



Minutes

of Ordinary Meeting

20 AUGUST 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
17 September 2007

INDEX

| | |
|----------------------------|-----------------------------------------------------------------------------------------------|
| 288/2007 | Confirmation of minutes |
| 289/2007 | Council workshops |
| 290/2007 | Mayor's communications |
| 291/2007 | Mayor's diary |
| 292/2007 | Pecuniary interest declarations |
| 293/2007 | Public question time |
| 294/2007 | Councillor reports |
| 295/2007 | Leave of absence |
| 296/2007 | Deputations |
| 297/2007 | Petitions |
| 298/2007 | Councillors' questions without notice |
| 299/2007 | Councillors' questions on notice |
| 300/2007 | Development Services determinations |
| 301/2007 | Delegations in respect of adhesion orders |
| 302/2007 | Minutes and notes of committees of the Council and other organisations |
| 303/2007 | Regional approach to waste management (21/2007 - 22.01.2007) |
| 304/2007 | Heritage listing of Council-owned properties in Penguin (221/2007 - 18.06.2007) |
| 305/2007 | Request to purchase Council land at Henslowes Road, Ulverstone (148/2007 - 23.04.2007) |
| 306/2007 | Public question time |
| Minute No. 305/2007 | continued ... |
| 307/2007 | Contracts and agreements |
| 308/2007 | Correspondence addressed to the Mayor and Councillors |
| 309/2007 | Common seal |
| 310/2007 | Accounts paid |
| 311/2007 | Debtor remissions |
| 312/2007 | Heybridge/Sulphur Creek/Preservation Bay Community Plan |
| 313/2007 | Turners Beach-Ulverstone Shared Pathway - Preferred route |
| 314/2007 | Assets & Engineering determinations |
| 315/2007 | Meeting closed to the public |
| 316/2007 | Minutes and notes of other organisations and committees of the Council |
| 317/2007 | General Manager's performance review 2007 (275-275A/2007 - 16.07.2007) |

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, 20 August 2007 commencing at 6 00pm

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 | |

Employees attendance

General Manager (Mrs Katherine Schaefer)
Acting Director Assets & Engineering (Mr Philip Adams)
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)
Environmental and Health Group Leader (Mr Michael Stretton)

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

288/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 July 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 (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 July 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

289/2007 Council workshops

The Executive Services Manager reported as follows:

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

- . 23.07.2007 - Land-use planning law; and revaluation/rating
- . 30.07.2007 - Ulverstone Wharf and Showground redevelopments; and Ulverstone - Turners Beach Cycleway
- . 13.08.2007 - Positive Ageing Strategy
- Industrial Land Use Project.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

290/2007 Mayor's communications

The Mayor reported as follows:

- “ A group of students from Ulverstone High School has for some time been working on a package of information to give motorhome and campervan visitors (as a school project) when they visit the Central Coast area; the idea being that once the package was finished we would be able to hand copies out at the Visitor Information Centres. The package has now been completed and it looks like Ulverstone might also gain recognition as an ‘RV friendly town’ partly due to work done by the students.

Three of the students and one of their teachers will attend the September meeting of the Council to present their brochure package.

- Candidates contesting the forthcoming federal election are being invited to briefly address Councillors with an outline of their policies and their position on local issues. I have indicated that matters of particular interest at present include hospital services, a local Medicare office, transport, and the Ulverstone Showground and Wharf redevelopments.

Mr Sid Sidebottom has indicated his availability to address Councillors at the September meeting and Mr Mark Baker MHR will attend the November meeting.

- The Central Coast Arts and Culture Strategy will be launched at Gunns Plains on 1 September. As the Deputy Mayor and I will both be absent, Councillors interested in representing us are asked to contact the Director Corporate & Community Services.”

291/2007 Mayor's diary

The Mayor reported as follows:

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

- North West Christian School - official opening of grant projects
- Ulverstone and Penguin communities - revaluation forums
- Natone and District Neighbourhood Watch - annual dinner

-
- . Tasmania Police - Western Police District Performance Review (Burnie)
 - . Heritage Amendment Act Group (HAAG) - meeting
 - . Saffron Bistro - opening
 - . North Motton-Preston Scouts Group - presentation
 - . TAFE Tasmania - opening of redeveloped Metals and Building Trades facilities (Burnie)
 - . Ulverstone Show Society - meeting
 - . Ulverstone Anglers Club - annual dinner
 - . Local Government Association of Tasmania - General Meeting (Launceston).”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the following events and functions:

- . Penguin Meals on Wheels - annual general meeting
- . Ulverstone Meals on Wheels - 40th anniversary.”

