



# Minutes

of a Special Meeting

30 JUNE 2008

**Note:**

Minutes subject to confirmation at  
a meeting of the Council to be held on  
21 July 2008

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**Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 30 June 2008 commencing at 7.30pm.**

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**Councillors attendance**

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Warren Barker	Cr Jan Bonde
Cr Lionel Bonde	Cr John Deacon
Cr David Dry	Cr Cheryl Fuller
Cr Ken Haines	Cr Gerry Howard
Cr Terry McKenna	Cr Tony van Rooyen

**Employees attendance**

General Manager (Mrs Katherine Schaefer)  
Director Assets & Engineering (Mr Bevin Eberhardt)  
Director Corporate & Community Services (Ms Sandra Ayton)  
Director Development Services (Mr Michael Stretton)  
Executive Services Manager (Mr Graeme Marshall)  
Assets & Engineering Manager (Mr Paul Breden)  
Finance Group Leader (Mrs Catherine Stubbs)  
Acting Land Use Planning Group Leader (Mrs Theresia Williams)

**Media attendance**

The media was not represented.

**Public attendance**

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

**Prayer**

The meeting opened in prayer.

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## MAYOR'S COMMUNICATIONS

### 219/2008 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

- Cr Robertson moved and Cr (J) Bonde seconded, “That the Mayor's report be received.”

Carried unanimously

### 220/2008 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 Executive Services Manager reported as follows:

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

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

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

No interests were declared at this time.

**DEPARTMENTAL BUSINESS**

DEVELOPMENT SERVICES

**221/2008 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 No. 222/2008, 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 Haines moved and Cr McKenna seconded, “That the Mayor’s report be received.”

Carried unanimously

**222/2008 Residential – Multiple dwellings (variation to setback) at 2A View Street, Ulverstone – Application No. DEV2007.126**

The Director Development Services reported as follows:

“An application for development at 2A View Street, Ulverstone (DEV2007.126) was considered by the Development Support Special Committee (DSSC) at its meeting on 23 June 2008. The relevant report to that meeting (ref. DSSC Minute No. 13/2008) is reproduced as follows:

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

<i>“DEVELOPMENT APPLICATION NO.:</i>	DEV2007.126
<i>APPLICANT:</i>	Community Housing Ltd
<i>LOCATION:</i>	2A View Street, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	24 May 2008
<i>REPRESENTATIONS EXPIRY DATE:</i>	7 June 2008
<i>REPRESENTATIONS RECEIVED:</i>	Five
<i>42-DAY EXPIRY DATE:</i>	27 June 2008
<i>DECISION DUE:</i>	23 June 2008

*PURPOSE*

The purpose of this report is to consider whether the variations to the prescribed setbacks perform in accordance with the criterion of P4 in Clause 6.3.3 of the Scheme. It should be noted that this is the only level of discretion conferred on the Council to consider.

*BACKGROUND*

View Street is a small cul-de-sac located on the eastern side of Scurrah Street. It is within an elevated section of Ulverstone in the area generally known as Heazlewoods Hill. The subject lot is an ‘axe handle’ lot, 1193m<sup>2</sup> in area and, discounting the axe handle is almost square in shape.

A location plan is appended as Annexure 1.

During discussion later in this report the location and proximity of the proposed development to adjoining land uses will be explained.

Under the previous planning scheme the ‘use’ as proposed and any variations/exemptions to the ‘development standards’ were subject to the discretion of the Council.

However, the Scheme has a broader definition of Residential. Residential is now defined as meaning the use of land for one or more dwellings providing long term accommodation. Examples are an apartment, conjoined dwelling, dependant persons unit, flat, home occupation, house, shack and multiple dwellings.

These uses all conform to the purpose of the Residential Zone which is to provide for Residential use or development that accommodates a

range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.

In general terms if either of the mentioned residential uses complies with the Acceptable Solutions within the zone then the use or development is Permitted. This provides an opportunity for a developer to conform with the Scheme and obtain a Planning Permit by a reasonably expeditious process under the Land Use Planning and Approvals Act 1993. However, if a variation to an Acceptable Solution is required and is possible, the applicant has the ability to apply for a discretionary planning permit if they contend that the variation to the Acceptable Solution will be able to perform against the criteria indicated.

The Council may recall that the previous planning scheme had similar clauses in that an application could be made for a variation/exemption based on grounds of unreasonableness, impracticableness and unfairness. The new Scheme provides some measures of performance where deemed appropriate. If no Performance Criteria are indicated the use or development must comply with the Acceptable Solution.

