

22 June  
2015

# COUNCIL MINUTES

Council Chambers



John Brown  
General Manager,  
Break O'Day Council  
22 June 2015

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## **06/15.1.0 ATTENDANCE**

### **06/15.1.1 Present**

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

### **06/15.1.2 Apologies**

Councillor Janet Drummond

### **06/15.1.3 Leave of Absence**

Nil

### **06/15.1.4 Staff in Attendance**

General Manager, John Brown  
Executive Assistant, Angela Matthews  
Manager Community Services, Chris Hughes (*Item 1.0 – 15.1*)  
Building Services Coordinator, Jake Ihnen (*Item 1.0 – 15.2 / 15.7 – 17.2*)  
Manager Corporate Services, Bob Hoogland (*Item 6.0 – 12.5*)  
Works Supervisor, Wayne Polden (*Item 7.1 – 12.5*)  
Planning Coordinator, Paula Kloosterman (*Item 13.6 – 14.6*)  
Planning Officer, Chris Triebe (*Item 14.7 – 16.2*)  
Planning Consultant, Rebecca Green (*Item 15.2 – 16.2*)

## 06/15.2.0 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.*

### 06/15.2.1 Stormwater Line – Sunrise Court, Scamander - Mr B Mooney, Scamander

1. Have Council considered the impact of this solution on the current capacity issues and if so how does this solution deal with the capacity issue?
2. Will Council agree to consult with local residents who will be directly or indirectly impacted by this plan or any modified plan prior to any final decision?
3. Will Council endeavour to impose restrictions similar to DA035-2012 regards connection to stormwater for the 12 properties yet to be developed to assist in capacity issues?

#### Reply

1. This solution was selected from a number of options previously investigated including the impact on existing stormwater capacities, by consultants with expertise in urban stormwater design and management. Stormwater flows from this new line will arrive more quickly at the bottom of the catchment, but this will be a small proportion of the total runoff from the new development. Refurbishment of the existing detention basin, which will occur concurrently with the pipeline works, will ensure that peak flows from each source will not coincide.
2. Council made a decision at its meeting on Monday 22 June 2015 to proceed with this project. Council will be contacting land owners through whose property is directly impacted by the stormwater line passing through their property.
3. Council's Development Services team will assess each development on a case by case basis in conjunction with the Works Department. The management of the stormwater catchment areas will need to be collected and disposed of in accordance with the Break O'Day Planning Scheme and Building Act 2000. Some properties will be able to be connected to the new stormwater line as per answer 2 above and the works carried out as part of this project may alleviate some of the capacity issues which were required to be addressed as part of the Development Application 035-2012.

### 06/15.2.2 Opening of Wrinklers Lagoon - Mr B Mooney, Scamander

1. If any part of the stormwater outlet entering Wrinklers is below water level will Council investigate the benefits of opening the lagoon and if deemed appropriate take action to do so in a reasonable time frame?



2. In the event of a severe weather alert where significant rain is predicted will Council take urgent action to open the lagoon within 24 hours if possible?
3. In the event the lagoon cannot be opened as suggested will Council investigate the modification of the stormwater outlet to reduce the likelihood of it being partially submerged?

### **Reply**

Council already monitors situations where high water levels in closed coastal lagoons threaten its infrastructure, such as roads and stormwater drainage systems, or may threaten people and public health. Council supports and follows a longstanding cooperative protocol governing the opening of lagoon barways in such situations that exists with the Tasmanian Parks and Wildlife Service. This has successfully protected infrastructure in the past and would in the case of drainage through Wrinklers Lagoon if problems arose with Lagoon water levels at the bottom of the stormwater pipes.

### **06/15.2.3 Rates - Mr B Mooney, Scamander**

Will Council consider raising the per dollar rate of commercial properties by an additional 1% per year over 5-6 years to be in line with the residential rate?

### **Reply**

Yes, Council initially considered this during 2015-2016 budget workshops and has requested a report in relation to this. The matter therefore should be again considered by Council in a coming Workshop. Council has not, therefore, determined the exact rate of such a change that might be adopted, nor if any such change will be adopted.

### **06/15.2.4 Tasman Highway/St Helens Point Road Intersection Upgrade - Mr J Berridge, Akaroa**

Has funding come through from the State Government for the above works? If so, when will work be commencing?

### **Reply**

The General Manager advised that partial funding has been received as per the grant deed and this is paid in instalments.

We cannot give an exact start date at this time however we have been advised that the anticipated completion date is towards the end of October.

**06/15.2.5 Request for Use of Pyengana Recreation Ground for a NEFU Rostered Football Match - Mr M LeFevre, Pyengana**

We are writing for your permission to use the Pyengana Recreation Ground as the venue for a rostered football match (NEFU) next season between St Helens and Winnaleah.

We have spoken to both clubs and they are extremely supportive of this idea. We have strong support from the Pyengana locals and we are sure with the help of the Winnaleah and St Helens Football Clubs this could be a very successful event.

Revenue from this match would be allocated back to the St Helens and Winnaleah Football Clubs.

This “fixture” would be advertised as a “Back to Pyengana” weekend, hopefully bringing many people to the Break O’Day area, which would hopefully benefit the local businesses.

We would appreciate a reply as soon as possible, so if we are given the okay we can start arranging for the weekend event straight away.

Regards

Michael LeFevre obo Pyengana Community

**Reply**

Council Officer’s will arrange a meeting with the Pyengana Committee to discuss and progress this item.

**06/15.3.0 CONFIRMATION OF MINUTES**

**06/15.3.1 Confirmation of Minutes – Council Meeting 18 May 2015**

**DISCUSSION:**

No discussion took place on this item.

**COUNCIL DECISION:**

**06/15.3.1.145** Moved: Clr G McGuinness / Seconded: Clr M Osborne

That the minutes of the Council Meeting held on the 18 May 2015 be confirmed.

**CARRIED UNANIMOUSLY**

### 06/15.3.2 Confirmation of Minutes – Special Committee – Audit Committee Meeting 1 June 2015

#### DISCUSSION:

No discussion took place on this item.

#### COUNCIL DECISION:

**06/15.3.2.146** Moved: Clr J McGiveron / Seconded: Clr J Tucker

That the minutes of the Special Committee – Audit Committee Meeting held on the 1 June 2015 be confirmed.

