

21 JULY
2014

COUNCIL MINUTES

Council Chambers



Des Jennings
General Manager,
Break O'Day Council
21 July 2014

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07/14.1.0 ATTENDANCE

07/14.1.1 Present

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

07/14.1.2 Apologies

Councillor John LeFevre

07/14.1.3 Leave of Absence

Nil

07/14.1.4 Staff in Attendance

General Manager, Des Jennings
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland
Manager Community Services, Chris Hughes
Manager Works & Infrastructure, Stephen Yam (*Item 12.1 – 17.8*)
Risk Officer, Simone Ewald-Rist (*Item 11.2 – 11.6*)
Building Services Coordinator, Jake Ihnen (*Item 11.5 – 17.8*)
Planning Officer, Chris Triebe (*Item 13.10 – 16.2*)

07/14.2.0 PUBLIC QUESTION TIME

Six (6) 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.

07/14.2.1 Support for Medicinal Cannabis – Mrs B Rubenach, Gray

Will Break O’Day Council follow the wonderful initiative of some other Councils in Tasmania and support the trials for medicinal cannabis and lobby the Government to allow the growing and production of medicinal cannabis in Tasmania?

Reply

Council will list this matter for further discussion at the next Council Workshop scheduled for Monday 4 August 2014.

07/14.2.2 Address Details in Council Agenda – Mr T Dudley, St Helens

Why does Council no longer list the addresses of properties in the meeting agenda for the Planning Approval Issued and Building Services Approvals Sections?

Reply

This information is not included as the Privacy Act prevents the listing of private addresses.

07/14.3.0 CONFIRMATION OF MINUTES

07/14.3.1 Confirmation of Minutes – Council Meeting 16 June 2014

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.3.1.182 Moved: Clr R Johns / Seconded: Clr G McGuinness

That the minutes of the Council Meeting held on the 16 June 2014 be confirmed.

CARRIED UNANIMOUSLY

07/14.3.2 Confirmation of Minutes – Special Council Meeting 23 June 2014

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.3.2.183 Moved: Clr R Johns / Seconded: Clr M Osborne

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

CARRIED UNANIMOUSLY

07/14.4.0 COUNCIL WORKSHOPS HELD SINCE 16 JUNE 2014 COUNCIL MEETING

There was a Council Workshop held on Monday 7 July 2014 and the following items were listed for discussion and presentations were made by David Llewellyn and representatives from the Bendigo Bank, Andrew Murray, Burbury Consulting regarding Councils 2014/2015 Bridge Program and Nick Kelly, McArthur Recruitment regarding the recruitment process for a General Manager:

- St Marys Streetscape Improvements
- Landfill Investigations
- Boundary Issue – 181 St Helens Point Road, Stieglitz
- Request to Use Lot 70 Sunhaven Drive, St Helens for Agistment of Horses
- Woodcraft Guild – Croquet Ground
- Planning Items
- Portland Hall and Memorial Park – Re-roofing Project
- Street Numbering – Seatons Cove Road
- Irishtown Road
- LGAT General Meeting

07/14.5.0 DECLARATION OF PECUNIARY INTEREST OF A COUNCILLOR OR CLOSE ASSOCIATE

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

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

Clr R Johns declared a Conflict of Interest for agenda item 07/14.13.8 – Request to extend lease area – Break O’Day Woodcraft Guild and Men’s Shed.

07/14.6.0 PETITIONS

Nil

07/14.7.0 NOTICES OF MOTION

07/14.7.1 Notice of Motion – Tully Street, St Helens – Memorial Park – Clr Glenn McGuinness

DISCUSSION:

- Clr McGuinness advised that the headstones in this memorial park are pre 1900's.

COUNCIL DECISION:

07/14.7.1.184 Moved: Clr G McGuinness / 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 accepts of Lot 100 Tully Street, St Helens (PID 3185979) Memorial Park and takes over the maintenance of this important piece of our heritage. It would be expected that Council covers the cost of the requisite title severance.

CARRIED UNANIMOUSLY

07/14.7.2 Notice of Motion – Refugee Welcome Zone – Clr H Rubenach

DISCUSSION:

- Clr Rubenach read a statement in relation to this matter.

COUNCIL DECISION:

07/14.7.2.185 Moved: Clr H Rubenach / 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 sign up as a refugee friendly community by becoming a "Refugee Welcome Zone".

CARRIED UNANIMOUSLY

07/14.8.0 COUNCILLORS QUESTIONS ON NOTICE

07/14.8.1 Stormwater Drainage Works at Cornwall – Cllr R Johns

To the General Manager

Why has the stormwater drainage works in Cornwall stopped at 7 Alexandria Street, Cornwall?

