidence to support the continual use of fluoride in water supplies in Tasmania; the type of fluoride used (and where it is sourced); and whether they have considered the most recent meta-analysis by the Cochrane Collaboration (which questions the benefits of fluoridation).

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

10/15.7.6 Notice of Motion – International Visitors and Road Safety Concerns - Clr G McGuinness

DISCUSSION:

- Clr McGuinness stated that international tourists should be given a briefing when they arrive or have better signage or something.
- Clr McGuinness stated that the East Coast Regional Tourism Organisation (ECRTO) at a Ministerial level have broached this subject.
- Clr Rubenach-Quinn is totally supportive.
- Clr J Tucker asked whether this could be incorporated with the multi-cultural strategy.
- Clr McGiveron stated that this is a problem Australia wide.
- Mayor Tucker stated that this is really about education.

COUNCIL DECISION:

10/15.7.6.266

Moved: Clr G McGuinness / Seconded: Clr H Rubenach-Quinn

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 write to the Minister for Tourism expressing our concern at the number of international visitors causing road safety concerns on our roads and in our towns. Council is suggesting some form of basic education upon arrival or at the very least signage in a number of languages alluding to basic road rules.

CARRIED UNANIMOUSLY

10/15.8.0

COUNCILLOR'S QUESTIONS ON NOTICE

10/15.8.1

**Safety Concerns at Junction of Germantown Road, St Marys
– Clr J Drummond**

Following concerns raised by a resident about the safety of the junction of Germantown Road, which becomes Frank Street, and Top Marshes Road, St Marys. Would Council be willing to write to the relevant bodies to request that Give Way signage be placed at this junction to increase road safety. It was reported that there have been a number of near miss accidents at this junction.

Reply

Council will write to Forestry Tasmania to request that they install a Give Way sign on Top Marshes Road where it intersects with German Town Road.

10/15.9.0

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.

Nil.

10/15.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

10/15.10.1 Mayor's Communications for Period Ending 19 October 2015

23.09.15	Beumaris	– Fingal Neighbourhood House Meeting
24.09.15	Launceston	– Northern Tasmania Development (NTD) Annual General Meeting
01.10.15	Swansea	– Launch of Seniors Week
05.10.15	St Helens	– Council Workshop
15.10.15	Coles Bay	– East Coast Regional Tourism Organisation (ECRTO) Annual General Meeting
19.10.15	St Helens	– Council Meeting

10/15.10.2 Councillor's Reports for Period Ending 19 October 2015

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

St Helens and Districts Chamber of Commerce and Tourism – Mayor Mick Tucker/Clr Barry LeFevre

- There has not been a meeting since last Council Meeting.
- Next Meeting 20 October 2015.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- Next meeting 3 November 2015.

Star FM – Clr Kylie Wright

- Nil.

Barway Committee – Clr John McGiveron

- This projects relies on the planning scheme amendment.

Regional Tourism Organisation (RTO) – Clr Glenn McGuinness

- AGM Thursday 15 October 2015 at Bicheno.
- Reanalysed business plan with particular emphasis on the SWOT analysis.
- Congratulations to Winter Arts Festival who are finalists in the Tourism Tasmania Awards.
- Annual Report distributed for Councillors information.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- No report.

10/15.10.3 Mayor's and Councillor's Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

10/15.11.0 BUSINESS AND CORPORATE SERVICES

10/15.11.1 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Manager Corporate Services advised that the Work Health & Safety Coordinator was on leave at the time the agenda was published and reported the following vandalism:
 - o **DISCOVERED 24 SEPTEMBER 2015**
Visitor Information sign vandalised with graffiti at Binalong Road near The Gardens turn off. Labour and material cost amounts to \$80.00.
 - o **DISCOVERED 30 SEPTEMBER 2015**
Advisory sign was turned 180 degree at Binalong Bay Road. Council worker rectified the issue and no labour or material cost involved.
 - o **DISCOVERED 8 OCTOBER 2015**
Toilet block at Beauty Bay Point vandalised and fire set to toilet. Estimated labour and material cost is \$2,000.00.
 - o **DISCOVERED 18 OCTOBER 2015**
Toilet block ceiling light vandalised at Scamander Reserve. Estimated labour and material cost is \$400.00.
- The Manager Corporate Services advised that the draft Annual Report will be circulated on Councillors hub for perusal, any questions or proposed amendments please advise.
- The Manager Corporate Services advised that the ECRTTO are still working on and progressing the wifi and signage.
- Clr Drummond asked whether the Welcome to St Marys signs on Elephant Pass and the top of St Marys Pass were included in the signage being done by the ECRTTO? The General Manager advised that these along with other township signs do form part of this replacement program to be in line with the Great Eastern Drive.
- Clr J Tucker asked why the CBA Investment rate is much lower than the others? The Manager Corporate Services advised that this is because it is only for 30 days.

