

CENTRAL COAST COUNCIL

Minutes

of Ordinary Meeting

19 MARCH 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
23 April 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, 19 March 2007 commencing at 6.00 pm

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 Ken Haines
Cr Beryl Marshall	Cr Terry McKenna
Cr Tony van Rooyen	

Councillors apologies

Cr Rodney Cooper

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)
Administration Group Leader (Mr Cor Vander Vlist)

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

82/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 19 February 2007 and the minutes of special meetings held on 5 and 26 February 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 McKenna moved and Cr (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 19 February 2007 and the minutes of special meetings held on 5 and 26 February 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

83/2007 Council workshops

The Executive Services Manager reported as follows:

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

- . 12.02.2007 - Corporate branding
 - Regional representation
 - Caribou Road Cycling Classic
- . 05.03.2007 - Regional representation
- . 13.03.2007 - Asset Management
 - Local government sustainability.

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

84/2007 Mayor’s communications

The Mayor reported as follows:

“Yesterday I attended the Premier’s briefing to North-West councils regarding the pulp mill project proposed by Gunns Ltd.”

85/2007 Mayor’s diary

The Mayor reported as follows:

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

- Uniting Church - Pancake Day (Penguin)
- Australia Broadcasting Commission - “Small Town Big Question” (Burnie)
- Cradle Coast Authority - Representatives meeting
- Penguin Returned Servicemens League - Annual Dinner
- Community Plan - Sulphur Creek
- Rotary Clubs of Ulverstone - Long Table Dinner and Festival in the Park
- Leven District Scout Association - 100 Years of Scouting Celebration
- Local Government Association of Tasmania - General Meeting and General Management Committee meeting (Launceston)
- Penguin heritage listing - Public meeting
- Ulverstone Angler’s Club - Carnival of the Grasshopper.”

Cr Haines reported as follows:

“On behalf of the Mayor, I attended the funeral service for the late Ald. Jan Blizzard, Burnie City Council.”

Cr McKenna reported as follows:

“On behalf of the Mayor, I attended the funeral service for the late Tommy Kaine.”

■ Cr (L) Bonde moved and Cr Robertson seconded, “That the reports of the Mayor and Crs Haines and McKenna be received.”

Carried unanimously

86/1007 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.”

No interests were declared at this time.

87/2007 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).”

COUNCILLOR REPORTS

88/2007 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.”

Cr McKenna reported on a meeting of Cradle Coast Water.

Cr Marshall reported on a meeting of the Ulverstone Local History Museum Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

89/2007 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

90/2007 Deputations

The Executive Services Manager reported as follows:

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

PETITIONS

91/2007 Petitions

The Executive Services 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 improvement of pedestrian access and safety in the Henslowes Road area.

The General Manager reported as follows:

“The following petition has been received:

‘Subject matter	To improve pedestrian access and safety in the Henslowes Road residential area and to Henslowes Park.
Statement of subject matter and action requested	<ol style="list-style-type: none">1. The provision of paved footpaths and improved lighting along Adaihi Street and Henslowes Road equal to those in the adjoining new subdivisions.2. The prohibiting of all vehicle access (except for council) onto the gravel road that runs parallel to Henslowes Road adjacent to the Leven River, from the Bass Highway to Henslowes Park.
Signatories	There are 142 signatories to this petition.’

A copy is attached. The petition is in compliance with s.57 of the *Local Government Act 1993* and is accordingly able to be tabled.

It has been referred to the Assets & Engineering Department for preparation of a report and the Director has advised in preliminary terms as follows:

‘Henslowes Road footpath is currently listed for 2010-2011. The footpath program will be reviewed this year in view of the community workshop requests for shared pathways and the footpath inspections currently being undertaken. Reassessment of the estimate and provision of Henslowes Road footpath will be included in this review as part of the Capital Works Program.

The rubbish near the Leven River has been cleaned by the Council as part of the Clean Up Australia Day. The vehicular access to the south where the rubbish was being dumped has been closed off.

The issues of closure of vehicular access to the north and footpath to Henslowes Road will be given consideration as part of a report to the 23 April Council meeting.'

The petition is tabled.”

- Cr Haines moved and Cr (L) Bonde seconded, “That the petition be received.”

Carried unanimously

COUNCILLORS' QUESTIONS

92/2007 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.

-
- (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.

93/2007 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.

(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

94/2007 Development Services determinations

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of February 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 Deacon 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

GENERAL MANAGEMENT

95/2007 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:

- Local Government Association of Tasmania - General Meeting held on 1 November 2006
- Ulverstone Local History Museum Committee - meeting held on 16 January 2007
- Development Support Special Committee - meetings held on 5 and 19 February 2007
- Youth Engaged Steering Committee - meeting held on 15 February 2007
- Ulverstone Online Access Centre Committee - meeting held on 21 February 2007.

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

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

Carried unanimously

96/2007 Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups (379/2005 - 21.11.2005)

The General Manager reported as follows:

“The Executive Services Manager has prepared the following report:

PURPOSE

This report considers the replacement of former Cr Jan Edwards on the Council’s General Manager Performance Review Panel.

BACKGROUND

The appointment of former Cr Edwards to the General Manager Performance Review Panel was made by the Council on 21 November 2005 (Minute No. 379/2005) following the last Local Government Elections.

Mrs Edwards resigned as a Councillor earlier this year.

DISCUSSION

As a consequence of her resignation, the position of former Cr Edwards on the Panel is vacant and needs to be filled.

Filling this vacancy will return the Panel to full strength.

Current Councillors remaining on the Panel are Crs Downie and Robertson.

Appointments to all statutory bodies, groups and organisations; Council and special committees; community advisory groups; and working groups will be up for review following the next Local Government Elections - currently scheduled for late 2007.

CONSULTATION

This is an internal matter for the Council's determination.

IMPACT ON RESOURCES

This is a governance matter. The Council's governance operations are provided for within the Estimates.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that this vacancy be filled.'

The report is supported."

The Executive Services Manager reported as follows:

“The report appearing in the agenda for this meeting is amended to reflect an error of fact established at the meeting.”

■ Cr Deacon moved and Cr McKenna seconded, “That the Council’s Committees and Representatives Register be amended by the replacement of former Cr Jan Edwards by the following new appointment:

33 General Manager Performance Review Panel

Cr Tony van Rooyen.”

Carried unanimously

**97/2007 Emergency management (472/2003 - 15.12.2003) -
Schedule of Appointments to Statutory Bodies, Groups and
Organisations, Council and Special Committees, Community Advisory
Groups and Working Groups (379/2005 - 21.11.2005)**

The General Manager reported as follows:

“PURPOSE

This report considers emergency management of the Council and the region and seeks the endorsement of the Council in respect to the provision of this service.