**CARRIED UNANIMOUSLY**

### 06/15.4.0 COUNCIL WORKSHOPS HELD SINCE 18 MAY 2015 COUNCIL MEETING

There was a Special Council Workshop held on Friday 29 May 2015 where discussions were held in relation to Local Government Reform and a scheduled workshop was held on Monday 1 June 2015. A presentation was made by Steven Herynk, Chair, Audit Committee as well as Ruth Dowty, CEO, East Coast Regional Tourism Organisation and the following items were also listed for discussion:

- Visitor Information Centre – WiFi Relocation and Signage
- Machinery Replacement Account
- Adoption of Procedure – Contractor Management
- Draft 2015-2016 Budget
- 2015-2016 Fees and Charges – Amendment to Schedule
- Public Information of Council Road Ownership and Maintenance Responsibility
- Moulting Bay Jetty
- Draft Kerb Policy
- Cornwall Memorial Park – Conceptual Plan
- Establish Market Space – Horse Stables, St Marys Recreation Ground
- St Marys Tennis Club – Request for Funding
- Planning Items
- Stormwater – Rrand Subdivision
- Implementation of Statewide Planning Scheme
- Life Cucle Costing Analysis
- Tender v's In House Cost Consideration
- Local Government Association of Tasmania (LGAT) – Annual Conference – 22-24 July 2015 – Launceston
- Council Agendas and Minutes – Distribution to Organisations
- 2015-2016 Annual Plan
- TasWater – General Meeting – 28 July 2015 – Items for Consideration at General Meeting

- Usage of Mobile Phones at Council Meetings
- Delivery of Sharps Containers
- Sale of Gravel
- South Sister

## 06/15.5.0 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 K Wright advised that she has property in the Parnella Landslip area and therefore may have an interest in agenda item 06/15.14.8 – Mitigation of Land Instability on Properties along St Helens Point Road, Parnella.

Clr K Wright advised that she has been invited to sing at the Festival of Voices and therefore may have an interest in agenda item 06/15.13.8 – Request for Financial Assistance – Break O’Day Regional Arts (BODRA).

## 06/15.6.0 PETITIONS

Nil

## 06/15.7.0 NOTICES OF MOTION

### 06/15.7.1 Notice of Motion – Opening of Major Lagoons in Break O’Day – Clr B LeFevre

#### DISCUSSION:

- Clr LeFevre stated that when the lagoon was opened at Binalong Bay in 2013 the use was astronomical.
- Clr McGuinness agreed with Clr LeFevre and stated that when the lagoon was not opened it built up above sea level so when it did open it was catastrophic in that it washed out banks, etc. If this was done more regularly it remains clean and renews fish stocks, etc.
- Clr Rubenach advised that she was supportive of the proposal however she would like to see a full ecological report undertaken. Clr Wright agreed with Clr Rubenach.
- Clr McGiveron stated that when they are at their lowest they are difficult to open.
- Clr LeFevre stated that he was apprehensive about waiting for another report to be prepared, this would delay the process further.

- Clr Osborne stated that it is better to be done yearly and properly.

## COUNCIL DECISION:

**06/15.7.1.147**

Moved: Clr B LeFevre / 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.

Council negotiate with Parks to ensure all the major lagoons in Break O'Day are opened to the sea the week after the long weekend in November, if they have not opened naturally in the preceding six (6) months.

### An amendment was moved:

**06/15.7.1.148**

Moved: Clr H Rubenach / Seconded: Clr K Wright

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.

Council negotiate with Parks to ensure all the major lagoons in Break O'Day are opened to the sea the week after the long weekend in November, if they have not opened naturally in the preceding six (6) months, With specific consideration for ecological impacts and social impacts.

**FOR** Clr H Rubenach, Clr K Wright

**AGAINST** Clr J McGiveron, Clr J Tucker, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

**LOST**

### Original motion was put:

**FOR** Clr J McGiveron, Clr J Tucker, Clr M Osborne, Clr G McGuinness, Clr B LeFevre, Clr M Tucker

**AGAINST** Clr H Rubenach, Clr K Wright  
**CARRIED**

**06/15.7.2**

**Notice of Motion – Weed Spraying Program – Clr J Tucker**

## DISCUSSION:

- Clr J Tucker advised that he has put this motion up in lieu of using a designated weed control officer.
- Clr Rubenach stated that she can't support this as it should be focussed on a holistic approach to weed management. Clr Wright agreed.

## COUNCIL DECISION:

06/15.7.2.149

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 weed spraying be added to the works program.

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

## 06/15.8.0 COUNCILLOR'S QUESTIONS ON NOTICE

### 06/15.8.1 Commercial Rates – Clr J Tucker

Could the ratepayers of Break O'Day please be provided with a genuine reason as to why Commercial rates receive a discount in their rates (pay a lower cents in the dollar for there AAV) compared to Residential and Rural rates?