Cr Deacon reported as follows:

“On behalf of the Mayor I attended the 25th anniversary of the Lions Club of Forth Valley Inc. A copy of the Club’s ‘Anniversary Record’ is tabled.”

Cr Marshall reported as follows:

“On behalf of the Mayor and other Councillors I attended the Motton-Preston Scout Group’s special presentation night.”

■ Cr (L) Bonde moved and Cr McKenna seconded, “That the reports of the Mayor, Cr (J) Bonde, Cr Deacon and Cr Marshall be received.”

Carried unanimously

292/2007 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.”

No interests were declared at this time.

293/2007 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

294/2007 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 Barker reported on a meeting of the Bush Watch Western District Committee.

Cr Deacon reported on the forthcoming meeting of the Central Coast Chamber of Commerce & Industry Inc.

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

APPLICATIONS FOR LEAVE OF ABSENCE

295/2007 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

296/2007 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

297/2007 Petitions

The Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

298/2007 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.

299/2007 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

300/2007 Development Services determinations

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of July 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 McKenna seconded, “That the Schedule of Development Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

301/2007 Delegations in respect of adhesion orders

The Director Development Services reported as follows:

“PURPOSE

The purpose of this report is to consider delegations in respect of making, discharging and modifying adhesion orders.

BACKGROUND

In 1999 the then General Manager delegated authority to the Planning Services Manager to make, discharge or modify any adhesion order. The conditions of delegation were as follows:

- 1 To comply with the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* relating to adhesion orders; and

- 2 To comply with any policies and procedures of the Council relating to adhesion orders.

In 2005 the delegation was passed to the Director Development Services as a consequence of the staffing restructure implemented by the current General Manager.

Section 110(1) and (11) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (copy attached) provides for the making, discharge and modification of adhesion orders as a function of the Council. So, notwithstanding the conditions of the delegation by the General Manager, it should have first been authorised by the Council.

DISCUSSION

Under section 22 of the *Local Government Act 1993* the Council may delegate to the General Manager its functions or powers, including the power to delegate these functions or powers.

The oversight of the 1999 delegation was not picked up in 2005. Now that it has come to notice, the Council is requested to grant this delegation to the General Manager with authority to delegate the power to the Director Development Services and the Land Use Planning Group Leader. The Group Leader is, to all intents and purposes, now filling the same role in respect of adhesion orders as did the former Planning Services Manager.

Adhesion orders will continue to be referred to the Council to authorise them to be sealed.

The previous conditions attached to the delegation are considered to be appropriate for any future delegation.

Although there are only a small number of these each year, a comprehensive operational procedure has been in place for some time to guide staff in processing applications for adhesion orders.

CONSULTATION

This is an administrative matter and consultation is not required.

IMPACT ON RESOURCES

There are no resource implications to consider in this matter.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that under the provisions of section 22 of the *Local Government Act 1993*:

- 1 the General Manager be delegated the Council's functions and powers of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and
- 2 the General Manager be authorised to delegate with respect to section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

subject to compliance with any policies and procedures of the Council relating to adhesions orders."

The Executive Services Manager reported as follows:

"A copy of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* has been circulated to all Councillors."

■ Cr McKenna moved and Cr Robertson seconded, "That under the provisions of section 22 of the *Local Government Act 1993*:

- 1 the General Manager be delegated the Council's functions and powers of section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* ; and
- 2 the General Manager be authorised to delegate with respect to section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

subject to compliance with any policies and procedures of the Council relating to adhesions orders."

Carried unanimously

GENERAL MANAGEMENT

302/2007 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 Management Committee meeting held on 18 April 2007
- Local Government Association of Tasmania - Annual General Meeting and General Meeting held on 30 May 2007
- Forth Community Representatives Committee - meeting of Council officers with Committee representatives on 20 June 2007
- Central Coast Community Safety Partnership Committee - meeting held on 27 June 2007
- Youth Engaged Steering Committee - meeting held on 19 July 2007
- Ulverstone Local History Museum Committee - meeting held on 24 July 2007.

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

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

Carried unanimously

303/2007 Regional approach to waste management (21/2007 - 22.01.2007)

The General Manager reported as follows:

“The Director Development Services has submitted the following report:

‘PURPOSE

To consider the finalised proposal from the Cradle Coast Authority (copy attached) regarding a proposal for a regional waste management strategy (and associated funding).

