

20 OCTOBER
2014

COUNCIL MINUTES

Council Chambers



John Brown
General Manager,
Break O'Day Council
20 October 2014

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10/14.1.0 ATTENDANCE

10/14.1.1 Present

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

10/14.1.2 Apologies

Nil

10/14.1.3 Leave of Absence

Nil

10/14.1.4 Staff in Attendance

General Manager, John Brown
Executive Assistant, Angela Matthews
Manager Corporate Services, Bob Hoogland
Manager Community Services, Chris Hughes (*Item 1.0 – 16.1*)
Manager Works & Infrastructure, Stephen Yam (*Item 1.0 – 16.1*)
Risk Officer, Simone Ewald-Rist (*Item 9.0 – 12.1*)
Planning Officer, Chris Triebe (*Item 16.1*)
Development Services Administration Officer, Rebecca Venton (*Item 16.1*)
Development Services Administration Officer, Erica Lowry (*Item 16.1*)

The Mayor welcomed John Brown, new General Manager to Break O’Day Council and thanked Bob Hoogland for his Acting General Manager role over the last few months.

Also, thank you to Chris Hughes, Manager Community Services for her outstanding work and coordination during the fires yesterday.

10/14.2.0 PUBLIC QUESTION TIME

Nine (9) 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.

10/14.2.1 In Reference to Question 09.14.2.2 – Public Accountability – Mr B Mooney, Scamander

I am requesting further information regards Councils response to question 9/14.2.2 saying previous legal advice noted only questions are required to be listed in the agenda is it not correct to say the legal advice did not say additional information could not be listed merely Council had the option to omit additional information and if so is this not selective editing of questions to avoid the listing of facts which provide the context of a question and thus avoid public accountability?

Reply

No.

10/14.2.2 In Reference to Question 09/14.2.3 – Public and Councillor Questions – Mr B Mooney, Scamander

Council responded: “All questions asked in Council are treated with due care and respect and full investigations are undertaken by appropriate officers prior to a response being provided. Pursuant to Section 8 of the Local Government (Meeting Procedures) 2005, it is the responsibility of the General Manager to prepare the Council Agenda and ensure that information provided is accurate.”

The following specific questions are asked noting they reference the previous paragraph therefore I request the above response Council be in include:

- (1) If the above is considered an accurate response than why did Council provide a completely false answer to Mr Dudleys question in the July meeting only to offer a revised totally different and misleading answer to my request to correct their statement and then yet a third version of events in my question 09/14. 2.4 Planning and Building Approvals part (1)?
- (2) The PART 16 345. Local Government Act 1993 **False and misleading statements** states a person must not, in giving any information under this Act –
 - (a) make a statement knowing it to be false or misleading; or
 - (b) omit any matter from a statement knowing that without that matter the statement is misleading.

Is it not the case that Council have not only displayed a failure to treat all questions with due care and respect but have also breached PART 16 – 345 of the **Local Government Act 1993**?

Reply

(1) Council did not provide a completely false answer.

(2) No.

10/14.2.3 In Reference to Question 09/14.2.1 – Planning and Building Approvals – Mr B Mooney, Scamander

Council responded: “*Section 8 of the Land Use Planning and Approvals Regulations 2004 states that a discretionary application must be advertised in the daily local paper, among other places. **The regulations do not specifically state that the property address must be listed,** however Council lists this to ensure that members of the public can determine if land they own/occupy adjoins the land subject to the development application.*”

Why have Council again provided a false and misleading answer as the act specifically states that the property address must be listed :“**Section 8. Notification of application for permit (3)** A notice under sub-regulation (1) is to – **(a)** describe the content of the development proposal **and the location of the affected area;**”, Council have again shown a lack of due care and respect in responding to a question where they have referred to an act but have obviously not read it in full and once again breached the **Local Government Act 1993 PART 16 345. False and misleading statements?**

Reply

Council did not provide a false and misleading answer.

10/14.2.4 In Reference to 09/14.2.4 – Planning and Building Approvals – Mr B Mooney, Scamander

Why after 3 attempts to finally answer a question have Council flatly refused to consult with the public or Councillors regards the change to reporting on planning and building approvals given the **Local Government Act 1993 PART 2 section 20. Functions and powers** states - **(2)** In performing its functions, a council is to consult, involve and be accountable to the community?

