



# Minutes

of an Ordinary Meeting  
held at 6.00pm

12 DECEMBER 2011

Note:  
Minutes subject to confirmation at  
a meeting of the Council to be held on  
23 January 2012.

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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 12 December 2011 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)  
Cr Lionel Bonde  
Cr Shane Broad  
Cr Amanda Diprose  
Cr Gerry Howard  
Cr Philip Viney

Cr Cheryl Fuller (Deputy Mayor)  
Cr John Bloomfield  
Cr Garry Carpenter  
Cr Kathleen Downie  
Cr Rowen Tongs

**Councillors apologies**

Cr Tony van Rooyen

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Corporate & Community Services (Mr Cor Vander Vlist)  
Director Development & Regulatory Services (Mr Michael Stretton)  
Director Engineering Services (Mr Bevin Eberhardt)  
Executive Services Officer (Miss Lisa Mackrill)  
Land Use Planning Group Leader (Mr Ian Sansom)

**Guest of the Council**

Mr Stuart Groom (Youth Engaged Steering Committee)

**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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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 382/2011 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 21 November 2011 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 Diprose moved and Cr Howard seconded, “That the minutes of the previous ordinary meeting of the Council held on 21 November 2011 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 383/2011 Council workshops

The Executive Services Officer reported as follows:

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

- 28.11.2011 – Planning Schemes, acting as a Planning Authority and the *Land Use Planning and Approvals Act 1993*.

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

- Cr Broad moved and Cr Viney seconded, “That the Officer’s report be received.”

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 384/2011 Mayor's communications

The Mayor reported as follows:

"I will now briefly adjourn this meeting to present a Certificate of Appreciation to Stuart Groom from the Penguin High School in recognition of his contributions to the Central Coast Youth Engaged Steering Committee. Stuart also joined Councillors for dinner prior to the meeting.

Other student representatives who were unable to attend this evening will be presented with their Certificates of Appreciation at the school end of year assemblies."

The meeting was resumed following a brief speech by Stuart and presentation of the Certificate of Appreciation.

### 385/2011 Mayor's diary

The Mayor reported as follows:

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

- . Council all-of-staff meeting
- . Dr Ernesto Sirolli - Enterprise Facilitation forum (Devonport)
- . Business visitation program - Cradle Coast Olives
- . Cradle Coast Authority - Representatives meeting
- . Cradle Mountain Water - Representatives meeting
- . Penguin Over 70's Christmas luncheon
- . Council Youthworks workshop
- . Ulverstone Red Cross - Christmas luncheon
- . Tasmanian Chamber of Commerce and Industry - Local Government Forum (Devonport)
- . Radio 7AD - Mayor's Message
- . Tasmanian Liberals - Braddon Christmas drinks
- . Department of Health and Human Services - Coastal Residential Service fun day in the park for people with disabilities
- . Ulverstone Senior Citizens Club - Christmas lunch
- . Ulverstone Golf Club - centenary dinner
- . Central Coast Volunteers - Christmas luncheon

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- . Coroneagh Park Residential Aged Care Facility – opening of Community Garden Project
  - . St Brendan–Shaw College – presentation night (Devonport)
  - . Mersey–Leven Emergency Management Committee – meeting
  - . Regional Development Australia Tas/Burnie City Council – Industry luncheon, with keynote speaker Michael Pascoe (Burnie)
  - . Central Coast Chamber of Commerce & Industry – Christmas tree competition judging
  - . North West Fisheries Association – annual Women’s Fishing Day
  - . Apex Club of Ulverstone Christmas Parade and Party in the Park
  - . Enormity Inc. – World Santa Challenge – 2011 Ulverstone Santa Run.”

The Deputy Mayor reported as follows:

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

- . Rotary Club of Ulverstone – Christmas dinner
- . North West Fisheries Association – annual Women’s Fishing Day.”

Cr Howard reported as follows:

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

- . St John Ambulance – Ulverstone Cadet Presentation night.”

■ Cr Downie moved and Cr Viney seconded, “That the Mayor’s, Deputy Mayor’s and Cr Howard’s report be received.”

Carried unanimously

### **386/2011 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 Officer 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.

