

CENTRAL COAST COUNCIL

# Minutes

of Ordinary Meeting

16 JULY 2007

*Note.*

Minutes subject to confirmation at  
a meeting of the Council to be held on  
20 August 2007



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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 July 2007 commencing at 6.01pm**

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**Councillors attendance**

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Warren Barker	Cr Jan Bonde
Cr Lionel Bonde	Cr John Deacon
Cr David Dry	Cr Beryl Marshall
Cr Terry McKenna	Cr Tony van Rooyen

**Councillors apologies**

Cr Ken Haines

**Employees attendance**

General Manager (Mrs Katherine Schaefer)  
Director Assets & Engineering (Mr Bevin Eberhardt)  
Director Corporate & Community Services (Ms Sandra Ayton)  
Director Development Services (Mr Jeff McNamara)  
Executive Services Manager (Mr Graeme Marshall)  
Land Use Planning Group Leader (Mr Shane Warren)

**Media attendance**

The Advocate newspaper

**Public attendance**

Eighteen members of the public attended during the course of the meeting.

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 243/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 18 June 2007, and special meetings held on 4 and 25 June 2007, have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 18 June 2007, and special meetings held on 4 and 25 June 2007, be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 244/2007 Council workshops

The Executive Services Manager reported as follows:

“The following council workshops have been held since the last ordinary meeting of the Council.”

- 20.06.2007 - Lower Forth Flood Response & Recovery Plan
- 02.07.2007 - Estimates/Revaluations update; and staff roles and responsibilities
- 03.07.2007 - ABC Developmental Learning Centre, Eastland Drive
- 09.07.2007 - Cradle Coast Authority Annual Plan 2007-2008; and Regional Waste Management Strategy.

This information is provided for the purpose of record only.”

■ Cr McKenna moved and Cr (J) Bonde seconded, “That the Manager’s report be received.”

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Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 245/2007 Mayor's communications

The Mayor reported as follows:

- “ . Commonwealth Government funding towards the Council's Showground re-development project was recently announced by the Prime Minister.  
  
I take this opportunity to thank all participants in the development and promotion of the application for State and Commonwealth contributions.
- . Congratulations to Cr John Deacon who has assumed presidency of the Rotary Club of Ulverstone West.”

### 246/2007 Mayor's diary

The Mayor reported as follows:

“I have attended the following events and functions on behalf of the Council:

- . Emergency Management Planning Committee - meeting (Latrobe)
- . Central Coast State Emergency Service Unit - presentation to volunteers
- . Lions Club of Ulverstone - annual changeover dinner
- . Simon Crean MP - announcement re Showground redevelopment
- . Forestry Tasmania - future directions forum (Latrobe)
- . Heritage Amendment Act Group (HAAG) - meeting (Penguin)
- . Ulverstone Band - annual general meeting
- . Tasmania *Together* Progress Board - update lunch-meeting (Latrobe)
- . Rotary Club of Ulverstone - annual changeover dinner
- . West Coast Council - meeting re water and sewerage reform (Queenstown)
- . North Western Fisheries Association - annual general meeting
- . Ulverstone Fire Brigade - annual dinner
- . Coast FM - community report.”

- Cr Marshall moved and Cr Roberston seconded, “That the Mayor's report be received.”

Carried unanimously

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**247/2007 Pecuniary interest declarations**

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

Cr van Rooyen reported as follows:

“I will be declaring an interest in respect of Application No. DEV2006.77 and SUB2006.24 (Minute No. 257/2007).”

**248/2007 Public question time**

The Mayor reported as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2005* and the supporting procedures adopted by the Council on 20 June 2005 (Minute No. 166/2005).”

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## **COUNCILLOR REPORTS**

### **249/2007 Councillor reports**

The Executive Services Manager reported as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

No reports were made.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **250/2007 Leave of absence**

The Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

## **DEPUTATIONS**

### **251/2007 Deputations**

The Executive Services Manager reported as follows:



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“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

### **PETITIONS**

#### **252/2007      Petitions**

The Executive Services Manager reported as follows:

“No petitions under the provisions of the *Local Government Act 1993* have been presented.”

### **COUNCILLORS' QUESTIONS**

#### **253/2007      Councillors' questions without notice**

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide as follows:

- ‘29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
  - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations –
- except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.

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- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
  - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
  - (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority... may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –
  - (a) the reason it was not possible to include the matter on the agenda; and
  - (b) that the matter is urgent; and
  - (c) that (qualified) advice has been provided under section 65 of the Act.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda.”

Allocation of topics ensued.

## **254/2007 Councillors' questions on notice**

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide as follows:

- '30 (1) A councillor, 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

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(2) An answer to a question on notice must be in writing.’

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

No questions on notice have been received.”

**DEPARTMENTAL BUSINESS**

DEVELOPMENT SERVICES

**255/2007 Development Services determinations**

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of June 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr (L) Bonde moved and Cr Marshall seconded, “That the Schedule of Development Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**256/2007 Council acting as a planning authority**

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute Nos 257 to 259/2007, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Manager reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

- Cr McKenna moved and Cr Deacon seconded, “That the Mayor’s report be received.”

Carried unanimously

**257/2007 Consolidation of Titles and development of an Educational Establishment (Child Care Centre) at 39 - 41 Eastland Drive, Ulverstone - Application No. DEV2006.77 and SUB2006.24 (216/2007 - 18.06.2007)**

*Cr van Rooyen, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2006.77 and SUB2006.24.*

The Director Development Services reported as follows:

*“PURPOSE*

To consider the deliberations of the mediation hearing held by the Resource Management and Planning Appeals Tribunal (RMPAT) and subsequent Councillor Workshop with the applicant in respect of Development Application No. DEV2006.77 and SUB2006.24.

*BACKGROUND*

At its meeting on 23 April 2007 the Council resolved (Minute No. 135/2007) as follows:

‘That the representations be deemed to have sufficient merit on planning grounds to justify refusal of the Application.’

The applicant appealed the Council’s decision, and the RMPAT held a directions hearing on 29 May 2007.

At this hearing, the Council was directed to ensure that the person(s) attending the mediation conference are given clear authority to negotiate on behalf of the Council.

At its meeting on 18 June 2007 the Council subsequently resolved (Minute No. 216/2007) as follows:

‘That the General Manager, Mayor and Deputy Mayor be authorised to negotiate on behalf of the Council in respect of this matter.’

*DISCUSSION*

The RMPAT held an on-site mediation conference between the Council’s deputation and the applicants and their representatives on Friday 22 June 2007.

Although no agreement was reached, the issues regarding traffic management were explored, and as a result, the applicant offered to workshop these with the Councillors. This workshop was held on Tuesday 3 July 2007.

The applicant has indicated they are prepared to consider further modifications to their Application to address the Council’s concerns.

Any final decision regarding the status of the Application rests with the RMPAT.

*CONSULTATION*

This matter is subject to the administrative processes of the RMPAT, and consultation is therefore not applicable.

*IMPACT ON RESOURCES*

Aside from the administrative and legal costs of being represented in the appeal process, this matter may have substantial additional resource implications if the appeal is upheld and costs awarded against the Council.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- Meet our statutory and regulatory obligations
- Plan for and develop a sustainable community
- Create a municipal area that is productive and socially and aesthetically attractive.