#### *DISCUSSION*

Other elements of development control within the Scheme are also provided for in the assessment of multiple dwelling developments. These applicable controls are listed in the Multiple Dwellings Schedule and Car Parking Schedule. In this regard the proposed development has been assessed against the Acceptable Solution clauses of both these schedules and no aspect of the proposal requires any consideration of discretion by the Council.

This application, however, has two variations to the Acceptable Solutions within the Residential Zone provisions to consider. These are a variation to the front setback from 4.5 metres to 1.5 metres and a similar variation to the rear setback from 4.5 metres to 1.5 metres. The 1.5 metres is a calculated distance to the roof line (It is observed that the plans indicate a 2 metre setback to the wall). For the purposes of assessment the frontage to a rear lot such as this is the boundary which abuts the access strip. The rear boundary as a consequence is the opposite boundary. From a geographical

perspective these are the northern and southern boundaries respectively.

The details of the development are appended as Annexure 2.

The applicant's site plan best illustrates the discretionary elements and the proximity of the development to adjoining boundaries.

The only Performance Criteria to consider for these variations are reproduced from the Scheme as follows:

*P4 Residential (except cluster houses) and Tourist accommodation buildings may have a lesser setback where the AS cannot be satisfied due to:*

- (a) the irregular shape of the lot;*
- (b) the lot having less than the minimum area or dimensions required by this planning scheme;*
- (c) unsuitable topography;*
- (d) the location of Utilities on the lot; or*
- (e) the location of existing buildings on the lot;*

*if:*

- (i) for a front setback, it is in keeping with the general building alignment and streetscape character; or*
- (ii) for other setbacks, if:
  - (1) the encroachment is minor or is no closer than any other part of the existing dwelling on the lot; and*
  - (2) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.**

The discretion can be considered on either one of (a), (b), (c), (d) or (e) in isolation as long as (i) or (ii) can be demonstrated.

The following table is produced with applicable comments on the performance in the adjacent column.



PERFORMANCE CRITERIA	RESPONSE
(a) the irregular shape of the lot;	It is generally recognised that axe handle shaped lots are the exception. It is submitted that this performance criterion has merit.
(b) the lot having less than the minimum area or dimensions required by this planning scheme;	The lot meets the minimum lot size criteria. Therefore this performance criterion does not assist in the merit based assessment.
(c) unsuitable topography;	The lot generally falls from east to west and the units have a east west axis. Excavation of the lot on the eastern side is proposed to ensure that the open space for each unit is on the same plane. The orientation of the units to a north south axis would result in a significant excavation on the eastern side of the lot to achieve a flatter private open space area for each unit. It is submitted that this performance criterion has merit.
(d) the location of Utilities on the lot	There is no infrastructure on the lot to support this performance criterion
(e) the location of existing buildings on the lot;	There are no existing buildings on the lot to support this performance criterion
If:	
(i) For a front setback, it is in keeping with the general building alignment and streetscape character; or	This sub-clause provides opportunity in a conventional street frontage if the other house developments are located closer than the required 4.5 metres. This is a possibility in older areas that were developed prior to planning schemes

	<p>that included setback provisions. In this particular proposal there are no other battle axe lots in the vicinity to determine a pattern of acceptable setbacks. In this instance the houses with addresses onto Scurrah Street to the west have a similar orientation and comparable setbacks on the northern and southern boundaries.</p> <p>A larger scaled site plan is appended as Annexure 3.</p>
<p>(ii) For the rear setback there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties</p>	<p>In regards to the rear setback the only properties that could be affected would have to be located on the shady side of the lot. These properties are 81 and 83 Trevor Street respectively. It would be extremely difficult to demonstrate that the location of the development proposed would cause unreasonable shading impacts on these two properties. Similarly it would be difficult to substantiate a claim of any invasion of privacy due to the design of the buildings, in particular the floor plan of Unit 3, the lowered site because of the excavation proposed and the proposed fencing that provides an 1800mm screen.</p>

*CONSULTATION*

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

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

*Representation*

Five Representations were received within the prescribed time.

The representations are appended as Annexures 4 through to 8.

