

CENTRAL COAST COUNCIL

# Minutes

of Ordinary Meeting

21 May 2007

*Note.*

Minutes subject to confirmation at  
a meeting of the Council to be held on  
18 June 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, 21 May 2007 commencing at 6.00 pm**

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**Councillors attendance**

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

Cr David Dry Attended at 6.55pm

**Councillors apologies**

Cr Jan Bonde

**Employees attendance**

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

**Media attendance**

The Advocate newspaper

**Public attendance**

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

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## **Prayer**

The meeting opened in prayer.

## **Cr Rodney Cooper**

As a mark of respect on the passing away of Cr Rodney Cooper, the meeting commenced with a minute's silence for reflection on his contribution to the Ulverstone and Central Coast Councils.

## **CONFIRMATION OF MINUTES OF THE COUNCIL**

### **160/2007 Confirmation of minutes**

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 23 April 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 Marshall seconded, “That the minutes of the previous ordinary meeting of the Council held on 23 April 2007 be confirmed.”

Carried unanimously

## **COUNCIL WORKSHOPS**

### **161/2007 Council workshops**

The Executive Services Manager reported as follows:

“The following council workshop has been held since the last ordinary meeting of the Council.”

- 
- . 14.04.2007 - Business Improvement Program, performance indicators and corporate branding.

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

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

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 162/2007 Mayor’s communications

The Mayor reported as follows:

- . “I confirm publicly reported advice that the vacancy created by the passing away of Cr Rodney Cooper will not be filled by the re-count process that filled the vacancy following the resignation earlier this year of Cr Jan Edwards. Legislation provides that a by-election may be conducted with the forthcoming council elections.
- . Under the provisions of the *Emergency Management Act 2006*, Mr Bevin Eberhardt (the Council’s Director Assets & Engineering) has been appointed by the Minister for Police & Emergency Management as the Municipal Emergency Management Co-ordinator for a period of two years from 23 April 2007. Mr Ian Hutchinson (the Council’s Risk & Safety Co-ordinator) has been similarly appointed as Deputy Municipal Emergency Management Co-ordinator.  
  
I am pleased to present certificates of appointment to these officers.
- . I have asked the Burnie Chamber of Commerce and Industry to retract a statement attributed to it and reported in The Advocate newspaper on 18 May 2007 regarding ‘neighbouring councils’.”

### 163/2007 Mayor’s diary

The Mayor reported as follows:

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

- . Anzac Day Service - Ulverstone

- 
- . Turners Beach Bowls Club - annual dinner
  - . The Hon John Howard MP, Prime Minister - North-West Coast visit/ luncheon (Latrobe)
  - . The Hon Will Hodgman, Leader of the Opposition, and Jeremy Rockliff, Deputy Leader of the Opposition - meeting
  - . Penguin Uniting Church - Community Healing Service
  - . Tasmania Together - launch of new Tasmania Together state plan (Burnie)
  - . Ulverstone Senior Citizens Club - birthday social
  - . Cr Rodney Cooper - LGAT award presentation by President Mike Gaffney (Burnie)
  - . Leven District Scout Association - annual general meeting
  - . North Western Tasmanian Bowls Association - annual dinner
  - . Government House - dinner for Belgian Ambassador (Hobart)."

■ Cr Robertson moved and Cr Haines seconded, "That the Mayor's report be received."

Carried unanimously

#### **164/2007 Pecuniary interest declarations**

The Mayor reported as follows:

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

The Executive Services Manager reported as follows:

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

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

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

Cr Marshall reported as follows:

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“I will be declaring an interest in respect of Application No. DEV2006.90 (Minute No. 175/2007).”

**165/2007 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**

**166/2007 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 the Dulverton Regional Waste Management Authority.

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

**APPLICATIONS FOR LEAVE OF ABSENCE**

**167/2007 Leave of absence**

The Executive Services Manager reported as follows:

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“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**

#### **168/2007 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**

#### **169/2007 Petitions**

The Executive Services Manager reported as follows:

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

### **COUNCILLORS’ QUESTIONS**

#### **170/2007 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.

**171/2007 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

**172/2007 Development Services determinations**

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of April 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 Robertson moved and Cr (L) Bonde seconded, “That the Schedule of Development Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**173/2007 Council acting as a planning authority**

The Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute Nos 174/2007 and 175/2007, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

**174/2007      Rezoning from Recreation and Community (POS) - Public Open Space to Industrial (IB) - General and boundary re-alignment involving CT 121065-1 and CT 214305-1 at Simplot Ulverstone Production Centre, Mason Street, Ulverstone and a parcel of Crown land (Property ID 2169010) at Ulverstone - Application No. COM2006.2 (58/2007 - 19.02.2007)**

The Director Development Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	COM2006.2
<i>OWNER:</i>	Simplot Australia
<i>APPLICANT:</i>	Tasmanian Consulting Services Pty Ltd
<i>LOCATION:</i>	CT 121065-1 and CT 214305-1 at Simplot Production Centre, Mason Street, Ulverstone and a parcel of Crown land at Ulverstone (Property ID 2169010)
<i>CURRENT ZONING:</i>	Recreation and Community (POS) - Public Open Space and Industrial (IB) - General
<i>PROPOSED ZONING:</i>	Industrial (IB) - General
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993

*PURPOSE*

The purpose of this report is to receive advice of approval by the Resource Planning and Development Commission (the Commission) of the above-mentioned Application No. COM2006.2.