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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.

### **387/2011 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**

### **388/2011 Councillor reports**

The Executive Services Officer 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.”

No reports were made.

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## APPLICATIONS FOR LEAVE OF ABSENCE

### **389/2011 Leave of absence**

The Executive Services Officer 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

### **390/2011 Deputations**

The Executive Services Officer reported as follows:

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

## PETITIONS

### **391/2011 Petitions**

The Executive Services Officer reported as follows:

“Two petitions under the provisions of the *Local Government Act 1993* have been received as follows.”

### **392/2011 Petitions – Lease of Crown land on the Gawler River**

The Executive Services Officer reported as follows:



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“The following petition has been received:

‘Subject matter	The proposed lease of Crown land on the northern bank of the Gawler River.
Statement of subject matter and action requested	The petitioners request the Central Coast Council to obtain a lease of all Crown Land on the northern bank of the Gawler River within one kilometre of its junction with the Leven River.
Signatories	There are 117 signatories to this petition.’

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

It has been referred to the Corporate & Community Services Department for a response and the Director has advised as follows:

‘The area that is referred to in the petition forms part of the riparian reserve that was previously held under licence by the Ulverstone Council for the purpose of public recreation and amusement.

The Council has been recently involved in discussions with the Crown for the purpose of consolidating all of the various recreational licences held by the Council covering areas of coastal and river reserve between the Forth River and the Blythe River and it would seem opportune to include the Gawler River in that discussion.

The consolidation of the various recreational licences would not include existing Crown leases such as the one held by Riverlinks over certain land on the bank of the Gawler River, or property leases such as the Ulverstone and Penguin Surf Clubs.’

The petition has been tabled.”

- Cr Viney moved and Cr Diprose seconded, “That the petition be received, and further, that the Council request the Crown undertake a consolidation of all coastal and river reserve licences for the purpose of recreation and amusement held by the Central Coast Council including the banks of the Gawler River up to the West Gawler Road bridge.”

Carried unanimously

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**393/2011 Petitions - Lease of land and development at the western end of Henslowes Road**

The Executive Services Officer reported as follows:

“The following petition has been received:

‘Subject matter	The proposed lease of land and development at the western end of Henslowes Road.
Statement of subject matter and action requested	The petitioners request the Central Coast Council to refuse any application to lease and develop council land at the western end of Henslowes Road and to retain the property for future public and recreational use.
Signatories	There are 117 signatories to this petition.’

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

A report on this matter is provided at Minute No. 399/2011.

The Director Development & Regulatory Services advises that the petition has also been accepted as a representation to the application considered at Minute No. 399/2011 because it has been lodged within the statutory time period and it contains grounds of objection to the proposal which are responded to in the report on the proposal in this agenda.

The petition has been tabled.”

- Cr Fuller moved and Cr Bloomfield seconded, “That the petition be received.”

Carried unanimously

### **COUNCILLORS’ QUESTIONS**

**394/2011 Councillors’ questions without notice**

The Executive Services Officer reported as follows:

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“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.”

The allocation of topics ensued.

### **395/2011 Councillors' questions on notice**

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide as follows:

‘30 (1) A councillor, at least 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 & REGULATORY SERVICES

**396/2011 Development & Regulatory Services determinations**

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of November 2011 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**397/2011 Policy for the holding of Development Support Special Committee meetings  
210/2005 – 18.07.2005)**

The Director Development & Regulatory Services reported as follows:

*PURPOSE*

To consider the draft Council policy for the holding of Development Support Special Committee (DSSC) meetings.

*BACKGROUND*

The DSSC was initially appointed by the Council on 9 October 2000 (Minute No. 416/2000). On 5 February 2001 (Minute No. 43/2001) and 2 July 2001 (Minute No. 241/2001) its terms of appointments were amended and confirmed. These were again reviewed and confirmed on 18 July 2005 (Minute No. 210/2005).

The provisions of the *Local Government Act 1993* have given the Council the flexibility to appoint and authorise a committee that has been able to make

planning and development determinations in a more timely and effective manner than under the constraints of the timeframe and meeting procedure of ordinary meetings of the Council.