BACKGROUND

At its meeting on 22 January 2007 the Council resolved (Minute No. 21/2007) as follows:

“That the Council support the following:

- The State Government to finalise its State waste management strategy, which must be restricted to its own responsibilities, and fund its programs through its own resources;
- The local government industry develop its own waste management strategies on a regional basis through regional waste strategy authorities operating within existing regional bodies, and in the case of the North-West region, the Dulverton Regional Waste Management Authority; and
- Any levy to fund regional waste strategy authorities and associated activities is to be raised and controlled by the regions.”

DISCUSSION

Through its Regional Waste Management Advisory Group, the Cradle Coast Authority (CCA) has considered the feedback from its member Councils and reviewed the proposal for a regional waste management strategy.

The finalised proposal meets the criteria recommended by the Council in its resolution of 22 January 2007.

CONSULTATION

The State Government is consulting with local government on this matter through the regional bodies.

The CCA is again consulting with its member Councils as mentioned above.

The Local Government Association of Tasmania (LGAT) has also been presented with options by the previous Minister for Environment and the Director of Environmental Management of the Department of Tourism, Arts and the Environment, and waste management has been an agenda item for LGAT meetings on numerous occasions.

IMPACT ON RESOURCES

Aside from the direct costs of a waste levy (estimated to be in the order of \$17,000 per year for Central Coast) there may be indirect costs associated with the involvement of officers in the Cradle Coast Waste Management Group, and participation in any waste management programs.

The Director Assets & Engineering has made an allocation in the 2007-2008 Estimates for the levy.

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 support the Cradle Coast Authority's proposal for a regional waste management strategy, on the condition that the administration costs of the Cradle Coast Waste Management Group (including the collection and distribution of the levy) are borne by the Cradle Coast Authority and the project coordination is delivered through the Dulverton Regional Waste Management Authority.'

The report is supported."

The Executive Services Manager reported as follows:

"A copy of the Cradle Coast Authority's proposal for a regional waste management strategy has been circulated to all Councillors."

■ Cr Deacon moved and Cr Haines seconded, "That the Council support the Cradle Coast Authority's proposal for a regional waste management strategy, on the condition that the administration costs of the Cradle Coast Waste Management Group (including the collection and distribution of the levy) are borne by the Cradle Coast Authority and the project coordination is delivered through the Dulverton Regional Waste Management Authority."

Carried unanimously

304/2007 Heritage listing of Council-owned properties in Penguin (221/2007 - 18.06.2007)

The General Manager reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to consider what response the Council wishes to make with regard to the heritage listing of certain Council properties.

BACKGROUND

The Central Coast Council has received communications from the Tasmanian Heritage Council advising that the following three properties:

- . The Penguin General Cemetery;
- . The Penguin Railway Station; and
- . The Penguin Play Centre,

have been granted provisional registration in the Tasmanian Heritage Register.

The Council has the right to object to the Heritage Council’s intention to permanently register these properties; however, according to the communication received from the Tasmanian Heritage Council, objections may only be made on the basis that the relevant property does not satisfy any required criteria on which the entry is based.

The Council has also been advised that the Penguin Senior Citizens Club building has been provisionally included on the Heritage Register. While this building is currently located on Crown land it is proposed under the Crown Land Assessment and Classification (CLAC) Project that this land be transferred into the ownership of the Central Coast Council.

DISCUSSION

At its meeting on 18 June 2007, the Council resolved as follows (Minute No. 221/2007):

“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."

Should the Council wish to continue to oppose the listing of its property by objecting to the Heritage Council's intention to permanently register these properties the Council would need to object in writing addressing the criteria as defined under section 16 of the *Historic Cultural Heritage Act 1995* no later than 16 September 2007.

The Council lacks the expertise in such matters and would need to employ a consultant to provide the necessary reports. The Council has obtained advice from a Tasmanian heritage consultant who has suggested that a historical overview of the sites is not necessary in conjunction with any assessment against the heritage criteria. The Council does not need to show that the properties have no heritage value, only whether or not the properties that have been provisionally listed do in fact have enough heritage value to meet a criterion of State heritage significance. Dependent on the amount of work required the cost has been estimated at between \$500 and \$1,500 per property.