*BACKGROUND*

On 19 February 2007 (Minute No. 58/2007) the Council initiated and certified draft Amendment 1/2007 and the associated permit for the above-mentioned purposes.

The draft Amendment was advertised on 3 March 2007 and 7 March 2007. No representations were received.

*DISCUSSION*

The combined Scheme amendment and subdivision permit was forwarded to the Commission. The Commission has now advised that the combined Scheme amendment and subdivision permit has been approved and came into operation on 24 April 2007.

*CONSULTATION*

Formal consultation has been undertaken in accordance with legislated requirements.

*IMPACT ON RESOURCES*

The impact of the decision is administrative in nature.

*CORPORATE COMPLIANCE*

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

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

*CONCLUSION*

It is recommended that the information be received.'

The report is supported.”

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

Carried unanimously

**175/2007      Passive Recreation (Pond remediation) at Bicentennial Park, Dial Street,  
Ulverstone - Application No. DEV2006.90**

*Cr Marshall, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2006.90.*

The Director Development Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DEV2006.90
<i>OWNER:</i>	Crown Land Services
<i>LOCATION:</i>	Bicentennial Park, Dial Street, Ulverstone
<i>ZONING:</i>	Recreation & Community (POS) - Public Open Space
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	13 April 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	30 April 2007
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	21 May 2007
<i>DECISION DUE:</i>	21 May 2007

*PURPOSE*

The purpose of this report is to consider the merits of an application for remediation of the public recreation area known as Bicentennial Pond, Dial Street, Ulverstone.

The report will consider:

- 1      the compliance of the application with the relevant provisions and development standards of the Scheme;
- 2      the specific objectives of the Scheme and their relevance to this application;
- 3      the specific intent of the Recreation & Community (POS) - Public Open Space zone; and
- 4      the merits of the representations received opposing the development.

*BACKGROUND*

The land forms part of the greater Bicentennial Park.

A location plan is attached as Annexure 1.

A progress report on the future viability of the pond was completed in December 2006 by the Council's Director Assets & Engineering. It reports that in 2006 maintenance work on the operation of the pump was completed, vegetation and rubbish was cleared and measures taken to improve the water level and flow in the pond. The pump which controls the water level has deteriorated to the point where it needs replacing.

The Council's Assets Officer - Natural Resources and Parks reported in September 2006 that *Aedes camptorhynchus* were found to be breeding in the pond. The Officer reported that the presence of such breeding mosquitoes in the built-up area of Ulverstone is a significant threat to the community because it is a common vector of the Ross River Virus.

A copy of the "Bicentennial Park Pond Reinstatement Summary" is provided as Annexure 2.

*DISCUSSION*

This discussion will generally follow the sequence of the four points mentioned in the introduction.

- 1 *The compliance of the application with the relevant provisions and development standards of the Scheme.*

The proposal is defined under the Scheme as Passive Recreation, which is a Permitted as of Right use in the zone. However, the Scheme requires that any development in an area listed under clause 7.4 and Schedule 4 must be assessed as a discretionary application.

The following table covers those clauses of the Scheme that are relevant for discussion in this point:

CLAUSE	COMMENT	COMPLIANCE
3.9.2a	<i>See 2 and 3 below</i>	-

3.9.2b	The State Coastal Policy has been considered. The proposed development will be improving a public space along the coast.	Complies.
3.9.2c	N/A	N/A
3.9.2d	N/A	N/A
3.9.2e	The development will complement existing site features and adjoining land uses and improve the landscape and the natural environment. It is therefore considered to be “satisfactory in terms of its siting, size and appearance”.	Complies.
3.9.2f	The current infrastructure is insufficient for the current use (e.g. the pump). The development will involve upgrading of footpaths and landscaping and thus improve the provision of infrastructure for the area.	Complies.
3.9.2g	The proposal will reduce the impact of the area on the use of adjoining land.	Complies.
3.9.2h	The development will improve landscaping and amenity and the general treatment of the site.	Complies.
3.9.2i	N/A	N/A
3.9.2j	<i>See remainder of report</i>	-

2 *The specific objectives of the Scheme and their relevance to this application.*

The objectives, although generally strategic in nature do provide some guidance as an over-arching support mechanism to ensure that zones and their intent are appropriately located and that subsequent uses and developments can be adequately controlled by the relevant planning



scheme provisions and development standards. In short, objectives provide a range of desirable outcomes.