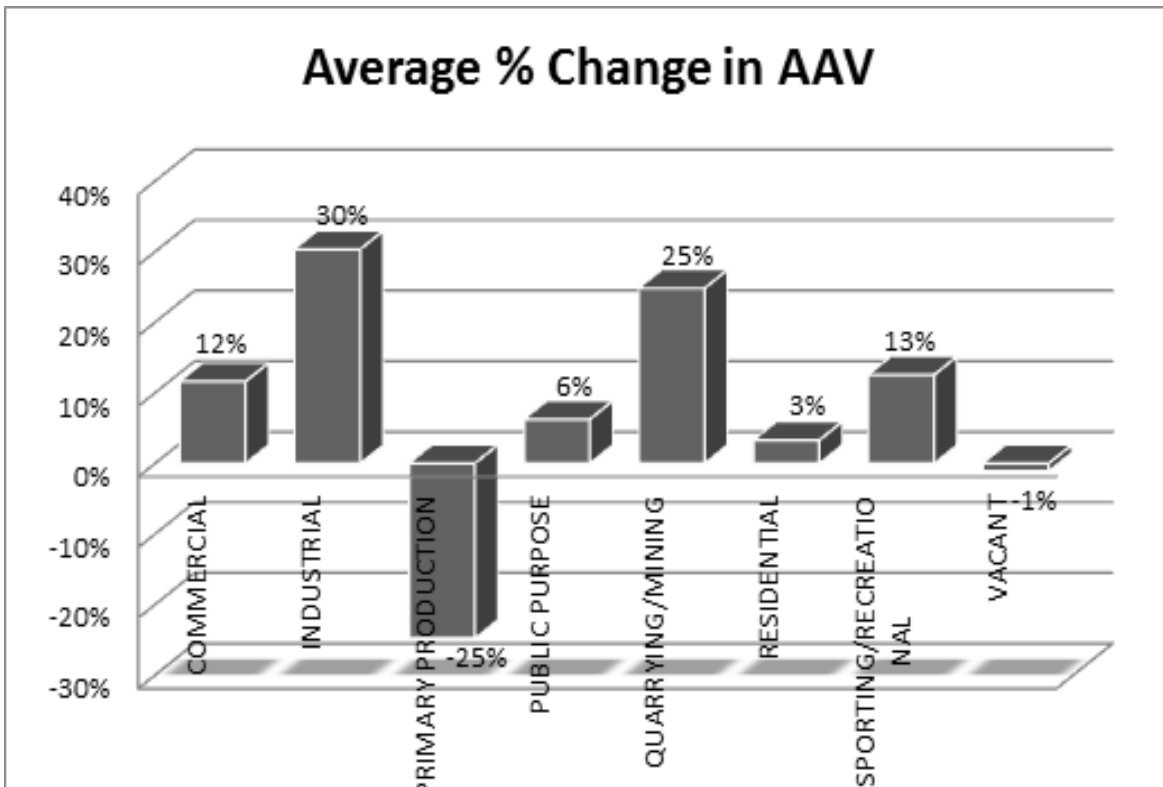
#### Reply

In 2012/2013, Council had not implemented differential rating.

For 2013/2014, we had the full revaluation of the municipality which is undertaken every six (6) years.

The revaluation identified that the average change in residential valuations was relatively small but changes in non-residential were much larger, particularly in the Forestry component of primary production, as evidenced in this chart that was presented to Council in its first rating workshop for the budget preparation.

## Average % Change in AAV



Council also identified that, as well as the greater average increase, there were some very large differences in individual rating impact between commercial properties, as identified in this table presented to Council as a report on potential differential rating considerations.

Old AAV	New AAV	Last Year	Estimates	\$ Variance	% Variance	Without Differential
\$4,000	\$3,780	\$430.00	\$460.00	\$30.00	7%	<b>\$460.00</b>
\$6,180	\$8,320	\$434.77	\$565.76	\$130.99	30%	<b>\$735.07</b>
\$12,240	\$7,500	\$861.11	\$510.00	-\$351.11	-41%	<b>\$662.63</b>
\$14,700	\$11,550	\$1,034.17	\$785.40	-\$248.77	-24%	<b>1,020.44</b>
\$4,680	\$12,040	\$430.00	\$818.72	\$388.72	90%	<b>\$1,063.73</b>
\$10,680	\$12,810	\$751.36	\$871.07	\$119.72	16%	<b>\$1,131.76</b>
\$18,700	\$16,560	\$1,315.58	\$1,126.08	-\$189.50	-14%	<b>\$1,463.08</b>
\$14,000	\$20,426	\$984.93	\$1,388.97	\$404.04	41%	<b>\$1,804.46</b>
\$29,400	\$31,500	\$2,068.35	\$2,142.00	\$73.65	4%	<b>\$2,783.03</b>

Council considered tools available, including rate capping, and determined differential rating as the appropriate response to mitigate the rating impacts of the variability in valuations. The approach taken was to identify the general rates revenue in each rating category, add the percentage rate increase Council wanted to attain through the budget process and derive the required “cents in the dollar” or differential rating amount for each category.

Council explained this in its 2013/2014 Budget/Rates Newsletter, as follows:

- Break O’Day Council adopted its Budget for the 2013/2014 financial year at the Council meeting held on Monday, June 17.

- The Budget was strongly impacted by the fact that properties around Break O'Day were recently revalued by the Office of the Valuer General, something that only happens once every six (6) years.
- To minimise the impact of the change in valuations while still meeting the needs of the community Council has introduced a differential rating system. This system is divided into three (3) categories, Primary Production, Commercial and all other ratepayers. To meet Council's budgetary needs, rate revenue will increase 6% overall; this includes the usual CPI increase and the rise needed to meet infrastructure maintenance and service provision needs. The increase in individual rates paid will not be uniform but will be based on the new property valuations and the differential rating structure; as such, individual rate rises will vary. Any concerns ratepayers have regarding their property valuations should be directed to the Office of the Valuer General.

## 06/15.9.0 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.*

### 06/15.9.1 Drains in Cecilia Street, St Helens – Cllr K Wright

Are the grated drains that are up and down the main street of St Helens that are blocked linked to the stormwater system?

#### Reply

The General Manager advised that the drains relate to stormwater from buildings and cleaning and maintenance of the grates are the responsibility of the property owner.

### 06/15.9.2 Director of Nursing - St Marys Health Centre and St Helens Hospital – Cllr H Rubenach

Has Council been informed of the proposal to merge the positions of the Director of Nursing of St Marys Community Health Centre and the St Helens Hospital?

#### Reply

The General Manager advised that Council has not been informed officially, however he has been made aware of the situation through the community.



## 06/15.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 06/15.10.1 Mayor's Communications for Period Ending 22 June 2015

19.05.15	<b>St Helens</b>	- Hearing with the Legislative Council Committee relating to the Inquiry into Built-Heritage Tourism in Tasmania
20.05.15	<b>St Helens Launceston</b>	- Netball World Cup Tour - Population Strategy Stakeholder Roundtable Forum with Minister Groom
21.05.15	<b>St Helens</b>	- Council Discussions with Guy Barnett, Parliamentary Secretary to the Premier
25.05.15	<b>St Helens</b>	- Break O'Day Youth Skills Building Project
28.05.15	<b>St Helens</b>	- Meeting with Lyndcraft
29.05.15	<b>St Helens</b>	- Council Workshop – Local Government Reform
31.05.15	<b>St Helens</b>	- TS Argonaut Annual Assessment
01.06.15	<b>St Helens</b>	- Council Workshop
05.06.15	<b>Four Mile Creek</b>	- Regional Innovation Action Session
06.06.15	<b>St Helens</b>	- Bay of Fires Art Prize Presentation and Exhibition Opening
10.06.15	<b>Bicheno</b>	- Meeting with Glamorgan Spring Bay Council - Voluntary Amalgamations and Shared Services
13.06.15	<b>Canberra</b>	- Australian Local Government Association (ALGA) National General Assembly
14.06.15	<b>Canberra</b>	- Australian Local Government Association (ALGA) National General Assembly
15.06.15	<b>Canberra</b>	- Australian Local Government Association (ALGA) National General Assembly - National Timber Councils Association General Meeting
16.06.15	<b>Canberra</b>	- Australian Local Government Association (ALGA) National General Assembly
17.06.15	<b>Canberra</b>	- Australian Local Government Association (ALGA) National General Assembly
22.06.15	<b>St Helens</b>	- Council Meeting

### 06/15.10.2 Councillor's Reports for Period Ending 22 June 2015

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

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

- Two (2) Chamber Meetings since last Council Meeting.
- Heidi Howe resigned as Chair of the Chamber and Glenn McGuinness is Acting Chair.
- Focus about working together all the way along the Coast.
- Discussion regarding signage at Binalong Bay Boat Ramp.
- Chamber working to reinvigorate the organisation.

