



Minutes

of Ordinary Meeting

29 JANUARY 2008

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
18 February 2008

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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 Tuesday, 29 January 2008 commencing at 6.00pm.

Councillors attendance

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Jan Bonde	Cr Lionel Bonde
Cr John Deacon	Cr Cheryl Fuller
Cr Gerry Howard	Cr Terry McKenna
Cr Tony van Rooyen	

Cr David Dry attended the meeting at 7.32pm.

Councillors apologies

Cr Dry (for the early part of the meeting), Cr Warren Barker and Cr Ken Haines

Employees attendance

General Manager (Mrs Katherine Schaefer)
Director Assets & Engineering (Mr Bevin Eberhardt)
Acting Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development Services (Mr Michael Stretton)
Land Use Planning Group Leader (Mr Shane Warren)

Guests of the Council

Miss Caitlyn Mansfield, Mr Joshua Bakes, Mr Justin Morse and Mr Jack McLaren.

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

1/2008 Confirmation of minutes

The Administration Group Leader reported as follows:

“The minutes of the special meeting of the Council held on 6 November 2007 and the minutes of the previous ordinary meeting of the Council held on 17 December 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 Deacon moved and Cr (J) Bonde seconded, “That the minutes of the special meeting of the Council held on 6 November 2007 and the minutes of the previous ordinary meeting of the Council held on 17 December 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

2/2008 Council workshops

The Administration Group Leader reported as follows:

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

. 07.01.2008 – Heritage Discussion Paper submission.

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

-
- Cr (J) Bonde moved and Cr McKenna seconded, “That the Administration Group Leader’s report be received.”

Carried unanimously

MAYOR’S COMMUNICATIONS

3/2008 Mayor’s message

The Mayor reported as follows:

“I will now adjourn this meeting for approximately 15 minutes for the following purposes:

- 1 To present Certificates of Appreciation to Ms Caitlyn Mansfield, Mr Joshua Bakes and Mr Justin Morse in recognition of their contributions to the Central Coast Youth Engaged Committee.
- 2 To invite Mr Jack McLaren (aka Jack Crier) to address Councillors on his recent attendance at the National Town Crier Championship.”

The meeting was resumed at this stage.

4/2008 Mayor’s diary

The Mayor reported as follows:

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

- . Penguin Primary School - Grade 6 Leavers Assembly
- . Ulverstone and Penguin Visitor Centres - Volunteers Christmas luncheon
- . Ulverstone High School - Annual Prize Giving Ceremony
- . Community Safety Partnership Committee - meeting and Christmas barbecue
- . Cradle Coast Authority - Board review
- . Penguin History Group - official opening of photographic exhibition commemorating ‘100 Years of Local Government’
- . 2008 Devonport Cup
- . Ulverstone History Committee - launch of video and pictorial presentation celebrating the Centenary of Local Government
- . Ulverstone-Turners Beach Shared Pathway - information evening
- . Australia Day - service and concert.”

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

Carried unanimously

5/2008 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 Administration Group Leader 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 (J) Bonde reported as follows:

"I will be declaring an interest in respect of the Review of option for the purchase of Council Land of Park Avenue, Penguin (Minute No. 31/2008)."

6/2008 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

7/2008 Councillor reports

The Administration Group Leader 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 Howard reported on a meeting of the Ulverstone Local History Museum committee.

APPLICATIONS FOR LEAVE OF ABSENCE

8/2008 Leave of absence

The Administration Group Leader 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

9/2008 Deputations

The Administration Group Leader reported as follows:

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

PETITIONS

10/2008 **Petitions**

The Administration Group Leader reported as follows:

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

COUNCILLORS' QUESTIONS

11/2008 **Councillors' questions without notice**

The Administration Group Leader 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.

12/2008 Councillors' questions on notice

The Administration Group Leader 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

13/2008 Development Services determinations

The Director Development Services reported as follows:

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

The Administration Group Leader reported as follows:

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

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

Carried unanimously

14/2008 Reform of the Historic Cultural Heritage Act 1995 (469/2007 - 17.12.2007)

The Director Development Services reported as follows:

“PURPOSE

The purpose of this report is to consider the Position Paper regarding the reform of the *Historic Cultural Heritage Act 1995* (the Act).