The proposed heritage listing of the Penguin Senior Citizens Club building is likely also to impact on future maintenance and capital works relating to this property and, as the Council may inherit this property through the CLAC process, the Council may also wish to include an objection to the listing of this property in conjunction with those properties already owned by the Council.

CONSULTATION

The report details the level of consultation undertaken.

IMPACT ON RESOURCES

The cost of employing a qualified consultant to prepare objections to the provisional listing in the Heritage Register has been estimated at between \$3,500 and \$6,000. This amount has not been included within the 2007-2008 Estimates.

The heritage listing of these properties is likely to result in an increase in administration costs whenever capital works are undertaken on either the Railway Station or the Play Centre.

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 engage a suitably qualified consultant to review the provisional listing of the following three properties:

- . Penguin Cemetery;
- . Penguin Railway Station; and
- . Penguin Play Centre,

with a view towards objecting to the permanent listing of these properties on the Tasmanian Heritage Register.’

The report is supported.”

The Executive Services Manager reported as follows:

“Copies of the advices of provisional registration have been circulated to all Councillors.”

■ Cr Deacon moved and Cr McKenna seconded a procedural motion, “That the matter be deferred.”

Voting for the procedural motion

(6)

Cr Downie
Cr (L) Bonde
Cr Deacon
Cr Haines
Cr Marshall
Cr McKenna

Voting against the procedural motion

(5)

Cr Robertson
Cr Barker
Cr (J) Bonde
Cr Dry
Cr van Rooyen

Procedural motion

Carried

GENERAL MANAGEMENT

The matter will be re-listed for consideration at the Council's meeting on 17 September 2007.

CORPORATE & COMMUNITY SERVICES

**305/2007 Request to purchase Council land at Henslowes Road, Ulverstone
(148/2007 - 23.04.2007)**

■ Cr Haines (having given notice) moved and Cr Deacon seconded, “That the Council agree at this time to give Riverlinks Tasmania a valid exclusive option to buy the land Riverlinks currently leases from the Council in Henslowes Road; the option to buy being valid only for the term of the lease at an agreed valuation of the land at the time of exercising the option, excluding any improvements made to the land by Riverlinks, provided that Riverlinks agrees to the following clauses within the sale contract:

- 1 Riverlinks pays the Council the sum of \$5,000.00 in consideration for the exclusive option to buy;
- 2 Riverlinks agrees to commence the proposed ecotourism project within two years from the date of the option to buy;
- 3 If Riverlinks fails to meet the requirement under item 2 the Council shall have the right to purchase back the property at the price paid by Riverlinks for the original purchase of the property from the Council; and
- 4 The Council shall have first option to purchase the property at an agreed market valuation by a registered valuer within 30 days of the event that Riverlinks decides to sell the property at any time after the commencement of the ecotourism project.”

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

“Riverlinks Tasmania approached the Council some time ago with a proposal regarding an ecotourism project and as the result of that approach was able to lease a parcel of land at the end of Henslowes Road. The proposal incorporated tours of the Leven River using the boat ‘Jus Leven’, walks in a bushland reserve at Leven Park, accommodation, and interpretation on the natural and cultural heritage of the site and the River.

Since signing that lease Riverlinks has undertaken rubbish removal, weed eradication and mowing of the property prior to commencing further work. The wording of the current lease, which does not guarantee Riverlinks the right to purchase the leased property, only provides for such a purchase in the event that the Council were to decide to sell. Due to the nature of the current clause Riverlinks has been unable to use the lease to obtain further finance for the project.

Riverlinks wishes to obtain further finance to enable the project to go ahead and is agreeable to the inclusion of the above clauses that would ensure that the Council would continue to have the right to resume the land in the event that the project were not to go ahead, or if Riverlinks wished to sell the project at any time. The exclusive option to buy would provide Riverlinks with the opportunity to obtain finance for the project.

The proposed ecotourism project shows great initiative and promotes the river and bush hinterland as well as recognising the past history of the area. The use of the 'Jus Leven' complements the planned upgrade of the Leven River Precinct and the project would have a positive impact on tourism within the Central Coast area."

The Director Corporate & Community Services reported as follows:

"The Administration Group Leader has submitted the following report:

'PURPOSE

This report considers a motion on notice from Cr Haines proposing that the Council grant Riverlinks Tasmania an option to buy the land it currently leases from the Council in Henslowes Road.