*CONCLUSION*

It is recommended that the Council authorise the General Manager to enter into a consent agreement to resolve the appeal upon the basis that a permit is granted for the development and use subject to the following conditions:

### General

- 1 The development generally conforming with the drawings and other documentation submitted with this application - reference RD06218 dated December 2006 - unless altered by subsequent conditions of this Permit;
- 2 The proposed landscaping and site treatments indicated are to:
  - (a) enable planting of species of local provenance where possible; and
  - (b) ensure the final layout, species to be planted and maintenance regimes, including mulching and water reticulation methods to be used, ensure 70% stem retention rate after two years;
- 3 The landscaping and other site treatments are to be implemented, including all paving, drainage, plantings, mulches and reticulation being installed, prior to commencement of the activity;
- 4 Prior to the occupancy of the development, the parking and manoeuvring spaces identified on the submitted plans must be:
  - (a) designed in accordance with the Australian Standard *AS2890.1 Off Street Parking Part 1 – Car Parking Facilities*;
  - (b) constructed to the satisfaction of the Council; and
  - (c) paved with an acceptable impervious material;

### Engineering

- 5 The developer:
  - (a) disconnecting and removing one of the water supply connections and meter from the site;
  - (b) providing a vehicle access in accordance with the Council's Standard Drawing No. SD-1012. Satisfactory markings are to indicate one-way conditions;
  - (c) modifying the Buttons Avenue access to be 6.0 metres wide at the kerb and located 20 metres from the junction of Eastland Drive;
  - (d) providing for widening of the exit onto Eastland Drive to two lanes. To be implemented if vehicle queuing extends beyond the perimeter of the site following six months of operation of the facility;

- (e) realigning and installing a new kerb on the Buttons Avenue boundary of the property to the satisfaction of the Council's Director Assets & Engineering;
  - (f) installing a new footpath on the Buttons Avenue frontage to Locket Street, including kerb ramps and associated works;
  - (g) extending the internal 1200mm wide access path from the drop-off parking area eastward to the Buttons Avenue boundary;
  - (h) providing an 18 metre length of No Parking zone in Eastland Drive west of Buttons Avenue toward the site exit point and in Buttons Avenue between Eastland Drive and the site entry point; and
  - (i) providing and installing four semi-mature naturestrip trees on the Eastland Drive frontage; and
- 6 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any infrastructure extensions or upgrades required to service the development are at the developer's expense;
- B in regard to condition 5 (e) the design and final alignment is to be determined in consultation with the responsible officer from the Council's Assets & Engineering Department;
- C in regard to condition 5 (h) the required signage is to be approved by the Department of Infrastructure, Energy & Resources and any installation costs are to be met by the developer;
- D any works undertaken within the road reservation requires a Road Permit to be issued by the Assets & Engineering Department prior to construction;
- E an application for a Building Permit is required for the construction of the new development and the demolition of existing buildings; and
- F this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time."



■ Cr Robertson moved and Cr Marshall seconded, “That the Council authorise the General Manager to enter into a consent agreement to resolve the appeal upon the basis that a permit is granted for the development and use subject to the following conditions:

#### General

- 1 The development generally conforming with the drawings and other documentation submitted with this application - reference RD06218 dated December 2006 - unless altered by subsequent conditions of this Permit;
- 2 The proposed landscaping and site treatments indicated are to:
  - (a) enable planting of species of local provenance where possible; and
  - (b) ensure the final layout, species to be planted and maintenance regimes, including mulching and water reticulation methods to be used, ensure 70% stem retention rate after two years;
- 3 The landscaping and other site treatments are to be implemented, including all paving, drainage, plantings, mulches and reticulation being installed, prior to commencement of the activity;
- 4 Prior to the occupancy of the development, the parking and manoeuvring spaces identified on the submitted plans must be:
  - (a) designed in accordance with the Australian Standard *AS2890.1 Off Street Parking Part 1 – Car Parking Facilities*;
  - (b) constructed to the satisfaction of the Council; and
  - (c) paved with an acceptable impervious material;

#### Engineering

- 5 The developer:
  - (a) disconnecting and removing one of the water supply connections and meter from the site;
  - (b) providing a vehicle access in accordance with the Council’s Standard Drawing No. SD-1012. Satisfactory markings are to indicate one-way conditions;

- (c) modifying the Buttons Avenue access to be 6.0 metres wide at the kerb and located 20 metres from the junction of Eastland Drive;
  - (d) providing for widening of the exit onto Eastland Drive to two lanes. To be implemented if vehicle queuing extends beyond the perimeter of the site following six months of operation of the facility;
  - (e) realigning and installing a new kerb on the Buttons Avenue boundary of the property to the satisfaction of the Council's Director Assets & Engineering;
  - (f) installing a new footpath on the Buttons Avenue frontage to Locket Street, including kerb ramps and associated works;
  - (g) extending the internal 1200mm wide access path from the drop-off parking area eastward to the Buttons Avenue boundary;
  - (h) providing an 18 metre length of No Parking zone in Eastland Drive west of Buttons Avenue toward the site exit point and in Buttons Avenue between Eastland Drive and the site entry point; and
  - (i) providing and installing four semi-mature naturestrip trees on the Eastland Drive frontage; and
- 6 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any infrastructure extensions or upgrades required to service the development are at the developer's expense;
- B in regard to condition 5 (e) the design and final alignment is to be determined in consultation with the responsible officer from the Council's Assets & Engineering Department;
- C in regard to condition 5 (h) the required signage is to be approved by the Department of Infrastructure, Energy & Resources and any installation costs are to be met by the developer;
- D any works undertaken within the road reservation requires a Road Permit to be issued by the Assets & Engineering Department prior to construction;

- E an application for a Building Permit is required for the construction of the new development and the demolition of existing buildings; and
- F this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.”

Voting for the motion

(7)

Cr Downie  
 Cr Robertson  
 Cr Barker  
 Cr (J) Bonde  
 Cr Dry  
 Cr Marshall  
 Cr McKenna

Voting against the motion

(2)

Cr (L) Bonde  
 Cr Deacon

Motion

Carried

Cr van Rooyen returned to the meeting at this stage.

**258/2007 Rezoning from Rural (R) - General to Business (BA) - Central at 95 and 99-101 Main Road, Penguin [CT15702/4 & 57527 (all folios)] - Application No. AMD2007.1**

The Director Development Services reported as follows:

“The Town Planner has prepared the following report:

<i>AMENDMENT NO.:</i>	AMD2007.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	95 & 99-101 Main Road, Penguin (CT15702/4 & a section of CT 57527)
<i>CURRENT ZONING:</i>	Rural (R) - General
<i>PROPOSED ZONING:</i>	Business (BA) - Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>

*PURPOSE*

To consider the merits of rezoning a portion of land identified as CT15702/4 and a section of CT57527, Penguin, from Rural (R) - General to Business (BA) - Central.

A location map is attached as Annexure 1.

*BACKGROUND*

The subject lands are flanked by commercial development on the western and eastern boundaries; Main Road on the southern side; and the railway and coastline on the northern side.

CT15702/4 currently comprises the rear portion of 95 Main Road, with a commercial use in operation. To its west is another commercial site, owned by the same company.

CT 57527 (Folios 0 through 11) forms land commonly known as 99-101 Main Road, and has holiday accommodation on the land. Properties east of the subject land are a mix of residential and commercial land uses.

The zoning anomaly was identified when an application for a combination of commercial, hotel and apartment development on 93-95 Main Road, Penguin, was received by the Council in 2006. This was refused at the Council meeting on 26 June 2006 (Minute No. 219/2006). The applicant lodged an appeal against the Council's decision. A number of parties applied to join the appeal, on a variety of grounds.

One of these grounds of appeal was that CT15702/4 (part of 95 Main Road) was uncoloured on the planning maps and therefore zoned Rural (R) - General, in which case the intended use was prohibited. The result of that appeal was that the Resource Management and Planning Appeals Tribunal (the Tribunal) determined that the land was zoned as Rural (R) - General and as such the proposed development was prohibited.