BACKGROUND

Heritage Tasmania is an agency within the Department of Tourism, Arts and the Environment, and is responsible for the administration of the Act.

Local government has been seeking a review of the Act for some time. The Council and the State Government have included this review in their Partnership Agreement.

Despite a major report being prepared for Heritage Tasmania and tabled by consultants Godden Mackay Logan in November 2005, this Position Paper was only released in late September 2007, and submissions closed on 31 October 2007.

The release of this Paper and the associated consultation period coincided with the recent local government elections.

At the Council meeting held on 15 October 2007 the Council unanimously passed the following motion (Minute No. 371/2007):

‘That the Council:

- 1 express its dissatisfaction with the unrealistic time frame allowed for submissions and the release of the Position Paper coinciding with the current local government elections; and
- 2 advise Heritage Tasmania that it will make a detailed submission to the Draft Bill when released, provided sufficient time is allowed.’

Following this, at the Council meeting held on 17 December 2007 the Council considered a letter received by the Mayor from the Minister for Tourism, Arts and the Environment regarding the reform of the *Historic Cultural Heritage Act 1995* and unanimously passed the following motion (Minute No. 469/2007):

‘That the Council take up the opportunity offered to lodge a submission on the *Managing our Heritage* Position Paper.’

DISCUSSION

The *Managing our Heritage* Position Paper was workshopped by the Council on 7 January 2008 and it was decided that the Council’s submission should include the following issues:

- The Council strongly believes that the legislation must include a requirement for affected owners to be advised of, and provide consent to, heritage nominations;
- A fee should be a requirement of making a public nomination. It is envisaged that such a fee should be consistent with the Resource Management and Planning Appeal Tribunal fee structure for lodging an appeal (currently \$62.50) and would be returnable upon a public nomination resulting in a heritage listing;
- The Council does not support the proposed role for local government in making assessments as to heritage values and subsequent listing for ‘local’ heritage places as this is beyond the expertise and resources of local government. The Council would support a regional approach to assessing heritage; however, this support is contingent upon full funding by the State Government;
- The Council questions the lateness in proposing alignment with the *Land Use Planning and Approvals Act 1993*, considering the recent review of this piece of legislation;

- The Council does not have a problem with the proposal that Heritage Tasmania continue to have representation and appeal rights of a decision of a planning authority, provided they comply with the Section 57 requirements of the *Land Use Planning and Approvals Act 1993 (LUPAA)*;
- It is considered to be important by the Council that the proposed 'stop-the-clock' provisions for the Heritage Council under LUPAA must ensure that a situation cannot occur whereby an extension of time is provided for a heritage works application and not an associated planning application and *vice versa*. A stop-the-clock from either the Heritage Council or the Planning Authority should apply to both the planning and heritage works applications;
- The Council believes that a local government elected representative must be included on the proposed Heritage Council;
- The Council supports the suggestion that public nominations be restricted to Planning Scheme Review Periods or when a heritage survey is being undertaken or reviewed. Also, suggests that precinct nominations be subject to similar restrictions;
- The Council believes that the legislation must ensure that when a property owner is proposing to undertake a development, and has undertaken the appropriate investigations and received written confirmation from Heritage Tasmania that their property is not listed on the heritage register, they must be entitled to proceed with their proposed development;
- The Council believes that the role of the Minister should include intervention when considered appropriate in special circumstances;
- The Council believes that more than one of the seven heritage assessment criteria in the Act (or Regulations in the future) must be met prior to a listing occurring;
- The Council supports the seven heritage assessment criteria in the Act being moved into Regulations; and
- The Council believes that more transparency must be provided in the legislative framework. This should include measures such as the names of nominators not being confidential.

CONSULTATION

Heritage Tasmania held a forum for local government on 25 September 2007, which was attended by the Mayor, Land Use Planning Group Leader and the previous Director Development Services.

Councillor workshops to consider the Paper were held on 8 October 2007 and 7 January 2008.

Heritage Tasmania has advised that it is intended to table a Draft Bill amending the Act to the autumn 2008 session of State Parliament. It is expected an opportunity to comment on such a Draft Bill will be provided beforehand.

IMPACT ON RESOURCES

Although consideration of, and responding to, the Position Paper has little impact on resources other than officers' time and travelling, there are potentially large scale impacts if some of the proposed roles for local government get incorporated into a new Act.