Reply

Council is not required to consult extensively in order to answer a question.

10/14.2.5 Council Decision 07/13.15.4.199 – Wrinklers Lagoon, Tasman Highway Footbridge – Mr B Mooney, Scamander

Council determined that the construction of Wrinklers Lagoon, Tasman Highway Footbridge be postponed at this time due to the proposal to replace the DIER bridge in 2014/2015 which would provide for a pedestrian path.

Are Council aware that DIER are currently planning to commence work on this bridge in late January 2015, are Council consulting with DIER to ensure that a pedestrian path will be included? In addition have council considered the cost benefits of upgrading sections of the storm water infrastructure in the vicinity of the bridge during or in conjunction with the bridge replacement?

Reply

Consultation has occurred between Council and the Department of State Growth on the replacement of the Wrinklers Lagoon Bridge.

The Department of State Growth will include a pedestrian lane as part of the new bridge structure, and this lane will be on the western side of the bridge to align with existing footpaths. In addition the Department of State Growth will replace and upgrade stormwater infrastructure on both bridge approaches.

10/14.2.6 Acknowledgement of Receipt of Submissions – Mr T Dudley, St Helens

I recently (22 September 2014) received an email from Chris Hughes in response to a question about Council's policy in relation to acknowledging receipt of submissions from the public. I was advised that submissions from the public for documents such as for example the Break O'Day Recreation and Open Space Strategy would only receive acknowledgement of receipt if specifically requested.

When did this become Council policy? Who made this decision and what was the reason for doing so? Will Council consider revising this policy as it is standard practice to acknowledge public submissions?

Reply

Council does not have a policy in relation to acknowledging the receipt of public submissions, therefore no changes have been made in regards to processes which have taken place.

Acknowledging public submissions could extensively tie up Council resources, as the number of submissions received for any public consultation at any one time could be quite substantial, hence this practice of no acknowledgements being sent unless requested.

10/14.2.7 For Sale Sign – Piano Coves, Tasman Highway, St Helens – Mr T Dudley, St Helens

There is a "For Sale" sign on the Tasman Highway (opposite the Big Shed) at the access to the Piano Coves (Onion Creek) property.

The sign states that the land for sale has "Approval for a resort and 18 hole golf links course".

When was the DA for this resort/golf course advertised?

If it was not advertised, why not?

When was the DA approved by Council?

In which Council minutes/agenda was the approval recorded?

Reply

This request should be investigated under “Right to Information” via an application to Council.

10/14.2.8 Relocation of 60km Speed Limit Sign – Tasman Highway, St Helens – Mr T Dudley, St Helens

At its meeting on the 18 February 2013 Council agreed (in response to my request at question time) to write to DIER and ask for the 60km speed limit sign to be relocated further south on the Tasman Highway from the St Helens Point Road/Tasman Highway intersection in order to slow down approaching vehicles.

Did Council write to DIER about this? If so, could Council please provide me with a copy of the letter and DIER’s response? Why has this not been implemented?

Reply

Correspondence was forwarded to DIER on the 21 February 2013. No response has been received.

10/14.2.9 North East Bioregional Network – Consultation – Mr T Dudley, St Helens

Given that the North East Bioregional Network, Landcare and Conservation Volunteers Australia have spent over 1,000 hours of volunteer work weeding and removing rubbish from the Boggy Creek area and have significant knowledge of the environmental values of the area why have we not been consulted at all about the proposed works at the St Helens Point Road/Tasman Highway intersection by Council/NRM North or Consultants?

Reply

The proposed roadworks are within the road corridor, and there is no impact on Boggy Creek. All works will be in accordance with the Tasmanian Government Department of State Growth specifications.

10/14.2.10 St Helens Point Road/Tasman Highway Intersection Tender – Mr T Dudley, St Helens

We note that a tender was put out for proposed works at the above intersection (Examiner 11 October 2014). Has a Development Application been prepared for these works? and if so, will it be advertised?

Reply

The project is currently being considered as to whether a Development Application is required.