NRM Special Committee – Clr Hannah Rubenach/Clr Janet Drummond

- Meeting that was scheduled was cancelled due to lack of quorum. Rescheduled for this week.

Star FM – Clr Kylie Wright

- Now have solar fully connected.
- Discussion regarding bad debtors.
- Discussion regarding sharing a site with Scamander Fire Station for the transmitter.
- Regular sausage sizzles in July for fund raising.

Barway Committee – Clr John McGiveron

- State Government confirmed contribution to be able to extend the wall and address Pelican Point issues.
- Council and MAST are both providing a contribution.
- People need to understand that it will never be fixed entirely but will be more reliable and safer.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- The end of this month the Premier will be launching the Great Eastern Drive.
- Awards evening was very successful.

Titley Shack & Binalong Bay Reference Group – Clr Glenn McGuinness

- Finally signed off on the final plans for the building.
- There will be a little room to start collecting items of significance for a Museum representing shacks and fishing of the Bay of Fires area.
- Looked at siting for bollards and seating which has now been agreed upon.
- Looking forward to works commencing.

### 06/15.10.3 Mayor’s and Councillor’s Items

#### Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
Nil			

### 06/15.11.0 BUSINESS AND CORPORATE SERVICES

#### 06/15.11.1 Corporate Services – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

## 06/15.11.2 Monthly Financial Report

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

- The Manager Corporate Services advised that there was nothing further to add as we were nearing the end of the financial year.
- Clr J Tucker asked whether there was an excavator replaced as there was a line for the sale of one? The Manager Corporate Services advised that the note was to explain the variance to the budget.
- Clr J Tucker stated that he could not find any costings in relation to the resheeting of the Fire Road. The General Manager advised that this forms part of the expenditure under the bridge replacement budget as it was part of the detour which was required.

### COUNCIL DECISION:

**06/15.11.2.150**                      Moved: Clr G McGuinness / Seconded: Clr B LeFevre

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

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

**CARRIED UNANIMOUSLY**

## 06/15.11.3 Corporate Services Department Report

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

No discussion took place on this item.

### COUNCIL DECISION:

**06/15.11.3.151**                      Moved: Clr B LeFevre / Seconded: Clr H Rubenach

That the report be received.

**CARRIED UNANIMOUSLY**

## 06/15.11.4 Visitor Information Centre Report

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

No discussion took place on this item.

### COUNCIL DECISION:

**06/15.11.4.152** Moved: Clr M Osborne / Seconded: Clr K Wright

That the report be received.

**CARRIED UNANIMOUSLY**

## 06/15.11.5 Amendment to 2015-2016 Schedule of Fees and Charges

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

- Clr Rubenach asked whether Council will be having a six (6) month amnesty for illegal works this year? The Manager Corporate Services advised he had received no direction on this. The Building Services Coordinator stated that this will be brought to Council as a separate item.

### COUNCIL DECISION:

**06/15.11.5.153** Moved: Clr J McGiveron / Seconded: Clr M Osborne

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

**CARRIED UNANIMOUSLY**

## 06/15.11.6 Adoption of 2015-2016 Budget Estimates

FILE REFERENCE	018\007\021\
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### DISCUSSION:

- The General Manager advised Councillors that there are a number of items from the Works Department which are listed with costings but not included in the budget at this time.
- The Manager Corporate Services advised that this is not the last opportunity to change the budget. This can be amended by Council at any time.

## COUNCIL DECISION:

**06/15.11.6.154**                      Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council adopt the 2015/2016 Budget Estimates document inclusive of:

1. Rates Resolution
2. Budget Income Statement
3. Budgeted Cash Flow Statement
4. Cash Flow Statement

**CARRIED UNANIMOUSLY**

## 06/15.11.7                      Adoption of 2015-2016 Rates Resolution

FILE REFERENCE	018\033\002\
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## DISCUSSION:

Discussion has taken place on this matter at numerous Council Workshops when undertaking budget deliberations.

## COUNCIL DECISION:

**06/15.11.7.155**                      Moved: Clr G McGuinness / Seconded: Clr H Rubenach

That in accordance with the provisions of the *Local Government Act 1993*, Council adopts the rates and charges for the period 1 July 2014 to 30 June 2015 in accordance with the resolutions which follow.

### 1. General Rate:

- 1.1 Pursuant to Section 90 of the *Local Government Act 1993*, Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the Municipal area of Break O'Day for the period commencing 1 July 2015 and ending 30 June 2016, namely a rate of 8.236570 cents in the dollar on the assessed annual value (as adjusted) of the land.
- 1.2 Pursuant to Section 90(4) of the *Local Government Act 1993*, Council sets a minimum amount payable in respect of the general rate of \$509.00.
- 1.3 Pursuant to Section 107(1)(a) of the *Local Government Act 1993*, Council declares by absolute majority, that the general rate is varied as follows:
  - (a) For land which has the defined use, of commercial, in accordance with the list provided by the Valuer General, a varied general rate of 7.517940 cents in the dollar of the assessed annual value (as adjusted) of the land

- (b) For land which has the defined use, of primary production excluding forestry, in accordance with the list provided by the Valuer General, a varied general rate of 8.236570 cents in the dollar of the assessed annual value (as adjusted) of the land
- (c) For land which has the defined use, of primary production forestry, in accordance with the list provided by the Valuer General, a varied general rate of 16.458850 cents in the dollar of the assessed annual value (as adjusted) of the land

**2. Service Charges:**

Pursuant to Sections 93, 93A, 94, and 95 of the *Local Government Act 1993*, Council makes the following service rates and service charges on all rateable land within the municipal area of Break O’Day (including land which is otherwise exempt from rates pursuant to Section 87 but excluding Crown Land to which Council does not supply any of the following services) for the period commencing 1 July 2015 and ending on the 30 June 2016, namely:

**2.1 Waste Management:**

Service charges for different waste management services as follows;

- (a) for the making available of waste management services to all land within the municipal area comprising waste disposal areas, waste transfer stations and related waste management facilities, \$163.50;
- (b) for making available the service of a mobile garbage bin collection within each collection area, \$84.50; and
- (c) for each mobile garbage bin supplied, in addition to the first, \$84.50 per bin.

