

20 April
2015

COUNCIL MINUTES

Council Chambers



John Brown
General Manager,
Break O'Day Council
20 April 2015

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04/15.1.0 ATTENDANCE

04/15.1.1 Present

Mayor Mick Tucker
Councillor Janet Drummond
Councillor Barry LeFevre
Councillor Glenn McGuinness
Councillor Margaret Osborne OAM
Councillor Hannah Rubenach
Councillor John Tucker
Councillor Kylie Wright

04/15.1.2 Apologies

Deputy Mayor John McGiveron

04/15.1.3 Leave of Absence

Nil

04/15.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Community Services, Chris Hughes (*Item 1.0 – 16.2*)
Manager Corporate Services, Bob Hoogland (*Item 7.4 – 12.2*)
Manager Works and Infrastructure, Stephen Yam (*Item 7.5 – 13.1*)
Building Services Coordinator, Jake Ihnen (*Item 10.2 – 16.2*)
NRM Facilitator, Polly Buchhorn (*Item 13.3 – 15.1*)
Planning Coordinator, Paula Kloosterman (*Item 15.5 – 16.2*)
Planning Consultant, Rebecca Green (*Item 15.5 – 16.2*)

04/15.2.0 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.

04/15.2.1 Concerns about the effects of Super Trawlers – Mrs B Rubenach, Gray

- 1 What is Break O’Day Council’s response to super trawlers fishing in Tasmanian Waters?
- 2 Could you please outline the major reasons for your response?

Reply

Item 04/15.15.5 of this Council Meeting – Local Government Association of Tasmania (LGAT) – Annual General Meeting – Submission of Motions outlines Council’s position on this item including the background for the motion to be presented to LGAT.

04/15.3.0 CONFIRMATION OF MINUTES

04/15.3.1 Confirmation of Minutes – Council Meeting 16 March 2015

DISCUSSION:

- Clr Rubenach requested the following “.....from a Council perspective.” be added to the discussion section of the March Council Minutes item 03.15.13.6 – Support for Medicinal Cannabis, dot point 3 “Clr Rubenach stated that she is not pushing for legalisation from a Council perspective”.

COUNCIL DECISION:

04/15.3.1.79 Moved: Clr G McGuinness / Seconded: Clr J Drummond

That the minutes of the Council Meeting held on the 16 March 2015 be confirmed with amendment as requested by Clr H Rubenach.

CARRIED UNANIMOUSLY

There was a Council Workshop held on the 8 April 2015 where a presentation was made to Council by Michael Stevenson from Mineral Resources Tasmania in regards to the Parnella Landslip Project followed by a site visit, the following items were also listed for discussion:

- Request for Adjustment of Title and Compensation – Gone Rustic
- Review – Procurement (Tender and Contracts) Policy
- Draft – 2015-2016 Fees and Charges
- Review – Asset Recognition Policy – Land Under Roads
- Review – Employee Recognition Policy
- Review – Employees Voluntary Emergency Service Policy
- Review – Staff Social Functions Policy
- Review – Anti-Discrimination and Harassment Policy
- Review – Computer Use, Internet and Email Policy
- Review – Corporate Credit Card Policy
- Review – Dealing with Difficult Customers Policy
- Review – Employee Outside Work Activities Policy
- Richardson Road Dam
- Flooding at the St Helens Visitor Information Centre Car Park
- Tully Street Trees
- Scamander Wildflower Park
- Inert Waste Collection at Scamander Waste Transfer Station
- 2014-2015 Bridge Replacement Program
- Community Grants
- Planning Items
- Scamander Stormwater Status Report – Wrinklers
- Pecuniary Interest Declarations and Register of Interests
- Local Government Association of Tasmania (LGAT) – General Meeting – 30 April 2015
- Role of Local Government – Department of Premier and Cabinet – Strategic Action Plan Consultation
- Australian Local Government Association (ALGA) – National General Assembly
- Local Government Association of Tasmania (LGAT) – Annual General Meeting – 22 July 2015 – Call for Submission of Motions
- Correspondence from Minister Hidding regarding Future Upgrades to Esk Main Road
- Park Space in St Marys – Clr J Drummond
- St Marys Recreation Ground Plan – Clr J Drummond
- St Marys Hall Car Park – Clr J Drummond
- Large Scale Land Clearance Policy – Clr J Drummond

04/15.5.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr McGuinness did not declare an interest, however declared that he had public bias as prior to a development application being lodged he made public comment via social media and therefore regrettably precludes him from participating in discussion and voting on item 04/15.16.2 – DA032-2015 – Mountain Bike Trail – Between Blue Tier and Weldborough.

04/15.6.0 PETITIONS

Nil

04/15.7.0 NOTICES OF MOTION

04/15.7.1 Notice of Motion – Machinery Replacement Account – Clr J Tucker

DISCUSSION:

- Clr J Tucker stated that we need to know what machines are doing and need to be kept informed regarding dollars spent for maintenance, etc.
- Clr McGuinness stated that we need to be kept informed of anything major being done to or with our machines, especially large budget items.
- Clr Rubenach stated that she is in two (2) minds – likes the idea of record keeping, however the depreciation is a good item which covers the whole of Council assets.
- Clr Drummond agreed with Clr Rubenach and stated the record keeping of log books would be good if not already happening.
- The General Manager advised that the report to Council could canvas different options – this would not require a separate bank account it would make up part of the reserves.