*DISCUSSION*

Currently meetings of the DSSC are set on an annual basis by the Council in accordance with a general understanding that meetings are to be held on the second and last Monday of each month and that where a meeting falls on a public holiday the meeting is moved to the next working day.

The above process requires the preparation and consideration of a Council report annually to set the DSSC meeting dates. In order to eliminate the need for an annual report it is proposed that a Council policy be adopted whereby meetings of the DSSC will be held on a Monday evening commencing at 6.00pm, subject to the following variables:

- 1 that meetings be held on the second and last Monday of each month; and
- 2 that where a meeting falls on a public holiday the meeting be moved to the next working day or a day previously approved by the Council.

A draft Council Policy is provided as Annexure 1.

*CONSULTATION*

Consultation is not required for this matter.

*IMPACT ON RESOURCES*

There is no impact on resources other than staff time.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

- Council Sustainability and Governance
- . Effective communication and engagement
  - . Improve corporate governance
  - . Improve service provision.

*CONCLUSION*

It is recommended that the Council endorse the draft Policy for the holding of Development Support Special Committee meetings.”

The Executive Services Officer reported as follows:

“A copy of the draft Policy has been provided to all Councillors.”

- Cr Viney moved and Cr Downie seconded, “That the Council endorse the Policy for the holding of Development Support Special Committee meetings (a copy being appended to and forming part of the minutes).”

Carried unanimously

**398/2011 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 & Regulatory Services has submitted the following report:

‘If any such actions arise out of Minute No. 399/2011, 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 Officer 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 Broad moved and Cr Tonge seconded, “That the Mayor’s report be received.”

Carried unanimously

**399/2011 Tourist operation at 83 Henslowes Road, Ulverstone – Application No. DA211143**

The Director Development & Regulatory Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DA211143
<i>APPLICANT:</i>	Kim Haines
<i>LOCATION:</i>	83 Henslowes Road, Ulverstone
<i>ZONING:</i>	Environmental Management
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	5 November 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 November 2011
<i>REPRESENTATIONS RECEIVED:</i>	33 and one petition
<i>42-DAY EXPIRY DATE:</i>	15 December 2011
<i>DECISION DUE:</i>	12 December 2011

*PURPOSE*

The purpose of this report is to consider an application for development of a Tourist operation at 83 Henslowes Road, Ulverstone.

*BACKGROUND*

Annexure 1 is a copy of the application. Annexure 2 is a location plan.

*Proposal –*

The proposal is to conduct a tourism business on the subject site that would comprise the following elements:

- 1 a three-bedroom caretaker’s residence;
- 2 four individual accommodation cabins (two double and two single cabins) with attached car parking;
- 3 a gallery and 50 person guest’s dining room, plus office;
- 4 a guest’s gymnasium and swimming pool attached to the caretaker’s residence;
- 5 a 33 space car park to the side of the gallery/dining building; and



- 6 a nature and history walk around the 4.48ha site with interpretive information boards at five or six particular locations.

Other aspects of the proposed operation are as follows:

- . three to four people employed on-site;
- . hours of operation between 6.00am and 10.00pm daily;
- . delivery vehicles expected to be light in nature, visiting one to two times per week; and
- . two “commercial” vehicles kept on-site – a Land Rover and a boat named “Jus Leven”.

The site plan indicates four possible future huts (referred to as “Digger’s Huts”). These would be the subject of a future application and do not form part of this assessment. The site plan also contains the word “PONTOON” in the Gawler River. This is also not part of this application. It was part of an earlier plan which included the site for the proposed pontoon, which has since been removed.

The development concept is described by the applicant as a, “...market designed interactive visitor accommodation, eatery, educational historic gallery, flora and fauna park for the purpose of entertainment and didactic consciousness to visitors, on the forgotten history, the settlement and development of Ulverstone, Leven and Gawler Rivers and the surrounds of the Central Coast District, of Ulverstone.”

More specifically, the operation would provide:

- . overnight guest accommodation;
- . guest and visitor dining and refreshments in a 50 seat history themed gallery and dining room; and
- . an on-site walking trail with interpretation panels on the area’s history and natural values.