In September 2005 the Council passed the following motion (Minute No. 300/2005 - 19.09.2005):

"That the Council agree to lease certain land in Henslowes Road, being all or part of Titles 213160/1, 213167/1 and 237608/1, to Riverlinks Tasmania for a period of twenty-one years, with an option to buy, for the purpose of an environmental tourism development subject to:

- 1 Riverlinks Tasmania undertaking to meet all infrastructure costs related to the development;
- 2 the Council charging a commercial rental assessed annually based on a valuation by a registered valuer; and
- 3 any necessary terms and conditions being finally negotiated by the General Manager."

As the result of that motion the Council and Riverlinks entered into a lease for the Council's land located at the western end of Henslowes Road.

In April 2007 the Council passed the following motion (Minute No. 148/2007 - 23.04.2007):

“That the Council not agree at this time to the sale of its land in Henslowes Road, and that the relevant clause within the current lease with Riverlinks Tasmania be reaffirmed as follows, that:

‘If at any time the Council decides to sell all or part of the property, the Council guarantees Riverlinks an option to buy at the current market value of the property as determined by a registered valuer, based on the site value only together with any improvements made by the Council, but not including the value of the improvements made by Riverlinks to the demised property or Riverlinks’ equipment or business.’”

Cr Haines’s motion appears to be an attempt to address certain concerns that the Council might have had with the granting of an exclusive option to buy, executable by Riverlinks Tasmania.

BACKGROUND

Cr Haines’s supporting comments provide background to his motion.

DISCUSSION

According to Riverlinks Tasmania its ability to move forward appropriately on its proposed ecotourism venture is being hindered by the ability to fund the project. While Riverlinks does not at this time wish to take up an option to buy on the property, without such an exclusive option to buy, executable by it, Riverlinks believes that its ability to raise funding is severely limited.

It is felt that, while the land in question is not defined as public land, it is of sufficient importance to the community that any decision to sell the land should be a choice made by the Council, having considered all of the ramifications such a sale might engender. The location of the land in question, and its relevance and sensitivity within the context of the Leven River Precinct Plan and the Wharf Redevelopment Master Plan, is significant and any decision to sell the land would need to recognise this.

The land is currently zoned as Rural (R) - General and it is zoned as Environmental Management under the Draft Central Coast Planning Scheme 2005. The land borders a Crown reserve at Henslowes Park as well as the Gawler River and provides a significant green belt at the edge of the urban fringe.

Concerns over maintaining the natural values of the property have been identified previously and that any sale of the property should only go ahead if this can be assured. Cr Haines's motion does provide certain safeguards such that:

- . should the land be sold prior to the commencement of the project and the proposed project fail to commence within a reasonable time frame, the Council is in a position to resume the land at the price paid at the time of sale; and
- . should the project be completed and sold as a going concern, the Council has first option on the purchase of the property at an agreed market value.

While the Draft Planning Scheme is yet to be adopted, the time frame is such that any sale of the property and subsequent project commencement would see the sale of the property as a going concern which would occur under the new zoning (Environmental Management), which at this time appears to limit development beyond that which is currently proposed.

The Council previously supported the concept proposed by Riverlinks for the use of the land, and Riverlinks has shown its commitment to the project through a range of clearing works on the property prior to commencing the project. Riverlinks is also prepared to invest in purchasing the exclusive option to buy at a cost of \$5,000.00 and to meet the valuation cost of the property at any time that it might decide to execute the option to buy.

The land has been valued on the basis of its current zoning as a rural lot. It is possible that this valuation would be affected by any rezoning of the property.

The land involved is made up of a number of titles which, according to the title information currently available, appear to also include several small parcels of land adjacent to the Leven River reserve. The sale of the land would require a full survey of the property and most likely the issuing of a new title.

CONSULTATION

No consultation has been undertaken with the community with regard to the sale of this property. Any future development of the property would need to meet the relevant statutory requirements for advertising and notification.

IMPACT ON RESOURCES

Should the Council decide to sell the property, costs involved would include the cost of revaluing the property. It is anticipated that an amount of approximately \$250 would be required to cover those costs.

The property will also require surveying and the possible issuing of a new title prior to any sale. Costs in the region of \$2,500 to \$5,000 are anticipated in this area.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space
- . Provide transparent, accountable public policy and decision making
- . Plan for and develop a sustainable community
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

Cr Haines's motion is submitted for consideration.'

The report is supported."

Continued after Minute No. 306/2007 ...