COUNCIL DECISION:

04/15.7.1.80 Moved: Clr J Tucker / Seconded: Clr G McGuinness

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 open a Machinery replacement account, and every time a machine is used so many \$ per hour are put into this account.

CARRIED UNANIMOUSLY

04/15.7.2 Notice of Motion – Forestry – Clr J Tucker

DISCUSSION:

- Clr J Tucker stated we need the rates from this land.
- Clr LeFevre stated that he supports the motion as this has a huge impact on Council. We need some direction on this matter.
- Clr Rubenach stated that we need to be aware of the burden of cost shifting ie roads, etc.
- Clr Drummond agreed with Clr Rubenach.
- Clr McGuinness stated that this is a major burden on Council, especially where there are properties on Forestry roads.

COUNCIL DECISION:

04/15.7.2.81 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 Council send a letter to Minister Harriss and ask him what is happening with Forestry.

CARRIED UNANIMOUSLY

04/15.7.3 Notice of Motion – Control of Spanish Heath – Clr J Tucker

DISCUSSION:

- Clr Rubenach suggested that other options be investigated as well, not just lime.
- Clr Drummond stated that we need to be aware of native areas and potential impact on waterways.

COUNCIL DECISION:

04/15.7.3.82 Moved: Clr J Tucker / Seconded: Clr M Osborne

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

That Council investigate the use of agricultural lime and other alternatives for the control of Spanish Heath in the community.

CARRIED UNANIMOUSLY

04/15.7.4 Notice of Motion – Controlling Weeds – Clr J Tucker

DISCUSSION:

- Clr J Tucker – weed control officer, what would they do?
- Clr Rubenach stated that it is important if we are asking for a weed officer that there is money for them to control the weeds.
- Clr Drummond stated that it is all about doing a weed management plan/strategy and following through with structure.
- Clr J Tucker asked if this would be on Council owned land or private land or both?
- Clr Drummond stated that it should be Council land and work with private land owners where boundaries meet.
- Clr J Tucker stated would private land be dealt with by NRM or the State Government? We as Council don't have a lot of money to do everything.

COUNCIL DECISION:

04/15.7.4.83 Moved: Clr J Tucker / Seconded: Clr H Rubenach

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

That Council put money in the budget for controlling weeds.

CARRIED UNANIMOUSLY

04/15.7.5 Notice of Motion – Request for Relocation of Free WIFI and Signage in St Helens – Clr G McGuinness

DISCUSSION:

- Clr McGuinness stated that there are ongoing issues with tourists finding the Visitor Information Centre – need bigger directional signage at the entrances to town as well as the free wifi in St Helens is not being utilised anywhere near enough.

- Clr J Tucker stated that this is a very positive thing and should have been looked at before now.

COUNCIL DECISION:

04/15.7.5.84 Moved: Clr G McGuinness / 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.

1. That Council lobby the East Coast Regional Tourism Organisation (ECRTO) to change the position of the FREE WIFI beacon to the Visitor Information Centre (VIC) and erect signage to this effect (if signage is part of an overall branding change then enter into an arrangement with Break O'Day Council for immediate temporary signage).
2. That signs be erected at each of the two (2) town entrances giving the location of the Visitor Information Centre (VIC) in simple terms ie "In main street approximately 1km on right hand side" or something similar (if signage... etc as for number 1 above).
3. That the size of the big "i" on the telegraph pole outside the Visitor Information Centre (VIC) be increased to make it more visible.

CARRIED UNANIMOUSLY

04/15.8.0 **COUNCILLOR'S QUESTIONS ON NOTICE**

04/15.8.1 **Multi-Purpose Stadium – Clr H Rubenach**

Was there public notification that standing orders would be suspended to allow the public to speak on this item? If so, how was the public notified?

Reply

There was no public notification that standing orders would be suspended. The procedures followed were in accordance with the *Local Government Act 1993* and the *Local Government (Meeting Procedures) 2005*.

04/15.9.0 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.

04/15.9.1 Footbridge over Grants Lagoon – Clr G McGuinness

Can Council confirm that the footbridge over Grants Lagoon is unsafe and will therefore be demolished by Parks?

Further to this, is it true that Parks have no intention of replacing this important piece of infrastructure and if this true, then what is the Break O'Day Council proposing to retain this structure?

Reply

The General Manager advised that late last week Council staff had heard indirectly that there are issues with the bridge but did not know whether it was being removed. This would be investigated.

04/15.9.2 Blocked Drains around Quail Street and Cecilia Street – Clr K Wright

Concerns about the apparent blocked drains around Quail Street and Cecilia Street with weeds growing through them.

Do these drains form part of the current stormwater system and concerns as to whether they will become a problem in the next major rain event?

This information along with photographs were emailed to Councillors and the General Manager last Thursday.

Reply

This information and photographs have been forwarded to the Works Department for investigation.