The matter proceeded to a Supreme Court challenge of the Tribunal's decision. The Tribunal's decision was upheld by the Supreme Court. The land known as CT15702/4 and a section of CT 57527 is therefore zoned Rural (R) - General in the current Scheme.

*DISCUSSION*

In consideration of an application to amend the Scheme, the Council must:

- . determine whether the application has sufficient merit to initiate the amendment process;
- . examine the technical integrity of the application to ensure it is correct;
- . certify that the requested amendments comply with the Resource Management Planning System, the Council’s Strategic Plan and the Scheme; and
- . assess the impacts of the proposal upon the use or developments on adjoining properties.

*Planning controls*

Part 5 of the Scheme lists the Objectives of the Scheme. The following is a précis of the proposed amendment in relation to these Objectives:

OBJECTIVE	PROPOSED AMENDMENT
(a) orderly settlement and management of population, commerce, rural production and industry.	Will consolidate an existing commercial settlement.
(b) proper use and development of land, buildings and resources.	Will provide for proper commercial use of the resources on site, which are currently effectively unavailable for rural use.
(c) enhancement of the environmental “quality of life” of residents and visitors by attention to aesthetics and landscape impact and general pollution effects.	Will reduce the risk (although minimal) of a rural development/use in the centre of a town and the associated impacts.

DEVELOPMENT SERVICES

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(d) promotion of safe, sightly and suitable standards of construction and maintenance.	N/A Would be covered if an application for development were lodged at a later date.
(e) provision of adequate space for both active and passive recreation.	N/A No change proposed.
(f) preservation and promotion of logical, efficient and safe transport and service routes.	Will promote the use of existing transport routes for commercial uses.
(g) controlled economic use and/or expansion of municipal services and facilities.	Will facilitate consolidation of commercial services and facilities.
(h) reservation and preservation of areas or sites of special significance.	Rezoning does not alter the site in any significant way.
(i) prevention of the loss of agricultural potential of non-urban lands and the fragmentation of rural holdings.	The land is currently a small fragment of unusable rural zoned land in an urban area. The proposed change in zoning will rectify this isolated zoning anomaly.
(j) protection of rural land from inappropriate residential, industrial and commercial development.	This is not considered to be a case of rural land conversion to commercial uses.
(k) prevention of spasmodic and premature subdivision of lands which (particularly in urban and urban fringe areas) jeopardise or tend to delay the ultimate logical and economic development of land.	N/A No subdivision proposed.

(l) provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services.	The proposed rezoning will encourage more diverse uses of the land parcel, as described by the Scheme.
(m) encouragement of (appropriately sited and planned) activities which would expand opportunity for development of skills, increase local employment, enhance or establish natural or created attractions and broaden and diversify the economic base.	Any future development on the land would be required to comply with the Scheme.
(n) development and promotion of a compact, healthy, vibrant and attractive central business district with a balanced regard for the needs of people on foot or in motor vehicles.	The proposed zoning will allow development suitable to the Business (BA) - Central zoning within the remainder of the Penguin CBD.
(o) prevention of activities which tend to downgrade social standards of morality and behaviour acceptable by the majority of citizens (as perceived and reflected by the opinion of the Council) and which are portrayed, displayed or promoted in a public fashion.	N/A  There is no proposed change of use.

Part 6 of the Scheme refers to the intent of the zones of the Scheme. The Rural (R) - General zone is:

*Cl. 6.2.12 primarily intended to accommodate Agricultural Uses and Extractive Industry*

The Business (BA) - Central zone is:

*Cl. 6.2.7 primarily intended to accommodate retail and commercial businesses, offices and agencies and public and private community services*

*Cl. 6.2.7(a) the allocation of land in and to this zone and its location is intended to ensure that:*

- (i) the central business districts of the major towns of Ulverstone and Penguin are consolidated and contained*

The proposed rezoning is intended to facilitate existing business activity within the CBD as per Cl. 6.2.7 and consolidate these activities within the township as per Cl. 6.2.7(a).

The current Rural (R) - General zoning prohibits the majority of activities normally associated with a CBD area. Currently, some sections of 95 Main Road and 99-101 Main Road Penguin are zoned Rural (R) - General, and some sections are zoned Business (BA) - Central. The existing land uses have existing use rights; however any alterations or extensions of the existing uses would likely be prohibited under the current zoning.

This application intends that land known as CT15702/4 and a section of CT 57527 be rezoned. To that end, all the land at 95 & 99-101 Main Road, Penguin would be zoned as Business (BA) - Central.

#### *Draft Planning Scheme*

The Draft Central Coast Planning Scheme 2005 was initiated by the Council on 19 September 2005. It was then publicly notified and the representations received were considered by the Council on 5 February 2007. The rezoning proposed in this report was not taken into account under the Draft Scheme as at first it had not been identified when the Draft Scheme was initiated. Accordingly, the timing of this amendment may become an issue if the Draft Scheme comes into operation prior to this amendment being granted an approval. In any event, this matter needs to be brought to the Commission's attention at the time the hearings are held for the Draft Scheme to ensure that these changes will be reflected in the Draft Scheme.

#### *State Policies*

Assessment under the State Coastal Policy, the State Policy for Water Quality Management 1997 and the State Policy on the Protection of Agricultural Land is required as part of any amendment to a planning scheme. Compliance with the relevant State Policies must be demonstrated.



*State Coastal Policy*

The subject land is within the coastal zone as defined in the State Coastal Policy. The intent of this Policy will be maintained if this amendment is successful, as this is a technical zoning anomaly not a change of use or application for development. Any further development on site would be subject to separate assessment.

*State Policy for Water Quality Management 1997*

The proposal does not include any new development. Any further development on site would be required to comply with the State Policy for Water Quality Management 1997 of its own accord.

*State Policy on the Protection of Agricultural Land (PAL Policy)*

The purpose of the PAL Policy is to “foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State’s agricultural land resources”. The proposal is for rezoning land from Rural (R) - General to Business (BA) - Central. As a result, a small portion of land will be converted from an agricultural zoning to a commercial zoning.

The PAL Policy defines “agricultural land” as follows:

“ ‘agricultural land’ means all land that is in agricultural use or has the potential for agricultural use”.

The location of the subject land within the Penguin CBD, and the current use of the subject land combine to exclude the possibility of any agricultural-type activity on the land. In effect, whilst this land is zoned as Rural (R) - General, it has no “potential for agricultural use” and therefore is not agricultural land as defined by the PAL Policy.

*National Environment Protection Measures (NEPM)*

These relate to air quality, pollutants, movement of wastes, packing materials, site contamination and diesel vehicle emissions. There is no change proposed to the use of the land and these Measures are not applicable to this assessment.

*Land Use Planning and Approvals Act 1993 (LUPAA)*

Section 32 of LUPAA sets out how the Council is to deal with an amendment to the planning scheme. Any amendment:

(a) *must seek to further the objectives set out in Schedule 1; and*

See table below.

(b) *must be prepared in accordance with State Policies made under Section 11 of the State Policies and Projects Act 1993; and*

See above.

(c) *may make any provision which relates to the use, development, protection or conservation of any land; and*

Given that the proposed amendment does not involve any changes in use or development, no specific conditions are required.

(d) *must have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

This site is not affected by the Gas Pipeline and thus this clause is not relevant to this proposed amendment.

The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes. The proposed amendment will not affect compliance with these provisions of LUPAA.

Schedule 1 of LUPAA outlines the Objectives of the resource management and planning system and planning process of Tasmania.