CORPORATE COMPLIANCE

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

- provide transparent, accountable public policy and decision making
- meet our statutory and regulatory obligations
- plan for and develop a sustainable community.

CONCLUSION

It is recommended that the Council lodge the following submission on the *Managing our Heritage* Position Paper:

- The Council strongly believes that the legislation must include a requirement for affected owners to be advised of, and provide consent to, heritage nominations;
- A fee should be a requirement of making a public nomination. It is envisaged that such a fee should be consistent with the Resource Management and Planning Appeal Tribunal fee structure for lodging an appeal (currently \$62.50) and would be returnable upon a public nomination resulting in a heritage listing;
- The Council does not support the proposed role for local government in making assessments as to heritage values and subsequent listing for 'local' heritage places as this is beyond the expertise and resources of local government. The Council would support a regional approach to assessing heritage; however, this support is contingent upon full funding by the State Government;
- The Council questions the lateness in proposing alignment with the *Land Use Planning and Approvals Act 1993*, considering the recent review of this piece of legislation;

- The Council does not have a problem with the proposal that Heritage Tasmania continue to have representation and appeal rights of a decision of a planning authority, provided they comply with the Section 57 requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA);
- It is considered to be important by the Council that the proposed 'stop-the-clock' provisions for the Heritage Council under LUPAA must ensure that a situation cannot occur whereby an extension of time is provided for a heritage works application and not an associated planning application and *vice versa*. A stop-the-clock from either the Heritage Council or the Planning Authority should apply to both the planning and heritage works applications;
- The Council believes that a local government elected representative must be included on the proposed Heritage Council;
- The Council supports the suggestion that public nominations be restricted to Planning Scheme Review Periods or when a heritage survey is being undertaken or reviewed. Also, suggests that precinct nominations be subject to similar restrictions;
- The Council believes that the legislation must ensure that when a property owner is proposing to undertake a development, and has undertaken the appropriate investigations and received written confirmation from Heritage Tasmania that their property is not listed on the heritage register, they must be entitled to proceed with their proposed development;
- The Council believes that the role of the Minister should include intervention when considered appropriate in special circumstances;
- The Council believes that more than one of the seven heritage assessment criteria in the Act (or Regulations in the future) must be met prior to a listing occurring;
- The Council supports the seven heritage assessment criteria in the Act being moved into Regulations; and
- The Council believes that more transparency must be provided in the legislative framework. This should include measures such as the names of nominators not being confidential."

The Administration Group Leader reported as follows:

"A copy of the Position Paper on the reform of the Historic Cultural Heritage Act 1995 has been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Deacon seconded, "That the Council lodge the following submission on the *Managing our Heritage* Position Paper:

- The Council strongly believes that the legislation must include a requirement for affected owners to be advised of, and provide consent to, heritage nominations;
- A fee should be a requirement of making a public nomination. It is envisaged that such a fee should be consistent with the Resource Management and Planning Appeal Tribunal fee structure for lodging an appeal (currently \$62.50) and would be returnable upon a public nomination resulting in a heritage listing;
- The Council does not support the proposed role for local government in making assessments as to heritage values and subsequent listing for 'local' heritage places as this is beyond the expertise and resources of local government. The Council would support a regional approach to assessing heritage; however, this support is contingent upon full funding by the State Government;
- The Council questions the lateness in proposing alignment with the *Land Use Planning and Approvals Act 1993*, considering the recent review of this piece of legislation;
- The Council does not have a problem with the proposal that Heritage Tasmania continue to have representation and appeal rights of a decision of a planning authority, provided they comply with the Section 57 requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA);
- It is considered to be important by the Council that the proposed 'stop-the-clock' provisions for the Heritage Council under LUPAA must ensure that a situation cannot occur whereby an extension of time is provided for a heritage works application and not an associated planning application and *vice versa*. A stop-the-clock from either the Heritage Council or the Planning Authority should apply to both the planning and heritage works applications;
- The Council believes that a local government elected representative must be included on the proposed Heritage Council;
- The Council supports the suggestion that public nominations be restricted to Planning Scheme Review Periods or when a heritage survey is being undertaken or reviewed. Also, suggests that precinct nominations be subject to similar restrictions;
- The Council believes that the legislation must ensure that when a property owner is proposing to undertake a development, and has undertaken the appropriate investigations and received written confirmation from Heritage Tasmania that their property is not listed on the heritage register, they must be entitled to proceed with their proposed development and be exempted from heritage listing while a valid planning permit exists for the property;
- The Council believes that the role of the Minister should include intervention when considered appropriate in special circumstances;