04/15.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

04/15.10.1 Mayor's Communications for Period Ending 20 April 2015

17.03.15	St Helens	- Citizenship Ceremony
19.03.15	Cornwall	- Meeting with Representative from the Cornwall Community Group
	Millybrook	- Meeting at Millybrook with Representatives from Huon Aquaculture
	Mathinna	- Meeting with Various Residents/Ratepayers
23.03.15	St Helens	- Citizenship Ceremony
30.03.15	St Helens	- Meeting with Representative from the RSL
31.03.15	St Helens	- Meeting with Representative from St Helens Marine Rescue
01.04.15	Coles Bay	- Tourism and Investment Forum with Eric Hutchinson MP and The Honourable Andrew Robb MP
04.04.15	St Helens	- Opening of the Break O'Day Stitchers Exhibition
08.04.15	St Helens	- Council Workshop
20.04.15	St Helens	- Council Meeting

04/15.10.2 Councillor's Reports for Period Ending 20 April 2015

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

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

- Nothing to report.
- Clr Osborne requested to be replaced on the Chamber as she is unable to attend all meetings

COUNCIL DECISION:

Moved: Clr J Tucker / Seconded: Clr M Osborne

That Clr Barry LeFevre replace Clr Osborne as a Council Representative on the St Helens and Districts Chamber of Commerce and Tourism.

CARRIED UNANIMOUSLY

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- Nothing to report.

Star FM – Clr Kylie Wright

- Solar panels installed on the building in Hall Street, local installed with a huge cost saving.
- Ramps installed for wheelchair access.
- Garage sale.
- AGM coming up on the last Tuesday in May.
- Trivia night taking place in June.
- Next meeting Tuesday 28 April.

Barway Committee – Clr John McGiveron

- Nothing further to report at this stage.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- No meeting since last meeting. Meetings take place every six (6) weeks.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- Development application has been submitted by Mr Duggan.
- The integrity of the building will be retained with space for history (mainly photographs).
- Proposing in the 2015-2016 budget installation of bollards, seating, etc around the shack area.

04/15.10.3 Mayor's and Councillor's Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
03/15.7.1.56	16 March 2015	That Council authorise the Mayor to write to Minister Groom, Minister for Parks and Wildlife Services requesting a toilet be installed at the car park at the very end of the Gardens Road and that toilet facilities also be provided at Policemans Point.	Correspondence forwarded to Minister Groom.
03/15.6.78	16 March 2015	That Council approve the Shareholders' Letter of Expectations (SLE) which relates to Council's shareholding in the Tasmanian Water & Sewerage Corporation Pty Ltd and authorise the Mayor to sign the Letter on Council's behalf.	Mayor will sign once Letter of Expectation is received.

04/15.11.0 BUSINESS AND CORPORATE SERVICES

04/15.11.1 Corporate Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

04/15.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- Clr Rubenach asked why the Waste Management Contractors and Cleaning Contractors figures were much higher than budgeted. The Manager Corporate Services advised that this will form part of the budget review.
- Clr J Tucker asked why the budgeted amount for the removal of the fuel tanks at Fingal was considerably less than the actual expenditure. The General Manager advised that the original amount was substantially under budgeted as it was \$9,000 for the removal of one (1) tank and then there is a requirement for the removal of contaminated soil which was also a few thousand dollars.
- Clr LeFevre asked why the budget for the Trail of the Tin Dragon car park area was \$35,000 and the expenses are \$200,000. The Manager Community Services advised that the \$200,000 was external funding and was for the construction of the viewing platform. The \$35,000 was Council's contribution for the car park.
- Clr J Tucker stated that the total budget for capital works is approximately \$13.5M and the budget spent to date is approximately \$6M – does this mean we will come in under budget? The General Manager advised that there is still some major works to take place eg the bridge replacement program, St Marys Streetscape, Tasman Highway/St Helens Point Road Intersection upgrade, etc.

COUNCIL DECISION:

04/15.11.2.85 Moved: Clr G McGuinness / Seconded: Clr J Drummond

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

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

CARRIED UNANIMOUSLY

04/15.11.3 Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

The Manager Corporate Services advised that there was nothing further to report.

COUNCIL DECISION:

04/15.11.3.86 Moved: Clr B LeFevre / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

04/15.11.4 **Visitor Information Centre Report**

FILE REFERENCE	040\028\002\
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DISCUSSION:

The Manager Corporate Services advised that there was nothing further to report.

COUNCIL DECISION:

04/15.11.4.87 Moved: Clr H Rubenach / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

04/15.11.5 **Risk Management Report**

FILE REFERENCE	002\025\001\
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DISCUSSION:

- The Manager Corporate Services advised that in future agendas this report will be incorporated into the Corporate Services Department report. However, Officers will provide regular updates in regards to strategic risk management activities.

COUNCIL DECISION:

04/15.11.5.88 Moved: Clr J Tucker / Seconded: Clr H Rubenach

That the report be received.

CARRIED UNANIMOUSLY

04/15.11.6 Request for Adjustment of Title and Compensation

FILE REFERENCE	15/4984
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DISCUSSION:

- This matter was discussed at the April Council Workshop and the Officer's report and recommendation reflects the discussions that took place.

COUNCIL DECISION:

04/15.11.6.89 Moved: Clr M Osborne / Seconded: Clr J Drummond

That the request be refused and Council provide feedback with respect to the concerns around liability.

CARRIED UNANIMOUSLY

04/15.11.7 Review - Procurement (Tenders and Contracts) Policy

FILE REFERENCE	002\024\005\
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DISCUSSION:

- The Manager Corporate Services advised that this item has been workshopped extensively by Council.
- The policy intent is that it is a procurement policy, not just tenders.