10/14.2.11 Dog Training Business in St Helens – Ms G McArthur, St Helens

1. Did Council give permission for a dog training business to use the foreshore reserve in St Helens?
2. Is Council aware of all appropriate public liability insurances, etc being in place?
3. Does Council believe that this is an appropriate use of Public Open Space when it has a designated and enclosed dog exercise area of its own?

Reply

This request should be investigated under “Right to Information” via an application to Council.

10/14.3.0 CONFIRMATION OF MINUTES

10/14.3.1 Confirmation of Minutes – Council Meeting 15 September 2014

DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/14.3.1.289 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the minutes of the Council Meeting held on the 15 September 2014 be confirmed.

CARRIED UNANIMOUSLY

10/14.4.0

COUNCIL WORKSHOPS HELD SINCE 15 SEPTEMBER 2014 COUNCIL MEETING

There was a Council Workshop held on the 6 October 2014 and the following items were listed for discussion:

- Review – UV Protection Policy
- Council Review of Administrative Decision – Tree Damage
- Sale of Properties – Scamander / St Helens
- Gillies Road, St Marys
- Resealing of Cecilia Street, St Helens
- Property Stormwater Connections
- Street Lighting Policy Amendment
- Unrestrained Dogs
- Waste Minimisation Grant
- Sewer Connection Issues – Cameron Street, St Helens
- Tender – St Marys Sports Centre Upgrade
- Review of Council Delegations
- Correspondence – Waste Management Procedures
- Review – Recruitment and Selection Policy
- Comment on Proposed Legislation – Consultation on Local Government Amendment (Code of Conduct) Bill 2014
- Comment on Proposed Legislation – Local Government (General) Regulations 2005
- Potential Economic Viability of the Redevelopment of St Helens Aerodrome – Final Report
- Ansons Bay Road Upgrade and Priors to Musselroe Bay Road – Sealing Project – Business Case/Economic Analysis – Final Report
- Office Closure – Christmas to New Year
- Weedsteamers
- Cottage Industry Training Project
- Support for Marriage Equality
- Resident's Concerns of Increase in Tip Fees and Dumping of Rubbish in Bushland Around St Marys
- Waste Management Fees
- Property For Sale in Pendrigh Place

10/14.5.0

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.

Nil.

10/14.6.0 PETITIONS

Nil.

10/14.7.0 NOTICES OF MOTION

10/14.7.1 Notice of Motion - South Sister – Clr H Rubenach

DISCUSSION:

- Clr Rubenach stated that this is a high recreation areas and will be protected for six (6) years under the Act, however a request for a more permanent protection would be better.

COUNCIL DECISION:

10/14.7.1.290 Moved: Clr H Rubenach / Seconded: Clr R Johns

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

That Council acknowledge the recreational and emotional value of the South Sister area to residents and write to the State Government requesting permanent protection of South Sister beyond the six (6) years provided by the Rebuilding the Forest Industry Act 2014.

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

DISCUSSION:

- Clr Rubenach stated that the skippy painting is quite iconic for the area and it is an embarrassment to tourists when other graffiti is added.

COUNCIL DECISION:

10/14.7.2.291

Moved: Clr H Rubenach / Seconded: Clr R Johns

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

That Council investigate requesting the Department of State Growth to offer a contract to Council to clean the graffiti from “Skippy Corner” on the St Marys Pass and to permanently maintain this rock face – removing any new graffiti that might occur and repaint the kangaroo icon. Additionally, Council should investigate the possibility of installing an interpretation panel at the top of St Marys Pass outlining the history behind “Skippy Corner” so this important piece of our heritage is not lost.

CARRIED UNANIMOUSLY**10/14.8.0 COUNCILLOR’S QUESTIONS ON NOTICE****10/14.8.1 St Helens Point Road/Tasman Highway Intersection Upgrade – Clr M Tucker**

To the Works Manager:

1. When does the Government Grant Funding for the St Helens Point Road intersection expire?
2. Has any consideration been given by the Works Manager due to the lateness of this very important Government Funded project been considered regarding the impact it will have on tourism from the end of November to the end of April and the consequences to the traffic flow and the potential damage to the businesses who rely on the summer trade to survive?