- The Council believes that more than one of the seven heritage assessment criteria in the Act (or Regulations in the future) must be met prior to a listing occurring;
- The Council supports the seven heritage assessment criteria in the Act being moved into Regulations; and
- The Council believes that more transparency must be provided in the legislative framework. This should include measures such as the names of nominators not being confidential.”

Carried unanimously

■ Cr McKenna moved and Cr Howard seconded, “That the Council forward a request to the Minister for Primary Industries and Water requesting that all heritage listed properties, with the relevant data included, be identified as heritage listed properties on the Land Information System Tasmania database.”

Carried unanimously

15/2008 Penguin Urban Design Guidelines (99/2007 – 19.03.2007)

The Director Development Services reported as follows:

“PURPOSE

The purpose of this report is to present the draft Consultants Brief for the Development of Urban Design Guidelines for Penguin to the Council for consideration.

BACKGROUND

The Council resolved at the Council meeting held on 19 March 2007 to undertake the Penguin Urban Design Guidelines which were identified in Penguin’s Community Plan in this current financial year (Minute No. 99/2007). A budget allocation of \$70,000 has been provided in the Estimates.

A Councillor workshop was held on 10 December 2007 to consider the scope of the consultant’s tender brief for the Penguin Urban Design Guidelines.

A key stakeholders meeting was held on 18 December 2007 to further consider the scope of the tender brief for the Penguin Urban Design Guidelines. The meeting, which included community members with alternative views on Penguin’s future development and one Central Coast developer, was facilitated by Council Planning Services staff. The meeting elicited a high-quality discussion of the various issues associated with the development of urban design guidelines and a consensus was reached on the scope of the tender brief.

DISCUSSION

There are currently significant development pressures within Penguin, which appear likely to continue and potentially increase over time and the development of Urban Design Guidelines is considered to be necessary to progress the future directions and strategic objectives of the Penguin Community Plan.

A consultant's tender brief for the Penguin Urban Design Guidelines has been developed (copy attached). The scope of the brief calls for an appropriately qualified and experienced Urban Design Consultant to prepare Urban Design Guidelines for Penguin that encompass the following:

- . A strategic framework and a suitable set of agreed development guidelines ready for incorporation into the Planning Scheme which considers issues such as building height, open space, shared pathways, streetscape, heritage values, site coverage, tourism, signage, car parking, traffic management, infrastructure and any other issues agreed between the Council and the Consultant.

The Guidelines will:

- . identify and prioritise values for the study area;
- . determine the impact of the Guidelines in terms of existing stakeholders;
- . integrate the existing plans/documentation;
- . be cognisant of existing land uses, services and development proposals within the study area and identify how these can be accommodated within the Guidelines; and
- . identify cost implications.

The Consultant will be required to undertake significant public consultation in the development of the Urban Design Guidelines. At a minimum it is expected that the following stakeholders will be consulted: Councillors, Council staff, land owners, businesses and business associations, environmental groups, tourism operators, youth services (e.g. schools/recent leavers), holiday visitor market, recreational/sporting users and regional State and Federal Government agencies.

It is expected that the Consultant will present the Draft Penguin Urban Design Guidelines to the Council no later than Friday 30 May 2008. A Councillor workshop has been scheduled for 10 June 2008 to consider the Draft Guidelines and it is anticipated that they will be approved by the end of June 2008. The Planning Scheme Amendment process will commence following the final approval of the Guidelines, and should take approximately six months to complete.

CONSULTATION

The consultant's tender brief for the Penguin Urban Design Guidelines has been workshopped by both the Council and a key stakeholders group.

IMPACT ON RESOURCES

An urban design consultant will need to be engaged to develop the Penguin Urban Design Guidelines. A budget allocation of \$70,000 has been provided in the Estimates.