COUNCIL DECISION:

04/15.11.7.90 Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council adopt Policy LG07 – Procurement Policy (Code for Tenders and Contracts) as amended.

CARRIED UNANIMOUSLY

04/15.11.8 Draft Amendment to Schedule of Fees and Charges 2015-2016

FILE REFERENCE	018\017\004\
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DISCUSSION:

- The Manager Corporate Services stated that the fees and charges are not complete for waste management, cemeteries, etc and these will be presented separately to Council however there is a particular need to adopt the animal control and caravans to enable invoices to be raised and mailed out in the coming weeks prior to the end of the financial year.

- Clr Drummond asked whether Council would be continuing with the fee green waste at the waste transfer stations during the bushfire season. The Manager Corporate Services advised that this is a policy decision of Council and would continue to do so until the decision is changed.

COUNCIL DECISION:

04/15.11.8.91 Moved: Clr H Rubenach / Seconded: Clr J Drummond

That Council adopt the Schedule of Fees & Charges 2015-2016 as presented.

CARRIED UNANIMOUSLY

04/15.11.9 **Review – Asset Recognition Policy – Land Under Roads**

FILE REFERENCE	002\024\005\
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DISCUSSION:

- This item was workshopped at the April Council Workshop and advice sought from the Chair of Council’s Audit Panel.

COUNCIL DECISION:

04/15.11.9.92 Moved: Clr G McGuinness / Seconded: Clr M Osborne

That Council continue not to value Land Under Roads until an appropriate industry wide approach is developed and the Policy, therefore, remain unchanged.

CARRIED UNANIMOUSLY

04/15.11.10 **Review – Employees - Voluntary Emergency Service Policy**

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council’s review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.10.93 Moved: Clr J Tucker / Seconded: Clr B LeFevre

That Council adopt Policy LG08 – Employee – Voluntary Emergency Service as amended.

CARRIED UNANIMOUSLY

04/15.11.11 Review – Staff Social Functions Policy

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council's review of policies.
- It is very much an administrative procedure however the trail from the policy will show that it was a policy and has now been adopted as a procedure.

COUNCIL DECISION:

04/15.11.11.94 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council delete Policy LG09 – Staff Social Functions and replace with Procedure LG09 – Staff Social Functions.

CARRIED UNANIMOUSLY

04/15.11.12 Review – Anti-Discrimination and Harassment Policy

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council's review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.12.95 Moved: Clr J Tucker / Seconded: Clr H Rubenach

That Council adopt Policy LG13 – Anti-Discrimination and Harassment Policy as amended.

CARRIED UNANIMOUSLY

04/15.11.13 Review – Computer Use, Internet and Email Policy

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council's review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.13.96 Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council adopt Policy LG14 – Computer Use, Internet and Email as amended.

CARRIED UNANIMOUSLY

04/15.11.14 **Review – Corporate Credit Card Policy**

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council’s review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.14.97 Moved: Clr H Rubenach / Seconded: Clr J Drummond

That Council adopt Policy LG16 – Corporate Credit Card as amended.

CARRIED UNANIMOUSLY

04/15.11.15 **Review – Dealing with Difficult Customers Policy**

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council’s review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.15.98 Moved: Clr B LeFevre / Seconded: Clr M Osborne

That Council adopt Policy LG17 – Dealing with Difficult Customers as amended.

CARRIED UNANIMOUSLY

04/15.11.16 Review – Employee Outside Work Activities Policy

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council's review of policies.
- It is very much an administrative procedure however the trail from the policy will show that it was a policy and has now been adopted as a procedure.

COUNCIL DECISION:

04/15.11.16.99 Moved: Clr M Osborne / Seconded: Clr K Wright

That Council delete Policy LG22 – Employee Outside Work Activities and replace with Procedure LG22 – Employee Outside Work Activities.

CARRIED UNANIMOUSLY

04/15.11.17 Review – Employee Personal Development Appraisal Policy

FILE REFERENCE	002\024\007\
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DISCUSSION:

- The Manager Corporate Services advised that this has been presented to the April Council Workshop and forms part of Council's review of policies.
- No significant changes have been made.

COUNCIL DECISION:

04/15.11.17.100 Moved: Clr J Tucker / Seconded: Clr M Osborne

That Council adopt Policy LG23 – Employee Personal Development Appraisal as amended.

CARRIED UNANIMOUSLY

04/15.12.0 WORKS AND INFRASTRUCTURE

04/15.12.1 Works and Infrastructure – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

04/15.12.2 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- The Manager Works and Infrastructure advised that he has heard nothing further from Cornwall Coal to date regarding the bridge replacement.
- Mayor Tucker asked when is the graffiti going to be removed from Skippy corner? The Manager Works and Infrastructure advised that this should be done while the pass is closed.
- Clr J Tucker asked in regard to the upgrade of the Fire Road and the bridge replacements – when would this be done. Is it possible to put some culverts in and go around the old Gardens Road to stop excess travel – he thought school holidays would have been better.
- Clr J Tucker asked a question in relation to the theft of water from the St Marys Waste Transfer Station. The Manager Works and Infrastructure advised that the water supply is the contractors issue.
- Clr Rubenach stated to follow up on Clr Tucker’s question above, the water tank has been moved into the recycle shed and could be an OH&S issue due to how it is stored.
- Clr Drummond asked relating to the kerbing and guttering decision that has previously been made, will this match the work at St Marys that is going to be done. The Manager Works and Infrastructure advised that it would be as per the decision to match the area.
- Clr Drummond advised that businesses are happy with the proposed works to be undertaken at the St Marys Hall for car parking.