306/2007 Public question time

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

Questions and replies concluded at 7.08pm.

Minute No. 305/2007 continued ...

Voting for the motion
(5)
Cr Deacon
Cr Dry
Cr Haines

Voting against the motion
(6)
Cr Downie
Cr Robertson
Cr Barker

Cr Marshall
Cr McKenna

Cr (J) Bonde
Cr (L) Bonde
Cr van Rooyen

Motion

Lost

307/2007 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 July 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 (L) Bonde seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

308/2007 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 July 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 02.07.2007 - Letter raising concerns relating to the recent revaluation of properties within Leith.

- Received 02.07.2007 - Letter raising concerns relating to the recent revaluation of properties within Forth.
- Received 10.07.2007 - Email requesting support for the Crash Free School Program.
- Received 12.07.2007 - Letter requesting contact regarding footpath concerns.
- Received 18.07.2007 - Letter requesting answers relating to certain concerns raised previously regarding Penguin matters.
- Received 30.07.2007 - Letter requesting input into the proposed re-design of the Ulverstone Recreation Centre.

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 Haines seconded, “That the Director’s report be received.”

Carried unanimously

309/2007 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 July to 20 August 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 Marshall 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

310/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

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

Carried unanimously

311/2007 Debtor remissions

The Director Corporate & Community Services reported as follows:

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

| | |
|-------------------------|------------------------------------------------------------------------------------------------------------------|
| <i>DEBTOR NO.</i> | 4260 |
| <i>PROPERTY ADDRESS</i> | 33 Leighlands Avenue, Ulverstone |
| <i>REMISSION</i> | \$37.72 |
| <i>REASON</i> | Leaking water pipe running underground (in paddock) - as per Council policy (Minute No. 383/2003 - 13.10.2003).” |

■ Cr McKenna moved and Cr Deacon seconded, “That the following remission be approved:

. Debtor No. 4260 - \$37.72.”

Carried unanimously

312/2007 Heybridge/Sulphur Creek/Preservation Bay Community Plan

The Director Corporate & Community Services reported as follows:

“*PURPOSE*

The purpose of this report is to present the draft Heybridge/Sulphur Creek/Preservation Bay Community Plan to the Council for consideration.

BACKGROUND

The draft Community Plan for Heybridge/Sulphur Creek/Preservation Bay was developed using the outputs of a Community Planning Workshop held at the Sulphur Creek Memorial Hall on Saturday, 24 February 2007.

The workshop was attended by 46 community members who came together to:

- set the vision of where they'd like Heybridge/Sulphur Creek/Preservation Bay to be in the next ten years;
- identify the values to guide choice and behaviour along the way; and
- the future directions to follow to reach the destination.

The Senior Management Team along with staff who attended the Workshop have used this information along with other relevant plans and documents to develop this draft strategic framework for moving forward.

The Community Plan is a strategic document that works at a high level. The plan includes a Vision, Values, Future Directions and Strategic Objectives (including performance measures).

When identifying performance measures, staff have worked through a process to undertake these Objectives in a workable timeframe. The Council is also subject to external influences which may prolong our identified timeframes. The Community Plans are to guide us over the next ten years and not all the works can be undertaken immediately.

DISCUSSION

The draft Heybridge/Sulphur Creek/Preservation Bay Community Plan (copy attached) was sent out to all Workshop participants for comment prior to this report being presented to the Council.

No comments or objections were received.

CONSULTATION

The draft Heybridge/Sulphur Creek/Preservation Bay Community Plan has been sent out to all Workshop participants for comment. If the Council adopts in principle the Plan, it will then be put on public display for 30 days.

IMPACT ON RESOURCES

Expenditure to date has been from within approved estimates. All future works will be subject to the Council 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 and strategic alliances
- Plan for and develop a sustainable community
- Enable community participation in strategic directions
- Create a community area that is productive and socially and aesthetically attractive.

CONCLUSION

It is recommended that the Council adopt the draft Heybridge/Sulphur Creek/Preservation Bay Community Plan in principle and make it available for comment for a period of 30 days, after which if there are no objections the Plan be deemed fully adopted.”