CORPORATE COMPLIANCE

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

- . Provide effective leadership
- . Enable community participation in strategic directions
- . Plan and develop a sustainable community
- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that the Council approve the Consultants Brief for the Development of Urban Design Guidelines for Penguin.”

The Administration Group Leader reported as follows:

“A copy of the consultant's tender brief has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Fuller seconded, “That the Council approve the Consultants Brief for the Development of Urban Design Guidelines for Penguin.”

Continued after Minute No. 16/2008.

16/2008 Public question time

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

Questions and replies concluded at 6.46pm.

Minute No. 15/2008 continued...

■ Cr Fuller moved and Cr Deacon seconded an amendment, “That the Council approve the Consultants Brief for the Development of Urban Design Guidelines for Penguin, and that the Project Reference Group be extended to include two elected members.”

Voting for the amendment
(1)
Cr Fuller

Voting against the amendment
(8)
Cr Downie
Cr Robertson
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon
Cr Howard
Cr McKenna
Cr van Rooyen

Amendment

Lost

Voting for the motion
(7)
Cr Downie
Cr Robertson
Cr (J) Bonde
Cr (L) Bonde
Cr Fuller
Cr Howard
Cr McKenna

Voting against the motion
(2)
Cr Deacon
Cr van Rooyen

Motion

Carried

**17/2008 Application to amend Sealed Plan CT110230/11 at 3 Cheryl Court,
Ulverstone Application No. SPA2007.1 (467/2007 – 17.12.2007)**

The Mayor reported as follows:

“As the Council is now due to debate the matter relating to the consideration of Sealed Plan CT110230/11 at 3 Cheryl Court, Ulverstone, Application No. SPA2007.1, and part of the process requires persons that might be affected by the amendment to be heard, I will adjourn this meeting to enable both proponents and the objectors to the amendment to be heard should they wish to do so.

Following these representations the Council will, due to the nature of the legal advice received, need to consider whether or not this is a matter for closed council.”

A representation was received from the objector.

The Mayor further reported as follows:

“The business of a meeting is to be conducted in the order in which it is set out in the agenda of the meeting, unless the Council, by absolute majority, determines otherwise.

This matter is, however, the subject of confidential legal advice to the Council and its consideration accordingly ought to be in a part of the meeting closed to the public.

There are other matters already listed at Minute No. 28/2008 for closed meeting consideration and it is recommended that Minute No. 17/2008 be deferred until that part of the meeting.

The Administration Group Leader reported as follows:

“Two procedural decisions are invited by the Mayor as follows:

- 1 That the matter be deferred and listed for determination under Agenda Item 10.1 as a matter for consideration in that part of the meeting closed to the public; and
- 2 In the event that there is absolute majority support for a motion under 1 above, the subsequent decision to close the meeting will then be undertaken as part of the procedural motion Minute No. 28/2008.

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the matter be deferred and listed for determination under Minute No. 28/2008 of this meeting.

Carried unanimously

GENERAL MANAGEMENT

18/2008 Minutes and notes of committees of the Council and other organisations

The Administration Group Leader 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:

- . Dulverton Regional Waste Management Authority – meeting of Representatives held on 23 October 2007
- . East Ulverstone Swimming Pool Management Committee – meeting held on 3 August 2007
- . East Ulverstone Swimming Pool Management Committee – meeting held on 12 December 2007 (subject to confirmation)
- . Central Coast Community Safety Partnership Committee – meeting held on 19 December 2007
- . Ulverstone Local History Museum Committee – meeting held on 18 December 2007
- . Leven Fire Management Area Committee – meeting held on 4 December 2007
- . Youth Engaged Steering Committee – meeting held on 20 December 2007
- . Forth Community Representative Committee – meeting of Council officers with Committee representatives held on 13 December 2007
- . Local Government Association of Tasmania – meeting of General Management Committee held on 26 October 2007
- . Local Government Association of Tasmania – General Meeting held on 14 November 2007
- . Local Government Association of Tasmania – meeting of General Management Committee held on 12 December 2007.

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

■ Cr (J) Bonde moved and Cr Robertson seconded, “That the Administration Group Leader’s report be received.”