Pursuant to Section 94(3) Council declares, by absolute majority, that the service charges for waste management are each varied within the municipal area according to each of the following factors;

- (d) where land is within a collection area pursuant to sub-paragraph (b) but is vacant and is not used for any purpose, vary the collection service charge to nil;
- (e) where land to which sub-paragraphs (a) or (b) apply is used as a sporting or recreational facility and is a jetty, boat shed, boat ramp or slipway, vary the service charges to nil.

**2.2 Fire Protection (fire service contribution):**

Pursuant to Section 93A of the *Local Government Act 1993* Council makes the following service rates in respect of the fire service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the Municipal area as follows:

<i>District</i>	<i>Cents in the Dollar of AAV</i>
Volunteer brigade rating district	.264230
General land	.537330

Pursuant to Section 93(3) of the *Local Government Act 1993* Council sets a minimum amount payable in respect of this service rate of \$38.00.

**3. Separate Land:**

**3.1** For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001.

**4. Adjusted Values:**

**4.1.** For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Section 89 of the *Local Government Act 1993*.

**5. Instalment Payment:**

**5.1** Pursuant to Section 124 of the *Local Government Act 1993*, Council:

- (a)** Decides that all rates are payable by all rate payers by four (4) instalments which must be of approximately equal amounts.
- (b)** Determines that the dates by which instalments are to be paid shall be as follows:
  - (i)** The first instalment on or before 8 September 2015;
  - (ii)** The second instalment on or before 10 November 2015;
  - (iii)** The third instalment on or before 9 February 2016; and
  - (iv)** The fourth instalment on or before 3 May 2016.
- (c)** Where a ratepayer fails to pay any instalment within 21 days of the date on which the rates are due, the full amount owing becomes due and payable in accordance with Section 124 (5) of the *Local Government Act 1993*.

**6. Discount:**

Pursuant to Section 130 of the *Local Government Act 1993* Council offers to all of the ratepayers who are liable to pay rates and charges a discount of 3% of the rates and charges if they are paid by one payment on or before 8 September 2015.

**7. Penalty and Interest:**

**7.1** Pursuant to Section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid on or before the date it falls due then:

- (a)** There is payable a penalty of 6% of the unpaid rate or instalment; and
- (b)** There is payable a daily interest charge of 0.023178% (8.46% per annum) in respect of the unpaid rate or instalment for the period during which it is unpaid.

**8. Words and Expressions:**

Words and expressions used both in these resolutions and in the *Local Government Act 1993* or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those Acts.

**CARRIED UNANIMOUSLY**

## 06/15.12.0 WORKS AND INFRASTRUCTURE

### 06/15.12.1 Works and Infrastructure – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

### 06/15.12.2 Works and Infrastructure Report

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

- Clr J Tucker asked whether there was any update with the Cornwall Coal bridge replacement. The General Manager advised that it is supposed to be scheduled for their next Board Meeting in June, however it keeps getting deferred by Cornwall Coal.
- Clr J Tucker asked whether there were any other landfill sites other than Copping? The General Manager advised that there is one in Launceston and one at Dulverton, however Copping is the cheapest for us.
- Clr McGuinness asked what was happening with the Tully Street Memorial Park, there doesn't seem to be anything progressing.
- Clr McGiveron stated that the St Marys Streetscape seems to be getting slower. The Works Supervisor advised that there has been a stall due to the relocation of a stormwater line, however this is nearing the end so works will ramp up again shortly.

#### COUNCIL DECISION:

06/15.12.2.156 Moved: Clr J Tucker / Seconded: Clr J McGiveron

That the report be received by Council.

**CARRIED UNANIMOUSLY**

### 06/15.12.3 Animal Control Report

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

No discussion took place on this item.



**COUNCIL DECISION:**

**06/15.12.3.157**                      Moved: Clr J Tucker / Seconded: Clr H Rubenach

That the report be received by Council.

**CARRIED UNANIMOUSLY**

**06/15.12.4**                      **Kerb and Guttering Policy**

FILE REFERENCE	032\005\025\
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**DISCUSSION:**

- Clr J Tucker asked whether we have all of the kerb profiles to be able to undertake the kerbing work? The Works Supervisor advised that we have two (2), the normal kerb and the demountable kerb, we don't have the "V" channel profile.
- Clr McGuinness asked whether we were doing any kerb work retrospectively? The General Manager advised that is up to Council. The Morty's kerb is budgeted to be redone in 2015-2016.

**COUNCIL DECISION:**

**06/15.12.4.158**                      Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That Council adopt Asset Management Policy Number AM-16 Kerb Profile, Draft Version 2 (04 June 2015) as the approved policy.

**CARRIED UNANIMOUSLY**

**06/15.12.5**                      **Heavy Vehicle Wharf Access**

FILE REFERENCE	032\005\003\
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**DISCUSSION:**

No discussion of significance took place on this item.

## COUNCIL DECISION:

06/15.12.5.159

Moved: Clr J McGiveron / Seconded: Clr M Osborne

That Council approve minor works to make the following roads capable of allowing the transport of water craft from the Lyndcraft factory to the St Helens Wharf:

- Molly Court
- Beaulieu Street
- Argonaut Road
- Walker Street
- Eagle Street
- Medea Cove Esplanade

**CARRIED UNANIMOUSLY**

*Adjourned for morning tea at 11.00am*

*Meeting resumed at 11.14am*

## 06/15.12.6 Moulting Bay Jetty

FILE REFERENCE	004\007\003\
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## DISCUSSION:

- Clr LeFevre stated that he agrees with point 3 – the jetty needs to be pulled down, don't know why we need to discuss further unless funding is available to replace it.
- Clr Wright asked – are we obliged by the lease to keep the jetty there? The General Manager advised that the terms of the lease have been investigated and we are obligated to maintain it but when it gets to the state it is in now we are not obligated to keep it there.