BACKGROUND

The Council has operated previously under the *Emergency Services Act 1976* with a Local Co-ordinator and a Central Coast emergency management planning committee. The committee was invited in 2003 to be represented on the Mersey sub-region committee and, upon consideration, the following motion was carried at the Council meeting on 15 December 2003 (Minute No. 472/2003):

‘That the chairperson of the Central Coast Council Emergency Management Committee, the Local SES Coordinator, and the Central Coast Council Recovery Officer be appointed as representatives to the Mersey Emergency Management Planning Committee of the Whole and that the appointments be added to the Council’s Schedule of Appointments to Statutory Bodies, Groups

and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups.’

The 2006-2007 Estimates provided the following commentary under Community Services - Emergency Services:

‘The Local Emergency Coordinator resigned in February 2006. A replacement has been deferred pending new legislation and changes to the role of the emergency coordinator. In the interim the Mayor and Director Assets & Engineering have been attending meetings of the Mersey Region Emergency Management Planning Committee (MREMPC).

This has enabled the concept of the employment of an executive officer for the MREMPC to be progressed subject to funding arrangements. This has been in response to the ever increasing responsibilities being placed on emergency management. While the Partnership Agreement with the State Government will formalise some operational arrangements it will not address the responsibilities placed on local government from legislation and issues such as natural disasters and emergency management planning.

As an example of this, funds for the Forth Flood Recovery Project were received in 2005-2006 but no progress was possible due to resignation of key staff involved. The funds have been transferred to 2006-2007 and, while the Project will be undertaken by a consultant, a considerable amount of staff resource is required to facilitate the Project and manage the consultant. The Project is also subject to management by a project steering committee of the MREMPC, making administration a time consuming task. The employment of an executive officer would be able to undertake this project in much more efficient and effective manner.

The Tasmanian Emergency Management Risk Management Project further highlights the need for additional resources in emergency management. Risk categories include flood, wildfire, storm, severe weather, public health epidemic, exotic animal disease, food crop disease, infrastructure failure, structural fire, hazardous material, transport accident and mass gathering. Risks have been identified in all of these categories for Central Coast and adjoining municipal areas as natural disasters have no boundaries. A regional approach to this process is essential.

The MRERMPC has been in operation for some years and offers a workable sub-regional approach to this issue.’

The *Emergency Management Act 2006* came into operation on 20 October 2006 and provides the Tasmanian emergency management arrangements for the protection of life, property and the environment in the event of an emergency, which includes more streamlined municipal level arrangements that better reflect current arrangements.

Under the new Act the functions of the Municipal Emergency Management Co-ordinator (MEMC) are similar to those of the previous Local (emergency) Co-ordinator but the MEMC must have the authority and ability to make decisions relating to co-ordination of emergency management in the municipal area during an emergency without first seeking the approval of the Council. This to some degree places the responsibility onto the Director Assets & Engineering as he has the authority to address the legislative requirements through the General Manager and is also responsible for the Council workforce.

The integration of the workforce and SES volunteer unit is critical in an emergency situation and is the main reason the previous Works Supervisor held the position of Local Co-ordinator. Provided the Works Management Group Leader is clear on his role and support is provided to emergency management at a corporate level, then the MEMC should be adequately resourced to perform his/her duties and responsibilities.

The Council is part of the MREMPC, covering the municipal areas of Central Coast, Devonport, Kentish and Latrobe. The suggestion of the MREMPC having an Executive Officer/Deputy Co-ordinator for overall administration assistance in respect to Emergency Management Plans, Recovery Plans and Risk Management Plans has been pursued in 2006 with a proposal considered at the December 2006 MREMPC meeting.

The Director Assets & Engineering reported as follows:

DISCUSSION

The results of the proposal for an Executive Officer/Deputy Co-ordinator for the Mersey region have been mixed, with approval from Kentish Council, consideration by Latrobe Council and refusal from Devonport City Council. The proposal is therefore not fully supported by all councils and not considered worth pursuing at this stage. However, it should not be dismissed for consideration as a future option.

With this in mind the opportunity has been taken to consider the integration of the Deputy Co-ordinator duties as part of the recently appointed Risk & Safety Co-ordinator position at Central Coast. While this fulfils the immediate requirements to enable the Emergency Management Plan and Emergency Risk

Register requirements to be updated for the Central Coast Council, it may not be the preferred long-term solution in emergency management for the region.

The procedure for the Minister appointing the Municipal Co-ordinator and Deputy Municipal Co-ordinator is that the Council is required to nominate officers to fill the positions for a period of two years. It is envisaged that appointments will be routinely administered on a six-monthly basis (approximately April and October each year) or as required by councils or the Minister.

CONSULTATION

The proposal for an Executive Officer for the Mersey region has been pursued in consultation with a Risk Project Group consisting of representatives from each council and the SES with a report considered by the MREMPC in December 2006.

IMPACT ON RESOURCES

The estimated cost and funding basis of an Executive Officer/Deputy Co-ordinator for the Mersey region is as follows:

COUNCIL	POPULATION 30.06.2004	%	2007-2008 50%	2008-2009 100%
Central Coast	20,914	34.44	22,384	44,767
Devonport	25,266	41.60	27,041	54,082
Kentish	5,784	9.52	6,190	12,381
Latrobe	8,769	14.44	9,385	18,770
<i>Total</i>	<i>60,733</i>	<i>100</i>	<i>65,000</i>	<i>130,000</i>

This is based on grant funding being obtained in 2007-2008. The information is provided for consideration in future emergency services resourcing.

The Central Coast Council's current allocation for Emergency Services in 2006-2007 is \$15,000 for the local SES unit operations only. The true cost of emergency management in time spent by the Co-ordinator and Local Recovery Co-ordinator is currently absorbed in Council operations as part of normal

duties. It is important that the true cost of emergency management be reflected in the Estimates in the future. This could be of the order of \$40,000 to \$50,000 per year if all the duties and responsibilities required under the Act are fulfilled. The proportion attributable to Central Coast under a regional arrangement is therefore not unreasonable for the future.'

CORPORATE COMPLIANCE

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

- Improve community safety
- Foster partnerships and strategic alliances
- Meet our statutory and regulatory obligations
- Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended that the Council:

- 1 nominate the Director Assets & Engineering for appointment by the Minister for Police and Emergency Management as the Municipal Emergency Management Co-ordinator (Municipal Co-ordinator); and
- 2 nominate the Risk & Safety Co-ordinator for appointment by the Minister for Police and Emergency Management as the Deputy Municipal Emergency Management Co-ordinator (Deputy Municipal Co-ordinator);

each for a period of two years;

and that the Council:

- 3 pursue the provision of an Executive Officer/Deputy Co-ordinator for the Mersey Region Emergency Management Planning Committee over the next two years with appropriate funding from the respective councils and grants;

and that:

- 4 the Mayor, the Municipal Emergency Management Co-ordinator, Deputy Municipal Emergency Management Co-ordinator and the Central Coast Council Recovery Officer be appointed as representatives to the Mersey Region Emergency Management Planning Committee; and

5 on confirmation of the appointments, the Council's Committees and Representatives Register be amended to reflect those appointments."