Reply

The lowest tender for the original scope of works was \$718,000, which was beyond Council's budget of \$88,000.

The completed works were carried out to a revised scope of works to match the budget.

07/14.9.0 COUNCILLORS QUESTIONS WITHOUT NOTICE

Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.

The Chairperson must not permit any debate of a Question without Notice or its answer.

07/14.9.1 St Marys Ambulance Service – St Helens Airport – Cllr R Johns

To General Manager

The St Marys ambulance service has difficulty in entering the facility at the St Helens airport.

Would it be possible for this service to be given a full set of keys?

Reply

The General Manager will request this be arranged.

07/14.9.1 Meeting Regarding St Marys Railway Station – Cllr R Johns

To the Mayor

You and the Deputy Mayor, with the Community Development Officer also in attendance, had a meeting sometime in June regarding some information about the St Marys Railway Station could you please advise the date of this meeting?

Reply

The Mayor will attempt to identify the date the Deputy Mayor provided information to her on the above matter.

07/14.10.0 MAYOR'S & COUNCILLORS COMMUNICATIONS

07/14.10.1 Mayor's Communications for Period Ending 21 July 2014

19.06.14	Cornwall	- Meeting with representatives from Cornwall Community Development Group
23.06.14	St Helens	- Special Council Meeting - Local Government Association of Tasmania (LGAT) Awards Presentation to Clr's Osborne and McGiveron
07.07.14	St Helens	- Council Workshop
21.07.14	St Helens	- Council Meeting

07/14.10.2 Councillors Reports for Period Ending 21 July 2014

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

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

- Simon Holmes, Council's Youth Worker – talked about Business Week looking for mentors.

NRM Special Committee – Deputy Mayor Hannah Rubenach

- Meeting on the 17 June 2014 looked at the Charter to see if it had enough members.
- One (1) new member – Tony Scott from Forestry.
- Looked at Velvet Worm Awards – possibly theme eg weed management.
- Expressed disappointment that Council did not employ a Weeds Officer but were pleased that Council adopted the cat management plan.

Business Enterprise Centre (BEC) – Mayor Sarah Schmerl

- One (1) new Board member.

Star FM – Clr Reon Johns

- Revenue down a little – usual for winter.

Barway Committee – Clr John McGiveron

- MAST still working on wall system which they are hoping to install.
- Trialled an excavator dredge – unfortunately this didn't work.
- Barway itself still ok.
- Pelican Point still needs to be fixed – just over 2m at high water.

Regional Tourism Organisation (RTO) – Cllr Margaret Osborne

- The last meeting was held on the 17 June 2014.
- Good results on the new “Just Stop” campaign.
- Chairman and CEO been visiting up and down the coast re the “Just Stop” campaign.
- First years money should be coming through soon for the East Coast Drive.
- Investigations regarding whether ECRTD should be taking over operations of VIC’s – this is in discussion stage.

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

- No meeting of the reference group for quite some time.

Titley Shack Reference Group – Cllr Glenn McGuinness

- Had first meeting – all committee members on board for preserving the shack pretty much in its original form.
- Have instructed the Building Inspector or delegate to give a full report of what would be required to bring the building to a standard that can be used.

07/14.10.3 Mayor’s and Councillor’s Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

07/14.11.0 BUSINESS AND CORPORATE SERVICES

07/14.11.1 Corporate Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

07/14.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Manager Corporate Services advised that the FAGS grants were previously paid in advance and budgeted for in the same manner therefore the last budget was \$1million budgeted for and not received as they have stopped paying in advance.

COUNCIL DECISION:

07/14.11.2.186

Moved: Clr R Johns / Seconded: Clr J McGiveron

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

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

CARRIED UNANIMOUSLY

07/14.11.3

Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.11.3.187

Moved: Clr R Johns / Seconded: Clr G McGuinness

That the report be received.

CARRIED UNANIMOUSLY

07/14.11.4

Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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DISCUSSION:

- Clr Rubenach stated that she was impressed with the volunteer hours at the VIC and History Room and wanted to acknowledge this.

COUNCIL DECISION:

07/14.11.4.188

Moved: Clr R Johns / Seconded: Clr M Tucker

That the report be received.

CARRIED UNANIMOUSLY

07/14.11.5 Risk Management Report

FILE REFERENCE	002\025\001\
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DISCUSSION:

- The Risk Officer advised that there was a break in at the St Helens Airport on the 9 July 2014. Police have attended and taken photographs, etc. Damage to window frame and some items have been identified as stolen.