## COUNCIL DECISION:

06/15.12.6.160

Moved: Clr J McGiveron / Seconded: Clr J Tucker

1. That Council maintains the current closure of the Moulting Bay Jetty until appropriate funds are available for its replacement.
2. That Council investigate funding options to replace the Moulting Bay Jetty.
3. That Council seek a Memorandum of Understanding with St Helens Oysters at 434 Binalong Bay Road for the use of their jetty during emergencies.

**CARRIED UNANIMOUSLY**

## 06/15.13.0 COMMUNITY DEVELOPMENT

### 06/15.13.1 Community Services – Strategic Plan Activity Report

#### COUNCIL DECISION:

Received.

### 06/15.13.2 Community Services Report

FILE REFERENCE	011\
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#### DISCUSSION:

- The Manager Community Services asked whether Council wanted to workshop the Fingal Tennis Court or just proceed with the “Expression of Interest”? Council agreed to continue to proceed.

#### COUNCIL DECISION:

**06/15.13.2.161** Moved: Clr G McGuinness / Seconded: Clr M Osborne

That the report be received.

**CARRIED UNANIMOUSLY**

### 06/15.13.3 Request for Donation – Golf Day – Suicide Prevention Australia

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

- Clr McGiveron stated that this is a very important issue to support, especially in our local area.
- Clr McGuinness stated that he supports Council’s stance to support suicide prevention.

#### COUNCIL DECISION:

**06/15.13.3.162** Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council support this request from the Johns Family and provide financial assistance in the sum of \$1,000 to assist them in running of the Golf Day as a fundraiser to support Suicide Prevention Australia.

**CARRIED UNANIMOUSLY**

## 06/15.13.4 Cornwall Memorial Park – Conceptual Plan

FILE REFERENCE	004\008\003\
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### DISCUSSION:

- Clr Osborne stated that plans seem to take a long time and then if funding is received then we have to wait for proper design plans before works can commence.

### COUNCIL DECISION:

**06/15.13.4.163** Moved: Clr J Tucker / Seconded: Clr H Rubenach

That Council approves the draft conceptual plan of the Cornwall Park which has been prepared subject to some minor amendments proposed by the Cornwall community which will assist them to seek funding from external agencies to undertake any proposed works.

**CARRIED UNANIMOUSLY**

## 06/15.13.5 Establish Market Space – Horse Stables, St Marys Recreation Ground

FILE REFERENCE	004\008\031\
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### DISCUSSION:

- The Manager Community Services advised that a quote for bitumen was also requested and the advice received is that it would be very similar to the price of concrete.
- Clr Rubenach asked whether the removal of the barriers will work for the pacing club? The Manager Community Services advised that the pacing club have been involved in the meetings and this will work for them.
- Clr LeFevre asked how many artists were in the co-op? The Manager Community Services advised that Clr Drummond is working with this group and it will be utilised sufficiently. Clr Rubenach stated that there are a lot of people in the Valley who have indicated that they would use and support this.

### COUNCIL DECISION:

**06/15.13.5.164** Moved: Clr Osborne / Seconded: Clr K Wright

That Council develop a Market Space utilising the existing undercover horse stables at the St Marys Recreation Ground by:

- Sealing the ground within the roofed section of the horse stables with a bitumen coating; and
- Transferring the timber barriers to the front of the stalls located closer to the road allowing access to the stalls from a central point.

**CARRIED UNANIMOUSLY**

**06/15.13.6 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 encouraging people to represent the area.
- Mayor M Tucker stated that there are concerns with assisting a private person achieving their personal goals. Clr Wright agreed.
- Clr LeFevre stated – what support would Cornwall Coal be providing?

**COUNCIL DECISION:**

**06/15.13.6.165** Moved: Clr M Osborne / Seconded: Clr B LeFevre

That Council support this request from Ricky Gale in the sum of \$200 to assist him with the costs of representing the East Coast of Tasmania at the Moura Festival being held in Queensland.

**CARRIED UNANIMOUSLY**

**06/15.13.7 Break O’Day Regional Arts (BODRA) – Council Facilities – Hire Fees**

FILE REFERENCE	011\030\001\
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**DISCUSSION:**

- Clr Osborne stated that we should not commit to something like this why we are reviewing the structure for fee waivers.
- Clr Rubenach stated that this group is very good for the health and wellbeing of the community.
- Clr LeFevre asked what sort of revenue would we be losing? The Manager Community Services advised that it would be thousands.
- Clr Osborne asked do they pay the \$25 booking fee? The Manager Community Services advised that they pay one (1) booking so they only get charged the fee once.
- Clr LeFevre stated that he is against this, after working with Clr McGuinness and the Manager Community Services to review the structure.
- This item should be workshopped further.
- Clr Rubenach stated that there are bookings in the meantime before the next workshop and Council Meeting, what will happen? It was agreed that nothing would change until a decision was made after further discussion.

**COUNCIL DECISION:**

**06/15.13.7.166**                      Moved: Clr G McGuinness / Seconded: Clr H Rubenach

That Council leaves the status quo for Break O’Day Regional Arts (BODRA) for hire fees for the St Marys and Portland Halls until the matter is discussed at the next Council Workshop following a decision to be made at the July Council Meeting.

**CARRIED UNANIMOUSLY**

**06/15.13.8**                      **Request for Financial Assistance – Break O’Day Regional Arts (BODRA)**

FILE REFERENCE	011\030\001\
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**DISCUSSION:**

- Clr Rubenach stated that this is an event that gets people out in winter.
- Clr Wright stated she agreed with Clr Rubenach, it is good for the community and groups with fundraising opportunities.
- Clr LeFevre stated that he looked at their income and they only have \$400 listed. Clr Rubenach stated this is low because they give opportunity to other community groups to have food stalls to fundraise for their groups.

**COUNCIL DECISION:**

**06/15.13.8.167**                      Moved: Clr H Rubenach / Seconded: Clr H Wright

That Council supports Break O’Day Regional Arts (BODRA) by providing \$1,500 to assist with the Valley of Voices Music Festival and a further \$1,500 to cover the cost of workshops for the next financial year;

**An amendment was moved:**

**06/15.13.8.168**                      Moved: Clr G McGuinness / Seconded: Clr

That Council investigate the opportunity for support in kind in consultation with BODRA.