The history theme would be portrayed through artefact displays, films, photographs and a small library relating to the history of the Ulverstone area, the Nietta and Coffee Pot railways and gold mining.

The applicant also runs a boat tour operation on the Leven River. Visitors would be offered a package of boat tour and accommodation as well as the promotion of other features of the region.

### *History -*

The site is owned by the Central Coast Council and was initially leased to Ms Haines for the purpose of developing a tourist operation on 1 April 2006. It was based on an outline of the proposed development submitted to the Council at the time.

That lease was granted on condition that the lessee submits appropriate drawings and plans within 12 months, and commenced building works for the office and caretaker's residence, accommodation and associated infrastructure.

Those milestones were not achieved and the lease is now defunct. A new lease for an initial period of five years has been developed and does include requirements for:

- . a development application being submitted and approved within six months;
- . removal of a bus and cars from the site within six months; and
- . substantial completion of development works within two years.

The terms of the lease include an option to renew the initial two year period for a period of three years, followed by a further five year option. Development related provisions of the lease will also include:

- . no removal of trees without the Council's approval;
- . the lessee is to provide all required infrastructure.

### *Application -*

Formation of the Development Application has taken some time and negotiation with the applicant. Earliest discussions began in May 2010 and the current proposal has been preceded by various versions. A finalised proposal with details was submitted on 3 November 2011. Supporting reports for wastewater management and bushfire management, based on earlier iterations of the plan, have been signed-off by their authors.

*Site description -*

The site is part of a promontory that lies between the Leven and Gawler Rivers. It is heavily vegetated with mature bush described as predominantly *Eucalyptus obliqua* Dry Forest and Woodland, except for a small section of wetland and a cleared area at the eastern end of the land. The cleared area is where the applicant proposes to site the buildings.

The land is surrounded on three sides by coastal reserve adjoining the Gawler and Leven Rivers, and to the east is flanked by suburban residential and cleared farm land that is marked and approved for residential development.

There is no development on the land at present. However it does contain a bus and some older vehicles. The bus appears to have been converted for living purposes.

The land is accessed from Henslowes Road and has some limited services available to it. It is situated too low for connection through gravity to the closest sewer main, but could be connected through installation of a pumping system. Also it does not have access to the reticulated stormwater system and would require management on-site. Water is available to the land from Henslowes Road, but the capacity of the delivery pipe may require an increase to satisfactorily serve the overall development.

*DISCUSSION*

The development has been assessed against the provisions of the Scheme, as follows:

CLAUSE	ASSESSMENT AND COMMENT
14.1 Purpose of the Environmental Management Zone	<p>Compliant.</p> <p>Development is required to:</p> <ul style="list-style-type: none"> <li>. protect and manage areas of environmental value, allowing for complementary uses and development where consistent with protection and management strategies; and</li> <li>. protect the visual attractiveness and ecological values of sensitive and significant coastal and wetland locations.</li> </ul>