COUNCIL DECISION:

04/15.12.2.101 Moved: Clr M Osborne / Seconded: Clr K Wright

That the report be received by Council.

CARRIED UNANIMOUSLY

04/15.12.3 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

Nothing further to add.

COUNCIL DECISION:

04/15.12.3.102 Moved: Clr G McGuinness / Seconded: Clr J Tucker

That the report be received by Council.

CARRIED UNANIMOUSLY

04/15.12.4 St Marys Town Hall – Car Park Layout

FILE REFERENCE	004\005\007\
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DISCUSSION:

- The Manager Works and Infrastructure advised that works had commenced today.
- Clr Drummond asked what are the implications on a Saturday when the market is being held, currently the car park is blocked off for the markets. Clr Rubenach stated that there were some risk management issues around the car park on market days. Currently only the exit gets blocked off. The Manager Works and Infrastructure advised that this had not been considered however he would investigate with the OH&S issues and look at alternative arrangements further and report back to the General Manager.

COUNCIL DECISION:

04/15.12.4.103 Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That the car park layout of the St Marys Town Hall be revised and upgraded to allow for more car parking, and advanced and entry signage of the car park be installed.

CARRIED UNANIMOUSLY

Meeting adjourned at 11.00am

Meeting resumed at 11.12am

04/15.13.0 COMMUNITY DEVELOPMENT

04/15.13.1 Community Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

04/15.13.2 Community Services Report

FILE REFERENCE	011\
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DISCUSSION:

- Clr Rubenach asked whether there were any further updates in regards to the Youth Worker position. Some changes had been made to the position due to the recently advertised Administration Officer taking on some tasks.

- Clr Drummond asked whether there were any plans to have a market on the St Helens Foreshore. Clr McGuinness stated that the market used to be held on the foreshore but due to windy weather conditions they sought a different location.

COUNCIL DECISION:

04/15.13.2.104

Moved: Clr J Drummond / Seconded: Clr K Wright

That the report be received.

CARRIED UNANIMOUSLY

04/15.13.3

Request for Fee Waiver – Banner Poles – Bay of Fires Art Prize

FILE REFERENCE	004\011\005\
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DISCUSSION:

- Clr Wright stated that we should waive these fees as this event brings people to the area in the quiet time of the year.
- Clr Osborne stated that after all the discussions we have been having that she is not happy about waiving any fees these days.
- Clr LeFevre asked whether any profit was made from this event. The Manager Community Services advised that Council supports this event with a further donation to assist with the running costs.
- Clr McGuinness stated that the whole reason for running this festival is to attract people to the area in winter. It is run as a not for profit event.
- Clr LeFevre stated that the event does bring benefits for tourism and would be happy to contribute 50%. Clr Rubenach agreed.
- Clr Rubenach stated that she is concerned with not waiving fees without a proper policy in place.
- Mayor Tucker stated Council has to do is put up and pull down, it is a little different to providing cleaners, power, etc for facilities.
- The Manager Community Services advised that the banners are sponsored by local businesses.
- Clr McGuinness stated that the sponsors of the banners get a small footer of advertising space on the banner.
- The Manager Community Services advised that Council do incur costs for plant and staff time to put up and pull down and monitor.
- Clr J Tucker said that we should support as it is good for the area in winter. Could some of this come from the Community Grant program? The General Manager advised that it couldn't come through this process this year as there are clear guidelines, etc to be followed and they have already closed, however next year this program could be reviewed to look at these types of requests.
- Clr McGuinness stated that it would be tough for the committee to come up with 50% of the cost.
- The General Manager stated that the level of cost (\$500 per pole) could be looked at further for future fees and charges.

- The Manager Community Services advised that the banner poles were originally designed for business to promote on, hence the \$500 fee associated with the hire cost.
- The Manager Community Services advised that perhaps Council could charge on a cost recovery basis.

COUNCIL DECISION:

04/15.13.3.105 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council support the Bay of Fires Art Prize event by charging the Bay of Fires Art Prize on a cost recovery basis for the installation of the banners.

An amendment was moved:

04/15.13.3.106 Moved: Clr J Tucker / Seconded: Clr

That Council support the Bay of Fires Art Prize event by charging the Bay of Fires Art Prize 50% of cost recovery basis for the installation of the banners.

The amendment was lost due to lack of Seconder

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

04/15.13.4 **Community Funding Program 2014-2015**

FILE REFERENCE	018/019/031/
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DISCUSSION:

- This item was discussed in detail at the April Council Workshop. There was nothing further to add.