COUNCIL DECISION:

10/15.11.1.267 Moved: Clr J McGiveron / Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

10/15.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Manager Corporate Services advised that the quarterly budget review will be going to the November Council Workshop along with the final audited financial statements.
- Cllr J Tucker asked that if the waste management is currently stating that 22% of the budget has been spent in the first quarter does this mean this will continue to reduce throughout the year? The Manager Corporate Services advised not necessarily as there are other costs which get charged to this account such as green waste, etc. It is not just for the waste management contracts.

COUNCIL DECISION:

10/15.11.2.268 Moved: Cllr J Tucker / Seconded: Cllr J Drummond

That the following reports for the month ending 30 September 2015 be received:

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

CARRIED UNANIMOUSLY

10/15.11.3 Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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DISCUSSION:

- The visitor numbers are up for September from last year.

COUNCIL DECISION:

10/15.11.3.269 Moved: Cllr G McGuinness / Seconded: Cllr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

10/15.11.4 East Coast Regional Tourism Organisation (ECRTO) – Requested Funding Increase

FILE REFERENCE	011\029\012\
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DISCUSSION:

- Mayor Tucker stated that he can do nothing but commend the work being done by the ECRTO.
- Clr McGuinness stated that the ECRTO is the envy of other RTO's throughout the State, and also commends their work.

COUNCIL DECISION:

10/15.11.4.270 Moved: Clr G McGuinness / Seconded: Clr J McGiveron

That Council increase the funding support for East Coast Regional Tourism Organisation from \$50,000 to \$60,000 per year.

CARRIED UNANIMOUSLY

Meeting adjourned at 11.04am

Meeting resumed at 11.14am

10/15.12.0 WORKS AND INFRASTRUCTURE

10/15.12.1 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- The Manager Works and Infrastructure advised that the St Helens Point Road / Tasman Highway Intersection Upgrade is scheduled for asphaltting next Monday and the line marking will take place the following Thursday ready for completion on Friday.
- Clr Drummond asked when the seats and rubbish bins might be installed in St Marys? The Manager Works and Infrastructure stated that the supplier has advised that they will be dispatched on the 28 October 2015 and they will be installed once they are received.
- Clr Drummond advised that a couple of residents have advised that there is a dead tree in Newman Street, St Marys and asked whether this could be removed as part of the stump removal process?
- Clr McGuinness advised that there are several road failures on Binalong Bay Road where the dig outs have been done in recent years. Are these going to be addressed before the tourist season? The Manager Works and Infrastructure advised that they are not programmed, however he would investigate.

- Clr McGiveron asked whether the street lights that are out in the Main Street, St Marys can be fixed?
- Clr J Tucker advised that there are deep holes on the Gardens Road edges where the bus stops.
- Clr J Tucker advised that the signs near the new bridges need straightening.

COUNCIL DECISION:

10/15.12.1.271 Moved: Clr J Drummond / Seconded: Clr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

10/15.12.2 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

- Clr Drummond thanked the Animal Control Officer for making contact with the lady in St Marys.
- Clr J Tucker asked how many dangerous dog collections have the outdoor guys done? The Manager Works and Infrastructure advised he would check the statistics and provide a response.

COUNCIL DECISION:

10/15.12.2.272 Moved: Clr J Drummond / Seconded: Clr H Rubenach-Quinn

That the report be received by Council.

CARRIED UNANIMOUSLY

10/15.12.3 Mathinna Hard Rubbish Collection

FILE REFERENCE	033\026\002\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.3.273 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That Council approve a hard rubbish collection trial, two (2) times a year for a year in Mathinna.

CARRIED UNANIMOUSLY

10/15.12.4 **St Helens Memorial Park Pine Trees**

FILE REFERENCE	004\008\024\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.4.274 Moved: Clr J Tucker / Seconded: Clr J Drummond

That Council approve defence forces memorial style wood carvings for the four (4) pine trees at the rear of the St Helens Memorial Park subject to written agreement by the St Helens RSL Sub-Branch and acceptance of a cost report to be submitted.