	<p>The Council has previously considered that the impact of the proposed development could be consistent with the stated purpose, when it agreed to lease the land.</p> <p>Siting of the proposed development at the eastern end of the land on predominantly cleared areas would ensure that the ecological and visual qualities of the land would be least impacted. The plan indicates that one tree would require removal for the purposes of establishing a Building Protection Zone (BPZ). Its removal in the context of the whole site and adjacent mature vegetation is not considered to be significant.</p> <p>The Fire Management Plan recommends creation of a 15m wide Fuel Modified Buffer Zone (FMBZ), beyond the BPZ adjacent to the forested area. The trees would be retained but some of the understory would be removed. The visual impact of such modification to vegetation is likely to be obvious but limited. In the context of the substantial vegetation cover of the surrounding land, the effort made to limit vegetation removal in the application, and the need to provide fire protection for this or any other development on the land, that impact is not considered unreasonable.</p> <p>The gallery/dining building and accommodation cabins would be single storey while the caretaker's residence would be two storeys. All structures employ traditional forms and materials. Buildings appear to be finished in natural tones but it should be a condition that the buildings are finished in natural tones and sympathetic colours. On this basis the development would be consistent with the visual qualities of the area in that it would be of a suitable character in what is an area of transition from developed to undeveloped land.</p>
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14.2.1 Table of Use	The use is a Tourist operation and is discretionary in the Environmental Management Zone. There are no qualifying requirements.
14.3.1 (A1) Water quality	<p>Compliant.</p> <p>The provision requires that no pollutant discharge is to occur:</p> <ul style="list-style-type: none"> <li>(a) within 100m of a watercourse;</li> <li>(b) within 250m of a bore;</li> <li>(c) within 40m of private waters of others;</li> <li>(d) into the ground or any manner that may contaminate.</li> </ul> <p>In this case the septic tank would discharge into the soil approx. 200m from the Leven River, in a manner that is unlikely to contaminate. There is no known bore within 250m of the land and no private waters within 40m.</p>
14.4.3 Building design and siting, A1 Height	<p>Compliant.</p> <p>The maximum height allowed is 8m: the proposed maximum building height is 6.5m.</p>
<p>A2 Setbacks</p> <ul style="list-style-type: none"> <li>(a) Front</li> <li>(b) Any other</li> </ul>	<p>Non-compliant.</p> <p>The Zone requires a minimum front setback of 10m and 5m from any other boundary. The development proposes a 5m front setback and 2m to the southern (rear) boundary.</p>
A3 Site coverage	<p>Compliant.</p> <p>The standard is a maximum site coverage of 20%. In this case the figure is 0.11%.</p>
A4 Cut and fill	<p>Compliant.</p> <p>The provision requires areas of cut and fill be screened from public view. In this case there is no significant cut and fill required.</p>

A5 External cladding	<p>Compliant.</p> <p>The Scheme requires that external cladding of buildings be low reflection or screened from public view. The proposed materials and colours would be low reflection in nature, i.e. rustic finish weatherboard and dark tone “colorbond” roofs.</p>
A6 Light spillage	<p>Compliant.</p> <p>The provision requires that no artificial light spill on to adjoining land. In this case no lighting is proposed that is likely to cause any such spillage. Nevertheless it would be appropriate to control any light spillage from the site through a condition on the permit.</p>
14.4.4 Building access and services	<p>Compliant.</p> <p>This section requires that a site must have:</p> <ul style="list-style-type: none"> <li>(a) an access to the road constructed to the Municipal Standard;</li> <li>(b) connection to the reticulated sewage system or capable of on-site wastewater management;</li> <li>(c) connection to the reticulated stormwater system or capable of on-site stormwater disposal;</li> <li>(d) connection to electricity and telecommunications systems - to accord with the nature of provision in the area.</li> </ul> <p>Each of the above requirements are capable of being met in this case.</p>
14.4.5 Wetlands and Watercourses A1 - A4	<p>Compliant.</p> <p>This section requires the protection of watercourses and wetlands, in particular:</p> <p>A1 not filled, drained or adversely affected;</p>

	<p>A2 natural flow not adversely affected;</p> <p>A3 no increase in erosion or sedimentation;</p> <p>A4 no native vegetation to be removed within 30m of a wetland/watercourse.</p> <p>There are no likely changes to any watercourse caused by the proposed development and no vegetation removed within 30m of the Leven or Gawler Rivers or the nearest wetland, which would be 200m from the buildings. Proper management of stormwater and wastewater would avoid any adverse erosion, sedimentation or contamination. Any permit for the development should contain a condition to this effect.</p>
<p>14.4.6 Vegetation protection</p>	<p>Compliant.</p> <p>This provision requires that any vegetation removal is carried out in accordance with the <i>Forest Practices Code 2000</i>.</p> <p>In this case only one tree is proposed to be removed – to make space for the proposed gallery/dining building and associated fire buffer zone. Most of the provisions of the Code regarding watercourse and natural values protection are accommodated by the proposal and the amount of vegetation to be removed is limited to one tree. In any event removal of the tree does not require a Forest Practices Plan where buildings and associated developments have been authorised under a permit issued under the <i>Land Use Planning and Approvals Act 1993</i>.</p>
<p>14.4.7 Coastal protection A1 and A2</p>	<p>Compliant.</p> <p>This provision requires that development is not situated on a mobile land form such as a sand dune, and that tourism and residential development is situated in existing settlements.</p>