COUNCIL DECISION:

07/14.11.5.189 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

07/14.11.6 Request to Waive Fee for Replacement Wheelie Bin

FILE REFERENCE	14/11275
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DISCUSSION:

- Councillors advised that most business owners in the Main Street always place their bins out the night before as the collection usually takes place early in the morning.

COUNCIL DECISION:

07/14.11.6.190 Moved: Clr M Tucker / Seconded: Clr R Johns

That Council approve the request for waiving the replacement fee for wheelie bin as they have reported the theft to the police and put the bin out in good faith as they always have.

CARRIED UNANIMOUSLY

07/14.11.7 Leases of Council Facilities for Community Organisations

FILE REFERENCE	038\004\006\
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DISCUSSION:

- This item has previously been workshopped and draft leases were sent to all community organisations.

COUNCIL DECISION:

07/14.11.7.191 Moved: Clr M Osborne / Seconded: Clr R Johns

That Council forward the final draft Leases to Community organisations for execution, taking option 3 with respect to notifying community organisations about access.

CARRIED UNANIMOUSLY

07/14.11.8 **Review of Dog Management Policy**

FILE REFERENCE	002\024\006\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.11.8.192 Moved: Clr R Johns / Seconded: Clr M Osborne

That the Report be received.

CARRIED UNANIMOUSLY

07/14.11.9 **Request for Rate Remission – Star FM**

FILE REFERENCE	2760433
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.11.9.193 Moved: Clr R Johns / Seconded: Clr M Osborne

That in accordance with the provisions of s.129 of the *Local Government Act 1993* Council include the property known as “Star FM” located at Communications Tower – Tasman Highway, Falmouth in the **“Rating Exemptions and Remissions Policy”** under **“Appendix A - Discretionary Remissions General Rate”**.

CARRIED UNANIMOUSLY

07/14.12.0 WORKS AND INFRASTRUCTURE

07/14.12.1 Works and Infrastructure – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

07/14.12.2 Works and Infrastructure Report

FILE REFERENCE	014\002\001\
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DISCUSSION:

- Clr McGiveron raised the issue of cleaning boat ramps is not working. The sweeping is only taking the top off the growth but not killing it. The growth is still on the concrete. The Manager Works & Infrastructure advised that other methods were being investigated.
- The Manager Works & Infrastructure advised that there will be another community information meeting regarding the progress of the Main Street stormwater works sometime in August.
- Clr McGuinness asked when the tenders for the landslip works at Moulting Bay may be advertised. The Manager Works & Infrastructure advised that the design work had been done however there were some matters to be clarified on these, therefore they won't be advertised until probably sometime in August.
- Clr McGuinness asked whether there were any plans to extend the bike lane on Binalong Bay Road. The Manager Works & Infrastructure advised not at this stage.
- Clr McGiveron asked how the works at Beauty Bay were going? The Manager Works & Infrastructure advised that the works commenced last Monday and were due to be completed in three (3) weeks time.

COUNCIL DECISION:

07/14.12.2.194 Moved: Clr R Johns / Seconded: Clr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

*Adjourned for morning tea at 11.01am
Meeting resumed at 11.12am*

07/14.12.3 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

- Clr Rubenach asked whether there was any more information regarding the alleged poisoning in the dog off lead park at St Helens. The General Manager advised that we are not aware of any further information and the Mayor stated that the allegations have not been confirmed.

COUNCIL DECISION:

07/14.12.3.195 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the report be received by Council.

CARRIED UNANIMOUSLY

07/14.12.4 Engineering Fees and Charges Amendments

FILE REFERENCE	018\017\004\
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DISCUSSION:

This matter has been discussed previously at a Council Workshop therefore no further discussion took place.

COUNCIL DECISION:

07/14.12.4.196 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the following fees and charges be added to the 2014/2015 Fees and Charges:

Roadworks	
Road and Footpath Reinstatement	POA
Footpath and Driveway Construction	POA
Stormwater Works	POA

Engineering Services - Stormwater Connections	
Stormwater connection to kerb and gutter	Cost plus 15%
Stormwater connection to piped drain	Cost plus 15%
All other stormwater connections	Cost plus 15%

That the following fees and charges be amended in the 2014/2015 Fees and Charges:

Waste Transfer Stations		
All Clean Green Waste - Commercial	Car Boot or Station Wagon	\$2.00
	Trailer or Utility	\$5.00
	Tandem Trailer or small Truck	\$10.00

Engineering Services – Assessments of Public Works	
Assessment of plans and final inspection.	\$750.00* for up to 3 lots, additional \$5.00 per lot
Inspections of failed works	\$104.00
Additional Inspections	\$104.00

Note: Public works are defined as any works that council is obliged to maintain for the community and include roads, footpaths, drainage (both underground and surface), landscaping, parks and public buildings.