Reply

1. The grant expires on 31 March 2015 but can be extended on request.
2. All Council roadwork projects are evaluated for their impacts on the project’s surrounding community and businesses, and tourist traffic. This is a standard procedure and has been demonstrated by existing Council projects like the St Helens Main Street Stormwater Upgrade (e.g. consultation with business owners and the Chamber of Commerce), Priory Road Bridge Replacement (the detail and scale of

the bridge detour undertaken), and the new footpath on St Helens Point Road from the Hillcrest Caravan Park eastwards to Chimney Heights Road. The same process has been undertaken for the intersection upgrade project.

Due to the time frames with the negotiation and signing of the grant deed, quotations and evaluations for the design services component, and subsequent pre-works commencement activities of surveying (which had to be done under a DIER works permit and applicable traffic control on a state highway), detailed soil tests, geo-technical investigations, intersection approach option investigations, negotiating with different service authorities, and subsequent engineering plans and specifications, it has always been programmed to go out to tender, report to Council and award of contract before Christmas 2014 for works to commence in mid to late January 2015.

We have previously considered seeking a grant extension and having the project start later in 2015 to allow for no traffic disruption during the summer holiday season, but this then defeats the primary purpose of upgrading the intersection for safety reasons, as the intersection will remain dangerous and especially so with higher traffic volumes during summer. So this idea was discounted to allow for works to commence in early 2015, noting that traffic on both the Tasman Highway and St Helens Point Road will be slowed within the project area. Traffic control will be on place. While there will be traffic disruptions, we expect that this will be minor to moderate, and a roadworks project in place will ensure a safer traffic flow than having the intersection in its existing form. However if Councillors wish to delay the works commencement date, I will take your direction and apply to the government for a grant extension. If this action is taken, Council may need to consider some initial action to make the area safe, which may include closing the southern end of the existing car park to stop vehicles using the car park as an unauthorised slip lane turning left into St Helens Point Road. I await your advice and direction.

10/14.8.2 Gravel Usage and Costs – Clr J McGiveron

To the Works Manager:

1. How much gravel re sheeting is planned this year?
2. What quantity of gravel will be needed to meet requirements?
3. What is the estimated cost of gravel produced from BODC quarries against the cost of suitable gravel purchased from a local supplier?

Reply

The Manager Works and Infrastructure is currently preparing responses to these questions and a reply will be forwarded in due course and included in the minutes.

10/14.9.0 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.

10/14.9.1 Update on the Blue Tier Mountain Bike Track – Cllr M Tucker

To the Acting General Manager:

What is latest with the Blue Tier Mountain Bike Track, Dorset, etc?

I have been told there are approximately 1,500 riders coming next year, if so, why haven't we been actively involved with the RTO, Chamber of Commerce promoting the influx of people to be aware for accommodation, buses, etc?

I have been told there is supposed to be a website being setup as we speak, are we involve in it? I believe it is being setup by Dorset, as we are a major financial contributor to the whole NE Mountain Bike experience, we should be leveraging off anything we can to benefit Break O'Day, eg a mobile bike wash is an opportunity that comes to mind.

Accommodation will be needed as Scottsdale, Branxholm and Derby will not be able to deal with that amount.

Can you please give an update on where we are with all of the above?

Reply

Stage 1 of the Mountain Bike Trail development is continuing with the Derby trails currently being developed. Proposed track work is scheduled to commence on the Blue Tier in January/February, 2015. As part of the development of the trails, wash down bays will be installed with one planned for St Helens.

In May, 2015 Mountain Bike Australia in conjunction with Dorset Council and the Launceston Mountain bike club will co-host an event to be held in Derby – there will be approximately 400 competitors at this event. Dorset Council staff have provided to Mountain Bike Australia a flyer which is currently located on Mountain Bike Australia's website titled "Planning your Trip" – it covers – "The Trails, Getting There, Where to Stay" - the flyer does identify St Helens as offering accommodation for this event. Further information in relation to this event can be found on the Mountain Bike Australia website.

10/14.9.2 Line Marking – Binalong Bay Road – Cllr M Tucker

To the Works Manager:

When is the line marking going to be redone on the Main Road to Binalong Bay, where the reseal was done months ago, and the Gardens Road as well. It's nearly tourist season and it would be unacceptable for it not to be done prior to Christmas.