■ Cr van Rooyen moved and Cr Deacon seconded, "That

1 the Director Assets & Engineering be nominated to the Minister for Police and Emergency Management for appointment as the Municipal Emergency Management Co-ordinator (Municipal Co-ordinator); and

2 the Risk & Safety Co-ordinator be nominated to the Minister for Police and Emergency Management for appointment as the Deputy Municipal Emergency Management Co-ordinator (Deputy Municipal Co-ordinator);

each for a period of two years;

and that the Council:

3 pursue the provision of an Executive Officer/Deputy Co-ordinator for the Mersey Region Emergency Management Planning Committee over the next two years with appropriate funding from the respective councils and grants;

and that:

4 the Mayor, the Municipal Emergency Management Co-ordinator, Deputy Municipal Emergency Management Co-ordinator and the Central Coast Council Recovery Officer be appointed as representatives to the Mersey Region Emergency Management Planning Committee; and

5 on confirmation of the appointments, the Council's Committees and Representatives Register be amended to read as follows:

14 Mersey Region Emergency Management Planning Committee

Cr Mike Downie, as Mayor
Central Coast Municipal Co-ordinator
Central Coast Deputy Municipal Co-ordinator
Central Coast Council Recovery Officer."

Carried unanimously

98/2007 Public question time

The time being 6.44 pm, the Mayor introduced public question time.

Questions and replies concluded at 6.53 pm.

CORPORATE & COMMUNITY SERVICES

99/2007 Penguin Community Plan - Amendment to timeline for urban design guidelines (397/2006 - 20.11.2006)

■ Cr (J) Bonde (having given notice) moved and Cr Deacon seconded, “That the development of urban design guidelines, as scheduled in the Penguin Community Plan to be carried out in 2008-2009, be brought forward to the 2007-2008 financial year, subject to estimates.”

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

“Penguin is about to undergo extensive urban change as developers discover and identify opportunities for the beautiful seaside village. The recent development applications for Penguin have sparked a wave of community sentiment and an urgent need to have clear strategies in place to guide the future use and development of the town.

Our Planning Scheme sets out the requirements for use or development in accordance with the Land Use Planning and Approvals Act; however, it is open to interpretation when it comes to areas such as *‘enhancement of the environmental quality of life of residents and visitors by attention to aesthetics and landscape impact’*.

It is imperative that the urban design process be completed as soon as possible to ensure that Penguin is protected from improper development and that Council, residents and businesses have a clear and united vision of:

- the major issues, development opportunities and constraints for the town;
- appropriate strategies to guide future development; and
- development that is economically feasible, environmentally sustainable and acceptable to the community.”

The Director Corporate & Community Services reported as follows:

‘PURPOSE

This report considers a motion on notice from Cr (J) Bonde proposing that the development of urban design guidelines, as scheduled in the Penguin Community Plan to be carried out in 2008-2009, be brought forward to the 2007-2008 financial year, subject to estimates.

BACKGROUND

Cr Bonde's supporting comments provide background to her motion.

DISCUSSION

The review of urban design guidelines for Penguin was listed in the Penguin Community Plan for 2008-2009. It is also noted that urban design guidelines for both Turners Beach and Forth were listed for the same year.

To spread the workload out more evenly it would be feasible to move the review of urban design guidelines into the 2007-2008 financial year, subject to estimates and the engagement of a suitable consultant to undertake the process. The Development Services Department would be responsible for this project.

CONSULTATION

The Community Plan was undertaken with consultation with the Penguin community and identified urban design guidelines as an action that was required to be undertaken.

IMPACT ON RESOURCES

Urban design consultants would need to be engaged to undertake this project and 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
- . Enable community participation in strategic directions
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

Cr Bonde's motion is submitted for consideration."

- Cr (L) Bonde moved an amendment, "That debate on the motion be adjourned and that legal advice be sought of the words 'Penguin Community Plan' and the use of the words

‘Penguin Community Plan’ in any decision making to do with the motion ‘9.5 Penguin Community Plan’.”

The Mayor did not accept the amendment motion.

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

100/2007 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of February 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 Haines moved and Cr Robertson seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

101/2007 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of February 2007 has been submitted by the General Manager 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 Robertson moved and Cr Marshall seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

102/2007 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 February 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 15.02.2007 - Letter expressing disappointment over the lack of recognition of ‘Coast to Canyon’ in Spirit of Tasmania promotions
- Received 20.02.2007 - Letter requesting support for Red Cross Calling Appeal
- Received 20.02.2007 - Letter requesting assistance with fundraising appeal
- Received 23.02.2007 - Letter requesting clarification on purchase of Council land.

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 van Rooyen moved and Cr Deacon seconded, “That the Director’s report be received.”

Carried unanimously

103/2007 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 February to 19 March 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.”

- Cr Haines moved and Cr Robertson 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

104/2007 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 28 February 2007 are submitted for consideration:

- Bank Reconciliation
- Summary of Rates and Fire Service Levies
- Operating Statement
- Capital Works Statement
- Capital Works Resource Schedule.”

The Executive Services Manager reported as follows:

“Copies of the financial statements have been circulated to all Councillors.”

- Cr McKenna moved and Cr Deacon seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

105/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of February 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 (L) Bonde seconded, “That the Schedule of Accounts Paid (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

106/2007 Rate remissions

The Director Corporate & Community Services reported as follows:

“The following rate remission is proposed for the Council’s consideration:

<i>PROPERTY No.</i>	403120.0700
<i>PROPERTY ADDRESS</i>	48 Coroneagh Street, Penguin
<i>REMISSION</i>	\$473.20
<i>REASON</i>	Property exempt from general rate – church manse effective from 1 November 2006.”

The Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that a council, by absolute majority, may grant a remission of all or part of any rates.”

- Cr Barker moved and Cr Marshall seconded, “That the following remission be approved:

. Property No. 403120.0700 - \$473.20.”

Carried unanimously and by absolute majority

107/2007 Turners Beach restricted dog area (29/2007 - 22.01.2007)

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

‘PURPOSE

To review the dog restrictions applying to Turners Beach.

BACKGROUND

At the Council meeting held on 22 January 2007 the Council passed the following motion (Minute No. 29/2007) unanimously:

“That the Council initiate the process required to consider the alteration of the current dog restriction for Turners Beach to enable dogs to be exercised off-leash under certain conditions.”

This motion followed the receipt of a petition from a number of residents of Turners Beach calling for a change in the status of Turners Beach as a restricted area for dogs.

In the Advocate newspaper of Saturday 3 February 2007 the Council advertised its intention to make the area of Turners Beach from the Forth River to Clayton Rivulet an area where dogs can be exercised off the leash without the dogs being deemed to be at large. The Council called for submissions on this matter to be received by Friday 23 February 2007. A copy of the advertisement is attached.