Engineering Services - Other Fees	
Supply of Traffic Counts, per count, if current data is already available	\$45.00
Supply of Traffic Counts, per count, if data must be obtained	POA
Works Permit / New Crossover Application Fee / Application to Open Road	\$104.00
Inspection Fees	\$104.00
Location Charges (during business hours)	\$104.00

NOTE: Additional costs for professional services are payable prior to the takeover of works before final approval is issued.

Grave Digging		
Lawn Cemetery	Monday to Friday	\$1100.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Ashes Burial	Monday to Friday	\$300.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL
Other Cemeteries (including old sites requiring manual excavation)	Monday to Friday	\$1200.00
	Saturday, Sunday and Public Holidays	POA
	All days (including public holidays) – Children Birth to 5 years	NIL

CARRIED UNANIMOUSLY

07/14.13.0 COMMUNITY DEVELOPMENT

07/14.13.1 Community Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

07/14.13.2 Community Services Report

FILE REFERENCE	N/A
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DISCUSSION:

- Digital Hub has been extended until March 2015, number have tripled since the hub has moved locations. In future would like to investigate opportunities to make this service available through the Valley.
- Clr Rubenach stated that the North East Bioregional Network would like to be involved in the community consultation of the Land Use Strategy when this becomes available.

COUNCIL DECISION:

07/14.13.2.197 Moved: Clr R Johns / Seconded: Clr M Tucker

That the report be received.

CARRIED UNANIMOUSLY

07/14.13.3 Dot and Max Dalton Memorial Seat

FILE REFERENCE	027\036\001\
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DISCUSSION:

- Council will lay the concrete slab and install the tables and chairs.
- Clr Tucker stated that the St Helens Rotary Club have provided a lot of support for this project and without these community organisations things like this are difficult to undertake, due to insurances, etc.

COUNCIL DECISION:

07/14.13.3.198 Moved: Clr R Johns / Seconded: Clr J McGiveron

That Council assists the small working group that has been established to raise funds to purchase a seat in memory of Dot and Max Dalton by installing the seat at Binalong Bay in front of the Dalton's home on Council owned land.

CARRIED UNANIMOUSLY

07/14.13.4 Request for Financial Assistance – Sport Sponsorship – Ricky Gale

FILE REFERENCE	018\019\001\
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DISCUSSION:

- Clr Osborne stated that we should be able to assist more as this is a National event and would in turn attract many of the participants to the Fingal Festival in future.

COUNCIL DECISION:

07/14.13.4.199 Moved: Clr R Johns / Seconded: Clr J McGiveron

That Council support this request from Ricky Gale in the sum of \$200.00 to assist him with the costs of representing the East Coast of Tasmania at the Moura Festival being held in Queensland.

An amended motion was moved:

07/14.13.4.200 Moved: Clr M Osborne / Seconded: Clr R Johns

That Council support this request from Ricky Gale in the sum of \$1,000.00 to assist him with the costs of representing the East Coast of Tasmania at the Moura Festival being held in Queensland.

CARRIED UNANIMOUSLY

Amendment become the motion:

CARRIED UNANIMOUSLY

07/14.13.5 Disability Action Plan

FILE REFERENCE	005\017\004\
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DISCUSSION:

No discussion took place on this matter.

COUNCIL DECISION:

07/14.13.5.201 Moved: Clr R Johns / Seconded: Clr M Osborne

1. That Council in principle adopt the draft Disability Action Plan; and
2. That Council now seek community consultation on the draft Disability Action Plan.

CARRIED UNANIMOUSLY

07/14.13.6 Healthy House – Request for Fee Waiver – St Marys Hall

FILE REFERENCE	004\005\007\
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DISCUSSION:

- The Manager Community Services advised that this was originally covered under TransBOD.

COUNCIL DECISION:

07/14.13.6.202 Moved: Clr R Johns / Seconded: Clr M Tucker

That Council support the Get Active Program which is being co-ordinated through the Healthy House by waiving hire fees of \$880.00 for this financial year 2014-2015 for use of the St Marys Hall.

CARRIED UNANIMOUSLY

07/14.13.7 Request to Use Lot 70 Sunhaven Drive, St Helens for Agistment of Horses

FILE REFERENCE	003\005\001\
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DISCUSSION:

This item has been discussed at a Council Workshop therefore no further discussion took place.