CARRIED UNANIMOUSLY

10/15.12.5 **Cemeteries Management Policy**

FILE REFERENCE	009\001\005\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.5.275 Moved: Clr J Tucker / Seconded: Clr G McGuinness

That Council adopt the reviewed and updated Asset Management Policy Number AM-04 Cemeteries Management, Version 3 (24 September 2015) as the approved policy.

CARRIED UNANIMOUSLY

10/15.12.6 Stormwater Connection Policy

FILE REFERENCE	002\024\003\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.6.276 Moved: Clr B LeFevre / Seconded: Clr H Rubenach-Quinn

That Council adopt the reviewed and updated Asset Management Policy Number AM-05 Stormwater Connection, Version 2 (24 September 2015) as the approved policy.

CARRIED UNANIMOUSLY

10/15.12.7 Forest Lodge Road

FILE REFERENCE	032\005\007\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop.
- Clr J Tucker stated that once these repairs are done it is of the utmost importance that table drains and culverts be continually cleaned out and maintained. The Manager Works and Infrastructure advised that this is done as part of the routine checks.

COUNCIL DECISION:

10/15.12.7.277 Moved: Clr J McGiveron / Seconded: Clr J Tucker

That Council reopens the section of Forest Lodge Road between Dobsons Lane and Sea View Avenue, and impose a ten (10) tonne load limit on this section.

CARRIED UNANIMOUSLY

10/15.12.8 Road Dust Suppression Policy

FILE REFERENCE	002\024\003\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.8.278 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Tucker

That Council adopt Asset Management Policy Number AM-17 Road Dust Suppression, Draft Version 1 (24 September 2015) as the approved policy.

CARRIED UNANIMOUSLY

10/15.12.9 Cemetery Master Plans

FILE REFERENCE	009\001\005\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop.
- Clr Drummond asked whether a meeting had been arranged with Councillors and members of the community as yet? The Manager Works and Infrastructure advised that he hadn't as he was waiting for this Council decision first.

COUNCIL DECISION:

10/15.12.9.279 Moved: Clr J Drummond / Seconded: Clr J McGiveron

That Council approve for the Mathinna General Cemetery Master Plan to be considered for the 2016/2017 Capital Works Program as the first priority of the nine (9) cemetery master plans developed in 2014 and the naming of sections be bought back to a workshop for further discussion.

CARRIED UNANIMOUSLY

10/15.12.10 Tender Specifications – Council Facilities Cleaning Tender

FILE REFERENCE	030\003\005\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop.
- Clr J Tucker asked – should we be doing this and the litter in house? The Manager Works and Infrastructure advised that we will be submitting tenders through the tender process. It is a good opportunity to compare market prices.
- Mayor Tucker stated that he believed that Lions Park, Stieglitz Beach and Beauty Bay should be considered as high use areas? The Manager Works and Infrastructure advised that he was happy to include as high use to be more conservative.
- Mayor Tucker stated that there doesn't seem to be a request for a call out price in this tender and believed that this is important so we know the cost beforehand.

COUNCIL DECISION:

10/15.12.10.280

Moved: Clr G McGuinness / Seconded: Clr H Rubenach-Quinn

That Council approve for tenders be called with the agreed specification for the Council Facilities Cleaning tender.

CARRIED UNANIMOUSLY

10/15.12.11 Tender Specifications - Litter Collection

FILE REFERENCE	030\001\076\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.12.11.281

Moved: Clr J Tucker / Seconded: Clr H Rubenach-Quinn

That Council approve for tenders be called with the agreed specification for the Litter Collection tender.

CARRIED UNANIMOUSLY

10/15.13.0 COMMUNITY DEVELOPMENT

10/15.13.1 Community Services Report

FILE REFERENCE	011\034\006\
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DISCUSSION:

- The Manager Community Services advised that she had attended an Outdoor Expo in Hobart over the weekend with representatives from Dorset Council promoting the Blue Derby Mountain Bike Tracks.
- The Manager Community Services advised that six (6) months ago we were struggling with numbers for the learner driver program. The Community Services Administration Officer has worked hard and turned this program around.
- The grant application for design of Stage 2 of the Mountain Bike Trail has been submitted.
- Mayor Tucker asked what was happening with the Fingal Tennis Court. The Manager Community Services advised that she will be bringing this item back to a Council Workshop for further discussion.