The following is a précis of the proposed amendment in relation to these Objectives:

OBJECTIVE	PROPOSAL
PART 1 Objectives of the Resource Management and Planning System of Tasmania.	
1. The objectives of the resource management and planning system of Tasmania are-	
(a) to promote the sustainable development of natural and physical	Will not change the current use of any of these

resources and the maintenance of ecological processes and genetic diversity.	resources, or ecological processes or genetic diversity.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water.	Will provide for proper commercial use of the resources on site, which are currently unavailable for rural use.
(c) to encourage public involvement in resource management and planning.	Will occur as part of the statutory consultation period.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).	Will provide opportunity for logical economic development of the land, in keeping with the Scheme and Objectives (a), (b) and (c).
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The assessment process provides the opportunity for all of these responsible parties to participate.
2. "sustainable development" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while-	
(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.	Consolidation of an existing settlement allows for: <ul style="list-style-type: none"> <li>• practical, logical and sustainable use of resources;</li> <li>• protection for air, water, soil and ecosystems from</li> </ul>
(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems.	
(c) avoiding, remedying or	

mitigating any adverse effects of activities on the environment.	<p>development elsewhere; and</p> <ul style="list-style-type: none"> <li>• avoiding impacts on otherwise undeveloped environments in other areas.</li> </ul>
--	--

Please note that Part 2 of these Objectives has not been explicitly addressed in this report. Part 2 covers the Objectives of the planning process and supports Part 1. As the proposed amendment complies with the current planning process and planning system and no changes to this process or system will occur as part of the proposed amendment, the proposal is taken to comply with Part 2.

*Impact on adjoining land*

Surrounding land includes a mix of commercial and residential uses. The proposed rezoning will not change the use of any land, and any further changes would be subject to the normal planning process with assessment under the Scheme and LUPAA. There is no anticipated impact on adjoining land from the proposed rezoning.

*CONSULTATION*

The history of this site is well known among staff involved with the planning process. No issues or concerns have been raised with the proposed rezoning.

The public will be involved in the required public notification stage.

*Representations*

Representations are not relevant at this point.

*IMPACT ON RESOURCES*

The application will impact on staff time associated with the statutory processes involved in the rezoning process. The scheduled application fee was paid by the Council. No other impacts are anticipated.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- Meet our statutory and regulatory obligations
- Plan for and develop a sustainable community
- Create a municipal area that is productive and socially and aesthetically attractive.

The proposal is considered to meet these objectives. By complying with LUPAA and other relevant legislation it meets the statutory and regulatory obligations. Included in these obligations are the Objectives of LUPAA, which address and satisfy the other two objectives above taken from the Central Coast Strategic Plan 2004-2009.

*CONCLUSION*

This report highlights that the purpose of this proposed rezoning of land is to correct a zoning anomaly in the Scheme, and encourage the strategic and logical locating of business and agricultural uses in defined areas.

This report also highlights that ultimately the use of the rezoned land will remain unaltered as a result of the rezoning.

*Recommendation*

It is recommended that:

- 1 a draft amendment map, identified as Amendment 3/2007 (copy attached), be initiated to the Central Coast S.46 Planning Scheme No. 1 of 1993 to rezone the areas as shown on the draft amendment map 3/2007 from Rural (R) - General to Business (BA) - Central; and
- 2 the Council certify that the draft amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*; and
- 3 the Council ask to have this change incorporated into the Draft Central Coast Planning Scheme 2005 as part of the Resource Planning and Development Commission hearings scheduled for later this year.'

The report is supported.”

The Executive Services Manager reported as follows:

“Copies of Annexure 1 and Amendment 3/2007 have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That:

- 1 a draft amendment map (identified as Amendment 3/2007, a copy being appended to and forming part of the minutes) be initiated to the Central Coast S.46 Planning Scheme No. 1 of 1993 to rezone the areas as shown on the draft amendment map 3/2007 from Rural (R) - General to Business (BA) - Central; and
- 2 the Council certify that the draft amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*; and
- 3 the Council ask to have this change incorporated into the Draft Central Coast Planning Scheme 2005 as part of the Resource Planning and Development Commission hearings scheduled for later this year.”

Carried unanimously

The Executive Services Manager further reported as follows:

“Approval for the draft amendment having been granted, authorisation for affixing the common seal to the amendment is given at Minute No. 266/2007.”

**259/2007      Community centre including worship area, multi-purpose facility, child care centre and support facilities at 77-89 Eastland Drive, Ulverstone - Application No. DEV2006.70**

The Director Development Services reported as follows:

“The Land Use Planning Group Leader has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2006.70
<i>LOCATION:</i>	77-89 Eastland Drive, Ulverstone
<i>ZONING:</i>	Recreation and Community (PP) - Public Purposes
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	20 February 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	6 March 2007

<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	17 July 2007
<i>DECISION DUE:</i>	16 July 2007

*PURPOSE*

The purpose of this report is to consider the merits of a representation received to an application that is primarily for an exemption to the parking requirements for a mixed use development that includes a church, multi-function hall, child care centre and supporting ancillary facilities.

There is a secondary discretionary element with the occasional use of the multi-function hall for “Active Recreation” as defined in the Scheme.

*BACKGROUND*

The development is proposed on a lot that was subdivided off the parent lot containing the East Ulverstone Primary School. The subject lot size is 8565m<sup>2</sup> and has a road frontage to Eastland Drive. The original subdivision also created another lot of 2.001ha located to the north of the subject land adjacent to the Ulverstone Swim Centre car park.

A Location Plan is attached as Annexure 1

*DISCUSSION*

A comprehensive description of the proposal has been submitted by the applicant on behalf of the owners, the Uniting Church of Australia Property Trust (Tas).

A copy of the applicant’s planning analysis is appended as Annexure 2.

By definition the permitted “P” uses proposed on the site are a “Church”, “Educational Establishment”, and “Community/Civic Building”. The latter description includes the occasional use of it as a “Health and Fitness Centre” and “Active Recreation”.

To clarify - the possible addition of spectators defines the essential difference between a “Health and Fitness Centre” and the spectator attending “Active Recreation” use. Defining the use of this part of the building as entirely spectator friendly is not possible with some active sports due to the limiting size of the room. However, a relevant activity on a smaller court may invite

spectators on occasion. For simplicity this portion of the building will be referred to as a multi-function hall in other parts of this report.

This mixed use aspect of the proposal has been qualified in the submitted application. The Scheme discusses the aspect of mixed or multiple developments in clause 3.7 of the Scheme. This indicates that where any development is for more than one use and any such use is not subordinate then such uses shall be treated as different and separate uses.

In summary this proposal has a mixture of stand alone uses as well as some uses on occasion being combined as warranted by the event. The calculation submitted by the applicant to request a reduction in the required number of parking spaces further confirms these moments.

#### *CONSULTATION*

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and Approvals Act 1993*. This requires advertising of the development by a notice on site and also by a notice placed once in a daily local newspaper. Correspondence to the adjoining owners inviting them to view the application was also undertaken.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Further details on traffic impact assessment and downstream stormwater system analysis was identified by the Council's Assets & Engineering Department. As a consequence the assessment clock was stopped and the applicant requested to provide additional information.

A copy of both documents are attached as Annexure 3.

The Assets & Engineering Department has provided a response to the additional information and has also recommended conditions to be used if a permit is contemplated. Other Planning and Assessment Team responses are of a similar technical nature that can be included with the final determination.

Within the prescribed 14-day public advertising period one representation of objection was received.

This representation is attached as Annexure 4.

The various issues contained within the representation have been summarised as follows:



Point 1. Car parking numbers proposed are inadequate.

Comment - Schedule 5 of the Scheme provides the numerical calculations that are applied to determine the parking spaces for a development. The following table is derived from Schedule 5. The last column indicates the required parking spaces.