They are not used primarily as an assessment tool but will usually provide guidance in the support of a final determination.

The Scheme has 15 objectives. Each has been examined in regard to this proposal and the three that are deemed to have some relevance for this application are objectives (c) and (e).

- (c) Enhancement of the environmental “quality of life” of residents and visitors by attention to aesthetics and landscape impact and general pollution effects.

Comment:

Currently, the pond is unsightly and creating a possible health hazard for the community. It is not providing an aesthetically pleasing landscape area. The requirements of this objective have been considered in the design of this development which is intended to improve the aesthetics, landscape impact and general pollution effects in the area.

- (d) Provision of adequate open space for both active and passive recreation.

Comment:

Currently the pond site is not able to be utilised for practical and safe recreation. As above, the design of the development is intended to provide the public with a space for passive recreation.

*3 The specific intent of the Recreation & Community (POS) - Public Open Space zone.*

The Recreation & Community (POS) - Public Open Space zone is intended to accommodate passive and active recreational uses and associated facilities, as well as preserve corridors for future major surface drainage works and links between recreation spaces.

Comment:

The proposal is designed to provide passive recreation for the community and the associated facilities (e.g. walking trails). By rehabilitating the site, it will also provide walkways linking the existing recreational areas with the area to be rehabilitated.

*4 The merits of the representations received opposing the development.*

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

At the conclusion of the 14 days a total of two representations had been received.

These are reproduced as Annexure 3.

Each representation covered various issues and concerns. The following table (see page 17) has been provided to provide a précis of the issues and concerns.

ISSUE	CONCERN IN REPRESENTATION	COMMENT
Filling of the pond.	That the area could be an added attraction to the park if properly managed and budgeted for.	The reports provided as Annexure 2 demonstrate that it is not feasible to redevelop the existing pond. Whilst management of, and budgeting for, the pond are not specifically addressed in the Scheme, the ongoing sustainability of any development is to be considered. The proposed rehabilitation of the pond is reported in Annexure 2 to be more sustainable than retaining it as a pond.
Removal of the viewing platform.	The platform is stable and the fountain could be adopted by a service club.	A study commissioned by the Rotary Club of Ulverstone West in 2000 found that it was not feasible to redevelop and retain the pond. This is particularly the case because of the relationship between the tides and the level of water in the pond. The Club decided not to invest in the project. If the pond is rehabilitated, the platform would be removed as part of the overall project, instead of being left behind with nothing to view.
Renaming the pond.	The pond should be used as a way to thank Bob Boyd for his work in the parks and gardens.	N/A  This should be addressed in another forum as the naming of the pond is not a planning issue.
History of the pond.	Human interference, previous uses.	Noted.

<p>Endangered species.</p>	<p>Mountain and teal duck use the pond to breed.</p>	<p>Studies show no threatened species present (Annexure 2).</p> <p>The recommendations in the report by the Council’s Assets Officer - Natural Resources and Parks include investing the ongoing costs associated with the pond into another more sustainable wetland area, allowing an improved area for a variety of species to utilise.</p>
<p>Decision to save the pond.</p>	<p>Meetings between Mr Eaton, Mr Boyd, the Mayor and Councillors, engineers and the representor.</p>	<p>Advice from the Council’s Assets Officer - Natural Resources and Parks and the Director Assets &amp; Engineering is that the site should be rehabilitated, not repaired. This advice is in keeping with the theory of sustainable development underpinning the planning process.</p>
<p>Work required to repair and maintain the pond.</p>	<p>Water is currently “required to travel uphill”; cleaning out silt; increasing the depth; leaking; replacing pipes; maintenance; improved facilities; vandalism; donations; community involvement with business; rabbits breeding.</p>	<p>Noted.</p> <p>These are some of the reasons that the application has been made to redevelop the area. Studies have demonstrated that the work required to maintain a pond on this site would be investing the community’s money into additional projects that are not guaranteed to work and that the proposed redevelopment would be the best outcome for both the community and the environment. Improvement of facilities, management of vandalism and rabbit breeding would be able to be addressed as part of the integrated management of the entire park area.</p>

*Representations summary*

The majority of the issues are based on maintaining a facility that the community has developed a recreational relationship with. They are not specifically addressed under the Scheme, but are part of the concept of sustainable land use (e.g. cultural, social and environmental).

The application as a matter of procedure was referred to the Council's Planning & Assessment Team. All comments received from the Planning & Assessment Team are assessed for inclusion in the final determination of the application. The reports from the Council's Assets & Engineering Department formed an essential component of the main issues. Their response has been integrated into this report.