Carried unanimously

■ Cr Robertson moved and Cr Fuller seconded, “That the Council write to Mr Craig Broadfield expressing its thanks for his work on the ‘One Hundred Years of Local Government’ project.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

19/2008 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of December 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Administration Group Leader reported as follows:

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

■ Cr (J) Bonde moved and Cr Deacon seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

20/2008 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 December 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 Administration Group Leader reported as follows:

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

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

Carried unanimously

21/2008 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

"PURPOSE

This report is to inform the meeting of any correspondence received during the month of December 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 4.12.2007 – letter concerning the restoration of the Bi-Centennial Park Pond.
- Received 6.12.2007 – letter concerning matters relating to the Penguin Market.

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 Fuller moved and Cr van Rooyen seconded, "That the Director's report be received."

Carried unanimously

22/2008 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 18 December 2007 to 29 January 2008 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 Administration Group Leader reported as follows:

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

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

Carried unanimously

23/2008 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 December 2007 are submitted for consideration:

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

The Administration Group Leader reported as follows:

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

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

Carried unanimously

24/2008 Accounts paid

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of December 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 Administration Group Leader 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 Accounts Paid (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

25/2008 Rate remissions

The Director Corporate & Community Services reported as follows:

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

PROPERTY NO. 100195.0040
PROPERTY ADDRESS 4 Brockmarsh Place, Ulverstone
REMISSION \$308.56
REASON Property revalued following objection to general revaluation

PROPERTY NO. 101810.0040
PROPERTY ADDRESS 5A Water Street, Ulverstone
REMISSION \$129.60
REASON Property revalued following objection to general revaluation

PROPERTY NO. 302350.0260
PROPERTY ADDRESS 34 Clerke Street, Leith
REMISSION \$132.68
REASON Property revalued following objection to general revaluation

PROPERTY NO. 403228.0060
PROPERTY ADDRESS 8 Haig Street, Heybridge
REMISSION \$24.39
REASON Property revalued following objection to general revaluation

PROPERTY NO. 403395.0140
PROPERTY ADDRESS 4 Lyle Street, Sulphur Creek
REMISSION \$81.12
REASON Property revalued following objection to general revaluation

PROPERTY NO. 403420.2000
PROPERTY ADDRESS 140 Main Road, Penguin
REMISSION \$1,958.83
REASON Property revalued following objection to general revaluation

PROPERTY NO. 504010.0660
PROPERTY ADDRESS 524 Allison Road, North Motton
REMISSION \$288.26
REASON Property revalued following objection to general revaluation

PROPERTY NO. 505190.0400
PROPERTY ADDRESS 98 Medici Drive, Gawler
REMISSION \$1,210.64
REASON Property revalued following objection to general revaluation.

Total to date of rates amended due to objections to revaluation – \$10,996.58.”

The Administration Group Leader 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 Deacon moved and Cr McKenna seconded, "That the following remissions be approved:

- . Property No. 100195.0040 – \$308.56
- . Property No. 101810.0040 – \$129.60
- . Property No. 302350.0260 – \$132.68
- . Property No. 403228.0060 – \$24.39
- . Property No. 403395.0140 – \$81.12
- . Property No. 403420.2000 – \$1,958.83
- . Property No. 504010.0660 – \$288.26
- . Property No. 505190.0400 – \$1,210.64."

Carried unanimously and by absolute majority

26/2008 Debtor remissions

The Director Corporate & Community Services reported as follows:

"The following debtor remissions are proposed for the Council's consideration:

<i>DEBTOR NO.</i>	7977
<i>PROPERTY ADDRESS</i>	42 South Road, Ulverstone
<i>REMISSION</i>	\$395.56
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)."

■ Cr Robertson moved and Cr (J) Bonde seconded, "That the following remissions be approved:

- . Debtor No. 7977 – \$395.56."

Carried unanimously

Cr Dry joined the meeting at this stage.

ASSETS & ENGINEERING

27/2008 Kerbside recycling collection service (23/2005 – 24.01.2005)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers the provision of an interim kerbside recycling service and exemption from the public tender process.

BACKGROUND

The Environmental Engineering Group Leader reported as follows:

‘Currently the kerbside recycling service provided by Jones’ Waste Management (having acquired Vincent Industries) is operating on a month to month basis, with Contract No. 22/2004–05 having officially terminated on 30 September 2007.

With the proposed changes to a co-mingled recycling system using mobile garbage bins expected to come into effect in 2010 there is a need to consider an interim contract arrangement for the continuation of the existing Kerbside Recycling Service.