USE	PER PERSON EMPLOYED	PER SEAT	PER 10M <sup>2</sup> OF FLOOR AREA TO WHICH USERS HAVE ACCESS (EXCLUDING TOILET FACILITIES)	REQUIRED NUMBER
Church		0.15	0.70	85
Multi-function hall	0.80	0.20*	0.50*	81**
Educational Establishment	1.00		0.10	17

\* the column yielding the highest number is to be utilised.

\*\* the 0.5/10m<sup>2</sup> of floor area for the 1415m<sup>2</sup> floor space yields the greater number.

The resultant number of spaces required if all uses were operating simultaneously is 183. The applicant has submitted reasons why a lesser number of parking spaces have been provided. The fundamental reason for this has been used on previous applications before the Council. Notwithstanding the actual number of spaces proposed on this particular application the reasons provided in supporting a reduction have merit. In the calculation submitted the applicant indicates that the multi-function hall will not be used during the time of worship at the church. As a consequence the greatest number of parking spaces will be that required for the church (85 spaces). This leaves a difference of 11 parking spaces between that proposed and that required for the most car park intensive use.

It was thought prudent also to consider the provisions of the Building Code of Australia (BCA) in the calculation of car parking spaces as there will be a need, prior to occupation, for the relevant portions of the building to be licenced as a "Place of Assembly". One of the factors in determining the number of persons to be accommodated in a room is the purpose for which it is used. The BCA uses a calculation of 1m<sup>2</sup> per person for churches, halls and spectator areas. These calculated numbers are also used to determine the numbers of toilets and exits.

The BCA provisions allow for greater occupancy numbers than nominated by the applicant or that can be catered for with the nominated number of car parking spaces. Because of this a condition limiting the occupancy of the facility has been included in the recommended resolution.

Point 2. Disruption to Eastland Drive traffic flow.

Comment - The Traffic Impact Assessment (TIA) indicates that satisfactory configuration of ingress and egress is proposed. Page 3 of the TIA predicts a capacity of 85 vehicles which coincides with the maximum number of car parking spaces required for the church activity.

Point 3. Unacceptable traffic hazard.

Comment - Addressed in TIA.

Point 4. Horsham Street access.

Comment - The Title boundary of this property does not have access to Horsham Street.

A copy of the Title is attached as Annexure 5.

#### *IMPACT ON RESOURCES*

Other than staff labour costs associated with the Application, there has been no significant impact on Council resources as a result of assessing and reporting on this application.

#### *CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Create a municipal area that is productive and socially and aesthetically attractive.

*CONCLUSION*

Satisfactory information has been provided to demonstrate the reasons for a reduction in parking spaces based on the non-occurrence of simultaneous activities. Nothing has been provided however to justify why there is a reduction in parking spaces from the required number for the church (85 spaces) to 74 parking spaces shown on the accompanying plans.

Clause 7.5.5(a) allows the Council to consider granting planning approval without a requirement for the provision of some or all of the minimum number of car parking spaces. This is conditional on either:

- (i) the provision of parking spaces and vehicular access on other land in the vicinity; or
- (ii) the payment of cash in lieu; or
- (iii) a combination of both (i) and (ii).

Upon assessment of the application it is paramount that an adequate number of parking spaces is available for the development. There is no other land in the vicinity that at the moment could be reasonably utilised. It is unreasonable to request cash in lieu as the Council has no strategy to provide for car parking in the area. The only remaining option is to provide parking for the activity that generates the maximum number of parking spaces.

*Recommendation*

It is recommended that the representation of objection be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that, upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.70 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings by Bullock Consulting - reference project No. 05.400 dated 30 January 2007 and amended on 13 June 2007 in respect of ingress and egress and the supporting information prepared by G J Walkem & Co dated 7 June 2007 unless altered by subsequent conditions of this Permit;
- 2 The developer is to provide an additional 11 parking spaces within the subject land;

- 3 The occupancy of the multi-function hall portion of the facility must not exceed 400 based on the number of persons nominated by the applicant, unless a separate approval for a Special Event Place of Assembly licence is issued by the Council;
- 4 All parking spaces and access ways are to be in accordance with *Australian Standard 2890.1 - Off Street Parking Part 1 - Car Parking Facilities*;
- 5 The developer providing 8m (maximum) width vehicle accesses in accordance with the Council's Standard Drawing No. SD-1003 and removal of any redundant crossing;
- 6 On-site detention of stormwater and upgrading of the existing drainage system to the satisfaction of the Council's Director Assets & Engineering;
- 7 Installation of parking prohibitions in Eastland Drive adjacent to the driveway subject to consultation and approval of the Department of Infrastructure, Energy and Resources;
- 8 Appropriate landscaping and maintenance in the road reservation area between the footpath and the property frontage;
- 9 Upgrading and extension where required of water and sewer infrastructure to service the development to the satisfaction of the Council's Director Assets & Engineering; and
- 10 Rectification of any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note:

- A any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction;
- B this Permit expires two years from the date advice of this decision is recived unless the development has substantially commenced;
- C in regard to Conditions 2 and 8 there is flexibility to incorporate the landscaping component within the naturestrip zone of the road

reservation to enable minor re-configuration of the car park to accommodate the additional spaces required;

- D a Building Permit is required for the development; and
- E Food Business and Place of Assembly registrations will be required prior to occupation.’

The report is supported.”

The Executive Services Manager reported as follows:

“Copies of the Annexures referred to in the Land Use Planning Group Leader’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That the representation of objection be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that, upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.70 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings by Bullock Consulting - reference project No. 05.400 dated 30 January 2007 and amended on 13 June 2007 in respect of ingress and egress and the supporting information prepared by G J Walkem & Co dated 7 June 2007 unless altered by subsequent conditions of this Permit;
- 2 The occupancy of the multi-function hall portion of the facility must not exceed 400 based on the number of persons nominated by the applicant, unless a separate approval for a Special Event Place of Assembly licence is issued by the Council;
- 3 All parking spaces and access ways are to be in accordance with *Australian Standard 2890.1 - Off Street Parking Part 1 - Car Parking Facilities*;
- 4 The developer providing 8m (maximum) width vehicle accesses in accordance with the Council’s Standard Drawing No. SD-1003 and removal of any redundant crossing;
- 5 On-site detention of stormwater and upgrading of the existing drainage system to the satisfaction of the Council’s Director Assets & Engineering;

- 6 Installation of parking prohibitions in Eastland Drive adjacent to the driveway subject to consultation and approval of the Department of Infrastructure, Energy and Resources;
- 7 Appropriate landscaping and maintenance in the road reservation area between the footpath and the property frontage;
- 8 Upgrading and extension where required of water and sewer infrastructure to service the development to the satisfaction of the Council's Director Assets & Engineering; and
- 9 Rectification of any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note:

- A any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction;
- B this Permit expires two years from the date advice of this decision is received unless the development has substantially commenced;
- C in regard to Conditions 2 and 8 there is flexibility to incorporate the landscaping component within the naturestrip zone of the road reservation to enable minor re-configuration of the car park to accommodate the additional spaces required;
- D a Building Permit is required for the development; and
- E Food Business and Place of Assembly registrations will be required prior to occupation."