Section 24 of the *Dog Control Act 2000* stipulates as follows:

“Before a council resolves to make a declaration under this Division in relation to an area, it is to -

- (a) Notify, by public notice, the details of -
 - (i) the area; and
 - (ii) any condition relating to the use of that area; and
 - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and
- (b) invite submissions to be lodged within 15 working days after the notice is published; and
- (c) consider any submissions lodged.”

DISCUSSION

The Council received 38 submissions within the prescribed period, of which 29 are in support of the proposed change while nine oppose the change. Copies of all of the submissions are attached.

The reasons given by those who opposed the change from the current restrictions identified a number of occasions where irresponsible dog owners have failed to meet their obligations in the Turners Beach area and included concerns over:

- . dogs fouling the walkways and the beach as well as personal possessions on the beach; and
- . other persons on the beach should not be in fear of being confronted by dogs not on-lead.

A number of incidents were identified where dogs had in fact interfered directly with persons on the beach.

These concerns are valid and, for those persons who do not interact well with dogs, can result in a significant degradation of the beach experience. By requiring dog owners to keep their dogs on-leash during the warmer months a more satisfactory compromise between the needs of dog owners and other beach users can be achieved.

The responses received to date, however, suggest that there is support for a change and that the majority of those who provided submissions on this matter would be comfortable with some easing of the current restriction.

The Council already has a number of popular beaches where restricted access has been provided to enable the beach to be shared between responsible dog owners and non-dog owners. Penguin Beach and Midway Beach are both

restricted during the months of December, January and February such that dogs are only allowed on the beach after 7.00pm and before 9.00am.

The current area available for exercising dogs in Turners Beach, being that area east of Boyes Street, is limited by the Forth River where high tide severely restricts the area available.

The Council recognises that the acceptance by the public of any change to the current restriction is dependent on dog owners acting responsibly and obeying all of the provisions of the *Dog Control Act 2000*. The Council has installed dog bag dispensers at strategic access points to the beach and, should the Council agree to alter the status of the beach, will take this opportunity over the next few months to proactively police the changed area. The Council's aim would be to deal with irresponsible dog owners who fail to keep their dogs under control or to clean up after their animals.

The Council is also keen to deal with aggressive dogs in any situation. Where complainants request that the Council undertake appropriate action to have dogs declared as dangerous dogs following attacks on persons or other animals, the Council will support that request.

These are issues that can occur in any area, not just beaches, and these issues can be dealt with under the provisions of the Dog Control Act. Restricting access to the one beach in the area penalises responsible dog owners while irresponsible dog owners continue to fail to meet their obligations under the Act. Appropriate signage, regular policing and the provision of infrastructure in the way of bins and dog bag dispensers, should allow for a shared arrangement that mirrors other beaches within the Central Coast area.

CONSULTATION

The report details the level of consultation undertaken.

IMPACT ON RESOURCES

Any change to the existing restrictions would require some change to the existing signage and to the relevant sections of the Dog Management Policy. Such changes could be achieved at a minimal cost.

The Council already polices the Turners Beach area as part of its summer program so there would be no impact on personnel.

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

It is recommended that the Council alter the current dog restriction for Turners Beach, to enable dogs to be exercised between the Forth River and Claytons Rivulet, as follows:

- In November/December/January/February/March dogs are required to be on a leash and can only be exercised on the beach after 7.00pm and before 9.00am. No restrictions for the rest of the year.'

The report is supported.”

The Executive Services Manager reported as follows:

“Copies of the advertisement and the submissions received have been circulated to all Councillors.”

■ Cr Deacon moved and Cr McKenna seconded, “That the Council alter the current dog restriction for Turners Beach, to enable dogs to be exercised between the Forth River and Claytons Rivulet, as follows:

- In November/December/January/February/March dogs are required to be on a leash and can only be exercised on the beach after 8.00pm and before 9.00am. No restrictions for the rest of the year.”

Carried unanimously

108/2007 Proposal for sale of Council land - Coroneagh Street

The Director Corporate and Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

'PURPOSE

To consider the disposal of certain Council-owned property off Coroneagh Street, Penguin.

BACKGROUND

The Council owns a parcel of land situated between Coroneagh Street and Howe Lane, Penguin, some 1.47 hectares in size, the lower portion of which includes 12 aged-persons units (Volume 54136 Folio 1).

A location plan is attached.

DISCUSSION

The land comprises an area of 1.47 hectares of which the lower third is taken up with 12 aged-persons units known as Howe Lane. The land was originally purchased for the erection of further aged-persons units, however the remaining unused land is steep and unsuitable for this purpose. A plan of that excess portion is attached. The property has a ready access off the end of Coroneagh Street and could be subdivided off to create four or five housing lots. The funds generated by the sale of the property could be used to provide much needed parking infrastructure for the Howe Lane Units. It is currently zoned Residential (RA) - Closed and is not public land.

While the land has been leased for grazing from time to time, a lack of fencing and an increase in various weeds has made the land unattractive for this purpose. The Council is likely to see an increase in maintenance costs as it deals with the abatement issues that are likely to arise from the property. The Council has previously received enquiries concerning the possible sale of this land.

The parcel of land is not deemed to be "public land" as defined under the *Local Government Act 1993* and can therefore be disposed of under Section 177 as follows:

- “(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from

the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the *Land Valuers Act 2001*.

- (3) A council may sell –
- (a) any land by auction or tender; or
 - (b) any specific land by any other method it approves.
- ...
- (6) A decision by a council under this section must be made by absolute majority.”

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

Sale of the surplus land would result in a saving on maintenance expenses. The cost of subdivision would be factored into the price that is eventually determined for the sale of the land.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space.

CONCLUSION

It is recommended that the Council declare surplus to its requirements the following parcel of land:

- . Part of that land identified as Certificate of Title Volume 54136 Folio 1, being excess to the land required to support the aged-persons units known as Howe Lane, Penguin;

and that the Council proceed with the subdivision of that part of the land that is considered surplus prior to calling for expressions of interest from local real estate agents for the sale of the land.’

The report is supported.”

The Executive Services Manager reported as follows:

“A location plan and a plan of the excess portion of the property have been circulated to all Councillors.”

■ Cr McKenna moved and Cr (L) Bonde seconded, “That the Council declare surplus to its requirements the following parcel of land:

- . Part of that land identified as Certificate of Title Volume 54136 Folio 1, being excess to the land required to support the aged-persons units known as Howe Lane, Penguin (a plan of the surplus land being appended to and forming part of the minutes);

and that the Council proceed with the subdivision of that part of the land that is considered surplus prior to calling for expressions of interest from real estate agents for the sale of the land.”

Carried unanimously and by absolute majority

109/2007 Proposal for sale of Council land - Westella Drive

The Director Corporate and Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

To consider the disposal of certain Council-owned property on the corner of Westella Drive and Forth Road, Turners Beach.

BACKGROUND

The Council owns a parcel of land on the corner of Forth Road and Westella Drive, some 0.7 hectares in size, being part of a parcel of land that was purchased in the 1970s for the purpose of creating a Craft Precinct (Volume 146023 Folio 3).

A location plan is attached.