COUNCIL DECISION:**04/15.13.4.107**Moved: Clr M Osborne / Seconded: Clr K Wright

That Council fund the following projects under Round 1 of the Community Funding Program 2015:

Project Idea	Name of Organisation	Amount Requested from Council
A Community Noticeboard	Ansons Bay Progress Association	\$400
To improve existing Scamander Skate Park	Scamander Park Interest Group	\$1,450
Cricket pitch cover, St Marys	St Marys Cricket Club	\$3,920
Multicultural celebration day event	Break O'Day Welcome Support Group	\$2,000

CARRIED UNANIMOUSLY**04/15.13.5****Permission to Utilise Dog Zone Area – St Helens Sports Complex**

FILE REFERENCE	018/019/031/
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DISCUSSION:

- Clr Osborne asked whether people were charged for this class. The Manager Community Services advised that the information received is that Michael Smith does this at no cost.

COUNCIL DECISION:**04/15.13.5.108**Moved: Clr H Rubenach / Seconded: Clr J Tucker

That Council allow Michael Smith to utilise the Dog Zone area at the St Helens Sports Complex at no cost on Saturday mornings from 11 am to 1 pm (2 hours).

CARRIED UNANIMOUSLY**04/15.14.0 DEVELOPMENT SERVICES****04/15.14.1 Development Services – Strategic Plan Activity Report****COUNCIL DECISION:**

Received.

04/15.14.2 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

- The Building Services Coordinator advised that he has listed some works to be undertaken at the Titley Shack for Council's consideration in the 2015-2016 budget.
- Clr Rubenach stated that it is great that we got funding for the Green Army project.
- Clr Rubenach stated that the soil workshop held in St Marys was very good and well attended.

COUNCIL DECISION:

04/15.14.2.109 Moved: Clr M Osborne / Seconded: Clr B LeFevre

That the report be received.

CARRIED UNANIMOUSLY

04/15.14.3 Planning Approvals Issued

COUNCIL DECISION:

Received.

04/15.14.4 Building Services Approvals

COUNCIL DECISION:

Received.

04/15.14.5 Declaration of Areas for Cat Management

FILE REFERENCE	003\001\004\
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DISCUSSION:

- The NRM Facilitator advised that there were no submissions received.
- Clr J Tucker asked whether \$10,000 was enough for what he is trying to do. The NRM Facilitator advised that yes it was, we won't get on top of the feral cat problem but it will be to educate responsible cat ownership.
- Clr Drummond stated that the cat forum was very positive.

COUNCIL DECISION:

04/15.14.5.110 Moved: Clr H Rubenach / Seconded: Clr J Drummond

That Council declare, for the purposes of cat management and in accordance with Part 4 of the Cat Management Act 2009: Prohibited Areas for five (5) years the land of Certificates of Title 234289/1, 155701/1, 250845/1, 228953/1, 31/8094, 158145/1, 126148/1, 13060/3, 23066/1, 152460/1, 242556/1, 11985/5, 13060/2, 226985/1, 155698/1, 141432/1, 52589/1, 48419/1, 152716/1, 103674/1, 155695/4, 54237/1, 152461/1, 223151/1, 158144/1, 152467/1, 145465/1, 51193/4, 35306/1 and PIDs 6401657 and 2629224 (Council lease); and declare as Cat Management Areas for two (2) years the land of Certificates of Title 113773/1 and 111920/1.

CARRIED UNANIMOUSLY

04/15.15.0 GOVERNANCE

04/15.15.1 General Manager’s – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

04/15.15.2 General Manager’s Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

- Clr J Tucker asked what was happening with the further information to be provided with regard to the protection of South Sister. Clr’s Drummond and Rubenach advised that they are waiting on the proposed boundary maps to be provided by the relevant State Agencies. Mayor Tucker advised that this item should be removed from the “Outstanding Items” list and will consider the matter at a later date when further information is received.
- Clr Rubenach asked whether there had been any further information from the Department of State Growth regarding the barway or the Cornwall Coal redundancies. The General Manager advised that the meeting was predominantly about the Tobruk project.

COUNCIL DECISION:

04/15.15.2.111 Moved: Clr B LeFevre / Seconded: Clr J Drummond

That the General Manager’s report be received.

CARRIED UNANIMOUSLY

04/15.15.3 Role of Local Government

FILE REFERENCE	039\002\008\
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DISCUSSION:

- Councillors advised that they were happy with the General Manager's comments provided.

COUNCIL DECISION:

04/15.15.3.112 Moved: Clr K Wright / Seconded: Clr G McGuinness

That Council provide feedback in accordance with the points identified by Council and the General Manager.

CARRIED UNANIMOUSLY

04/15.15.4 Australian Local Government Association (ALGA) – National General Assembly

FILE REFERENCE	039\001\001\
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DISCUSSION:

- Clr Rubenach suggested a motion in relation to the Federal Governments imposition of increased service co-contribution fees on pensioners. The General Manager advised that he reviewed the ALGA guidelines and unfortunately this does not fit the theme for this year's General Assembly. He had suggested to Clr Rubenach that this was an item which could be pursued through TasCOSS.

COUNCIL DECISION:

04/15.15.4.113 Moved: Clr G McGuinness / Seconded: Clr J Drummond

No recommendation.

CARRIED UNANIMOUSLY

04/15.15.5 Local Government Association of Tasmania (LGAT) – Annual General Meeting – Submission of Motions

FILE REFERENCE	039\002\008\
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DISCUSSION:

- Various discussion took place in relation to Motion 2 to ensure the correct wording is used ie size of catch, spawning mass, etc.