COUNCIL DECISION:

07/14.13.7.203 Moved: Clr M Osborne / Seconded: Clr R Johns

That Council request that the horses be removed until a lease agreement has been executed with Debbie Smith to agist four (4) horses on Lot 70 Sunhaven Drive, St Helens with the following clauses to be part of the lease agreement:

- The owner of the horses to provide Council with a copy of their public liability insurance noting their lease arrangement with Council over the land – Lot 70 Sunhaven Drive, St Helens;
- Ensure that the grass is kept to a reasonable level; and
- Ensure that the fences of the property are to a standard suitable to prevent the horses from leaving the property and the lessee is to be responsible for undertaking any repairs that may be identified prior to the horses being housed on Lot 70 Sunhaven Drive, St Helens.

CARRIED UNANIMOUSLY

Clr Johns left the meeting at 10.45am

07/14.13.8 Request to Extend Leased Area – Break O’Day Woodcraft Guild and Men’s Shed

FILE REFERENCE	040\085\001\
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DISCUSSION:

This item was discussed at a Council Workshop therefore no further discussion took place.

COUNCIL DECISION:

07/14.13.8.204 Moved: Clr M Osborne / Seconded: Clr J McGiveron

That Council:

1. approve the request from the Break O’Day Woodcraft Guild and Men’s Shed to extend their current leased area (approx. 50 metres) to include a full sized croquet court;
2. provide as a donation 3 tonne of top soil to assist with the building of this court; and
3. advise the community of the proposed amendment to the conceptual plan that was approved in principle by Council to include the full sized croquet court.

CARRIED UNANIMOUSLY

Clr Johns returned at 10.46am

07/14.13.9 Fee Waiver – St Marys Community Kitchen – St Marys Hall

FILE REFERENCE	004\005\007\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.13.9.205 Moved: Clr M Tucker / Seconded: Clr J McGiveron

That Council support the Community Kitchen Program which is being organised by the Fingal Valley Neighbourhood House and waive the hall hire fees of \$460.00 for the period 14 July 2014 to 22 June 2015.

CARRIED UNANIMOUSLY

07/14.13.10 Municipal Management Plan (MMP)

FILE REFERENCE	002\017\009\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.13.10.206 Moved: Clr R Johns / Seconded: Clr H Rubenach

That Council adopt in principle the following plans/studies/strategies which have been completed as part of the Municipal Management Plan project:

1. Civic Centre Feasibility Study;
2. Arts & Cultural Strategy; and
3. Community Infrastructure Design Guidelines.

CARRIED UNANIMOUSLY

07/14.13.11 Cornwall Memorial Park – Request for Conceptual Plan to be Undertaken

FILE REFERENCE	040\090\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.13.11.207 Moved: Clr R Johns / Seconded: Clr J McGiveron

That Council in consultation with the Cornwall community develop a conceptual plan of the Cornwall Park to assist the community to seek funding from external agencies to undertake works.

CARRIED UNANIMOUSLY

07/14.13.12 Request for Assistance – St Marys Sports Centre Inc

FILE REFERENCE	018\019\001\
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DISCUSSION:

- Clr Osborne asked whether this request was ongoing or do we look at these requests on a case by case basis. The Manager Community Services advised that this is a one off request and that any other requests would be looked at on a case by case basis.

COUNCIL DECISION:

07/14.13.12.208 Moved: Clr R Johns / Seconded: Clr J McGiveron

That Council assists the St Marys Sports Centre in providing a donation of \$2,000 to assist this organization with the running costs for the purchase of materials.

CARRIED UNANIMOUSLY

07/14.14.0 DEVELOPMENT SERVICES

07/14.14.1 Development Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

07/14.14.2 Development Services Report

FILE REFERENCE	031\013\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.14.2.209 Moved: Clr R Johns / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

07/14.14.3 Planning Approvals Issued

COUNCIL DECISION:

Received.

07/14.14.4 Building Services Approvals

COUNCIL DECISION:

Received.

07/14.14.5 Road Names – Seaton Cove Road and Sloop Reef Road

DISCUSSION:

This item was discussed previously at a Council Workshop therefore there was no further discussion on this item.

COUNCIL DECISION:

07/14.14.5.210 Moved: Clr R Johns / Seconded: Clr J McGiveron

Council approve the street name for the road currently named “Seaton Road” or “Seatons Cove Road” and running north-east off Gardens Road, approximately 6.8km north of the Binalong Bay Road intersection – Seaton Cove Road.

Council approve the street name for the road currently named “Seaton Road”, running north-east off Gardens Road, approximately 7.1km north of the Binalong Bay Road intersection – Sloop Reef Road.

CARRIED UNANIMOUSLY

07/14.14.6 Portland Hall and Memorial Park – Re-roofing Project

FILE REFERENCE	004\005\006\
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DISCUSSION:

This item was discussed previously at a Council Workshop therefore there was no further discussion on this item.