- Clr Drummond asked what was happening with the Community Register, Communication Policy and Procedure section of the website? The Manager Community Services advised that this is progressing.

COUNCIL DECISION:

10/15.13.1.282 Moved: Clr B LeFevre / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

10/15.13.2 **Request for Donation – Variety Club Tasmania**

FILE REFERENCE	011\009\001\
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DISCUSSION:

- No discussion of significance took place on this item, however the Manager Community Services advised that all money raised for this event stays in Tasmania.

COUNCIL DECISION:

10/15.13.2.283 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That Council support this request by providing a donation of \$500.00 to the Tasmanian Variety Club event “Tas Bash” to assist special needs children throughout Tasmania.

CARRIED UNANIMOUSLY

10/15.14.0 **DEVELOPMENT SERVICES**

10/15.14.1 **Development Services Report**

FILE REFERENCE	031\013\003\
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DISCUSSION:

- Clr J Tucker asked whether communication was happening between NRM and the Works Department regarding the weed control program. The General Manager advised that this has been taking place.

COUNCIL DECISION:

10/15.14.1.284 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Tucker

That the report be received.

CARRIED UNANIMOUSLY

10/15.14.2 **Planning Approvals Issued**

COUNCIL DECISION:

Received.

10/15.14.3 **Building Services Approvals**

COUNCIL DECISION:

Received.

10/15.14.4 **Change of Road Name – Fire Road to Dog Kennel Road**

FILE REFERENCE	032\005\005\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.14.4.285 Moved: Clr J McGiveron / Seconded: Clr J Tucker

Council approve the change of street name for the road currently named “Fire Road” running in a general westerly direction from approximately 354m north of Big Lagoon Bridge, Gardens Road to the intersection of Chaplins Link Road with Ansons Bay Road, approximately 11.6km north of the Priory Bridge, to “Dog Kennel Road”.

CARRIED UNANIMOUSLY

10/15.14.5 Change of Road Name – Old Gardens Road to Tramway Road

FILE REFERENCE	032\005\005\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.14.5.286 Moved: Clr J McGiveron / Seconded: Clr J Tucker

1. Council approve the removal of the name “Old Gardens Road” from all sections of roads located to the west of Big Lagoon, Sloop Lagoon and Gardens Road in the general location of 41° 11’56” S, 148° 15’ 58”E.
2. Council approve changing the name of the 1.58km northern section of road currently named “Old Gardens Road” to “Tramway Road”. This section runs in a general north-north-easterly direction from the disused quarry at the north-western end of Sloop Lagoon, to Gardens Road, approximately 950m south of the Big Lagoon bridge.

CARRIED UNANIMOUSLY

10/15.14.6 Review – Conservation Covenant Support Policy

FILE REFERENCE	002\024\001\
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DISCUSSION:

- The Manager Corporate Services stated that he does not believe that this is particularly strategic for Council.
- Clr Rubenach-Quinn stated that it may not be strategic but it is better than doing nothing and it provides a very small financial reward to those that put their hand up.
- Mayor Tucker stated that under 10ha is minimal, if any benefit.
- Clr J Tucker suggested this be taken back to a workshop as he has got further information regarding the 56 properties, some with building envelopes, etc.
- Clr Drummond stated that we have a report from the NRM Facilitator and he was asked to provide a report to Council on this.

COUNCIL DECISION:

10/15.14.6.287 Moved: Clr H Rubenach-Quinn / Seconded: Clr J Drummond

1. That Council reaffirms its *Conservation Covenant Support Policy* which acknowledges and supports private landholders with voluntary conservation covenants on their land and their conservation efforts for significant flora and fauna and habitat values in the Break O'Day Municipality.
2. That Council adopts the *Draft Policy – EP03 Conservation Covenant Support* as the revised policy.

An amendment was moved:

10/15.14.6.288 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That this item be taken back to a Council Workshop for further discussion.

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

The amendment becomes the motion

CARRIED UNANIMOUSLY

10/15.14.7 Reducing Risk of Boat Sewage Discharges in Georges Bay

FILE REFERENCE	017\008\006\
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DISCUSSION:

- This item was discussed previously at the October Council Workshop. No further discussion took place.

COUNCIL DECISION:

10/15.14.7.289 Moved: Clr G McGuinness / Seconded: Clr H Rubenach-Quinn

That Council supports cooperative action with other stakeholders through its Natural Resource Management Committee to reduce the risk of boat sewage discharges in Georges Bay with a campaign to improve awareness of the issue and the operation of vessels.