Reply

In Tasmania, the Department of State Growth has legislative and maintenance responsibility for line marking on all public roads, including council maintained roads. As soon as a Council road requires line marking, be it as a result of fading or after resealing, we send a request to State Growth. There are a number of sites that are outstanding, and we remind State Growth at a traffic meeting that occurs every two (2) months.

10/14.9.3 St Helens Point Road/Tasman Highway Intersection Upgrade – Clr M Tucker

To the Works Manager:

As businesses have not been consulted regarding the St Helens Point Road upgrade eg Hillcrest Tourist Park on the St Helens Point Road, can you explain how consultation regarding this loss of toilets, car park and the traffic interruption at peak season occurred and when?

As I believe there is a motion on the books that basically says unless there is an emergency, major works would not happen during peak season.

Reply

In terms of consultation regarding Council's capital works, we undertake consultation with businesses adjacent to the proposed works site, and at a closer stage prior to commencement of works, we also notify businesses and residents of the project, including a brief scope of works, work period and any traffic arrangements. We also notify the police, emergency service providers and if required, school bus operators.

For the St Helens Point Road and Tasman Highway Intersection Upgrade Project, there are no immediate businesses. While I note Clr Tucker's point, it would be impractical to determine what businesses to consult that is not in the immediate vicinity of any proposed works site. An example being the stormwater project in the main street of St Helens. This is a major traffic route. Should we have consulted with all businesses that use the route, including potential freight companies that operate out of southern and north west Tasmania?

As per the reply provided to Clr Tucker on the staging of the works recently, I am happy to receive direction from Council should it decide that we will postpone the works commencement until after the traditional St Helens holiday season, which is after Easter.

However, Council needs to remember that the primary objective of the project was to rid the safety issues at the project site and any delays may pose serious road safety issues for motorists. In addition, the cooler months of the year are generally not suitable for road construction and sealing activities. In addition, the geo-technical report for the project site stated that the works should be completed in the warmer months.

It is in our plan to hold meetings, like we did for the stormwater project, to inform businesses of the project scope, duration and what the traffic arrangements would be. This would include brochures that they could distribute to their customers or advertise on their websites.

10/14.9.4 Irishtown Road Gravel Pit – Clr J McGiveron

Are there any plans to reopen the Irishtown Road gravel pit, there is a lot of gorse starting to be overgrown in the area that also needs clearing?

Reply

The Manager Works and Infrastructure advised that there is no plan at this stage to reopen the pit. There is currently a report looking at the status of Council pits being prepared and this will be presented to Council once it is received.

10/14.10.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

10/14.10.1 Mayor's Communications for Period Ending 20 October 2014

24.09.14	St Helens	- Funding Announcement – Indoor Ball Courts – Guy Barnett MP and Mark Shelton MP - Healthy House Annual General Meeting
02.10.14	St Helens	- Citizenship Ceremony
04.10.14	St Marys	- Signing of the Certificate for the Refugee Welcome Zone
06.10.14	St Helens	- Council Workshop
10.10.14	Launceston	- Interviews for Independent Audit Panel Chair with Northern Tasmania Development - Meeting with Treasurer regarding Tasmanian Regulatory Framework
20.10.14	St Helens	- Council Meeting

10/14.10.2 Councillor's Reports for Period Ending 20 October 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

- The last meeting was the Annual General Meeting emails have been circulated advising the new Executive.

NRM Special Committee – Deputy Mayor Hannah Rubenach

- Meeting was deferred.

Business Enterprise Centre (BEC) – Mayor Sarah Schmerl

- Everything travelling well however did not attend the last meeting.

Star FM – Clr Reon Johns

- Need to appoint a new Council representative after election.

Barway Committee – Clr John McGiveron

- Works to commence in approximately February.
- Some dredging work will take place prior to the opening of the cray fish season.
- A lot of support from Minister Rene Hidding.

Regional Tourism Organisation (RTO) – Clr Margaret Osborne

- Clr Osborne sent out the minutes of the last meeting.
- Currently working on the Great Eastern Drive and Visitor Information Centres. Once reports completed these will come forward to Council.

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

- No meeting has taken place.

Titley Shack Reference Group – Clr Glenn McGuinness

- Given first press release and Clr McGuinness has done an interview on ABC.
- Hoping to get works done very quickly, particularly the asbestos removal and then the committee will conduct an onsite meeting.