DISCUSSION

The land comprises an area of 0.7 hectares and is located on the corner of Westella Drive and Forth Road. It is part of several parcels of land that were purchased for the purpose of creating a Craft Precinct. Highway works resulted in the land being split by Westella Drive and made the land impractical for this purpose. The Council received a number of expressions of interest in this land, however at that time the property was in two titles, with part of each title on either side of Westella Drive, and with two different zonings. In 2002 the Council passed the following motion (Minute No. 160/2002 - 29.04.2002):

“That in respect of the Council’s land situated at the junction of Westella Drive/Forth Road, Turners Beach, a report to the Council be prepared in relation to an appropriate zoning and consolidation of the lands with a view to the lands being offered for sale.”

and in 2003 the Council (Minute No. 280/2003 - 21.07.2003) agreed as follows:

“That an area of approximately 1350 m² of land, being part of the Council’s Title 33509/1 situated at Westella Drive/Forth Road, Turners Beach, be offered for sale...”

The sale of this land has now been completed, together with the subdivision that enables the Council to sell that part of the property located on the corner of Westella Drive and Forth Road as being surplus to the Council’s requirements. It is currently zoned Residential (RA) - Closed and is not deemed to be “public land” as defined under the *Local Government Act 1993* and can therefore be disposed of under Section 177 as follows:

- “(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the *Land Valuers Act 2001*.
- (3) A council may sell –

- (c) any land by auction or tender; or
- (d) any specific land by any other method it approves.

...

- (6) A decision by a council under this section must be made by absolute majority.”

The remaining parcel of land at this location, laying between Westella Drive and the Bass Highway, is deemed to be unsuitable for sale.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

There would be some minor administration cost to the Council in seeking expressions of interest from real estate agents for sale of the property. Subsequently there will be costs to obtain a valuation and to meet agent and property transfer fees - offset against income from the sale.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space.

CONCLUSION

It is recommended that the Council declare surplus to its requirements the following parcel of land:

- . That land identified as Certificate of Title Volume 146023 Folio 3 located on the corner of Forth Road and Westella Drive, Turners Beach.’

The report is supported.”

The Executive Services Manager reported as follows:

“Location plans of the property have been circulated to all Councillors.”

■ Cr (L) Bonde moved and Cr Haines seconded, “That the Council declare surplus to its requirements the following parcel of land:

- . That land identified as Certificate of Title Volume 146023 Folio 3 located on the corner of Forth Road and Westella Drive, Turners Beach;

and that the Council call for expressions of interest from real estate agents for the sale of the property.”

Carried unanimously and by absolute majority

110/2007 Financial Assistance towards Central Coast Resource Recovery Centre access fees - Salvation Army Ulverstone Thrift Shop

The Director Corporate & Community Services reported as follows:

“PURPOSE

To consider a contribution towards the Central Coast Resource Recovery Centre fees for access by the Salvation Army Ulverstone Thrift Shop.

BACKGROUND

The Salvation Army has written asking the Council to consider waiving the fees for the Ulverstone Thrift Shop to access the Resource Recovery Centre to dispose of unsaleable stock being disposed at their Thrift Shop.

They state it has been a concern to their management that the cost in disposing of unsaleable stock has been rising over the past twelve to eighteen months. The unwanted stock is unable to be sent on to any other group or business for any other use, therefore it is categorised as rubbish. This, in turn, forces them to make more regular trips to the Resource Recovery Centre to dispose of this rubbish.

They also state that the Salvation Army is a non-profit Christian organisation, and the proceeds for their Thrift Shop fund their various community programs in Ulverstone, such as their welfare office and drop-in centre.

DISCUSSION

The property where the Thrift Shop operates from is known as 25 Victoria Street, Ulverstone which comprises a hall, citadel and shop. The property only pays water,

sewerage and fire protection charges. It does not pay a general rate, which contributes to the running of the Central Coast Resource Recovery Centre, or a waste management charge, as a household garbage collection service is not available to commercial operations.

The only exemption that the Council has made at this time is to Lifeline who regularly make two trips a week to the Resource Recovery Centre. The Council chose (Minute No. 65/2006 - 20.02.2006) to make an annual contribution amounting to \$156.00 (50% of their annual costs). It should be noted that the building occupied by Lifeline incurs a general rate that the Salvation Army are not charged.

The Thrift Shop operators deliver a trailer load of rubbish to the Resource Recovery Centre approximately five times a week over 45 weeks of the year. This amounts to \$1,125.00 per annum.

The general rate on the building occupied by Lifeline amounted to \$1,701.70 for the 2006-2007 year. As the Thrift Shop does not pay a general rate (which would contribute towards the running of the Central Coast Resource Recovery Centre) it is recommended that no contribution be made.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

The recommendation has no impact on resources.

CORPORATE COMPLIANCE

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

- Plan for and develop a sustainable community.

CONCLUSION

It is recommended that no financial assistance be made towards the Resource Recovery Centre access fees as the Council already contributes to the operations of the Salvation Army by not charging a general rate.”

- Cr (L) Bonde moved and Cr Marshall seconded, “That no financial assistance be made to the Salvation Army towards its fees for access to the Central Coast Resource Recovery

Centre as the Council already contributes to the operations of the Salvation Army Thrift Shop at 25 Victoria Street, Ulverstone by not charging a general rate.”

Voting for the motion

(5)

Cr Downie
Cr Barker
Cr (J) Bonde
Cr (L) Bonde
Cr McKenna

Voting against the motion

(6)

Cr Robertson
Cr Deacon
Cr Dry
Cr Haines
Cr Marshall
Cr van Rooyen

Motion

Lost

■ Cr van Rooyen moved and Cr Deacon seconded, “That financial assistance be made available to the Salvation Army towards its fees for access to the Central Coast Resource Recovery Centre on the basis of a 50% rebate of costs on the same basis as provided by the Council to Lifeline.”

Voting for the motion

(6)

Cr Robertson
Cr Deacon
Cr Dry
Cr Haines
Cr Marshall
Cr van Rooyen

Voting against the motion

(5)

Cr Downie
Cr Barker
Cr (J) Bonde
Cr (L) Bonde
Cr McKenna

Motion

Carried

111/2007 2007 Tour of Tasmania Road Cycling Classic - Sponsorship

The Director Corporate & Community Services reported as follows:

“PURPOSE

To consider a submission from Caribou Publications Pty Ltd to host a full day of the 2007 Tour of Tasmania Road Cycling Classic.

BACKGROUND

The Director, Caribou Publications Pty Ltd, attended a workshop with Councillors on 12 February 2007 to outline an opportunity for the Council to sponsor the 2007 Tour of Tasmania Road Cycling Classic.

Following on from the workshop, the Director has written as follows:

‘Thank you for the opportunity to meet with you and the Central Coast Council on February 12 to discuss the 2007 Tour of Tasmania. I also wish to express my gratitude to the Mayor, Cr. Mike Downie, for his presence and involvement.