CARRIED UNANIMOUSLY

10/15.15.0 GOVERNANCE

10/15.15.1 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- The General Manager, Mayor and Councillors all thanked Bob Hoogland for being Acting General Manager while John was on leave.

COUNCIL DECISION:

10/15.15.1.290 Moved: Clr B LeFevre / Seconded: Clr H Rubenach-Quinn

That the General Manager's report be received.

CARRIED UNANIMOUSLY

10/15.16.0 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.

10/15.16.1 DA209-14 – New Dwelling – 98 Banticks Road, Four Mile Creek

FILE REFERENCE	DA 209-2014
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/15.16.1.291 Moved: Clr J Tucker / Seconded: Clr J McGiveron

Pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013* that the application for a NEW DWELLING on land situated at 98 BANTICKS CREEK ROAD, FOUR MILE CREEK described in Certificate of Title 229956/1 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 209-14 received by Council 18 November 2014, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.

2. The vehicle crossover from the carriageway to the property boundary must be constructed and maintained in general accordance with the vehicular crossing requirements of Council's Manager of Works and Infrastructure. The construction of a standard duty vehicular crossover will provide effective, safe and nuisance-free vehicle access in connection with the proposed development and must be financed by the applicant.
3. No works are to commence on the crossover until a permit to undertake works in the road reservation has been issued by Council's Manager of Works and Infrastructure for the crossover.
4. Effluent disposal is subject to a Special Plumbing Permit to be issued by Council's Environmental Health Officer.
5. Use of the development must not create a nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.
6. Standard *Phytophthora* hygiene measures must be implemented for the construction and maintenance of works in accordance with the Forest Practices Authority 'Flora Technical Note No. 8: Management of *Phytophthora cinnamomi* in production forests', November 2006.
7. Native vegetation must not be removed outside that necessitated by the proposed development (this includes the clearing of vegetation to retain or expand views or vistas) unless consented to by Council.
8. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night.
9. All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.
10. All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
11. Prior to any works commencing a Bushfire Assessment Report endorsed By Tasmanian Fire Service, must be provided to Council.

ADVICE

12. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
13. The southern adjoining property is a defined State Reserve. Due to the environmental sensitivity of this land, the landowner is to ensure no development or construction processes encroach upon this area.

14. The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
15. Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm
 Saturday 9 am to 6 pm
 Sunday and public holidays 10 am to 6 pm

CARRIED UNANIMOUSLY

10/15.16.2 Application for Urgent Amendment of the Break O’Day Interim Planning Scheme 2013

FILE REFERENCE	031\011\015\
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DISCUSSION:

- Clr Rubenach-Quinn stated that this is a huge improvement on what was put up in September, however is still concerned with the size.
- Clr Drummond stated that she has similar concerns to Clr Rubenach-Quinn regarding the size of the block.
- The Planning Coordinator stated that the State Planning Scheme will be introduced in the next year or two (2) and this decision will be overridden by the new scheme at that time for any future developments.
- Clr Drummond stated that she has concerns with the wording even though the scheme will be changed into the future.
- Clr McGuinness believes that the concerns of Clrs Drummond and Rubenach-Quinn have been addressed because it is site specific.

COUNCIL DECISION:

10/15.16.2.292 Moved: Clr J McGiveron / Seconded: Clr J Tucker

That Council approve the amending of the use qualification for Extractive Industry under Table 29.2 of the Environmental Management Zone with a specific departure as follows:

Existing Use qualification

“If for existing uses as at the date of commencement of this planning scheme”

Add:

“or if located at CT 228670/1”.

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

Clr Rubenach-Quinn and Clr Drummond abstained from voting.

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 11.19am

Moved: Clr J McGiveron / Seconded: Clr H Rubenach-Quinn: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

- 10/15.17.0** **CLOSED COUNCIL**
- 10/15.17.1** **Outstanding Actions List for Closed Council**

- 10/15.17.2** **Sale of Public Land – 181 St Helens Point Road Stieglitz - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

- 10/15.17.3** **Disposal of Land – Main Street, St Marys - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

- 10/15.17.4** **Groves Road, Ansons Bay - Closed Council Item Pursuant To Section 15(2)F Of The Local Government (Meeting Procedures) Regulations 2015**

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

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

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.24pm.

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MAYOR

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DATE