COUNCIL DECISION:

04/15.15.5.114

Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That Council support the submission of the following two (2) motions to the Local Government Association of Tasmania (LGAT) Annual General Meeting and General Meeting for consideration.

Motion 1 – Request for Payment of Rates on ALL State Owned Land

That LGAT asks the State Government to pay rates on all State owned land, including National Parks, Reserves, Conservation Areas, etc.

Background Comments:

The State Government has set the precedent by paying rates for Forestry. Now with camping fees, National Park entry fees and leases being paid for ventures in National Parks, the State Government has a revenue stream like Forestry.

Councils such as Break O’Day have huge areas of State owned land, which limit our rates base. Councils provide access to these areas with Council owned roads and bridges. This is compounded when Forestry roads are not being maintained, and the responsibility is falling onto Councils to maintain them as they provide access to some of our tourism icons and also have private residences on them.

Motion 2 – Trawlers Targeting Small Pelagic Fisheries (SPF) in Australia’s Exclusive Economic Zone (EEZ)

That LGAT lobby the major State and Federal political parties seeking a cessation in the use of super trawlers and industrial factory trawlers operating in Australian waters targeting small pelagic fisheries (SPF), pending an assessment of the impact of these activities on the biomass of the fisheries being targeted in Australia’s Exclusive Economic Zone (EEZ).

Background Comments:

We believe that the more spheres of Government that take up this issue placing pressure on the Federal Government to ban trawlers targeting small pelagic fisheries the better likelihood there is of success.”

Large Industrial Factory Trawlers and Super Trawlers represent a massive increase in capacity to exploit the fishery at a time when there are unresolved questions over threats to dolphins and seals, stock biomass, how to avoid localised depletion, and impacts on recreational fishers and commercial fishing industries.

The introduction of any form of industrial level fishing specifically targeting small pelagic fisheries or any for that matter that affects the food chain should never be allowed. It is reprehensible that the Federal Government is even considering this proposal to support a vessel that has already been part of the demise of this type of fishing around the world.

Whether the trawler is classed as a super trawler (ie over 130 metres in length) or a smaller factory trawler the nets used by these trawlers still have the same capacity and still

have the potential for the unwanted by catch as well as potential harm to dolphins and seals.

If an Industrial Super/Factory Trawler was to be allowed to fish in Australian waters and they were to fish of the East Coast of Tasmania the local and regional economy of St Helens would be irreversibly downsized. Losses in domestic and export fishery revenues and related employment will be significant. Alternative local/regional employment will not be available, and the majority of the profits from such an enterprise would all go overseas with no financial benefit to local commercial or recreational fisheries.

CARRIED UNANIMOUSLY

04/15.16.0 PLANNING AUTHORITY

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

04/15.16.1 DA022-2015 – Five (5) x New Dwellings – 10 Barnett Close, Binalong Bay

FILE REFERENCE	DA 022-2015
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DISCUSSION:

- Clr McGuinness asked why was a treated waste water system not considered? The Planning Consultant advised that Council's Planning Scheme does not have anything to stipulate this. The proposed system in the planning application is not the preferred option for the area, however is sufficient under the Planning Scheme.
- Clr Rubenach sought clarification on some matters in relation to vehicle movements, validity of test holes and the retention of vegetation on part of the site.

COUNCIL DECISION:

04/15.16.1.115 Moved: Clr M Osborne / Seconded: Clr J Tucker

After due consideration of the representations 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 **five (5) x New Dwellings** on land situated at **10 Barnett Close, Binalong Bay** described in Certificate of Title CT 48258/5 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 022-2015 received by Council 3 February 2015, together with all submitted documentation received and forming part of the development application, except as varied by conditions of this Planning Permit.

2. Prior to works commencing, a detailed landscape development plan, prepared by an appropriately qualified professional shall be prepared and submitted for the approval of Council. The plan shall identify:
 - (i). plant species;
 - (ii) Boundary and internal fencing details.

Landscaping must be undertaken in accordance with the plan approved by Council in accordance with Condition 2 prior to any application for a strata development.

3. A permanently fixed screening device of no less than 1700mm above the finished floor level of the second floor deck on the three southern dwellings is to be constructed along the full length of the western deck edge. This is required to protect the visual privacy of the adjoining western property. The screening device shall be no more than 25% uniform transparency.
4. All runoff from the proposed buildings must be disposed of within the confines of the property by means that will not result in soil erosion or other stormwater nuisance. Soakage drains must be of sufficient size to absorb stormwater runoff and not create any new point sources of discharge into the defined watercourse.
5. The areas shown to be set aside for vehicle access and car parking must be:
 - a. Completed prior to the use of the development commencing;
 - b. Designed and laid out in accordance with provisions of E6.0 of the *Break O'Day Interim Planning Scheme 2013*;
 - c. Provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;
 - d. Constructed with a pervious dust free surface and drained in a manner that will not cause either a dust or stormwater nuisance to occupants of adjoining properties.
6. The vehicle crossover from the carriageway to the property boundary must be upgraded and maintained in general accordance with the vehicular crossing requirements of Council's Manager of Works and Infrastructure prior to the use commencing. 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.
7. 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.
8. Effluent disposal is subject to a Special Plumbing Permit to be issued by Council's Environmental Health Officer.
9. Native vegetation must not be removed outside that necessitated by the proposed development.