	<p>The proposed development meets both these requirements as the site is not a mobile land form and is situated within the Ulverstone township.</p>						
14.4.8 Skylines and exposed slopes	<p>Compliant.</p> <p>The provision requires that no building is situated on a skyline or non-forested slope, or is visible from public spaces - unless in a town.</p> <p>The proposed development is not on a skyline or significant non-forested slope, and while it is visible from Henslowes Road, it is located within the Ulverstone township.</p>						
RELEVANT SCHEDULES							
S1 Application Requirements	<p>Compliant.</p> <p>Adequate information must be provided in the application to enable an assessment of the application. This includes a site plan, floor plan, elevations, land title, wastewater treatment report and a bushfire protection report.</p> <p>All such information was provided in this case.</p>						
S2 Road and Rail  (A3) Sight distance: Category IV or V - less than 60km/h speed limit	<p>Non-compliant.</p> <p>Table S2.6.2 of the Schedule requires a sight distance of 80m (for a 50km/h speed limit zone).</p> <p>In this case sight distances from the access are as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">North</td> <td style="text-align: center;">East</td> </tr> <tr> <td style="text-align: center;">Distance</td> <td style="text-align: center;">45m</td> <td style="text-align: center;">150m</td> </tr> </table>		North	East	Distance	45m	150m
	North	East					
Distance	45m	150m					



<p>S2.5.3 Use of Accesses and Junctions onto Category IV, V and VI Roads (P3)</p>	<p>Compliant.</p> <p>Development is allowed a one x 2-way access or two x 1-way accesses and must be separated by at least 9m from a junction with a Category I, II or III road.</p> <p>The proposed development indicates one 2-way access although the Fire Management Plan recommends two accesses to Henslowes Road.</p> <p>The access is 730m from the nearest Category II road (Bass Highway).</p>
<p>S3 Attenuation</p>	<p>Compliant.</p> <p>S3.3.1 requires a minimum distance between an environmentally relevant activity and a sensitive use. The Ulverstone Wastewater Treatment Plant (Knights Road) is such an activity and the Tourist operation proposal is a sensitive use. The Attenuation Table requires a separation distance of 500m for the composting operation, and 300m for sewage treatment plants (&lt;5,500kl/day).</p> <p>In this case the separation distance is 900m which is well outside the required distance.</p>
<p>S4 Bushfire Prone Areas</p> <p>S4.4.2 Dwelling unit design</p>	<p>Non-compliant.</p> <p>The Schedule requires:</p>
	<p>BPZ: 20m FMBZ: 15m [Slope: 0°].</p>
	<p>The proposed development performs as follows:</p>

	<p>BPZ:</p> <table border="1" data-bbox="764 485 1151 865"> <tr> <td>Dwelling</td> <td>45m</td> </tr> <tr> <td>Gallery/dining</td> <td>20m</td> </tr> <tr> <td>Cabin 1</td> <td>22m</td> </tr> <tr> <td>Cabin 2</td> <td>18m</td> </tr> <tr> <td>Cabin 3</td> <td>12m</td> </tr> <tr> <td>Cabin 4</td> <td>7m</td> </tr> </table> <p>FMBZ:</p> <table border="1" data-bbox="764 959 1138 1339"> <tr> <td>Dwelling</td> <td>15m</td> </tr> <tr> <td>Gallery/dining</td> <td>0m</td> </tr> <tr> <td>Cabin 1</td> <td>0m</td> </tr> <tr> <td>Cabin 2</td> <td>0m</td> </tr> <tr> <td>Cabin 3</td> <td>0m</td> </tr> <tr> <td>Cabin 4</td> <td>0m</td> </tr> </table> <p>The application shows that only the caretaker's residence would meet the FMBZ: all the other buildings do not meet the FMBZ requirement.</p> <p>The FMBZ is an area beyond the BPZ where the understory is kept in a fuel reduced condition. In this case such an area could be provided and maintained as such without creating an unreasonable effect on the visual values of the area. If approved it should be a condition that such an area is provided and maintained.</p>	Dwelling	45m	Gallery/dining	20m	Cabin 1	22m	Cabin 2	18m	Cabin 3	12m	Cabin 4	7m	Dwelling	15m	Gallery/dining	0m	Cabin 1	0m	Cabin 2	0m	Cabin 3	0m	Cabin 4	0m
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Cabin 4	0m																								
S4.4.6 Water supply (A1 and A2)	<p>Compliant through condition.</p> <p>In reticulated areas a dwelling should:</p>																								