*IMPACT ON RESOURCES*

This report has no impact on resources with the exception of staff time involved in the assessment time that exceeds the value of the application fee.

*CORPORATE COMPLIANCE*

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

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

*CONCLUSION*

The community concern regarding the loss of a recognised feature is understandable. Documentation provided as part of the application provides reasoning for the proposed changes, including health risks as a result of the current situation, and the low likelihood that remediation and retention of the pond would be sustainable.

The proposal complies with the Scheme in full, particularly with the overarching objectives in the Scheme.

*Recommendation*

It is recommended that the representations be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.90 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings and other documentation submitted with this application, Reference “Bicentennial Park Pond Reinstatement”, unless altered by subsequent conditions of this Permit;
- 2 The proposed landscaping and site treatments indicated are to enable planting of species of local provenance where possible; and
- 3 Disturbance of existing services, including any damage to road, kerb and channel, naturestrip, footpath or parkland must be reinstated to the satisfaction of the Council’s Director Assets & Engineering;

and further, that the applicant be requested to note that this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.’

The report is supported.”

The Executive Services Manager reported as follows:

“The Annexures referred to in the Town Planner’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr McKenna seconded, “That the representations be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.90 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings and other documentation submitted with this application, Reference ‘Bicentennial Park Pond Reinstatement’, unless altered by subsequent conditions of this Permit;

- 2 The proposed landscaping and site treatments indicated are to enable planting of species of local provenance where possible; and
- 3 Disturbance of existing services, including any damage to road, kerb and channel, naturestrip, footpath or parkland must be reinstated to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time."

Voting for the motion  
(6)  
Cr Downie  
Cr Robertson  
Cr Barker  
Cr Haines  
Cr McKenna  
Cr van Rooyen

Voting against the motion  
(2)  
Cr (L) Bonde  
Cr Deacon

Motion

Carried

Cr Marshall returned to the meeting at this stage.

GENERAL MANAGEMENT

**176/2007 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 and General Management Committee meeting held on 7 March 2007
- Central Coast Chamber of Commerce & Industry Inc. - meeting held on 21 March 2007
- Forth Community Representatives Committee - meeting of Council officers with Committee representatives held on 12 April 2007
- Development Support Special Committee - meeting held on 11 and 30 April 2007
- Ulverstone Online Access Centre Committee - meetings held on 16 and 30 April 2007
- Ulverstone Local History Museum Committee - meeting held on 17 April 2007
- Youth Engaged Steering Committee - meeting held on 19 April 2007
- Central Coast Community Safety Partnership Committee - meeting held on 27 April 2007.

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

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

Carried unanimously

**177/2007 Public question time**

The time being 6.43pm, the Mayor introduced public question time.

Questions and replies concluded at 6.55pm.

Cr Dry attended the meeting at this stage.



**178/2007      Financial restructure of Dulverton Regional Waste Management Authority - Exchange of debt for equity**

The General Manager reported as follows:

“The Director Corporate & Community Services has prepared the following report:

*PURPOSE*

The Dulverton Regional Waste Management Authority (Authority) has written requesting that each participating council forgive their loan to the Authority in exchange for an equity equivalent to the proportion of their respective loan.

*BACKGROUND*

Each of the four participating councils originally granted a loan to the Authority to enable it to become established. While the loans have not been paid back to the councils as yet the Authority has been making interest payments to each council on an annual basis. This amounts to approximately \$21,000 per annum for Central Coast and is allocated as general revenue within the Council’s estimates.

*DISCUSSION*

Both the Board of the Authority and the Auditor-General have been concerned with the level of negative equity in the Authority’s financial reports. Three reasons for the Authority having negative equity are the original loan borrowings contributed by councils; the revaluation of the liability associated with closure (shown as liabilities in their balance sheet); and the need for revaluation of the land fill as it is currently undervalued (shown as an asset in the balance sheet).

Having a negative equity in the financial reports precludes the Authority from borrowing funds to undertake major capital works essential to its future well-being.

The Authority’s Income Statement to 30 April 2007 shows that it is on target to meet its budget set for the year.

Discussions were also held with the Chief Executive Officer of the Authority and the Chairman of the Board to determine whether dividends would be proposed and paid to councils in the same manner as Cradle Coast Water.

The Chief Executive Officer has indicated that this has been discussed with the Representatives and they would be aiming for a minimum of 4% return on assets. This would result in the Council receiving a dividend of approximately \$67,000 per annum which would offset the loss of the loan interest of approximately \$21,000 per annum.

In conclusion, the Authority has looked at the best way of trying to achieve long-term financial sustainability, which includes the combination of the following:

- . The revaluation of its landfill;
- . Revaluation of its liability associated with closure;
- . Accumulation of cash reserves for ongoing rehabilitation and closure liabilities; and
- . Restructure of the Council's loan to equity (which requires Council approval).