Carried unanimously

## GENERAL MANAGEMENT

**260/2007 Heritage listing of properties in Penguin**

■ Cr (L) Bonde (having given notice) moved and Cr Deacon seconded, “That, pending the review of the *Historic Cultural Heritage Act 1995*, the Central Coast Council give support in seeking a face-to-face meeting with the Premier of Tasmania, asking him to make the decision to overrule the Minister in charge of the Tasmanian Heritage Council by placing an embargo on all activity and releasing all properties in Main Road and Crescent Street, Penguin, from the heritage listing process arising from the bulk application for a Penguin historical precinct made in December 2006, for the following reasons:

- 1 The decision in having the properties listed without their consent in any way is causing property owners undue stress which is leading to real, serious health problems, and that is totally un-Australian;
- 2 Because of this listing without their consent they are having great difficulty in accessing true equity in their properties to carry out any development they want to do;
- 3 The Great Australian Dream of owning your own home *freehold* is being denied to these property owners because they have unwittingly and unwillingly had to accept a third party onto their deeds of ownership;
- 4 By having the Heritage Council involved without their permission they are saddled with a third party who has made no financial input into the property but will have a major controlling influence in any further development of the property or in the further sale of the property; and
- 5 It goes without question that our heritage in Tasmania is an asset to the State and should be encouraged but it should not be at the expense of common decency and natural justice. People should be encouraged to list their aged properties for consideration but no property should be considered for a possible listing without their owner’s consent. It should also be written into the conditions that where a property is listed for consideration by a member of the public, the full consent of the owner should accompany the application and then the Heritage Council should also seek the full consent of the owner before the application is processed or progressed in any way. If this were done it would help to bring about a much needed understanding of the conditions of the Heritage Act which is so vital to the future of heritage buildings in Tasmania.”

Cr Bonde, in support of his motion, submitted as follows:

- “1 The fact that the Heritage Council has had to notify all property owners of the possible listing clearly shows that not all the property owners had any prior notification or knowledge that the properties were of heritage significance and so it cannot be said that they should have known of this prior to the purchase of the property in any instance where this has occurred;
- 2 In the instance where a property has been under the one ownership for a long period, the owner is contemplating passing on the possession of the property to his grandchildren and now finds that they do not understand the ramification of owning a property freehold but has a third party affixed to the control of the property;
- 3 Another instance of unfair treatment we know of is one property owner who is paying \$100 an hour for advice in trying to retrieve her property from the Heritage Council listing of notified owners;
- 4 Because Central Coast Council has made a decision to have no further discussion with the Heritage Council regarding the possible listing of Council property until a full review of the Heritage Act has taken place, we have a duty of care as a council to look after the welfare of our ratepayers in this instance by working with them in having a stop in proceedings and the release of all property owners who wish to have their properties released from the ‘listing’ that notified them of the position of possible heritage listing. Those people who wish to continue with the procedure put in place but without their permission should be encouraged to continue;
- 5 It is now six months at least since the application was made and, because of the time lapse, some of the momentum for public support has quite noticeably waned, but the problems for the concerned property owners are still very real. It is quite evident now that some major decisions have to be made if these unwilling participants in this whole saga are to be given back the rights to a fair go and the opportunity to develop their property and have a normal life to which they are absolutely entitled;
- 6 It is totally unfair and unreasonable that these property owners are now spending their hard-earned savings in seeking legal advice or legal assistance in retrieving their property from this ‘listing’ that was imposed on them without their consent or prior knowledge;
- 7 This untenable bulk listing of 26 buildings in Main Road, and five properties in Crescent Street, Penguin is possibly a first where such a large number of properties has been listed without any dialogue whatsoever with the property



owners. This means a large proportion of property owners in these areas who do not wish to be involved have had six months of anguish and worry. Because it is such a large number it should be a concern to everybody in Central Coast, including Central Coast Council;

- 8 I do not intend to contest the reason behind this bulk listing nor do I intend to pass judgement on the people involved, but my concern is the very fact that the Heritage Act allows for the listing of property totally without the owner's consent and then offer the opportunity of an appeal which has to be funded by the unwilling property owner. It is beyond belief that this can be seen to be a fair and impartial decision to the argument and goes towards my belief that the conditions to do with heritage listing are flawed and do not lead to the encouragement of satisfactory agreement to both parties;
- 9 After attending meetings between property owners affected in this debacle I am convinced that Central Coast Council should come to the aid of these ratepayers and help them reach their desired goal of freedom from this unwanted decision regarding their properties, an impingement on their health and wellbeing. They should be able to lead their choice of lifestyle without all the unwanted stress and worry, and the Council can help by leading a deputation to the Premier; and
- 10 It should be spelt out loud and clear that without the owner's consent absolutely no action should be discussed. In the instance we have been discussing, all the property owners I have conversed with have very real concerns about being involved in anything to do with heritage and that does not go well for the future. I believe it is vital that Central Coast Council gets support for these people in seeking personal support from the Premier of Tasmania to deal with these very real problems in this matter."

The General Manager reported as follows:

*"PURPOSE*

This report considers a motion on notice from Cr (L) Bonde proposing that the Council seek a meeting with the Premier to ask, pending the review of the *Historic Cultural Heritage Act 1995*, for an embargo on all activity and a release of all properties in Main Road and Crescent Street, Penguin, from the heritage listing process arising from an application for a Penguin historical precinct.

*BACKGROUND*

Cr Bonde's motion and supporting comments provide background to his motion.

In September 2003 the Tasmanian Government commissioned a review of the *Historical Cultural Heritage Act 1995*. The Council did not make any submission to that review process. Following the initial review stage of the legislation the Department of Tourism, Parks, Heritage and the Arts commissioned a report from Professor Hugh Mackay of Godden Mackay Logan. That report was completed in August 2005 and made available for public comment. The Council has not commented on this report.

The Department of Tourism, Arts and the Environment has made representations on the Draft Central Coast Planning Scheme 2005 with respect to S7.0 Heritage Schedule, indicating that it believes the Schedule has a very narrow purpose and should be broadened. The Department's representations will be considered by the Resource Planning and Development Commission during the public hearing process being conducted in July.

As part of the Council and State Government Partnership Agreement process the Department of Tourism, Arts and the Environment had initially requested that the Council commit to the development of a Heritage Strategy for the Central Coast municipal area. In discussions between Council officers and Departmental officers, that action was deleted from the Partnership Agreement. In its place the action reads that *the Council will participate in the review of the Heritage Act*. The timeframe for this was 18 months (i.e. April 2008).

On 30 January 2007 the Council met with members of the Heritage Council and Heritage Tasmania to discuss Penguin nominations for heritage listing.

On 16 February 2007 the Heritage Council advised the Council that it had received an application to enter a historical precinct centred on Main Road, Penguin in the Tasmanian Heritage Register. The application was made by a member of the community and included six areas around Main Road, Penguin encompassing:

- Main Road properties between number 1 and number 130 inclusive;
- Crescent Street properties between number 1 and number 31 inclusive; and
- a range of adjoining waterfront areas including the Old Wharf precinct where the Scout Hall and jetty are located; the Esplanade; the Perry-Ling Gardens; and the Penguin Silver Mine.

On 15 March 2007 the Mayor, General Manager and two Penguin community representatives met with Minister Wriedt to discuss the Penguin nominations for heritage listing.

On 22 March 2007 the Mayor was advised by both the Heritage Council and the Minister for Tourism, Arts and the Environment that the Heritage Council had rejected the nomination for a proposed heritage precinct in Penguin. They also advised of ongoing assessments. These included:

- Twenty-six properties considered to be of heritage significance that may warrant individual entry in the Tasmanian Heritage Register. A more detailed assessment was required before a decision was made. Within this group three were Council-owned properties;
- Eighty-one individual properties assessed do not meet any of the required criteria for entry in the Tasmania Heritage Register. Within this group were 17 properties with some historical or streetscape values which the Heritage Council believed make some contributions to the overall character of Penguin;
- Eight public spaces which had not yet been assessed, including the Council-owned Stone Wall at Crescent Street and Hiscutt Park; and
- Five places previously entered in the Heritage Register.