The issues raised in the representation are detailed as follows and have been numbered for ease of reference:

REP#	CONCERN (PARAPHRASED)	COMMENT
4	(a) overdevelopment of the site.	Development of the site for three dwellings conforms with the Acceptable Solution that permits one dwelling unit for each 350m <sup>2</sup> .
	(b) encroach on privacy.	<p>The representors' house is 15 metres due north of the proposal with a north facing orientation. There is no substance to the claim that their privacy will be diminished by the discretionary aspects of this development. The plans indicate that the nearest unit (Unit 1) only has a narrow living room window that faces north, notwithstanding the mitigating effects of the proposed 1800mm fence, into the backyard of 2 View Street. Other windows facing this direction are either bathroom or bedroom.</p> <p>The higher elevation and any possible loss of privacy is alleviated by the development</p>

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		being excavated slightly into the site to ensure a level private open space area for each dwelling unit is attained.
	(c) traffic safety:  (i) shared internal drive;  (ii) increased traffic onto View Street;  (iii) result in worsening road conditions;  (iv) interactions with garage of 5 View Street.	No concerns were raised by Council's qualified Engineering Staff during assessment. Standard conditions were recommended, as part of the normal assessment process, for any approval that may be granted.  No evidence to demonstrate a reduction in traffic safety has been provided. The only qualified advice presented is that of Council's Engineering staff.
5	(a) water run off, general services.	It is usual procedure for these details to be assessed and standard conditions imposed.
6	(a) increase in traffic and reduction of resident safety	Refer to Comments for 4c.
7	(a) traffic and safety concerns	Refer to Comments for 4c.
8	(a) overdevelopment	Refer to Comments for 4a.
	(b) traffic impacts	Refer to Comments for 4c.

In summary, the development complies with the discretionary aspects of the planning scheme. The issues raised by the representors are covered by the Scheme and standard conditions, or are not relevant to the legislated assessment.

*IMPACT ON RESOURCES*

This report has no impact on resources notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal are unknown.

*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 only aspects of this proposal where the Council has discretion are the front and rear setbacks. The use is permitted subject to this conferment of discretion on two aspects of the development. There are performance criteria available for the Council to consider in exercise of this discretion and these have been submitted and reported on.

*Recommendation*

It is recommended that the representations are not deemed to have merit in this particular application to warrant refusal and that Application No. DEV2007.126 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application by Community Housing Ltd reference project 186 dated 01/04/08 unless otherwise altered by subsequent conditions of this permit;
- 2 The developer upgrading or providing where required an appropriately sized water, stormwater and sewer connection point to the property;

- 3 All run-off from roof and sealed/paved areas is to be adequately contained and collected on site before discharging to the Council stormwater system;
- 4 The external area of the dwelling unit adjacent to its front door must be:
  - (a) provided with artificial lighting operated by a sensor or from within the dwelling unit; and
  - (b) visible from within the dwelling unit while the main front door is closed which may be achieved through:
    - (i) nearby windows;
    - (ii) transparent glass in the main front door or adjoining panels;
    - (iii) a security keyhole viewing device in the main front door;
    - (iv) a security door on the outside of the main front door; or
    - (v) any other manner that is as effective as any of the above; and
- 5 Any damage or disturbance to roads, nature strips or existing services is to be rectified to the satisfaction of Council's Director Assets & Engineering.

and that the applicant be further requested to note:

- A The Permit expires two years from the date of 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.
- B In regard to condition 2, the Council may require a trench gate and trough at the property boundary. Also additional grates and pits etc will be required for the site development.
- C Building and Plumbing permits are required for the proposed development.

- D Sites for multiple dwelling developments are only permitted to have one service connection for water, sewage and stormwater.
- E Any works associated with the connection to existing (live) Council water, sewer and stormwater services is to be undertaken by the Council at the developers cost unless alternative arrangements are approved.
- F Any works associated with existing kerb and Channel, footpath or roads will be undertaken by the Council at the developers cost unless alternative arrangements are approved.
- G Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets and Engineering Department. A fee applies.”

The report is supported.’

The following motion was put at the Committee meeting:

‘That the representations are deemed to have merit in this particular application to warrant refusal and it is recommended that Application No. DEV2007.126 be refused because overdevelopment of the site with three units and the proposed setbacks would affect the privacy of other adjoining properties in that they do not conform.’

Voting on the motion was five ‘for’ and one ‘against’. The terms of appointment of the DSSC provide that where a matter cannot be determined unanimously, the matter must be referred to a meeting of the Council for a decision.

The applicant has agreed to extend to 30 June 2008 the date by which the Council must make a decision.”