#### *CORPORATE COMPLIANCE*

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

- . Foster partnerships and strategic alliances
- . Plan for and develop a sustainable community.

#### *CONCLUSION*

It is recommended that the Central Coast Council's loan of \$385,201.64 to the Dulverton Regional Waste Management Authority be converted into 36.82% equity in the Authority and that dividends be paid to the Council on the same equity basis.'

The report is supported."

■ Cr McKenna moved and Cr Robertson seconded, "That the Central Coast Council's loan of \$385,201.64 to the Dulverton Regional Waste Management Authority be converted into 36.82% equity in the Authority and that dividends be paid to the Council on the same equity basis."

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**179/2007 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 April 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 McKenna moved and Cr Haines seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**180/2007 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 April 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 11.04.2007 - letter requesting works on various footpaths.
- Received 27.04.2007 - letter updating the Council on the success of Heartbeat Tasmania’s car boot sales.

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 (L) Bonde moved and Cr Barker seconded, “That the Director’s report be received.”

Carried unanimously

### **181/2007 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 24 April to 21 May 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 Deacon moved and Cr McKenna 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

### **182/2007 Financial statements**

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 April 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 Deacon moved and Cr Marshall seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

**183/2007      Accounts paid**

The Director Corporate & Community Services reported as follows:

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

Carried unanimously

**184/2007      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>	505860.0400
<i>PROPERTY ADDRESS</i>	203 Whitehills Road, Penguin
<i>REMISSION</i>	\$56.40
<i>REASON</i>	Property received untreated water (only charged 80% of treated water).”

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

- Property No. 505860.0400 - \$56.40.”

Carried unanimously and by absolute majority

### **185/2007 Leith Community Plan**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

The purpose of this report is to present the draft Leith Community Plan to the Council for consideration.

*BACKGROUND*

The draft Community Plan for Leith was developed using the outputs of a Community Planning Workshop held at the Forth Hall on Saturday, 2 December 2006.

The workshop was attended by 34 community members who came together to:

- set the vision of where they’d like Leith 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 Leith 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 Leith 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 Leith 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 Leith Community Plan has been circulated to all Councillors.”

■ Cr Deacon moved and Cr Robertson seconded, “That the Council adopt the draft Leith Community Plan in principal 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  
(9)  
Cr Downie  
Cr Robertson  
Cr Barker  
Cr Deacon  
Cr Dry  
Cr Haines  
Cr Marshall  
Cr McKenna  
Cr van Rooyen

Voting against the motion  
(1)  
Cr (L) Bonde

Motion

Carried

Cr Robertson left the meeting at this stage.

**186/2007      Ulverstone Online Access Centre Committee - Dissolution**

The Director Corporate & Community Services reported as follows:

“The Information Technology Manager has prepared the following report:

*PURPOSE*

This report is to support the move of the Ulverstone Online Access Centre from Council management to Department of Education management. This will require the dissolving of the special committee of the Council known as the Ulverstone Online Access Centre Committee.

*BACKGROUND*

The Ulverstone Online Access Centre (special) Committee was established on 24 April 1999 (Minute No. 165/1999). The special committee was required as the Council had to be the management body and the incorporated body that administered the funding grant. At the time it was necessary to establish the management committee this way due to a lack of involvement by the general community.



*DISCUSSION*

The current Committee is very active and is involved with Tasmanian Communities Online and the Department of Education (DoE). Currently 33 of the State's online access centres are DoE managed and more are heading in that direction. The Committee sees more opportunities for future development with the DoE and wishes to be managed by DoE rather than the Council. The Committee acknowledges the support of the Council over the past eight years and wishes to make it quite clear that this decision is in no way an expression of dissatisfaction with the Council.

*CONSULTATION*

The Committee, including the Centre's Coordinator and the Information Technology Manager, have met with representatives from the DoE and Tasmanian Communities Online and have made the decision that they wish to make the move from Council management to DoE management.

*IMPACT ON RESOURCES*

The Committee has recommended that the change-over happen as at 1 July 2007. This will mean that the next funding grant will go to the DoE instead of the Council. As at 1 July 2007 the Council will need to transfer all monies held on behalf of the Online Access Centre to the DoE where they will be held in trust for the Centre's use. The current Coordinator, who is employed by the Council, will move to the employment of the DoE. The Council will no longer have any involvement with the Centre.

*CORPORATE COMPLIANCE*

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

- . Facilitate learning opportunities for all members of the community
- . Increase community awareness of benefits of education.

*CONCLUSION*

It is recommended that the special committee of the Council be dissolved and that responsibility for management of the Ulverstone Online Access Centre be transferred from the Council to the Department of Education.'

The report is supported.”

■ Cr Barker moved and Cr Deacon seconded, “That the Ulverstone Online Access Centre Committee be dissolved and that responsibility for management of the Ulverstone Online Access Centre be transferred from the Council to the Department of Education.”