COUNCIL DECISION:

07/14.14.6.211 Moved: Cllr M Tucker / Seconded: Cllr M Osborne

1. That Council award re-roofing works to Felmingham Roofing as quoted.
2. That Council award the re-roofing works for the existing memorial toilet block to Felmingham roofing as quoted.
3. That the Building Services coordinator arrange for the installation of R4 bulk insulation batts to be installed to ceiling space by Council employees at an estimated cost of \$6,900.
4. That the total estimated works of \$50, 000 be funded from Council's reserves.

CARRIED UNANIMOUSLY

07/14.14.7 **Recladding of Score Box – St Helens Football Club**

FILE REFERENCE	004\008\014\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.14.7.212 Moved: Cllr R Johns / Seconded: Cllr G McGuinness: That Council

1. Give retrospective approval for the recladding of the existing Football ground Score box at the St Helens Sports Complex.
2. Reimburse the St Helens Football Club for the full amount of \$1,980 which will allow completion of the cladding works.
3. Source the funds from the Community & Heritage funding as per Council Motion 05/14.7.2.

CARRIED UNANIMOUSLY

07/14.15.0 **GENERAL MANAGER'S REPORT**

07/14.15.1 **General Manager's – Strategic Plan Activity Report**

COUNCIL DECISION:

Received.

07/14.15.2 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

The General Manager provided updates on projects which were ongoing.

COUNCIL DECISION:

07/14.15.2.213 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the General Manager's report be received.

CARRIED UNANIMOUSLY

07/14.15.3 Break O'Day Council – Delegation Register – Addition of Delegations to the Land Use Planning and Approvals Act 1993

FILE REFERENCE	024\003\002\
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DISCUSSION:

No discussion took place on this item

COUNCIL DECISION:

07/14.15.3.214 Moved: Clr M Osborne / Seconded: Clr R Johns

That having conducted a review of Council's Delegations Register in accordance with Section 22 of the *Local Government Act 1993*, the Council adopt the Delegations Register dated July 2014 which contain the following amendments.

In the "Delegations by Council" document the following additions were made (the amendments are highlighted in yellow):

No	Statutory Ref	Function or Power	Conditions or Restrictions	Authorisation to Delegate
1	S.35	Power to certify draft amendments to Council Planning Schemes and provide a copy to the Tasmanian Planning Commission in accordance with the provisions of Section 35 of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none">General ManagerManager Development ServicesPlanning Coordinator

No	Statutory Ref	Function or Power	Conditions or Restrictions	Authorisation to Delegate
2	S.38	Duty to exhibit and advertise draft amendments to Council Planning Schemes in accordance with the provisions of Section 38 of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
3	S.39	Duty to report to the Tasmanian Planning Commission following the receipt of representations in respect of draft amendments to Council Planning Schemes in accordance with Section 39 of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
4	S.41A	Duty to undertake a modification or alteration to a draft amendment to a Council Planning Scheme and five notice as required by the Tasmanian Planning Commission in accordance with the provisions of Section 41A(2) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
5	S.42	Duty to give notice of the Tasmanian Planning Commissions approval of a draft amendment to a Council Planning Scheme in accordance with the provisions of Section 42(3)(d) of the <i>Land Use Planning & Approvals Act 1993</i> in the manner prescribed by Regulation 7 of the <i>Land Use Planning & Approvals Regulations 2004</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
6	S.43E(1)	Power to require an applicant to provide additional information before considering an application for a Planning Permit together with a request for an amendment to a Council Planning Scheme under Section 43A of the <i>Land Use Planning & Approvals Act 1993</i> in accordance with the provisions of Section 43E(1) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator

No	Statutory Ref	Function or Power	Conditions or Restrictions	Authorisation to Delegate
7	S.43K	<p>Power to make minor amendments to planning permits in accordance with the provisions of Section 43K(2) of the <i>Land Use Planning & Approvals Act 1993</i></p> <p>This power is delegated along with the duty to issue notices in accordance with Section 43K(3), 43K(4) and 43K(5) of the <i>Land Use Planning & Approvals Act 1993</i></p>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Development Services • Planning Coordinator
8	S.48A	<p>Power to issue notices or take action regarding the removal of signs erected without permit in accordance with the provisions of Section 48A(1) of the <i>Land Use Planning & Approvals Act 1993</i></p> <p>The power is delegated along with the duty to issue notices to the person who erected the sign and the power to dispose of the sign in accordance with Sections 48A(2) and 48A(4) of the <i>Land Use Planning & Approvals Act 1993</i></p>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Development Services • Municipal Inspector • Facilities/Technical Officer • Compliance Officer • Planning Officer • Planning Coordinator
9	S.53(5A)	Power to grant an extension of the period in which a use or development must be substantially commenced under a permit in accordance with the provisions of Section 53(5A) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Development Services • Planning Coordinator
10	S.54	Power to require an applicant to provide additional information before considering an application for a planning permit in accordance with the provisions in Section 54 of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Development Services • Planning Coordinator
11	S.55	Power to amend a planning permit where there is a mistake in accordance with the provisions of Section 55 of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> • General Manager • Manager Development Services • Planning Coordinator