On 29 May 2007 the Heritage Council provided a further update on progress on the Penguin precinct nomination and advised that it had made the following decisions:

- Of the 26 properties previously considered to be of historic heritage significance that may warrant individual entry in the Tasmanian Heritage Register, 23 are considered to be of such significance to the Tasmanian community that they should be entered in the Heritage Register. Within this group are three Council-owned properties; and
- Eight public spaces, including the Council-owned Stone Wall at Crescent Street and Hiscutt Park have not yet been assessed. Draft assessments will be completed by the end of July.

On 18 June 2007 the Council resolved (Minute No. 221/2007) as follows:

‘That the Council at this time oppose the heritage listing of its properties at the Penguin Cemetery, Penguin Railway Station and Penguin Play Centre for the following reasons:

- 1 The Council's stated position that it will not participate in a Heritage Strategy for Central Coast (as proposed by the State Government as part of its Partnership Agreement with the Council) until the Heritage Act has been reviewed; and
- 2 The Draft Central Coast Planning Scheme 2005 does not promote their listing.'

*DISCUSSION*

Cr Bonde's motion, if passed, will initiate an approach being made to the Premier.

*CONSULTATION*

Heritage Tasmania has been fully advised of the intent of the motion on notice.

*IMPACT ON RESOURCES*

There is no additional impact on resources.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- . Provide transparent, accountable public policy and decision making
- . Plan for and develop a sustainable community.

*CONCLUSION*

Cr Bonde's motion is submitted for consideration."

Continued after Minute No. 261/2007...

**261/2007 Public question time**

The time being 6.40pm, the Mayor introduced public question time.

Questions and replies concluded at 6.46pm.

**Minute No. 260/2007 continued...**

Voting for the motion

(7)

Cr Downie

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(3)

Cr Robertson

Cr Barker

Cr Dry

Motion

Carried

**262/2007 Minutes and notes of committees of the Council and other organisations**

The Executive Services Manager reported as follows:

“The following minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- Cradle Coast Authority - meeting of Representatives held on 24 May 2007
- Development Support Special Committee - meeting held on 12 June 2007
- Cradle Coast Water - meeting of Directors held on 18 June 2007
- Ulverstone Local History Museum Committee - meeting held on 19 June 2007
- Central Coast Chamber of Commerce & Industry Inc. - meeting held on 20 June 2007
- Youth Engaged Steering Committee - meeting held on 21 June 2007.

Copies of the minutes and notes have been circulated to all Councillors.”

■ Cr McKenna moved and Cr Robertson seconded, “That the Manager’s report be received.”

Carried unanimously

**263/2007 Adoption of minutes of committees of the Council**

The Executive Services Manager reported as follows:

“The following (non-confidential) minutes of a committee of the Council, in respect of which delegated authority has not been provided for activating decisions, are listed for adoption:

- Economic Development Planning Committee - meeting held on 27 June 2007.

The minutes identified as confidential are listed for adoption at Minute No. 272-272A/2007.”

Copies of the (non-confidential) minutes have been circulated to all Councillors.”

■ Cr (J) Bonde moved and Cr Robertson seconded, “That the (non-confidential) minutes be adopted.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**264/2007 Provision of air mattress for North West Regional Hospital, Burnie Campus**

■ Cr van Rooyen (having given notice) moved and Cr Deacon seconded, “That this Council contribute the sum of \$1,250.00 towards the cost of an air mattress for the North West Regional Hospital, Burnie Campus, to honour the memory of the late Councillor Rodney Cooper.”

Cr van Rooyen, in support of his motion, submitted as follows:

“During the late Councillor Cooper’s time in Palliative Care he was informed that there were only three air mattresses in the Hospital and that he had to wait for one to become available. He donated \$500.00 towards the purchase of another. The Penguin Football Club has raised \$250.00. The cost of an air mattress is \$2,000.00, leaving a shortfall of \$1,250.00. I promised the late Councillor Cooper I would encourage Council to fund the balance for the benefit of future patients.

With the rationalisation of hospital services, residents of Central Coast will benefit.”

The Director Corporate & Community Services reported as follows:

*PURPOSE*

This report considers a motion on notice from Cr van Rooyen proposing that the Council contribute the sum of \$1,250.00 towards the cost of an air mattress for the North West Regional Hospital, Burnie Campus.

*BACKGROUND*

Cr van Rooyen’s supporting comments provide background to his motion.

*DISCUSSION*

The Council has not adopted its Estimates for the 2007-2008 year so there is opportunity for the Council to incorporate this contribution within the Estimates to be approved on 6 August 2007.

*CONSULTATION*

No consultation is required in regard to this motion.

*IMPACT ON RESOURCES*

The contribution would be subject to the 2007-2008 Estimates process.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- Provide transparent, accountable public policy and decision making
- Foster partnerships for the provision of quality health services.

*CONCLUSION*

Cr van Rooyen's motion is submitted for consideration."

■ Cr (L) Bonde moved an amendment, "That all Councillors be requested to contribute a one-eleventh share of the sum of \$1,250.00 towards the cost of an air mattress for the North West Regional Hospital, Burnie Campus, to honour the memory of the late Cr Rodney Cooper."

The Mayor ruled the amendment to be not acceptable.

Voting for the motion

(9)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried



**265/2007 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

To inform the meeting of any correspondence received during the month of June 2007 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

*CORRESPONDENCE RECEIVED*

The following correspondence has been received and circulated to all Councillors:

- Received 08.06.2007 - letter expressing concerns about high-rise development in Penguin.
- Received 13.06.2007 - position statement from the Brighton Council outlining their view on the provision of water and sewerage services in Tasmania.
- Received 13.06.2007 - copy of correspondence forwarded to Premier on proposed Heritage Act amendments.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

- Cr Robertson moved and Cr Marshall seconded, “That the Director’s report be received.”

Carried unanimously

**266/2007 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 19 June to 16 July 2007 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Manager reported as follows:

“A copy of the Schedule has been circulated to all Councillors. Draft Amendment 3/2007 approved at Minute No. 258/2007 is to be added to the Schedule.”

■ Cr McKenna moved and Cr (J) Bonde seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document.”

Carried unanimously

**267/2007      Accounts paid**

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of June 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities. Councillors are invited to direct any questions on the Schedule to me at a convenient time prior to the meeting.”

The Executive Services Manager reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Deacon moved and Cr (J) Bonde seconded, “That the Schedule of Accounts Paid (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**268/2007      Debtor remissions**

The Director Corporate & Community Services reported as follows:

“The following debtor remissions are proposed for the Council’s consideration:

<i>DEBTOR NO.</i>	3548
<i>PROPERTY ADDRESS</i>	6 Grove Street, Forth
<i>REMISSION</i>	\$206.23
<i>REASON</i>	Leaking water pipe running underground - as per Council policy (Minute No. 383/2003 - 13.10.2003).

<i>DEBTOR NO.</i>	3604
<i>PROPERTY ADDRESS</i>	16 Davis Street, Leith
<i>REMISSION</i>	\$180.40

*REASON*                      Leaking water pipe running underground - as per Council policy (Minute No. 383/2003 - 13.10.2003).”

■ Cr Robertson moved and Cr Marshall seconded, “That the following remissions be approved:

- . Debtor No. 3548 - \$206.23
- . Debtor No. 3604 - \$180.40.”

Carried unanimously

ASSETS & ENGINEERING

**269/2007 Roads and streets - Amy Street, West Ulverstone - Proposed rehabilitation or closure**

*The General Manager, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of the proposed rehabilitation or closure of Amy Street.*

The Director Assets & Engineering reported as follows:

*“PURPOSE*

This report considers the proposed rehabilitation or closure of Amy Street, West Ulverstone.