Carried unanimously

**187/2007 Central Coast Arts and Culture Strategy 2007-2012**

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 Central Coast Arts and Culture Strategy to the Council for consideration. A copy of the Strategy is attached.

*BACKGROUND*

The Central Coast Arts and Culture Strategy is the culmination of Council’s objective to support an accessible, diverse and rich range of community arts and cultural activities, and promote events and major festivals that build our cultural identity as outlined in the Central Coast Strategic Plan 2004-2009.

Support for the development of the Arts and Culture Strategy has also come to light via the community consultations that were undertaken recently in the municipal area. The Strategy also addresses many of the issues which were outlined under the heading of Cultural Planning in the Partnership Agreement between the State Government and the Council:

- . “Recognition of cultural development as a vital component in the life and growth of the community;
- . Development of opportunities for increased participation, employment and investment in cultural activities and culturally-based enterprises;
- . The protection and management of Central Coast Council’s cultural heritage assets, including the strategic development of the Ulverstone History Museum;

- . Continued development and support by the Council for events with the capacity to attract visitors and which celebrate local pride and identity, through a review of the Council's Community Small Grants Scheme;
- . Identification of the unique cultural product of Central Coast Council, as a basis for increased participation in strategic tourism industry development, training, marketing and promotional activity opportunities;
- . Development of interpretation strategies for cultural tourism products;
- . Cultural planning to link in with the Central Coast Council's Strategic Plan and Community Plans;
- . Identification and planning for the development of significant cultural locations within the Central Coast area, including the Leven Wharf and the Ulverstone History Museum precinct; and
- . access to professional development opportunities for local artists."

There are also clearly defined linkages with Tasmania Together Benchmarks and the Council's own Local Visitor Strategy.

#### *DISCUSSION*

The Central Coast Arts and Culture Strategy is only the second to be endorsed by a council in Tasmania, the first being Clarence City Council. In comparison the greater majority of councils in Victoria have implemented such a strategy.

The need for Central Coast to have an Arts and Culture Strategy was identified through the recent Community Plans as well as the Council's Strategic Plan 2004-2009. A number of other residents involved in arts and cultural activities have also made similar comments once they knew that such a plan was to be undertaken.

The Strategy hasn't been developed as a "stand alone" document, but rather, a measured approach towards supporting the continual development and investment in arts and cultural activities within Central Coast. This is evidenced in the mapping of the actions outlined in the Strategy with both local, regional and State-wide arts and cultural objectives.

Discussions with both internal and external stakeholders, focussing on the actions outlined in the latter half of the Plan have also taken place; the

outcome of which, has been to ensure that the actions support the strategies and that the timeframes for completion are realistic and attainable.

*CONSULTATION*

A consultative process was implemented throughout the Strategy's development; first with Tasmanian Regional Arts followed by Arts Tasmania. Both bodies provided feedback that was very important in the context of national and regional perspectives. During this time dialogue was taking place with community members, each of whom was able to contribute according to the area of their expertise. A workshop was also conducted with Councillors on 26 March, 2007.

The process of consultation is ongoing and will be sought as actions evolve.

*IMPACT ON RESOURCES*

At this point in time there is no immediate impact on resources; however, over the lifetime of the Strategy some financial resources will have to be allocated from Council budgets.

Wherever possible funds/resources will be sought through grants; this was the case recently where the Council assisted the Ulverstone Local History Museum with their applications for the Small Museums and Collections Program and The Roving Curator program.

*CORPORATE COMPLIANCE*

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

- . Support an accessible, diverse and rich range of community arts and cultural activities
- . Promote events and major festivals that build our cultural identity.

The Central Coast Arts and Culture Strategy 2007-2012 meets these objectives.

*CONCLUSION*

It is recommended that the Central Coast Arts and Culture Strategy 2007-2012 be adopted.'

The report is supported."

The Executive Services Manager reported as follows:

“A copy of the Central Coast Arts and Culture Strategy 2007-2012 has been circulated to all Councillors.”

■ Cr Haines moved and Cr Marshall seconded, “That the Central Coast Arts and Culture Strategy 2007-2012 be adopted.”

Cr Robertson returned to the meeting at this stage

Motion

Carried unanimously

**188/2007 Dog control - Fixing of registration fees for the 2007-2008 financial year and other fees under the *Dog Control Act 2000***

The Director Corporate & Community Services reported as follows:

“The Senior Administrative Officer has submitted the following report:

*PURPOSE*

This report considers the fixing of dog registration fees for the 2007-2008 financial year and other fees under the *Dog Control Act 2000*.

*BACKGROUND*

The Dog Control Act requires that all dogs over the age of six months be registered and it provides for councils to set fees for this purpose. The basic structure on which the fees were applied in 2005-2006 has been retained for 2006-2007.