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

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

DISCUSSION

In the case of the kerbside recycling service, an exemption from the public tender process is considered applicable for the following reasons:

- (1) Extenuating circumstances –

Jones' Waste Management is the only organisation in the Cradle Coast region with a recyclables processing facility and collection vehicles to suit a crate collection system, and

- (2) The unavailability of competitive or reliable tenderers –

Tendering for the interim collections is unlikely to attract alternative tenders (to Jones') given the high safety risks perceived in the industry of the crate collection system.

A two year kerbside recyclables collection contract would not give a new contractor sufficient time to recover the cost of investing in collection vehicles.'

The Environmental Engineering Group Leader's report is supported.

CONSULTATION

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

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

IMPACT ON RESOURCES

An appropriate budget allowance was made in the 2007–08 Estimates.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council not proceed with a public tender process for the kerbside recycling service due to the reasons outlined previously, and that an interim contract arrangement be negotiated with Jones Waste Management for the continuation of the existing Kerbside Recycling Service for a nominal period of two years."

- Cr Robertson moved and Cr McKenna seconded, “That the Council not proceed with a public tender process for the kerbside recycling service, and that an interim contract arrangement be negotiated with Jones Waste Management for the continuation of the existing Kerbside Recycling Service for a nominal period of two years.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

28/2008 Meeting closed to the public

The Administration Group Leader 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;
- . Proposal for sale of Council land – Westella Drive, Ulverstone;
- . Review of option for the purchase of Council land at Park Avenue, Penguin;
- . Kerbside recycling for the Cradle Coast region; and
- . Application to amend Sealed Plan CT110230/11 at 3 Cheryl Court, Ulverstone.

These are a matters relating to:

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

Cr Fuller left the meeting at this stage.

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Proposal for sale of Council land – Westella Drive, Ulverstone;
- . Review of option for the purchase of Council land at Park Avenue, Penguin;
- . Kerbside recycling for the Cradle Coast region; and

-
- . Application to amend Sealed Plan CT110230/11 at 3 Cheryl Court, Ulverstone.”

Carried unanimously

The Administration Group Leader 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

29/2008 Minutes and notes of other organisations and committees of the Council

The Administration Group Leader reported (reproduced in part) as follows:

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

...

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

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

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

CORPORATE & COMMUNITY SERVICES

30/2008 Proposal for sale of Council land – Westella Drive (109/2007 – 19.03.2007)

The Administration Group Leader reported (reproduced in part) as follows:

“To advise the Council to consider the disposal of certain Council owned property on the corner of Westella Drive and Forth Road, Turners Beach:

...

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

- (b) 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.”

31/2008 Review of option for the purchase of Council land at Park Avenue, Penguin (30/2005 – 24.01.2005)

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

“To advise the Council to reconsider a proposal for an option on the purchase of certain Council owned property at Park Avenue, Penguin, to the Eliza Purton Home for the Aged:

...

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

- (c) 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.”

ASSETS & ENGINEERING

32/2008 Kerbside recycling for the Cradle Coast region

The Administration Group Leader reported (reproduced in part) as follows:

“To advise the Council of an update as to the ‘state of play’ in respect to the collection and processing of recyclables in the Cradle Coast region:

...

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

- (d) 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.
”

DEVELOPMENT SERVICES

33/2008 Application to amend Sealed Plan CT110230/11 at 3 Cheryl Court, Ulverstone Application No. SPA2007.1

The Administration Group Leader reported (reproduced in part) as follows:

“To advise the Council to reconsider an application to amend a sealed plan of subdivision at Cheryl Court, Ulverstone:

...

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

- (e) 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 8.35pm.

CONFIRMED THIS 18TH DAY OF FEBRUARY, 2008.

Chairperson

(cvv:dil)

Appendices

- Minute No. 13/2008 – Schedule of Development Services Determinations
- Minute No. 19/2008 – Schedule of Corporate & Community Services
Determinations Made Under Delegation
- Minute No. 20/2008 – Schedule of Contracts & Agreements
- Minute No. 22/2008 – Schedule of Documents for Affixing of the
Common Seal
- Minute No. 23/2008 – Financial statements
- Minute No. 24/2008 – Schedule of Accounts Paid

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