10. A *Soil and Water Management Plan* must be submitted to Council for approval prior to a Building Permit being issued, prepared in accordance with *Guidelines for Soil and Water Management*, published by Hobart City Council and available on Council's website ([http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines for Soil and Water Management.pdf](http://www.bodc.tas.gov.au/webdata/resources/files/Guidelines%20for%20Soil%20and%20Water%20Management.pdf)). All works associated with the development must be conducted in accordance with the approved *Soil and Water Management Plan*. All worked areas not covered by structures must be promptly and progressively stabilised (eg revegetated) so that they will not erode and/or act as a source of sediment transfer.

CARRIED UNANIMOUSLY

Clr McGuinness left the room at 12.21pm

04/15.16.2 DA032-2015 – Mountain Bike Trail – Between Blue Tier and Weldborough

FILE REFERENCE	DA 032-2015
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DISCUSSION:

- Clr Rubenach asked about wash down facilities. The Planning Consultant advised that this would be dealt with through the construction phase and would be provided at the St Helens Sports Complex. Clr Rubenach expressed her concern with no facility onsite and would like to see this as a condition. The General Manager advised that this is difficult to condition without specifics of designs and options available.
- The matter of access to wash down facilities can be dealt with by providing appropriate signage in various locations directing people to the appropriate facility.
- The Planning Consultant advised that in future Council could consider either amending this permit or submit a new application for the construction of appropriate wash down facilities onsite.
- Mayor Tucker stated that this would be an honesty thing anyway, as there would be noone onsite to monitor as to whether people are correctly washing down.
- Clr J Tucker stated that this is not a major issue that we should hold up the project.

COUNCIL DECISION:

04/15.16.2.116

Moved: Clr B LeFevre / Seconded: Clr M Osborne

After due consideration of the representations received and 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 **MOUNTAIN BIKE TRAIL** on land situated **BETWEEN THE BLUE TIER AND WELDBOROUGH**, be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 032-2015, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.

2. Development must comply with the recommendations of the Ecological Assessment undertaken by ECOtas, dated 8 September 2014.
3. Development must comply with the Forest Practices Plan No.SRL0041, dated 04 February 2015.
4. A Soil and Water Management Plan addressing clause E9.6.1 of the Interim Planning Scheme shall be submitted to the satisfaction of the General Manager prior to works commencing.
5. The boundaries of the private property adjacent to the trail at the Weldborough end shall be located and designated with a "private property" sign prior to the opening of the trail.
6. Guidance shall be sought from Mineral Resources Tasmania and DPIPWE/PWS when finalising track design specifications particularly with regard to track drainage and its management, slope, landslide and erodibility.
7. Prior to the commencement of works the applicant and contractor shall seek further advice from the DPIPWE Threatened Species Unit to ensure that no further management actions are required to preserve the community health of threatened species.
8. Prior to the commencement of works the applicant and contractor shall seek further advice from the DPIPWE Threatened Species Unit with regard to the possible presence of the Simsons Stag Beetle, Spotted Tail Quoll, Tasmanian Devil, and the Eastern Barred Bandicoot and any permitting requirements or management advice.
9. Trail access roads must be treated for all identified declared weeds prior to commencement of construction and included in the ongoing maintenance schedule.
10. The proposed trail route must be treated for all identified declared weeds prior to commencement of construction and weed management included in the ongoing maintenance schedule.
11. Vegetation on unstable and erodible banks must be cleared by hand (see Waterways and Wetland Works Manual 2003) (WWWM 2003).
12. Any use of Boulders, rocks, shingle, gravels soils and vegetation from the stream bed and banks will be done as specified by a river engineer (WWWM 2003).
13. Rehabilitation shall be established on all practical exposed soil surfaces particularly head slopes of bridges and culverts, with new plant seed stock sourced from site (WWWM 2003).
14. Works should be timed to coincide with periods of low flow and completed quickly, and works should be stopped if conditions are not suitable, such as during and after heavy rain (WWWM 2003).

Advisory Notes:

- Signage is recommended to be erected at either end of the bike trail, to raise awareness of location of existing facilities and procedures and importance in relation to bicycle wash down facilities, to prevent the spread of any declared weeds and soil borne pathogens throughout the area. Any future wash down facilities adjacent to the bike trail may require further planning approvals.
- Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping, particularly during any stage of rehabilitation.

CARRIED UNANIMOUSLY

Clr McGuinness returned at 12.38pm

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

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

Entered into Closed Council at 12.38pm

Moved: Clr B LeFevre / Seconded: Clr M Osborne: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

- 04/15.17.0** **CLOSED COUNCIL**
- 04/15.17.1** **Outstanding Actions List for Closed Council**

- 04/15.17.2** **Economic Development Coordinator Position - Closed Council Item Pursuant To Section 15(2)A Of The Local Government (Meeting Procedures) Regulations 2005**

- 04/15.17.3** **General Manager - Closed Council Item Pursuant To Section 15(2)A Of The Local Government (Meeting Procedures) Regulations 2005**

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

Moved: Clr J Tucker / Seconded: Clr H Rubenach: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.57pm.

.....
MAYOR

.....
DATE