As outlined, opportunity exists for the Central Coast Council to host a full day of the tour.

The following is a summary of the suggested program outlining the Central Coast Council's role and additional opportunities to increase the profile of the municipality:

- Tour officials, riders and spectators to stay in Ulverstone and Penguin for 3 nights.
- Host stage 3 of the tour - a city street criterium at 11am on Wednesday, October 3.
- Host Stage 4 — a visually splendid road stage starting in Ulverstone and finishing in Penguin, leaving the city centre at 1.30pm on Wednesday, October 3. (including the coast road to Penguin, Fendene, Riana South, Riana, Gunns Plains, Heka, South Riana, Natone and Camena).
- To co-ordinate and get council approval for all traffic management and road closures necessary for Stages 3 and 4 and in the council's municipality.
- Sponsor a five-man team to ride under the banner of Central Coast Council for the duration of the tour. Riders' jerseys, accommodation and transport will be the responsibility of Caribou Publications.
- Opportunity to co-ordinate media interviews with the Central Coast Council riders to boost the team's exposure.
- Provide a list of suitable schools in the district for the Tour of Tasmania's school promotions program where riders (preferably those riding for the Central Coast Council in conjunction with the local cycling club) make school visits to highlight the benefits of cycling, safety issues, healthy eating etc.

- To agree to a three-year partnership with Caribou Publications and the Tour of Tasmania to secure the rights to host the tour and cement its position on the Central Coast's events calendar.

I have enclosed a formal submission with full tour details, outlining the financial component and the benefits to council in supporting the Tour of Tasmania.

If any further information is required, I would be most happy to oblige.'

A copy of the formal submission is attached.

DISCUSSION

Sponsorship of events and activities enables the staging of large-scale cultural and sporting events to be held within the municipal area. Such events not only shape the Central Coast identity but more significantly create economic benefit, promote participation, pride and a sense of place on a global level for residents, workers and visitors.

Funding community, cultural and recreational programs and services enables organisations, businesses, local groups/clubs and individuals to work in partnership with the Council in meeting community needs and/or cultural and recreation requirements. In doing so, the programs enable residents and visitors to have direct input into building a positive future. The programs also reflect Central Coast core values of creativity, compassion, innovation, access and participation.

The Council, however, receives numerous requests for sponsorship support beyond the resources allocated annually. It is important that the Council makes an assessment of each application prior to approving funding for any particular event.

The submission has been assessed against the Council's Events Support Criteria and listed below is a simplified list of criteria that have been identified and reflected in the level of support requested:

- Clear and achievable outcomes
- Level of promotion within some schools
- Promotes the Central Coast municipal area
- Promotes the region
- Brings economic benefit to the municipal area
- Builds on the lifestyle/heritage/culture of the area
- Evidence of financial and organisational planning
- Potential to become an event of national/state/regional significance

- . Demonstrated financial sustainability
- . Support from other government or private resources.

It is noted that the Council's sponsorship of this event would be of a 'commercial nature' and has not come to the Council through a community group. The Council needs to weigh this up when looking at its events budget and its Strategic Plan.

The Council currently has an events budget of \$12,000. This budget provided support to assist the continuance of the Rotary Art Exhibition, the Festival in the Park Aquathon, Ten Days on the Island and road closures for community events. The Council supports the Rotary Art Exhibition on an annual basis; has one year left of its commitment to the Festival in the Park Aquathon; supports Ten Days on the Island on a bi-annual basis; and funds road closures for community events on an annual basis. The Council at its meeting on 19 February 2007 (Minute No. 75/2007) also advised that Targa Tasmania would be required to hold an event in the Central Coast area in future years if it wished the event to pass through Central Coast. At this stage the extent of any resource commitment the Council may be required to make towards such an event is unknown.

The Council's Strategic Plan 2004-2009 provides for the Council to 'promote events and major festivals that build our cultural identity'. This event has the potential of marketing the Central Coast area through television, radio and newspapers, and the riders and their support teams.

The Central Coast Local Visitor Strategy action plan states that in conjunction with neighbouring Councils we develop a coordinated approach to attraction of major events and conferences to the local area.

If the Council were to host a stage on this Tour it would require either an increase in rates to support this initiative; a decrease in another cost area; or a combination of rates support and business contribution/sponsorship.

The submission asks for a contribution of \$25,000 each year over the next three years to secure both hosting rights to two stages of the Tour of Tasmania 2007-2009 and a Central Coast Council five-man team. At the workshop this figure was broken down into \$15,000 for hosting rights to two stages and \$10,000 for a Central Coast Council five-man team.

CONSULTATION

Limited consultation has occurred.

IMPACT ON RESOURCES

The recommendation has an impact on resources and would require funding through the Estimates process.

CORPORATE COMPLIANCE

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

- Promote events and major festivals that build our cultural identity
- Foster partnerships and strategic alliances.

CONCLUSION

It is recommended that the Council contribute sponsorship of \$15,000 to secure hosting rights to two stages of the Tour of Tasmania 2007, then review its commitment to this event for the further two years after the completion of the 2007 Tour.”

The Executive Services Manager reported as follows:

“A copy of the submission by Caribou Publications Pty Ltd has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Marshall seconded, “That the Council contribute sponsorship of \$15,000 to secure hosting rights to two stages of the Tour of Tasmania 2007, then review its commitment to this event for the further two years after the completion of the 2007 Tour.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

ASSETS & ENGINEERING

112/2007 Tenders for toilets at Esplanade (south), Turners Beach (298/2006 - 21.08.2006)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers tenders for the replacement of the Esplanade (south) toilets, Turners Beach.

BACKGROUND

The site of the existing toilet block is located on the foreshore of the Forth River on Crown land leased by the Council.

The existing toilet block is outdated, in poor condition and does not comply to the current Standards and Regulations in regards to disabled access. The existing toilet block will be demolished and a modern up-to-date facility will be constructed in its place.

The budget allocation for this project is \$60,000. Tenders were called for the construction of a new public toilet block on Saturday, 10 February 2007 in The Advocate newspaper. The advertised date for close of tenders was Tuesday, 6 March 2007. Tenders were received as follows:

TENDERER	COST \$ (INC GST)
Mobile Onsite Engineering	57,508.00
Wild Terrain Designs	90,391.00
Wild Terrain Designs Option 2 (alternate design)	94,241.00
Supersteel Tasmania	95,205.00
<i>Budget estimate</i>	<i>60,000.00</i>

DISCUSSION

The Assets Officer - Buildings, reported as follows:

‘This item has followed a public tendering process and consideration has been given to the three tenderers and four tender prices as stated above.

The tenders were assessed using the Council’s Tenders and Contracts Procedure ENG805 in combination with Auspec #3 Standard Contract Documents as adjusted for the Central Coast Council.

All tenders were found to be conforming. A tender evaluation panel consisting of Assets and Engineering officers assessed the tenders. The score/weighting system determined Mobile Onsite Engineering to be the preferred tenderer for this project.’