The Executive Services Manager reported as follows:

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

- Cr McKenna moved and Cr Howard seconded, “That the representations are not deemed to have merit in this particular application to warrant refusal and that Application No. DEV2007.126 be approved subject to the following conditions and restrictions:

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- 1 The development generally conforming with the documents submitted with this application by Community Housing Ltd reference project 186 dated 01/04/08 unless otherwise altered by subsequent conditions of this permit;
- 2 The developer upgrading or providing where required an appropriately sized water, stormwater and sewer connection point to the property;
- 3 All run-off from roof and sealed/paved areas is to be adequately contained and collected on site before discharging to the Council stormwater system;
- 4 The external area of the dwelling unit adjacent to its front door must be:
  - (a) provided with artificial lighting operated by a sensor or from within the dwelling unit; and
  - (b) visible from within the dwelling unit while the main front door is closed which may be achieved through:
    - (i) nearby windows;
    - (ii) transparent glass in the main front door or adjoining panels;
    - (iii) a security keyhole viewing device in the main front door;
    - (iv) a security door on the outside of the main front door; or
    - (v) any other manner that is as effective as any of the above; and
- 5 Any damage or disturbance to roads, nature strips or existing services is to be rectified to the satisfaction of Council's Director Assets & Engineering.

and that the applicant be further requested to note:

- A The Permit expires two years from the date of 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.
- B In regard to condition 2, the Council may require a trench gate and trough at the property boundary. Also additional grates and pits etc will be required for the site development.
- C Building and Plumbing Permits are required for the proposed development.



- D Sites for multiple dwelling developments are only permitted to have one service connection for water, sewage and stormwater.
- E Any works associated with the connection to existing (live) Council water, sewer and stormwater services is to be undertaken by the Council at the developer's cost unless alternative arrangements are approved.
- F Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost unless alternative arrangements are approved.
- G Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies."

Voting for the motion

(2)

Cr Robertson

Cr McKenna

Voting against the motion

(10)

Cr Downie

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr van Rooyen

Motion

Lost

■ Cr (J) Bonde moved and Cr Deacon seconded, "That the representations are deemed to have merit in this particular application to warrant refusal and it is recommended that Application No. DEV2007.126 be refused because overdevelopment of the site with three units and the proposed setbacks would affect the privacy of other adjoining properties in that they do not conform."

Voting for the motion

(10)

Cr Downie

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Voting against the motion

(2)

Cr Robertson

Cr McKenna

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Cr Dry  
Cr Fuller  
Cr Haines  
Cr Howard  
Cr van Rooyen

Motion

Carried

CORPORATE & COMMUNITY SERVICES

**223/2008 Adjournment of meeting**

The Mayor reported as follows:

“In order to effectively consider the Estimates, Fees and Charges, and Annual Plan at Minutes Nos 224, 227 and 228/2008, it is appropriate that I adjourn the meeting to enable the documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The workshop having been concluded, the Mayor resumed the meeting.

**224/2008 Estimates for the year ending 30 June 2009**

The Director Corporate & Community Services reported as follows:

“Section 82 of the *Local Government Act 1993* provides that estimates of the Council’s revenue and expenditure must be prepared for each financial year as follows:

‘...(2) Estimates are to contain details of the following:

- (a) the estimated revenue of the council;
  - (b) the estimated expenditure of the council;
  - (c) the estimated borrowings by the council;
  - (d) the estimated capital works of the council;
  - (e) any other detail required by the Minister.
- (3) Estimates for a financial year must –
- (a) be adopted by the Council, with or without alteration, by absolute majority; and
  - (b) be adopted before 31 August in that financial year; and
  - (c) not be adopted more than one month before the start of that financial year.

...’

Estimates for the year ending 30 June 2009 have been prepared.”

The Executive Services Manager reported as follows:

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

■ Cr Haines moved and Cr Howard seconded, “That the Estimates for the year ending 30 June 2009 be adopted, subject to:

- . deletion of Production Drive maintenance – \$5,000
- . deletion of Additional roadside slashing – \$40,000
- . reduction in the Water Supply Rate and Charge to be offset by the Water and Sewerage Reserve – \$100,000”

Carried unanimously and by absolute majority

## **225/2008 Rates and Charges for the year ending 30 June 2009**

The Director Corporate & Community Services reported as follows:

“A specification of the Rates and Charges to be levied in order to meet the objectives of the Estimates has been included within the Estimates for the year ending 30 June 2009.”