The Executive Services Manager reported as follows:

“A copy of the draft Heybridge/Sulphur Creek/Preservation Bay Community Plan has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Robertson seconded, “That the Council adopt the draft Heybridge/Sulphur Creek/Preservation Bay Community Plan in principle and make it available for comment for a period of 30 days, after which if there are no objections the Plan be deemed fully adopted”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Voting against the motion

(1)

Cr (L) Bonde

Cr Marshall
Cr McKenna
Cr van Rooyen

Motion

Carried

313/2007 Turners Beach-Ulverstone Shared Pathway - Preferred route

The Director Corporate & Community Services reported as follows:

“The Community Development Officer has prepared the following report:

PURPOSE

The purpose of this report is to present the alternative routes for the Turners Beach-Ulverstone Shared Pathway to the Council for consideration.

BACKGROUND

The Turners Beach-Ulverstone Shared Pathway is the culmination of the Council’s objective to support physical and social resources to promote quality of life and to facilitate equitable access to a range of cultural, leisure and recreational opportunities as outlined in the Central Coast Council Strategic Plan 2004-2009.

A workshop for Councillors was held on 29 January 2007 where a proposal on the route and method of construction was discussed. Councillors requested that an engineering consultant be engaged to examine the feasibility of alternative routes; in particular, one that ran along the foreshore. Three alternative routes were put forward for consideration.

GHD undertook the route alignment feasibility study and submitted a report to the Council on 30 June 2007. Plans of the route alignment options are attached.

DISCUSSION

Of the three route alignment options “Option C” was found to be the least preferred “due to its significant potential for impacts on the sensitive coastal environment, construction costs and planning issues.” (GHD Shared Pathway Options Report page 23). The community consultation also identified that there was strong opposition to this option from landholders that would be affected by the selection of this route.

“Option A” was found to be a suitable option from an environmental perspective as did “Option B”. However, “Option A” was identified as the preferred route, “in terms of planning, environmental, heritage, infrastructure and construction costs.”

According to the GHD report “both Options B and C were identified to contain areas where the proposed path alignment either:

- . Came to an impasse; or
- . Would require significant infrastructure for the pathway; or
- . Provided high level of impact on planning, environmental or heritage values.”

“Option B” posed some obstacles such as a serious threat of erosion in some sections, especially in areas where drains ran onto the foreshore. A bund wall would need to be constructed and the section of pathway elevated to prevent overtopping in severe weather conditions. The costs associated with constructing the bund wall and additional bridge would add significantly to the cost of the project. Construction costs are estimated as being 60% more expensive across the coastal section in “Option B”.

The coastal section in “Option B” is also very exposed, more so than any other part of the Pathway. In inclement weather people may be reluctant to use it. A secondary path leading to the coast in “Option A” would be preferable.

“Option A”, the preferred option identified in the GHD report, can accommodate a secondary coastal path leading down to from the main route to the foreshore where a viewing platform and rest area will be established. This enhancement can be undertaken with the assistance of community groups and government-sponsored projects such as Green Corps and Work for the Dole.

GHD recommended a three-metre wide concrete path as the optimum surface. There has, however, been a considerable amount of feedback from the community for an asphalt surface, predominantly from joggers and walkers. The Assets & Engineering Department undertook an analysis of construction design based on research data and Austroads construction standards. It was recommended that 1.1 kilometres commencing at Turners Beach be constructed in concrete and 1.8 kilometres be asphalt. Over time the Council will monitor the performance of both surfaces as a basis for future planning.

The Shared Pathway will be 2.5 metres wide in accordance to Austroads standards.

The total cost of the project is estimated at \$942,000, with the Council's minimum contribution at \$385,200. This could vary depending on how successful we are in obtaining grants funding. Funding is being sought from the following sources:

- 1 Sport and Recreation - maximum \$80,000
- 2 Tasmanian Community Fund - maximum \$100,000
- 3 Regional Partnerships - maximum \$376,800.

Preliminary discussions are underway with the Department of Infrastructure, Energy & Resources (DIER) to see if the section of the Pathway that falls into the Bass Highway road reserve can be partly funded by DIER. Community groups are welcome to assist in various ways such as providing complementary furniture.

Both Conservation Volunteers and Mission Australia have participated in preliminary discussions about Green Corps, Volunteering and the Work for the Dole Program.

Wherever possible, additional funds/resources will be sought through grants as they become available.

CONSULTATION

A consultative process was implemented throughout the Pathway's development; with Sport and Recreation and community members during which a preliminary plan was developed. After an initial workshop with Councillors it was decided that alternative routes be considered. GHD was commissioned to undertake a feasibility study into three options and in turn reported back to the Council on their recommendations.