*BACKGROUND*

The Engineering Officer - Roads & Traffic reported as follows:

‘A 2001 road safety audit of Amy Street was undertaken in order to ascertain the safety of motorists, cyclists, pedestrians, residents and affected users. The report included recommendations for improvements.

Consulting Engineers Pitt & Sherry carried out the audit and concluded that, “...The main safety issue along the length of Amy Street is the section between Highfield Crescent and Undara Crescent. This is particularly an issue at night when delineation and night time visibility is poor. The existing accident records also indicate the significance of remedial treatments along this section.

Consideration could also be given to assessing whether parallel routes, such as Clara Street would be a more appropriate route to encourage through movements between South Road and Penguin Road.

The horizontal and vertical alignment along Amy Street also poses difficulties and investigation into the use of other alternative routes in the network such as Clara Street could be investigated...”

Compounding the situation on the hill section was the effect of ground water and surface movement. The resultant pavement failures have been remediated on several occasions.

To overcome the difficulties identified with the Amy Street alignment, the possibility of a closure of the hill section was suggested. The potential effects of any road closure need to be thoroughly considered, and in 2006 consultants Pitt & Sherry were commissioned to assess the implications of a closure of the hill section of Amy Street. The general use of Amy Street on providing the safest and most appropriate route between Penguin Road and South Road was questioned. They advised that, "...The surrounding road network was investigated in an attempt to find alternative through routes that could be utilised..."

The 2006 report recommended that further investigation and analysis be undertaken in order to:

- quantify the impact on intersections on Clara Street and South Road;
- determine any traffic management works that need to be implemented;
- the scope of construction works required to close Amy Street should be considered and a cost estimate developed.

The audit concluded with a recommendation that a benefit-cost analysis be undertaken in order to justify the proposed road closure if any traffic management works are deemed necessary at key intersections on Clara Street and South Road.

#### *DISCUSSION*

The consultant's report indicated a closure should provide benefits to the community by a reduction in the crash rate and by improvements to amenity. There have been five recorded accidents in Amy Street in the five years prior to the report, including a serious injury accident involving a car and two bicycles. The elimination of the potentially dangerous gradient and alignment in Amy Street should see a reduction in the crash rate. An improvement in amenity would result from a reduction in accidents and from a reduction in through traffic utilising Amy Street. However, this would not be the case for the residents of Kardinia Crescent who would be exposed to more traffic and consequently a reduction in safety. The additional turning traffic at the intersection of Clara Street and South Road would also have an impact on this intersection and works may be required to improve its safety.

Traffic counts were undertaken at various sections of Amy Street. The counts showed a maximum of 584 vehicles per day utilise the hill section of Amy Street. By comparison, Clara Street between South Road and Alice Street has 1,521 vehicles per day. The closure of the hill section of Amy Street would alter the daily driving paths of up to 584 motorists. It is projected that the one-way peak traffic volume of Clara Street could increase from 89 vehicles per hour to 147 vehicles per hour as a result of a closure. Though this figure is significantly below the typical capacity of a residential street, the junctions will be affected with impacts on capacity, storage and delay.

Minor works have been undertaken to remediate the road pavement failures. A recent inspection revealed that ground water ingress has again forced through the road surface. If unattended, this can again lead to pavement failures which could destabilise vehicles negotiating the downhill curve. If the road were to remain open, ground water would need to be eliminated from the pavement by the installation of subsurface drainage. Upgrading of street lighting should also be undertaken to improve night-time safety.

The hill section of Amy Street does provide an important link between the geographical lower and higher-level residential areas of West Ulverstone and this road network link should not be severed.

It is recommended that if sufficient drainage works can be undertaken to eliminate pavement failures on the hill section, that this link be rehabilitated, the street lighting upgraded, and that the section of Amy Street between Highfield Crescent and Kardinia Crescent remain open.

#### *CONSULTATION*

In an attempt to gauge community reaction to a possible closure a “spot poll” was conducted at the Ulverstone Community Workshop in November 2006. The result was 19 for and 19 against closure. Consultation was undertaken with the four local bus operators, including Metro, along with the emergency services of Tasmania Ambulance, Tasmania Fire, Tasmania Police and municipal emergency services. Three responses were received, all opposing the closure.

The limited consultation revealed no clear support for a closure. However, a formal advertising process is required for any road closure and this would provide a final opportunity for representations if required.’

The Engineering Officer's report is supported.

*IMPACT ON RESOURCES*

A budget allocation of \$20,000 is included in the current Estimates.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- Improve community safety
- Develop and manage sustainable infrastructure.

*CONCLUSION*

It is recommended that the pavement failures on the hill section be rehabilitated and street lighting upgraded, and that the section of Amy Street between Highfield Crescent and Kardinia Crescent remain open.”

- Cr (L) Bonde moved and Cr van Rooyen seconded, “That the pavement failures on the hill section of Amy Street be rehabilitated and street lighting be upgraded, and that the section of Amy Street between Highfield Crescent and Kardinia Crescent remain open.”

Carried unanimously

Cr (J) Bonde left the meeting at this stage.

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## CLOSURE OF MEETING TO THE PUBLIC

### 270/2007 Meeting closed to the public

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provides that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close the meeting or part of the meeting because it wishes to discuss a matter (or matters) in a closed meeting and the Regulations provide accordingly.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

- . Minutes and notes of other organisations and committees of the Council;
- . Adoption of minutes of committees of the Council;
- . Proposals for sale of Council land; and
- . General Manager’s performance review.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential;
- . proposals for the disposal of land; and
- . personnel.”

■ Cr Robertson moved and Cr Dry seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

- . information provided to the Council on the condition it is kept confidential;
- . proposals for the disposal of land; and
- . personnel;

and the Council being of the opinion that it is lawful and proper to close the meeting to the public:

- . Minutes and notes of other organisations and committees of the Council;
- . Adoption of minutes of committees of the Council;
- . Proposals for sale of Council land; and



- 
- General Manager’s performance review.”

Carried unanimously and by absolute majority

The Executive Services Manager further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.

2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

Cr (J) Bonde returned to the meeting at this stage.

GENERAL MANAGEMENT

**271/2007 Minutes and notes of other organisations and committees of the Council**

The Executive Services Manager reported (reproduced in part) as follows:

“The following minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

...

The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

**272/2007 Adoption of minutes of committees of the Council (263/2007 - 16.07.2007)**

The Executive Services Manager reported (reproduced in part) as follows:

“The following minutes and notes of a committee of the Council in respect of which delegated authority has not been provided for activating decisions, are listed for adoption:

...

The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and

- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.'

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

**273/2007 Proposal for sale of Council land**

The General Manager reported (reproduced in part) as follows:

“This report seeks the Council’s consideration of the sale ...”

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

CORPORATE & COMMUNITY SERVICES

**274/2007 Proposal for sale of Council land**

The Director Corporate & Community Services reported (reproduced in part) as follows:

“The Administration Group Leader has submitted the following report...”

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

Council employees, with the exception of the General Manager, left the meeting at this stage.

GENERAL MANAGEMENT

**275/2007      General Manager's performance review**

The Mayor reported (reproduced in part) as follows:

“The General Manager's annual performance review has been undertaken...”

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 8.32pm.

CONFIRMED THIS 20TH DAY OF AUGUST, 2007.

### **Chairperson**

(gjm:dil)

### **Appendices**

- Minute No. 255/2007 - Schedule of Development Services Determinations
- Minute No. 258/2007 - Amendment 3/2007
- Minute No. 266/2007 - Schedule of Documents for Affixing of the  
Common Seal
- Minute No. 267/2007 - Schedule of Accounts Paid

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## QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Katherine Schaefer  
GENERAL MANAGER