The officer’s report is supported and, notwithstanding that referral is not necessary under the Code for Tenders and Contracts, this matter has been referred to the Council for consideration in view of the previous history of this project and construction being on Crown land.

CONSULTATION

Consultation was undertaken as part of the Turners Beach Community Plan Workshop and the Council decided at its meeting on 21 August 2006 to call tenders for the replacement of the Turners Beach Esplanade public toilets near the Forth River, south of the boat ramp (Minute No. 298/2006).

IMPACT ON RESOURCES

The project can be completed within the budget allocation for public amenities.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations
- Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended the tender submitted by Mobile Onsite Engineering be accepted and approved by the Council on the following grounds:

- . Good standard and policies in tender document; and
- . Overall price of \$57,508.00 (including GST) falls within the budget allocation for this project.”

■ Cr Marshall moved and Cr Deacon seconded, “That the tender from Mobile Onsite Engineering in the amount of \$57,508.00 (including GST) for the replacement of the Esplanade (south) toilets at Turners Beach be accepted.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

113/2007 Tenders for toll booth, office, amenities and ‘tip shop’ at the Central Coast Resource Recovery Centre

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers tenders for the construction of the toll booth, office, amenities and ‘tip shop’ at the Council’s Resource Recovery Centre.

BACKGROUND

The Resource Recovery Centre has been operating with temporary facilities since the site commenced operation in December 2005. Relocatable buildings are currently utilised for the toll booth, office, staff facilities and toilets.

Tenders were called on Saturday, 3 February 2007 and Wednesday, 7 February 2007 in The Advocate newspaper. The advertised date for close of tenders was Tuesday, 27 February 2007. Tenders were received as follows:

TENDERER	NETT PRICE \$ INC. GST	NETT PRICE \$ EXC. PROVISIONAL SUM FOR 'TIP SHOP'
De Jong & Sons Constructions Pty Ltd	231,627.00	149,127.00
Stubbs Constructions Pty Ltd	265,650.00	183,150.00
M R Builders (Tas.)	268,543.00	186,043.00
Mead Con	272,492.00	189,992.00
CDC Projects Pty Ltd	283,036.60	200,536.60
<i>Budget estimate</i>	<i>145,000.00</i>	<i>90,000.00</i>

DISCUSSION

The Environmental Engineer reported as follows:

‘There was a good response to the tender advertisement with six sets of documents being released and five tenders submitted.

The De Jong & Sons Constructions Pty Ltd tender is the lowest by some \$34,000.00, followed by three tenders with a spread of \$7,000.00 and the highest tender a further \$11,000.00 above those.

Tenders were assessed in consultation with Milton Smith, of Milton Smith Building Design, who prepared the drawings, specification and tender documentation. De Jong & Sons Constructions Pty Ltd and their sub-contractors are considered capable of undertaking this type of work and they did not detail any variations to the specification as provided in the tender

documentation. The tender from De Jong & Sons Constructions Pty Ltd is recommended for acceptance.

CONSULTATION

This item has followed a public tendering process and consultation has been undertaken with the tenderers during the tender period.

IMPACT ON RESOURCES

A total of \$145,000.00 was allocated in the budget for the construction of site office/facilities, tip shop building, potable water supply, wastewater disposal and power supply extension which are included in the scope of the tender. The submitted tender prices include a provisional sum of \$82,500.00 (GST inclusive) for the construction of the 'tip shop' which is to be done by a nominated sub-contractor working under the head contractor (successful tenderer). At this stage it is expected that the actual cost of the tip shop building will only be in the order of \$60,000.00.

An additional \$65,000.00 is required to fund this project and can be accommodated by deferring the construction of the oil/battery storage facility and the redistribution of funds from within the Capital Waste Management budget.'

The Environmental Engineer's report is supported.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations
- Develop and manage sustainable infrastructure.

RECOMMENDATION

It is recommended that:

- 1 the tender from De Jong & Sons Constructions Pty Ltd for the construction of the toll booth, office, amenities and 'tip shop' for the amount of \$231,627.00 (GST inclusive), be accepted; and

- 2 an additional \$65,000.00 funding for this project be made available from the deferral of the oil/battery storage facility and the redistribution of funds from within the Capital Waste Management budget.”

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

- 1 the tender from De Jong & Sons Constructions Pty Ltd for the construction of the toll booth, office, amenities and ‘tip shop’ at the Central Coast Resource Recovery Centre for the amount of \$231,627.00 (GST inclusive), be accepted; and
- 2 an additional \$65,000.00 funding for this project be made available from the deferral of the oil/battery storage facility and the redistribution of funds from within the Capital Waste Management budget.”

Carried unanimously

**114/2007 Estimates for the year ending 30 June 2007 (258/2006 - 07.08.2006) -
Deferral of capital sewerage projects and reallocation of funds**

The Director Assets & Engineering reported as follows:

“PURPOSE

This report provides advice and information in respect to the deferral of certain capital works projects in the 2006-2007 sewerage program and the reallocation of these funds.

BACKGROUND

The installation of disinfection at the Ulverstone Wastewater Treatment Plant (UWWTP), the replacement of the outfall main along Braddon Street and the replacement of one pump at the Helen Street Pump Station were projects approved by the Council in the 2006-2007 capital sewerage program.

DISCUSSION

The Environmental Engineer reported as follows:

‘The recent GHD report in respect to disinfection options at the UWWTP recommends a 12-month sampling and testing period in order to ensure that the effluent is suitable for the proposed UV disinfection solution. Given this

situation, the installation of UV disinfection at the UWWTP should be deferred until early 2008.

Two other projects programmed for 2006-2007 were linked to having a disinfection process in place. The cut-in of the replaced Braddon Street section of the effluent outfall pipeline and the replacement of one of the three outfall pumps at the Helen Street Pump Station can only be undertaken whilst there is no flow in the outfall main (for up to 48 hours). Discharge of the disinfected treated effluent to the Leven River is required for this to take place, and previous temporary disinfection processes have not really been effective. It is suggested that these two projects also be deferred until the first half of 2008.

The anticipated 2006-2007 expenditure on these three projects is shown below:

PROJECT	BUDGET \$	COUNCIL \$	SIMPLIT \$	EXPECTED EXPENDITURE \$
WWTP disinfection	200,000	200,000	0	15,000
Braddon Street replacement	280,000	140,000	140,000	40,000
Pump replacement	60,000	15,000	45,000	0
<i>Total</i>	<i>540,000</i>	<i>355,000</i>	<i>185,000</i>	<i>55,000</i>
Outfall realignment	140,000	70,000	70,000	0
Outfall realignment (revised)	250,000	125,000	125,000	0

A total of \$300,000 in Council expenditure will be deferred until 2007-2008.

The estimate for the outfall realignment project has been revised to \$250,000 (includes a \$50,000 contingency sum). An amount of \$55,000 of the above deferred funds will be required for the work to be completed.