	<p>(a) not be &lt;120m from a fire hydrant;</p> <p>(b) have access to a reticulated water supply with a flow of 600 litres per minute.</p>
	<p>In non-reticulated areas, development of the type proposed requires a dedicated fire-fighting water storage of 20,000 litres.</p> <p>In this case the main building complex would be within 120m of a fire hydrant but the flow rate would not be at the required flow rate without pressure pumping.</p> <p>The cabins would be greater than 120m from the fire hydrant and also would not have an adequate pressure without pressure pumping.</p> <p>The options for the development are:</p> <p>(a) upgrade and extend the water main to a point capable of servicing the whole development;</p> <p>(b) install water storage tanks and associated equipment to serve the cabins and use the reticulated supply to serve the main building;</p> <p>(c) install water storage tanks and associated equipment to service the whole development.</p>
	<p>Any of these options could be made to work. If the development is approved it should be conditional upon a satisfactory fire protection system being developed for all buildings, in accordance with the provisions of S4.4.6 Water supply, of the Bushfire Prone Areas Schedule and with the proposed Fire Management Plan.</p>
S4.4.7 Conservation significance (A1)	<p>Compliant.</p> <p>Some of the vegetated area will require clearing in order to meet the FMBZ requirement. In these circumstances a flora and fauna assessment</p>

	<p>which demonstrates there are no species, community or site of conservation significance, is a requirement of the Scheme.</p> <p>The applicant has provided such an assessment by an appropriately credentialed person. Apart from a small area of <i>Melalueca ericifolia</i> (a threatened vegetation community) on the westernmost part of the land, there is no particular species, community or site of conservation significance. The area of Melalueca is unlikely to be affected by the development as it would be sited over 200m distant.</p>								
<p>S7 Coastal and Riparian</p> <p>S7.4.2 Building design and siting</p>	<p>Compliant.</p> <p>The proposed site of the buildings is not within an area indicated by the Sharples report as being vulnerable to sea level rise, storm surge, shoreline recession or flooding.</p> <p>Consequently the development provisions of the Schedule do not apply.</p>								
<p>S11 Car Parking</p> <p>11.3.1 Car parking provision (A1) and (A2)</p>	<p>Compliant.</p> <p>Table S11.3.2 of the Schedule requires 35 spaces, calculated as follows:</p> <table border="1" data-bbox="764 1404 1369 1791"> <tr> <td>Dwelling</td> <td>Two</td> </tr> <tr> <td>Gallery/dining</td> <td>One per staff + 10 per 100m<sup>2</sup> net floor area + 0.4 per 100m<sup>2</sup> site area (3,920m<sup>2</sup>) = 2 + 10.9 + 15.6 = 28.5</td> </tr> <tr> <td>Tourist cabins</td> <td>One x 4 = 4</td> </tr> <tr> <td>Total</td> <td>34.5</td> </tr> </table>	Dwelling	Two	Gallery/dining	One per staff + 10 per 100m <sup>2</sup> net floor area + 0.4 per 100m <sup>2</sup> site area (3,920m <sup>2</sup> ) = 2 + 10.9 + 15.6 = 28.5	Tourist cabins	One x 4 = 4	Total	34.5
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Tourist cabins	One x 4 = 4								
Total	34.5								