***Motion lapsed due to lack of seconder.***

**An amendment was moved:**

**06/15.13.8.169**                      Moved: Clr B LeFevre / Seconded: Clr G McGuinness

That Council supports Break O’Day Regional Arts (BODRA) by providing \$500 to assist with the Valley of Voices Music Festival.

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

**The amendment becomes the motion:**

**CARRIED UNANIMOUSLY**

**06/15.14.0                      DEVELOPMENT SERVICES**

**06/15.14.1                      Development Services – Strategic Plan Activity Report**

**COUNCIL DECISION:**

Received.

**06/15.14.2                      Development Services Report**

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

No discussion of significance took place on this item.

**COUNCIL DECISION:**

**06/15.14.2.170**                      Moved: Clr J Tucker / Seconded: Clr B LeFevre

That the report be received.

**CARRIED UNANIMOUSLY**

**06/15.14.3                      Planning Approvals Issued**

**COUNCIL DECISION:**

Received.

## 06/15.14.4 Building Services Approvals

### COUNCIL DECISION:

Received.

## 06/15.14.5 Installation of Stormwater Line at Sunrise Court, Scamander

FILE REFERENCE	031\010\002\
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### DISCUSSION:

- Clr Rubenach asked whether there was any co-contribution? The General Manager advised that the works on the retention basin could be covered from the bank guarantee which Council holds but the works on the stormwater pipe Council will cover.
- Clr McGuinness stated that it is important to get infrastructure in place now.

### COUNCIL DECISION:

**06/15.14.5.171** Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council support the installation of a stormwater line and amelioration to stormwater retention basis servicing Sunrise Court, Scamander.

**CARRIED UNANIMOUSLY**

## 06/15.14.6 Update - Break O'Day Multi-Purpose Indoor Stadium

FILE REFERENCE	030\004\005\
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### DISCUSSION:

This information was provided as an update on the progress.

### COUNCIL DECISION:

**06/15.14.6.172** Moved: Clr G McGuinness / Seconded: Clr J Tucker

That Council receive the report.

**CARRIED UNANIMOUSLY**



FILE REFERENCE	020\009\002\
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**DISCUSSION:**

- Clr Rubenach stated that we should be writing to the State Government regarding cost shifting.
- The General Manager advised that other Council's in the State have been doing this for quite some time and that Break O'Day was one (1) of five (5) which didn't..
- Clr J Tucker stated that for the sake of health and wellbeing of our community \$5,000 is not much.
- Clr LeFevre stated that this could become a minefield as people started demanding replacements. He would agree to option 2 for a 12 month trial.
- Clr Wright stated that this won't stop the irresponsible drug users, only the responsible ones.
- Mayor Tucker stated that this would need to be done in the whole municipality if it is going to be done.
- Clr McGiveron stated that this should be the State Government's responsibility.
- Clr Rubenach stated that this needs to be done in the whole municipality.
- Clr J Tucker stated that there are only five (5) Council's not doing this. It is not a State Government issue the precedent has been set.
- Clr LeFevre asked what would it cost with a replacement service? The General Manager advised that it could cost up to \$3,000 per location.
- The General Manager advised that at this stage this only relates to St Helens.

**COUNCIL DECISION:****06/15.14.7.173**Moved: Clr G McGuinness / Seconded: Clr

That Council considers the provision of a free disposal and provision of approved sharps containers for residents.

***Motion lapsed through lack of seconder***

**06/15.14.7.174**Moved: Clr J Tucker / Seconded: Clr M Osborne

The provision of a free disposal service of approved sharps containers for residents and visitors.

**CARRIED UNANIMOUSLY**

**06/15.14.8 Mitigation of Land Instability on Properties along St Helens Point Road, Parnella**

FILE REFERENCE	017\011\003\
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**DISCUSSION:**

No discussion took place on this item.

**COUNCIL DECISION:**

**06/15.14.8.175** Moved: Clr J McGiveron / Seconded: Clr G McGuinness

That Council support the strategy which has been developed to maximise the benefit of a Government funding allocation to mitigate land instability in the Parnella foreshore area.

**CARRIED UNANIMOUSLY**

**06/15.15.0 GOVERNANCE**

**06/15.15.1 General Manager's – Strategic Plan Activity Report**

**COUNCIL DECISION:**

Received.

**06/15.15.2 General Manager's Report**

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

No discussion of significance took place on this item.

**COUNCIL DECISION:**

**06/15.15.2.176** Moved: Clr M Osborne / Seconded: Clr J McGiveron

That the General Manager's report be received.

**CARRIED UNANIMOUSLY**

### 06/15.15.3 East Coast Regional Tourism Organisation (ECRTO) – Nomination of Council Representative

FILE REFERENCE	011\029\012\
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#### DISCUSSION:

- Mayor Tucker thanked Clr Osborne for her contribution on behalf of Council on the East Coast Regional Tourism Organisation.
- This item was discussed previously at a Council Workshop, no further discussion took place.

#### COUNCIL DECISION:

**06/15.15.3.177**                      Moved: Clr J Tucker / Seconded: Clr M Osborne

That Clr Glenn McGuinness be Council's representative on the East Coast Regional Tourism Organisation (ECRTO).

**CARRIED UNANIMOUSLY**

### 06/15.15.4 Distribution of Minutes and Agendas

FILE REFERENCE	014\001\003\
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#### DISCUSSION:

- Clr Rubenach raised concerns for accessibility for people in the valley with literacy issues.
- The General Manager stated that if a demand is there we can review the situation.

#### COUNCIL DECISION:

**06/15.15.4.178**                      Moved: Clr M Osborne / Seconded: Clr J Tucker

That Council cease the mail out of hard copy minutes and agendas to organisations with the exception of the St Helens History Room where they are provided for their historical records.

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

**06/15.15.5            2015-2016 Annual Plan**

FILE REFERENCE	002\002\005\
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**DISCUSSION:**

This item was provided for discussion at the June Council Workshop, no further discussion took place.

**COUNCIL DECISION:**

**06/15.15.5.179**            Moved: Clr J McGiveron / Seconded: Clr J Tucker

That the 2015-2016 Annual Plan be adopted.

**CARRIED UNANIMOUSLY**

**06/15.15.6            Great Eastern Drive - Signage**

FILE REFERENCE	011\029\012\
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**DISCUSSION:**

- Clr Rubenach stated that she can't support the endorsement of installation of signage when she hasn't seen it. The General Manager advised that a picture of the sign design was presented by the CEO of the East Coast Regional Tourism Organisation (ECRTO) at the June Council Workshop.