No	Statutory Ref	Function or Power	Conditions or Restrictions	Authorisation to Delegate
12	S.56	<p>Power to make minor amendments to planning permits in accordance with the provisions of Section 56(2) of the <i>Land Use Planning & Approvals Act 1993</i></p> <p>This power is delegated along with the duty to service notices in accordance with the provisions of Sections 56(3) and 56(4) of the <i>Land Use Planning & Approvals Act 1993</i></p>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
13	S.57A	Power to enter into mediation on behalf of the Planning Authority regarding an application for a permit in accordance with the provisions of Section 57A of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
14	S.57(5)	Power to extend the period of time for the making of representations relating to an application for a discretionary permit in accordance with the provisions of Section 57(5) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
15	S.57(6)	Duty to grant or refuse discretionary planning permit in accordance with the provisions of Section 57(6) of the <i>Land Use Planning & Approvals Act 1993</i>	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The General Manager or the Manager Development Services is only to exercise this power where the decision is to: <ul style="list-style-type: none"> Grant the permit and does not have the power to refuse a permit The power to grant the permit can only be exercised when either of the following applies: <ul style="list-style-type: none"> No representations have been received in respect of the application; or Where the only representations received are in support of the proposal and any suggested condition of approval be included in a planning permit The power to grant or refuse the permit can only be exercised when the following applies: <ul style="list-style-type: none"> Where Council is not 	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator

No	Statutory Ref	Function or Power	Conditions or Restrictions	Authorisation to Delegate
			<p>able to determine the application within the time period specified in Section 57(6)(b) of the <i>Land Use Planning & Approvals Act 1993</i>; following advice to Councillors; or</p> <ul style="list-style-type: none"> Where an applicant does not agree to an extension of time. 	
16	S.57(6A)	Power to agree to a further extension of time under Section 57(6)(b) to grant a discretionary planning permit in accordance with the provisions of Section 57(6A) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator
17	S.58	Power to grant planning permits which, under the provisions of a Council Planning Scheme the Council is bound to grant, either unconditionally or subject to conditions and issue notice to the applicant in accordance with the provisions of Section 58 of the <i>Land Use Planning & Approvals Act 1993</i>	<ol style="list-style-type: none"> No authority to sub-delegate in respect of the delegation The delegation to Building Services Coordinator is to exercise this delegated power for minor works only as determined by policy of Council The power to grant or refuse the permit can only be exercised when an applicant does not agree to an extension of time. 	<ul style="list-style-type: none"> General Manager Manager Development Services Building Services Coordinator Planning Coordinator
18	S.59(7)	Power to make a determination in relation to an application for a discretionary planning permit where time periods in which to do so under the provisions of Sections 57 and 58 of the <i>Land Use Planning & Approvals Act 1993</i> have expired but where no application under Section 59(3) has been made by the applicant in accordance with the provisions of Section 59(7) of the <i>Land Use Planning & Approvals Act 1993</i>	No authority to sub-delegate in respect of the delegation	<ul style="list-style-type: none"> General Manager Manager Development Services Planning Coordinator

CARRIED UNANIMOUSLY

07/14.15.4 Financial Assistance Grants (FAGs) – Australian Local Government Association (ALGA)

FILE REFERENCE	039\001\001\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.15.4.215 Moved: Clr J McGiveron / Seconded: Clr M Osborne

That the Mayor write to all Coalition Federal Members of Parliament and Senators requesting that the Government reverse its decision to freeze the indexation of Local Government Financial Assistance Grants (FAGs).

CARRIED UNANIMOUSLY

07/14.15.5 Local Government Representation – Local Government Board

FILE REFERENCE	039\002\003\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

07/14.15.5.216 Moved: Clr H Rubenach / Seconded: Clr M Osborne

That Council nominate Clr McGuinness to represent the Local Government Association of Tasmanian on the Local Government Board.

CARRIED UNANIMOUSLY

07/14.16.0 PLANNING AUTHORITY

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

07/14.16.1 DA272-13 – Studio and Deck – 13 Hilltop Drive, Binalong Bay

FILE REFERENCE	DA 272-13
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DISCUSSION:

- Various discussions took place on this item in regards to overshadowing.
- Clr Rubenach stated that the skylight is for the bathroom and the window is for the bedroom.
- The Planning Officer advised that the window of the bedroom is already shadowed by the existing single storey garage.
- Clr Johns advised he was against the approval of the recommendation because of the precautionary principle that the skylight will be overshadowed and it is a habitable room.