■ Cr Robertson moved and Cr McKenna seconded, “That in accordance with the provisions of the *Local Government Act 1993* and the *Fire Service Act 1979*, the following Rates and Charges be and are made for the year ending 30 June 2009:

### 1 General Rate

- (a) A General Rate of 8.21 cents-in-the-dollar based on the assessed-annual-value and is payable on all rateable land within the Central Coast municipal area, but shall only be payable in so far as the sum payable under such rate exceeds a minimum amount of \$170.00 otherwise payable in respect of that rate.

### 2 Service Rates and Charges

- (a) A Fire Protection Service Rate of 0.39 cents-in-the-dollar based on the assessed-annual-value and is payable in respect of all rateable land within the Penguin Urban Fire District and the Ulverstone Urban Fire District, but shall only be payable in so far as the sum payable under such rate exceeds a minimum amount of \$32.00 otherwise payable in respect of that rate.

- (b) A Fire Protection Service Rate of 0.39 cents-in-the-dollar based on the assessed-annual-value and is payable in respect of all rateable land within the Forth/Leith Country Fire Brigade District, the Heybridge Country Fire Brigade District and the Turners Beach Country Fire Brigade District, but shall only be payable in so far as the sum payable under such rate exceeds a minimum amount of \$32.00 otherwise payable in respect of that rate.
- (c) A Fire Protection Service Rate of 0.32 cents-in-the-dollar based on the assessed-annual-value and is payable in respect of all rateable land outside the Forth/Leith Country Fire Brigade District, the Heybridge Country Fire Brigade District, the Penguin Urban Fire District, the Ulverstone Urban Fire District and the Turners Beach Country Fire Brigade District, but shall only be payable in so far as the sum payable under such rate exceeds a minimum amount of \$32.00 otherwise payable in respect of that rate.
- (d) A Water Supply Service Charge of \$345.00 for each tenement is payable within the water district, but where the Water Supply Service Charge in respect of all rateable land within the water district is less than a Water Supply Service Rate of 1.15 cents-in-the-dollar based upon each rateable land's assessed-annual-value then the Water Supply Service Rate so calculated is payable.
- (e) A Sewage Removal Service Charge of \$258.00 for each tenement is payable within the sewerage district, but where the Sewage Removal Service Charge in respect of all rateable land within the sewerage district is less than a Sewage Removal Service Rate of 0.86 cents-in-the-dollar based upon each rateable land's assessed-annual-value then the Sewage Removal Service Rate so calculated is payable.
- (f) A Waste Management Service Charge of \$131.00 for each tenement is payable in respect of all rateable land to which a garbage collection service is supplied or made available.

3 Payment

- (a) All Rates and Charges shall be payable in one payment on or before the 30th day of October, 2008.

4 Discount for early payment

- (a) A discount of 5% is offered to all ratepayers for payment of all applicable Rates and Charges in total on or before the 30th day of September, 2008 provided that no such discount shall be offered if there are at any time any arrears of Rates and Charges owing.

5 Definition

For the purposes of this resolution:

- (a) 'tenement' includes, for each rateable land that has and receives water supply, sewage removal or waste management services, each separate residential use on that rateable land including each lot or block of land, each house, moveable dwelling unit, flat, home unit or self contained holiday apartment or holiday unit located on the rateable land, or each shop which is under separate occupation;
- (b) 'water district' includes all rateable land within the Forth/Leith Water District, the Penguin Water District and the Ulverstone Water District and to all land outside those districts to which water is supplied by the Council or is within 30 metres at the nearest boundary from the Council's pipe carrying water even though the water is not supplied to the land;
- (c) 'sewerage district' includes all rateable land within the Penguin Limited Sewerage District and the Ulverstone Restricted Sewerage District and the land outside those districts from which sewage is removed by the Council or is within 30 metres at the nearest boundary from the Council's common sewer even though the sewer is not connected to the land."

Carried unanimously

**226/2008 Charges for Water Supplied by Measure for the year ending 30 June 2009**

The Director Corporate & Community Services reported as follows:

"The Estimates for the year ending 30 June 2009 having been approved and adopted, it is necessary for the Council to proceed to the fixing of Charges for Water Supplied by Measure for the year ending 30 June 2009. The free supply of water and excess charges may need to be adjusted at the time of transition to the Tasmanian Water & Sewerage Corporation (North-Western Region) Pty Ltd."