10/14.10.3 Mayor's and Councillor's Items

Outstanding Reports:

Motion Number	Meeting Date	Council Decision	Comments
09/14.15.7.288	15 September 2014	That Council vote for Mayor Barry Jarvis for the position of President of the Local Government Association of Tasmania (LGAT).	Postal vote returned.

10/14.11.0 BUSINESS AND CORPORATE SERVICES

10/14.11.1 Corporate Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

10/14.11.2 Monthly Financial Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

- The Mayor requested a breakdown of Fingal and St Marys Streetscape costs. The Manager Corporate Services provided a breakdown however there was not enough information. Further information will be sought and circulated to Councillors.

- The Manager Corporate Services advised there will be a budget review presented to the next Council Workshop.
- Clr Tucker asked whether the computer costs were over due to the payment of annual licences. The Manager Corporate Services advised that this would be the majority of the expenses, however he will investigate and report to Council.

COUNCIL DECISION:

10/14.11.2.292

Moved: Clr R Johns / Seconded: Clr J McGiveron

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

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

CARRIED UNANIMOUSLY

10/14.11.3

Corporate Services Department Report

FILE REFERENCE	018\018\001\
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DISCUSSION:

The Manager Corporate Services had nothing further to add to this item.

COUNCIL DECISION:

10/14.11.3.293

Moved: Clr R Johns / Seconded: Clr M Tucker

That the report be received.

CARRIED UNANIMOUSLY

10/14.11.4

Visitor Information Centre Report

FILE REFERENCE	040\028\002\
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DISCUSSION:

The Manager Corporate Services had nothing further to add to this item.

COUNCIL DECISION:

10/14.11.4.294 Moved: Clr R Johns / Seconded: Clr J McGiveron

That the report be received.

CARRIED UNANIMOUSLY

10/14.11.5 **Risk Management Report**

FILE REFERENCE	002\025\001\
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DISCUSSION:

The Risk Officer had nothing further to add to this item.

COUNCIL DECISION:

10/14.11.5.295 Moved: Clr R Johns / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

10/14.11.6 **Review – UV Protection Policy**

FILE REFERENCE	002\024\005\
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DISCUSSION:

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

COUNCIL DECISION:

10/14.11.6.296 Moved: Clr R Johns / Seconded: Clr G McGuinness

That Council adopt policy number LG44 UV Protection Policy as amended.

CARRIED UNANIMOUSLY

10/14.11.7 Council Review of Administrative Decision – Tree Damage

FILE REFERENCE	002\025\009\
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DISCUSSION:

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

COUNCIL DECISION:

10/14.11.7.297 Moved: Clr R Johns / Seconded: Clr J McGiveron

That Council make an ex-gratia contribution of handy man time and material to repair the fence and gutter.

CARRIED UNANIMOUSLY

10/14.11.8 Draft Dog Management Policy and Declared Areas

FILE REFERENCE	002\024\001\
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DISCUSSION:

- This item was discussed at the October Council Workshop.
- The Manager Corporate Services advised that since the Council Workshop the NRM Facilitator has had further consultation with Parks & Wildlife Services regarding the Chain of Lagoons.

COUNCIL DECISION:

10/14.11.8.298 Moved: Clr R Johns / Seconded: Clr M Osborne

That the Draft Dog Management Policy 2014, with amendment to change the declaration for the section of 'Dog on Lead' beach at Chain of Lagoons to 'Prohibited', be adopted for public exhibition and submissions.

CARRIED UNANIMOUSLY

10/14.12.0 WORKS AND INFRASTRUCTURE

10/14.12.1 Works and Infrastructure – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

FILE REFERENCE	014\002\001\
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DISCUSSION:

- The Manager Works and Infrastructure advised that he has had contact with Cornwall Coal and a meeting is to be arranged in the near future to hold further discussions.
- The Manager Works and Infrastructure advised that Priory Bridge replacement is progressing well.
- Cllr Osborne asked when will grading be undertaken on Roses Tier Road. The Manager Works and Infrastructure advised that it is scheduled to be done this month. Also, the signs saying no log trucks have been taken down, can these be put back up. The Manager Works and Infrastructure advised that he would check the legalities surrounding this.
- Cllr McGiveron asked why have the works stopped on the footpath on St Helens Point Road outside Hillcrest Tourist Park. The Manager Works and Infrastructure advised that this has stopped as we are waiting on TasNetworks to relocate a power pole in the area.
- Cllr Tucker asked whether we were using our own materials or purchasing materials to grade North Ansons Bay Road. The Manager Works and Infrastructure advised that we will be using materials purchased from BIS last financial year. Cllr Tucker stated that by not using our own materials we are adding extra costs to ratepayers.
- Cllr Johns asked how often do we grade Roses Tier Road. The Manager Works and Infrastructure advised that this is done as required. The Manager Works and Infrastructure also advised that we will be undertaking some stabilising trials shortly on Mathinna Plains Road and if this works we will use the same for Roses Tier Road. Cllr Rubenach asked whether there was any intention to advise residents regarding the trials. It was suggested that a letter drop could be undertaken, this was agreed to by Councillors.
- Cllr McGiveron asked whether a reply had been received regarding German Town Road. The Manager Works and Infrastructure advised that a reply had been received advising that Council could undertake grading on this road however no reply has been received in regards to Council taking this road over.

COUNCIL DECISION:**10/14.12.2.299**Moved: Cllr R Johns / Seconded: Cllr G McGuinness

That the report be received by Council.

CARRIED UNANIMOUSLY

10/14.12.3 Animal Control Report

FILE REFERENCE	003\008\002\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/14.12.3.300 Moved: Clr R Johns / Seconded: Clr M Tucker

That the report be received by Council.

CARRIED UNANIMOUSLY

10/14.13.0 COMMUNITY DEVELOPMENT

10/14.13.1 Community Services – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

10/14.13.2 Community Services Report

FILE REFERENCE	N/A
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DISCUSSION:

- The Manager Community Services advised that the Youth Worker ran a very successful school holiday program. Congratulations to Simon Holmes it was very well received by everyone.

COUNCIL DECISION:

10/14.13.2.301 Moved: Clr R Johns / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

10/14.13.3 Fingal Railway Station – Waiver of Planning Assessment Fee

FILE REFERENCE	010\005\002\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/14.13.3.302 Moved: Clr J McGiveron / Seconded: Clr J LeFevre

That Council waive the \$100.00 Planning Assessment Fee to assist the Fingal Progress Committee to finalise the necessary planning assessment required to undertake building works to ensure the restoration of the Fingal Railway Station.

CARRIED UNANIMOUSLY

10/14.13.4 St Marys Memorial Service Association – Request for Additional Funding

FILE REFERENCE	018\019\001\
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DISCUSSION:

- Clr Tucker stated that groups like these deserve recognition as well as Council financial support where possible.

COUNCIL DECISION:

10/14.13.4.303 Moved: Clr M Tucker / Seconded: Clr R Johns

That Council provide an additional \$500.00 to assist the committee to organise commemorative memorial days in St Marys.

CARRIED UNANIMOUSLY

10/14.13.5 Request for Waiver – Poss’M’agic

FILE REFERENCE	005\017\004\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/14.13.5.304 Moved: Clr M Osborne / Seconded: Clr G McGuinness

That Council waive the invoice that was forwarded to Poss'M'agic in the sum of \$162.88 for assistance provided during Targa Tasmania 2014.

CARRIED UNANIMOUSLY

10/14.13.6 **St Helens Neighbourhood House – Application for Permit**

FILE REFERENCE	040\016\007\
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DISCUSSION:

No discussion took place on this item.

COUNCIL DECISION:

10/14.13.6.305 Moved: Clr R Johns / Seconded: Clr M Tucker

That Council waive the \$208 Application for Permit fee for works to be conducted on road reservations so that St Helens Neighbourhood House can undertake works on a pathway which lies outside their fence area.

CARRIED UNANIMOUSLY

10/14.14.0 **DEVELOPMENT SERVICES**

10/14.14.1 **Development Services – Strategic Plan Activity Report**

COUNCIL DECISION:

Received.

10/14.14.2 **Development Services Report**

FILE REFERENCE	031\013\003\
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DISCUSSION:

- Clr Tucker asked whether the demolition and construction of the new toilet block at the Lions Park would be done in conjunction with the slip lane works? This needs to be part of all consideration on timing. It is all important to our peak season and should be done together.