COUNCIL DECISION:

07/14.16.1.217 Moved: Clr M Osborne / Seconded: Clr J McGiveron

After due consideration of the representation received pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Council Interim Planning Scheme 2013* that the application for **Studio and Deck** on land situated at **13 Hilltop Drive, Binalong Bay** described in Certificate of Title 80821/17 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 272-13 received by Council 13 January 2014, together with all submitted documentation received and forming part of the development application, except as varied by conditions on this Planning Permit.
2. Windows W05, W06 AND W07 must be frosted as shown on plan no. A04 to avoid direct overlooking of the adjoining property.
3. In accordance with 12.4.4.2A1 of the *Break O'Day Interim Planning Scheme 2013*, all stormwater runoff from the proposed buildings must be detained by on-site water storage systems, with the overflow directed to the Council maintained roadside drain.

FOR Clr J McGiveron, Clr M Tucker, Clr M Osborne, Clr G McGuinness, Clr H Rubenach, Clr S Schmerl
AGAINST Clr R Johns
CARRIED

FILE REFERENCE	DA 059-2014
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DISCUSSION:

- Clr Rubenach asked questions and raised concerns in relation to the wastewater facilities, the height of the trenches.
- The Planning Officer stated that the site can adequately dispose of excess water. The calculations provided and inspected by Council's Environmental Health Officer all show that this is satisfactory.
- Clr Johns asked whether this would be classed as a subdivision? The Planning Officer advised that the application is for multiple units on a single lot, not single units on multiple lots.
- Clr Tucker asked whether the height was an issue after the issues with a previous application? The Planning Officer advised that while the height exceeds the covenant height, it is still within the acceptable height of the Planning Scheme
- Clr Rubenach asked whether the issue of the height covenant could be place on the permit as a condition not as "Advice". The Planning Officer advised that this could not be done as Council cannot enforce the covenant. The covenant is not a Council stipulation it is a developer stipulation.
- Clr Rubenach asked questions in relation to the carparking within the block in regards to visibility, access, etc. The Planning Officer advised that this condition was met as per the planning scheme.
- Clr Rubenach asked whether there was any minimum water requirement even though it is not in a bushfire zone, Mayor Schmerl also agreed with this as it also relates to safety. The Planning Officer advised that the condition is that the minimum is retained in tanks.
- Clr Rubenach voted against the approval of this recommendation in regards to the condition regarding the covenant rather than just advice.

COUNCIL DECISION:**07/14.16.2.218**Moved: Clr M Osborne / Seconded: Clr R Johns

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 HOLIDAY CABINS X 3 on land situated at 34 HIGHCREST AVENUE, BINALONG BAY described in Certificate of Title 127102/8 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 059-14 received by Council 16 April 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 crossovers 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. Privacy screening is to be installed between the carport servicing Unit 2, and the western property boundary to protect the visual privacy of users of the driveway servicing the southern adjoining C.T. 127102 Folio 7.
5. Access to the stormwater tank supply must be maintained and be accessible to brigade vehicles, providing hard standing ground to within 3m of the supply and tanks must be fitted with a TFS 65mm STORZ outlet or provided with a 250mm opening.

FOR Clr J McGiveron, Clr M Tucker, Clr M Osborne, Clr R Johns, Clr G
 McGuinness, Clr S Schmerl
AGAINST Clr H Rubenach
CARRIED

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

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

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

CARRIED UNANIMOUSLY

IN CONFIDENCE

- 07/14.17.0** **CLOSED COUNCIL**
- 07/14.17.1** **Outstanding Actions List for Closed Council**
- 07/14.17.2** **Tender – Council Litter Collection - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.3** **Tender – Cleaning of Council Facilities - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.4** **2014/2015 Bridge Replacement Program - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.5** **St Marys Streetscape - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.6** **Expression of Interest – Design of Indoor Ball Court Facility - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.7** **Irishtown Road, St Marys - Closed Council Item Pursuant To Section 15(2)H Of The Local Government (Meeting Procedures) Regulations 2005**
- 07/14.17.8** **Sale of Public Land – 181 St Helens Point Road, St Helens - Closed Council Item Pursuant To Section 15(2)E Of The Local Government (Meeting Procedures) Regulations 2005**

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

Moved: Cllr R Johns / Seconded: Cllr M Osborne: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Mayor Schmerl thanked everyone for their attendance and declared the meeting closed at 12.50pm.

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MAYOR

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DATE