A workshop was also conducted with Councillors on 30 July, 2007 where the Senior Engineer with GHD presented the report. Councillors agreed that "Option A" was the optimum route and asked if it was possible to extend to the coast at some point.

The Council has received letters of support for "Option A" from schools, medical practices, sporting and community groups, as well as individuals.

IMPACT ON RESOURCES

The costs of the options as outlined by GHD (all concrete and three-metres wide) are:

- . Option A - Main Route \$1.95 million;
- . Option B - Combined Route \$2.65 million; and
- . Option C - Coastal Route \$4.80 million;

Council minimum costs based on Assets & Engineering (asphalt and concrete 2.5 metres wide) advice are:

- . Option A - Main Route \$942,000; and
- . Option B - Combined Route \$1.42 million.

CORPORATE COMPLIANCE

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

- . Improve the services available to children and young families
- . Improve community safety
- . Provide opportunities for the development and growth of young people
- . Support an accessible, diverse and rich range of community arts and cultural activities
- . Promote events and major festivals that build our cultural identity
- . Foster partnerships to improve shared use of reserves and tracks
- . Provide effective management of recreation facilities and open space.

CONCLUSION

It is recommended that the Turners Beach-Ulverstone Shared Pathway route alignment “Option A - asphalt and concrete 2.5 metres wide” be the preferred route and that the Council investigate the inclusion of a coastal path leading down from the main route to the foreshore.’

The report is supported.”

The Executive Services Manager reported as follows:

“Copies of the plans identifying the Shared Pathway routes outlined in the Community Development Officer’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Haines seconded, “That the Turners Beach-Ulverstone Shared Pathway route alignment ‘Option A - asphalt and concrete 2.5 metres wide’ be the preferred route and that the Council investigate the inclusion of a coastal path leading down from the main route to the foreshore.”

■ Cr (L) Bonde moved and Cr van Rooyen seconded an amendment, “That the Council postpone any decision on the designated pathway until it convenes a public meeting at Turners Beach where it displays all routes, together with the estimated cost of each model.”

Voting for the amendment

(1)

Cr (L) Bonde

Voting against the amendment

(10)

Cr Downie
 Cr Robertson
 Cr Barker
 Cr (J) Bonde
 Cr Deacon
 Cr Dry
 Cr Haines
 Cr Marshall
 Cr McKenna
 Cr van Rooyen

Amendment

Lost

■ Cr Roberston moved and Cr Haines seconded a further amendment, “That the Turners Beach-Ulverstone Shared Pathway route alignment ‘Option A - asphalt and concrete 2.5 metres wide’ be the preferred route and that the Council include a coastal path leading down from the main route to the foreshore.”

Further amendment

Carried unanimously

Voting for the amended motion

(10)

Cr Downie
 Cr Robertson
 Cr Barker
 Cr (J) Bonde
 Cr Deacon
 Cr Dry

Voting against the amended motion

(1)

Cr (L) Bonde

CORPORATE & COMMUNITY SERVICES

Cr Haines
Cr Marshall
Cr McKenna
Cr van Rooyen

Amended motion

Carried

ASSETS & ENGINEERING

314/2007 Assets & Engineering determinations

The Director Assets & Engineering reported as follows:

“A schedule of Assets & Engineering Determinations made during the month of July 2007 is submitted to the Council for consideration. 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 McKenna moved and Cr (L) Bonde seconded, “That the Schedule of Assets & Engineering Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

315/2007 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
- General Manager’s performance review.

These are matters relating to:

- information provided to the Council on the condition it is kept confidential; and
- personnel.”

■ 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
- 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; 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.”

GENERAL MANAGEMENT

316/2007 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.”

Council employees left the meeting at this stage.

317/2007 General Manager’s performance review 2007 (275-275A/2007 - 16.07.2007)

The Mayor reported (reproduced in part) as follows:

“The General Manager Performance Review Panel advises the Council that the annual review of the performance of the General Manager has been completed;

...

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 9.00pm.

CONFIRMED THIS 17TH DAY OF SEPTEMBER, 2007.

Chairperson

(gjm:dil)

Appendices

Minute No. 300/2007 - Schedule of Development Services Determinations

Minute No. 307/2007 - Schedule of Contracts & Agreements

Minute No. 309/2007 - Schedule of Documents for Affixing of the
Common Seal

Minute No. 310/2007 - Schedule of Accounts Paid

Minute No. 314/2007 - Schedule of Assets & Engineering Determinations

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