COUNCIL DECISION:

10/14.14.2.306 Moved: Clr R Johns / Seconded: Clr H Rubenach

That the report be received.

CARRIED UNANIMOUSLY

10/14.14.3 **Planning Approvals Issued**

COUNCIL DECISION:

Received.

10/14.14.4 **Building Services Approvals**

COUNCIL DECISION:

Received.

10/14.14.5 **Replacement of Tennis Court Fencing and Installation of
New Picnic Tables – Binalong Bay**

FILE REFERENCE	004\008\002\
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DISCUSSION:

This item was discussed at the October Council Workshop. No further discussions took place.

COUNCIL DECISION:

10/14.14.5.307 Moved: Clr J McGiveron / Seconded: Clr M Tucker

1. That Council replace fencing (including timber and wire fence) as quoted;
2. That Council install 2 x bench seating and 1 x new picnic table adjacent to playground and tennis court as indicated in the Binalong Bay Master Plan by Wax Designs;
3. That the works be funded by Public Open Space Reserve funding as per the previous Council decision at an estimated cost of \$20,000.

CARRIED UNANIMOUSLY

10/14.15.0 GOVERNANCE

10/14.15.1 General Manager's – Strategic Plan Activity Report

COUNCIL DECISION:

Received.

10/14.15.2 General Manager's Report

FILE REFERENCE	002\012\001\
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DISCUSSION:

Nothing further to add to this report.

COUNCIL DECISION:

10/14.15.2.308 Moved: Clr R Johns / Seconded: Clr M Osborne

That the General Manager's report be received.

CARRIED UNANIMOUSLY

10/14.15.3 Office Closure – Christmas to New Year

FILE REFERENCE	004\003\002\
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DISCUSSION:

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

COUNCIL DECISION:

10/14.15.3.309 Moved: Clr R Johns / Seconded: Clr M Osborne

That the report be received.

CARRIED UNANIMOUSLY

COUNCIL DECISION:

10/14.16.1.311

Moved: Clr R Johns / Seconded: Clr G McGuinness

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 LEGALISATION OF SHED EXTENSION, VERANDAH, SHIPPING CONTAINER on land situated at LOT 300 CAMERON STREET, ST HELENS described in Certificate of Title 163630/300 be APPROVED subject to the following conditions:

1. Development must accord with the Development Application DA 021-13 received by Council 31 July 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 gravel access road is to be constructed in accordance with E9.6.3 and E9.6.4 of the *Break O'Day Interim Planning Scheme 2013* within three (3) months from the date of this Planning Permit.
3. All stormwater runoff from the proposed buildings must be detained by on-site water storage systems and disposed of by means that will not result in soil erosion or other stormwater nuisance in accordance with Table 10.4.16.1 P1 of the *Break O'Day Interim Planning Scheme 2013*.

ADVICE

- A copy of 'Bushfire – prepare to survive' should be obtained and used as a guide to preparing yourself and your property for bushfires.

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.

Mayor Schmerl thanked Clr Reon Johns for his service to the Break O'Day community.

Deputy Mayor Rubenach thanked Mayor Sarah Schmerl for being Mayor for the last three (3) years and Councillor for five (5).

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

Moved: Clr R Johns / Seconded: ClrG McGuinness: That Council move into Closed Council.

CARRIED UNANIMOUSLY

IN CONFIDENCE

10/14.17.0 **CLOSED COUNCIL**

10/14.17.1 **Outstanding Actions List for Closed Council**

10/14.17.2 **Tender – St Marys Sports Centre Upgrade - Closed Council Item Pursuant To Section 15(2)C Of The Local Government (Meeting Procedures) Regulations 2005**

Clr Johns excused himself at 11.15am.

10/14.17.3 **Notice of Motion – Manager Works and Infrastructure – Clr M Tucker - 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 M Osborne / Seconded: Clr G McGuinness: That Council move out of Closed Council.

CARRIED UNANIMOUSLY

Clr Johns returned at 11.45am

Mayor Schmerl thanked everyone for their attendance and declared the meeting closed at 11.50am.

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MAYOR

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DATE