There is also the possibility of bringing forward some of the 2007-2008 works for projects that span the 2006-2007 and 2007-2008 financial years. One example is the installation of sewer to Heybridge which is programmed for 2006-2007 (\$120,000) and 2007-2008 (\$380,000). It is proposed that the tender for Heybridge sewerage, which is likely to be advertised in April, be for the whole of the works required to complete the project. This should yield a more economic and timely outcome than proceeding with two individual

tenders, with the actual physical works still being undertaken over the two financial years.’

The Environmental Engineer’s report is supported.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

The rearrangement of the capital works projects can be accommodated within the sewerage program.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations
- Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended that the following projects be deferred to 2007-2008:

- 1 Pump Station No. 16 - pump replacement - \$15,000 net;
- 2 Ulverstone Outfall - Braddon Street to Picnic Point - \$100,000 net; and
- 3 Ulverstone Wastewater Treatment Plant - disinfection - \$185,000 balance;

and that the deferred funds be reallocated to the following projects:

- (a) Ulverstone Outfall realignment - \$55,000;
- (b) Heybridge sewerage - \$160,000;
- (c) Penguin Pump Station - \$30,000;
- (d) Pump station - switchboards - \$25,000; and
- (e) Forth (sewerage) Scheme - \$30,000.”

The Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that, ‘a council may alter by absolute majority any estimate ... during the financial year.’ An absolute majority decision is accordingly required for this proposal to be effected.”

■ Cr Robertson moved and Cr van Rooyen seconded, “That the Estimates for the year ending 30 June 2007, as adopted by the Council on 7 August 2006 (Minute No. 258/2006), be altered by deferring to 2007-2008 the following projects listed in the Central Coast Sewerage account within the Capital Funding Program:

- 1 Pump Station No. 16 - pump replacement - \$15,000 net;
- 2 Ulverstone Outfall - Braddon Street to Picnic Point - \$100,000 net; and
- 3 Ulverstone Wastewater Treatment Plant - disinfection - \$185,000 balance;

and that the deferred funds be reallocated to the following projects:

- (a) Ulverstone Outfall realignment - \$55,000;
- (b) Heybridge sewerage - \$160,000;
- (c) Penguin Pump Station - \$30,000;
- (d) Pump station - switchboards - \$25,000; and
- (e) Forth (sewerage) Scheme - \$30,000.”

Carried unanimously

115/2007 Ulverstone Wastewater Outfall realignment - Exemption from public tender process

The Director Assets & Engineering reported as follows:

“*PURPOSE*

This report considers the realignment of the Ulverstone Wastewater Outfall and exemption from the public tender process.

BACKGROUND

The Estimates provide for the works to realign the outer ocean section of the Outfall pipeline and overcome air and flotation problems.

Under the *Local Government (General) Regulations 2005*, the Council may elect not to use a public tender process where the goods and services sought relate to the following:

- ‘...27(1)(h) a contract for goods and services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of -
- (i) extenuating circumstances; or
 - (ii) the remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers...’

DISCUSSION

The Ulverstone Wastewater Outfall was commissioned in 1998. The construction was of a specialised and difficult nature and the proposed realignment works are similar. The design consultant has been involved previous to and following construction as the result of the annual water monitoring process, and is familiar with the issues involved and proposed realignment works. We have been able to maintain a link with one of the divers who originally worked on the project and now operates his own company specialising in this type of work. The consultant and company are therefore both familiar with the pipeline and its problems and over the last few years have developed solutions to realign and secure the pipeline in conjunction with the Council’s Environmental Engineer. The works are now ready to proceed.

In the case of the Outfall realignment, an exemption from the public tender process is considered applicable for the following reasons:

1 Extenuating circumstances -

the specialised nature of the works and difficulty in specification for such underwater works;

- 2 Remoteness of the locality -
the need to relocate a suitable work vessel (*Esperence*) from Hobart to Ulverstone for the project; and
- 3 The unavailability of competitive or reliable tenderers -

the limited number of consultants and contractors familiar with the Ulverstone Outfall.

CONSULTATION

Where an exemption has been granted on the basis of Regulation 27(1)(h) above, the Council will report in the Council's Annual Report the following details:

- . A brief description of the reason for not inviting public tenders;
- . A description of the good or services acquired;
- . The values of the goods or services acquired; and
- . The name of the supplier.

IMPACT ON RESOURCES

The total estimated cost for the Outfall realignment is \$250,000.

The breakdown of the main sections of the project are as follows:

- 1 Supply of materials and consultant fees - \$63,000 (includes \$5,000 contingency);
- 2 Relocation and hire of the *Esperence* - \$94,000 (includes \$20,000 contingency); and
- 3 Dive team hire, Diving & Marine Services hire - \$93,000 (includes \$20,000 contingency).

Contracts will be arranged as per the Code for Tenders and Contracts for Central Coast Council.

CORPORATE COMPLIANCE

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

- . Foster partnerships and strategic alliances
- . Meet our statutory and regulatory obligations
- . Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended that the Council not proceed with a public tender process for the Ulverstone Wastewater Outfall realignment due to the reasons outlined previously.”

■ Cr Robertson moved and Cr Marshall seconded, “That a public tender process for the Ulverstone Wastewater Outfall realignment not be followed due to the following reasons:

1 Extenuating circumstances -

the specialised nature of the works and difficulty in specification for such underwater works;

2 Remoteness of the locality -

the need to relocate a suitable work vessel (*Esperence*) from Hobart to Ulverstone for the project; and

3 The unavailability of competitive or reliable tenderers -

the limited number of consultants and contractors familiar with the Ulverstone Outfall.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

116/2007 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; and
- . Proposed future use of Council-owned land situated at Maskells Road, East Ulverstone.

These are matters relating to:

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

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

■ Cr Robertson moved and Cr Haines 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; and
- . proposals for the disposal of land;

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; and
- . Proposed future use of Council-owned land situated at Maskells Road, East Ulverstone.”

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.”

GENERAL MANAGEMENT

117/2007 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.”

CORPORATE & COMMUNITY SERVICES

**118/2007 Proposed future use of Council-owned land situated at Maskells Road,
East Ulverston (212/2000 - 15.05.2000)**

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

“PURPOSE

The purpose of this report ... Council-owned land at Maskells Road, East Ulverstone.

...

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.”

Closure

There being no further business, the Mayor declared the meeting closed at 9.27pm.

CONFIRMED THIS 23RD DAY OF APRIL, 2007.

Chairperson

(gjm:dil)

Appendices

- Minute No. 94/2007 - Schedule of Development Services Determinations
- Minute No. 100/2007 - Schedule of Corporate & Community Services
Determinations Made Under Delegation
- Minute No. 101/2007 - Schedule of Contracts & Agreements
- Minute No. 103/2007 - Schedule of Documents for Affixing of the
Common Seal
- Minute No. 104/2007 - Financial statements
- Minute No. 105/2007 - Schedule of Accounts Paid
- Minute No. 108/2007 - Plan of surplus land at Coroneagh Street

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