*DISCUSSION*

The Council’s Pricing Policies Working Group has previously analysed the cost of dog control and taken into account the Council’s community service obligations. These fees have been calculated to reflect those findings.

During 2006-2007, in response to requests to consider introducing additional patrols by animal control officers, an additional patrol regime involving 20 hours per week for three months of the year was expanded to six months. This has provided the opportunity for the Council to undertake proactive

policing of all of the Central Coast beach areas and respond in a positive, speedy manner to community concerns. The Council has had some success in apprehending offenders at Picnic Point Beach, and Buttons Beach in the area of the Surf Club, both these areas being areas where dogs are not permitted and where the Council has received complaints in the past. The change at Turners Beach to allow for dogs to be exercised on-lead during certain months will also require policing to ensure that dog owners continue to act responsibly. It is also planned to continue the Council's program to follow-up on registrations not renewed. A small increase in the fees is required to enable the Council to responsibly manage this program.

The extra patrols have provided a secondary benefit by enabling the Council to continue to monitor the overnight stays by motorhomes and campervans under the relevant policy reaffirmed by the Council in 2006 (Minute No. 24/2006 - 23.01.2006). The cost of providing such an additional patrol regime, aimed at continuing to improve the service provided by the Council, is estimated to be \$15,000 per annum.

The Council has adopted the Dog Management Policy (Minute No. 25/2006 - 23.01.2006) and allocated extra funding to complete the signage and dog litter programs that result from the adoption of that Policy.

It is proposed to continue to promote the microchipping of dogs by continuing the \$1.00 discount on the registration fee for microchipped dogs. Similarly, it is proposed to continue to promote obedience training for all dogs by continuing to include a separate \$1.00 discount for dogs that have completed an appropriately certified obedience certificate.

*CONSULTATION*

The Pricing Policies Working Group's methodology used to calculate the fees and related community service obligations has been previously workshopped with Councillors.

*IMPACT ON RESOURCES*

The proposed fee structure is based on retention of the current dog control procedures and is calculated to meet the projected cost of dog control in 2007-2008 with the exception of the community service obligation to be met from rates.

*CORPORATE COMPLIANCE*

Dog registration and related fees are provided for under State legislation.

*CONCLUSION*

It is recommended that dog registration fees be fixed for the financial year 1 July 2007 to 30 June 2008 in respect of all dogs over the age of six months, at the following rates:

PARTICULARS	AMOUNT (\$)
. Registration fee for each male or female dog, when paid	
.     . by 31 July 2007	31.00
.     . after 31 July 2007	62.00
. Registration fee, on production of evidence for each	
.     . working dog (primary use on cattle, sheep, etc.),	
.     . pure-bred dog (registered with Tasmanian Canine Association),	
.     . greyhound (registered with Tasmanian Racing Authority), and	
.     . hunting dog, the owner of which has produced evidence of current membership of a recognised hunting dog organisation,	
when paid	
.     . by 31 July 2007	17.00
.     . after 31 July 2007	34.00
. Registration fee, on production of evidence, for dog owned by pensioner (one dog only), when paid	
.     . by 31 July 2007	17.00
.     . after 31 July 2007	22.00
. Registration fee, on production of evidence, for each sterilised dog, when paid	
.     . by 31 July 2007	17.00
.     . after 31 July 2007	22.00
. Registration fee, on production of evidence, for each	
.     . guide dog, and	Nil
.     . hearing dog,	Nil
. Discount for microchipped dog	1.00
. Discount for dog having achieved a current certificate of obedience proficiency from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate,	1.00

and that the following fees also be fixed:

CORPORATE & COMMUNITY SERVICES

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. Detention of dog (per day)	25.00
. Investigation of nuisance complaint	20.00
. Licence application – 3-5 dogs	65.00
– over 5 dogs	98.00
. Licence renewal	32.00
. Replacement tag	2.20
. Dangerous dog collar	Purchase price, plus 5% administration, plus GST
. Dangerous dog sign	Purchase price, plus 5% Administration, plus GST

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Last year’s schedule of fees is appended hereto.’

The report is supported.”