■ Cr McKenna moved and Cr Fuller seconded, "That the following Charges for Water Supplied by Measure be made for the Central Coast municipal area and shall apply:

- (a) from the date of the reading of the water meter for each premises made on or after 1 July 2008;

- (b) in respect of the period of supply commencing on the date of such reading and ending with the reading of that water meter for those premises made within 14 days of one year of the commencement of such period; and further, that:
- (i) the charge per kilolitre for water supplied for any premises shall be the amount indicated in the third column of the following table for the type of water indicated in the first column of that table and type of premises indicated in the second column of that table;
  - (ii) the free supply of such quantity of water as allowed by the Council shall be 400 kilolitres in respect of the minimum amount applying to the Water Supply Service Rate and where the Water Supply Service Rate exceeds the minimum amount, the free supply of an additional quantity of water shall be allowed as determined in accordance with a resolution passed at a meeting of the Council held on 6 August 2001 and, for the purpose of calculation, the supply service rate and the minimum amount shall be that applying for the year commencing 1 July 2008.

TYPE OF WATER SUPPLIED	TYPE OF PREMISES SUPPLIED	CHARGE PER KL
Treated water	Large industry	79c
Treated water	Other land	1.06c
Untreated water	Large industry	59c
Untreated water	Other land	79c

subject to any adjustment required at the time of transition to the Tasmanian Water & Sewerage Corporation (North-Western Region) Pty Ltd.

For the purposes of this resolution the following terms shall have the following meaning:

‘large industry’ means land used for any purpose which is classified by the Council’s planning scheme from time to time as industry and which during the period between annual water-meter readings for that land is supplied with at least 100,000 kilolitres of water by the Council.

‘other land’ means land which is not large industry.

‘premises’ includes any parcel of land shown as separately valued in the valuation list for the municipal area and any parcel of land the water supply for which is provided through a separate meter.

‘treated water’ means water treated by the Council or Cradle Coast Water in any manner other than by storage and supply.

‘untreated water’ means water which is not treated water.”

Carried unanimously

**227/2008 Fees and Charges for the year ending 30 June 2009**

The Director Corporate & Community Services reported as follows:

“A list of Fees and Charges for the year ending 30 June 2009 is submitted for fixing by the Council.”

The Executive Services Manager reported as follows:

“A copy of the list of Fees and Charges for the year ending 30 June 2009 has been circulated to all Councillors.”

■ Cr Haines moved and Cr Deacon seconded, “That the Fees and Charges for the year ending 30 June 2009 be fixed.”

Carried unanimously

**228/2008 Annual Plan for the year ending 30 June 2009**

The Director Corporate & Community Services reported as follows:

“Section 71 of the *Local Government Act 1993* provides as follows:

‘...(1) A council is to prepare an annual plan for the municipal area for each financial year.

(2) An annual plan is to –

- (a) be consistent with the strategic plan; and
- (b) include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and
- (c) include a summary of the estimates adopted under section 82; and



- (d) include a summary of the major strategies to be used in relation to the council's public health goals and objectives ...'

The Annual Plan for the year ending 30 June 2009 has been prepared and is submitted for approval."

The Executive Services Manager reported as follows:

"A copy of the Annual Plan for the year ending 30 June 2009 has been circulated to all Councillors."

■ Cr Deacon moved and Cr Haines seconded, "That the Annual Plan for the year ending 30 June 2009 be approved."

Carried unanimously

All officers (with the exception of the Executive Services Manager) left the meeting at this stage.

## CLOSURE OF MEETING TO THE PUBLIC

### 229/2008 Meeting closed to the public

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide 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 matter be discussed in a closed meeting:

- Replacement of General Manager.

This is a matter relating to:

- personnel.”

■ Cr Robertson moved and Cr Fuller seconded, “That the Council close the meeting to the public to consider the following matter, it being matter relating to:

- personnel;

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

- Replacement of General Manager.”

Carried unanimously and by absolute majority

The Executive Services Manager further reported as follows:

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

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- 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

**230/2008 Replacement of General Manager (214-214A/2008 – 16.06.2008)**

The Mayor confidentially reported (reproduced in part) as follows:

“The General Manager Selection Panel brings a recommendation to the Council regarding the appointment of the new General Manager...”

The Executive Services Manager reported as follows:

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

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

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

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**Closure**

There being no further business, the Mayor declared the meeting closed at 10.46pm.

CONFIRMED THIS 21ST DAY OF JULY, 2008.

**Chairperson**

(gjm:dil)

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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