**COUNCIL DECISION:**

**06/15.15.6.180**            Moved: Clr M Osborne / Seconded: Clr J Tucker

1. That Council note the installation of the Great Eastern Drive gateway signage.
2. That Council agree to the replacement of the town entrance signage with new signage as proposed for the Great Eastern Drive noting that the cost of the signage and its installation is being funded through the Department of State Growth.

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

## 06/15.15.7 East Coast Marine Infrastructure Project

FILE REFERENCE	018\019\001\
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### DISCUSSION:

- Clr LeFevre stated that if we are successful with grant funding there needs to be further discussion regarding the jetties.

### COUNCIL DECISION:

**06/15.15.7.181**                      Moved: Clr M Osborne / Seconded: Clr J McGiveron

That Council provide 'in principle' agreement to acting as the applicant for the East Coast Marine Infrastructure Project.

**CARRIED UNANIMOUSLY**

## 06/15.16.0 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.*

### 06/15.16.1                      **DA052-2015 – Visitor Accommodation – Eco Villas and Strata and Covenant Variation - 62 Lyall Road, Binalong Bay**

FILE REFERENCE	DA 052-2015
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### DISCUSSION:

- Clr Rubenach stated that she had concerns regarding the covenant. The Planning Consultant advised that this is a separate issue.
- Clr Rubenach asked why wasn't the Coastal Code considered? The Planning Consultant advised that there are a number of exemptions within the Coastal Code contained in E14 of the Planning Scheme.
- Clr LeFevre congratulated the developers on this application and asked why are we insisting that the power be underground? The Planning Consultant advised that the developer stated this in their application.

## COUNCIL DECISION:

06/15.16.1.182

Moved: Clr G McGuinness / Seconded: Clr M Osborne

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 **Visitor Accommodation – Eco Villas and Strata and Covenant Variation** on land situated at **62 Lyall Road, Binalong Bay** described in Certificate of Title CT 134768/3 be **APPROVED** subject to the following conditions:

1. Development must accord with the Development Application DA 052-2015 received by Council 18 March 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 commencement of works, a detailed landscape development plan, shall be prepared and submitted for the approval of Council. The plan shall identify:
  - (i). plant species;
  - (ii) Boundary and internal fencing details (if applicable);
  - (iii) Additional vegetation screening between the road reservation and the development site, to further conceal the building works from the road and to “infill” in areas that are cleared along the property frontage of Lyall Road and Bailey Court.

The Plan shall specify that seeds or rootstocks for plantings are derived from provenance taken within the boundaries of the site or local area.

*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. 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.
4. 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.
5. 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, generally in accordance with LGAT DWG R04 and R05 (Note: a smaller pipe may be possible upon receipt of engineering advice being provided to Council).

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.

6. 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.
7. Effluent disposal is subject to a Special Plumbing Permit to be issued by Council's Environmental Health Officer. An occupancy limitation of 5 persons shall be applied to each villa.
8. Native vegetation must not be removed outside that necessitated by the proposed development.
9. Power supply/service is to be provided to the development underground.
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_for_Soil_and_Water_Management.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.
11. Where topsoil from within the site is unable to be re-used, gravel sourced from a certified Phytophthora free quarry shall be used as a substitute for imported and potentially contaminated topsoil.
12. Any necessary exterior building lighting must be located under eaves and limited to that essential to allow the safe and secure movement of pedestrians at night. Lighting must not be used as a means of displaying the presence of buildings to be visible from outside the site.
13. Low level bollard style lighting shall be installed adjacent to the internal access road and car parking areas (where applicable).

## ADVICE

- A copy of 'Bushfire – prepare to survive' should be obtained and used as a guide to preparing yourself and your property for bushfires.
- Plants listed in Appendix 3, Break O'Day Interim Planning Scheme 2013 must not be used in landscaping.
- All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.
- All underground infrastructure including all forms of water, storm water, power, gas and telecommunication systems must be located prior to the commencement of any

on-site excavation and / or construction works. Any works to be undertaken within two (2) metres of any Council owned infrastructure must be done in consultation with Council's Manager Works and Infrastructure.

- Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered or suspected during works, cease works immediately and contact Aboriginal Heritage Tasmania for advice on how to proceed. An Unanticipated Discovery Plan should be provided and must be on-hand and available to all contractors during ground disturbing works.
- The introduction of non-native plant species and plant species not of local provenance should be avoided and environmental weeds regularly monitored and targeted for removal.
- Activities associated with construction works are not to be performed outside the permissible time frames listed:

Mon-Friday 7 am to 6 pm

Saturday 9 am to 6 pm

Sunday and public holidays 10 am to 6 pm

#### **CARRIED UNANIMOUSLY**

### **06/15.16.2            Application to Amend the Break O'Day Interim Planning Scheme 2013**

FILE REFERENCE	031\011\017\
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#### **DISCUSSION:**

This item was discussed at the June Council Workshop. No further discussion took place.

#### **COUNCIL DECISION:**

**06/15.16.2.183**            Moved: Clr G McGuinness / Seconded: Clr B LeFevre

That Council approve the amendment of the *Break O'Day Interim Planning Scheme 2013* to change the zoning of land identified as Certificate of Title 167439 Folio 2 from the General Residential Zone to Community Purpose Zone.

That Council allow on Certificate of Title 167439 Folio 2, Residential Use class as a discretionary use with the qualification "if for a residential aged care home, respite centre or retirement village" in Table 17.2.

#### **CARRIED UNANIMOUSLY**

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



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

*Entered into Closed Council at 12.26pm*

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

**CARRIED UNANIMOUSLY**

# IN CONFIDENCE

- 06/15.17.0**      **CLOSED COUNCIL**
- 06/15.17.1**      **Outstanding Actions List for Closed Council**
  
- 06/15.17.2**      **Tender – Multi-Purpose Indoor Stadium - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**
  
- 06/15.17.3**      **Enterprise Agreement Process and Staff Salary Increase - 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 B LeFevre / Seconded: Clr G McGuinness: That Council move out of Closed Council.

**CARRIED UNANIMOUSLY**

Mayor Tucker thanked everyone for their attendance and declared the meeting closed at 12.55pm.

.....  
**MAYOR**

.....  
**DATE**