The Executive Services Manager reported as follows:

“A schedule of fees fixed for the 2006-2007 financial year has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr McKenna seconded, “That dog registration fees be and are hereby fixed for the financial year 1 July 2007 to 30 June 2008 in respect of all dogs over the age of six months, at the following rates:

PARTICULARS	AMOUNT (\$)
. Registration fee for each male or female dog, when paid	
. by 31 July 2007	31.00
. after 31 July 2007	62.00
. Registration fee, on production of evidence for each	
. working dog (primary use on cattle, sheep, etc.),	
. pure-bred dog (registered with Tasmanian Canine Association),	
. greyhound (registered with Tasmanian Racing Authority), and	
. hunting dog, the owner of which has produced evidence of current membership of a recognised hunting dog organisation,	
when paid	
. by 31 July 2007	17.00
. after 31 July 2007	34.00
. Registration fee, on production of evidence, for dog owned by pensioner (one dog only), when paid	
. by 31 July 2007	17.00
. after 31 July 2007	22.00



<ul style="list-style-type: none"> <li>. Registration fee, on production of evidence, for each sterilised dog, when paid                             <ul style="list-style-type: none"> <li>. by 31 July 2007</li> <li>. after 31 July 2007</li> </ul> </li> </ul>	<p>17.00</p> <p>22.00</p>
<ul style="list-style-type: none"> <li>. Registration fee, on production of evidence, for each                             <ul style="list-style-type: none"> <li>. guide dog, and</li> <li>. hearing dog,</li> </ul> </li> </ul>	<p>Nil</p> <p>Nil</p>
<ul style="list-style-type: none"> <li>. Discount for microchipped dog</li> </ul>	<p>1.00</p>
<ul style="list-style-type: none"> <li>. Discount for dog having achieved a current certificate of obedience proficiency from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate,</li> </ul>	<p>1.00</p>
and that the following fees also be fixed:	
<ul style="list-style-type: none"> <li>. Detention of dog (per day)</li> <li>. Investigation of nuisance complaint</li> <li>. Licence application                             <ul style="list-style-type: none"> <li>– 3-5 dogs</li> <li>– over 5 dogs</li> </ul> </li> <li>. Licence renewal</li> <li>. Replacement tag</li> <li>. Dangerous dog collar</li> <li>. Dangerous dog sign</li> </ul>	<p>25.00</p> <p>20.00</p> <p>65.00</p> <p>98.00</p> <p>32.00</p> <p>2.20</p> <p>Purchase price, plus 5% administration, plus GST</p> <p>Purchase price, plus 5% Administration, plus GST”</p>

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Carried unanimously

ASSETS & ENGINEERING

**189/2007 Assets & Engineering determinations**

The Director Assets & Engineering reported as follows:

“A Schedule of Assets & Engineering Determinations made during the month of April 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 Robertson moved and Cr Marshall seconded, “That the Schedule of Assets & Engineering Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**190/2007 Opening of Bayvista Crescent (in part), Sulphur Creek**

The Director Assets & Engineering reported as follows:

“It is necessary to formally resolve that the Council intends to ‘open’, after the expiration of 28 days, the following street which has been constructed in a new subdivision:

- Bayvista Crescent, Sulphur Creek (in part).

Developed by N Ling.”

The Executive Services Manager reported as follows:

“A plan of Bayvista Crescent (in part), Sulphur Creek has been circulated to all Councillors.”

■ Cr Robertson moved and Cr McKenna seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Bayvista Crescent (in part), Sulphur Creek (a plan of the street being appended to and forming part of the minutes).”

Carried unanimously

**191/2007 Bayvista Crescent (in part), Sulphur Creek - Certificate of construction**

The Director Assets & Engineering reported as follows:

“It is necessary for the Council to certify that the following street has been constructed substantially in accordance with the plans and specifications approved by the Council:

- Bayvista Crescent, Sulphur Creek (in part).”

The Executive Services Manager reported as follows:

“A plan of Bayvista Crescent (in part), Sulphur Creek has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Marshall seconded, “That the Council certify under hand of the Municipal Engineer that Bayvista Crescent (in part), Sulphur Creek (a plan of the street being appended to and forming part of the minutes) has been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

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## CLOSURE OF MEETING TO THE PUBLIC

### 192/2007 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
- Cradle Coast Authority Budget Estimates 2007-2008.

These are matters relating to:

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

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

- information provided to the Council on the condition it is kept confidential;

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
- Cradle Coast Authority Budget Estimates 2007-2008.”

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

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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

**193/2007 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.”

**194/2007 Cradle Coast Authority Budget Estimates 2007-2008**

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

“*PURPOSE*

This report considers the Cradle Coast Authority’s Budget Estimates for 2007-2008.

...

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

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

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

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

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 9.22pm.

CONFIRMED THIS 18TH DAY OF JUNE, 2007.

### **Chairperson**

(gjm:dil)

### **Appendices**

Minute No. 172/2007 - Schedule of Development Services Determinations

Minute No. 179/2007 - Schedule of Contracts & Agreements

Minute No. 181/2007 - Schedule of Documents for Affixing of the  
Common Seal

Minute No. 182/2007 - Financial statements

Minute No. 183/2007 - Schedule of Accounts Paid

Minute No. 189/2007 - Schedule of Assets & Engineering Determinations

Minute Nos 190 and

191/2007 - Plan of Bayvista Crescent



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## **QUALIFIED PERSON'S ADVICE**

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

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

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

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

Katherine Schaefer  
GENERAL MANAGER