	<p>The proposed development would provide 40 spaces, allocated as follows:</p> <table border="1" data-bbox="764 499 1365 940"> <tr> <td>Dwelling</td> <td>Two</td> </tr> <tr> <td>Gallery/dining</td> <td>34</td> </tr> <tr> <td>Cabin 1</td> <td>One</td> </tr> <tr> <td>Cabin 2</td> <td>One</td> </tr> <tr> <td>Cabin 3</td> <td>One</td> </tr> <tr> <td>Cabin 4</td> <td>One</td> </tr> <tr> <td>Total</td> <td>40</td> </tr> </table>	Dwelling	Two	Gallery/dining	34	Cabin 1	One	Cabin 2	One	Cabin 3	One	Cabin 4	One	Total	40
Dwelling	Two														
Gallery/dining	34														
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Cabin 4	One														
Total	40														
<p>S11.3.3 Car park design and construction</p> <p>A1</p>	<p>Compliant through condition.</p> <p>This provision requires the design of parking spaces complies with AS 2890.1-1993 Off Street Parking Part 1 - Car Parking Facilities.</p> <p>The plan does not indicate whether the design of spaces complies. If approved it should be conditional upon the development complying with the Standard.</p>														
<p>A2</p>	<p>Compliant through condition.</p> <p>This provision requires that paving material provide all weather access.</p> <p>The plan does not indicate the nature of paving. If approved it should be a condition that all weather paving is provided.</p>														
<p>A3</p>	<p>Compliant.</p> <p>This provision requires the provision of on-site turning for parking areas and areas where commercial traffic enters the site.</p> <p>The plan indicates that on-site turning would be available for manoeuvring of vehicles.</p>														

A4	<p>Compliant through condition.</p> <p>Public car parking areas are required to be designed and developed in accordance with a detailed landscape plan. If approved it would be appropriate to include a condition that a detailed landscape plan be prepared for the public car park, prior to the issue of a building permit.</p>
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*Issues –*

Principal issues associated with the proposed development are identified and addressed as follows:

- 1 Use.
- 2 Character – tree removal and building form + screening of car park + front setback.
- 3 Sight distance.
- 4 Traffic generation – through the residential area.
- 5 Fire fighting.

*1 Use –*

The proposed development is a discretionary use in the Environmental Management Zone. In deciding whether to exercise its discretion on the use the Council must consider whether it would be consistent with the Purpose Statements for the Zone. Those statements are:

“14.1.1 To provide for the protection and management of areas of environmental value such as cultural landscapes, remnant vegetation, fragile landforms, water catchments and areas of recreational value, allowing for complementary use or development where consistent with any strategies for protection and management.

14.1.2 To protect the visual attractiveness and ecological values of sensitive and significant coastal, wetland, hinterland or remote locations.”

The first statement clearly intends to accommodate development, involving change to the zoned areas, but only insofar as it is complementary to and consistent with protection and management strategies for the types of matters listed by way of example.

The Council has no formal management or protection strategies for the site or surrounding area. The only formalised indicator for future use and management of the site is the Council's decision in 2006 to lease the land for a tourism operation. The current proposal is consistent with that decision.

Clause 14.1.2 is more general in that it seeks to protect the visual attractiveness and ecological values of sensitive and significant coastal and wetland locations.

It is reasonable to assume that the subject area of land is part of a sensitive and significant coastal area and that it has visual attractiveness. It may also have ecological values, but the only area with any recognised value is the threatened *Melaleuca ericifolia* wetland some 200m distance from the proposed buildings.

There are two aspects of the use with the greatest relevance to the Purpose Statement – the extent of vegetation removal required for bushfire protection, and the impact of the proposed buildings.

The eastern end of the site is already substantially cleared and is where the gallery/dining building and the caretaker's residence and car park are proposed. The proposed placement of the four accommodation cabins would require removal of 1,200m<sup>2</sup> of bush to provide a 20m BPZ.

The extent of the required clearing would be small as a proportion of the vegetation cover of the promontory west of Henslowes Road, but is in an area where it is likely to be noticed by surrounding residents and likely to be regarded as a diminution of the amenity of the area.

The vegetation clearance and its visual impact could not be regarded as consistent with the Purpose of the Zone being to, "...protect the visual attractiveness ...of sensitive coastal...locations." On this basis an exercise of discretion in favour of the development could not be justified.

However, alternative placement of the four accommodation cabins in a manner that does not require removal of such a significant area of vegetation for a BPZ, should be possible and would be unlikely to cause the same

degree of impact. An appropriate location would be into the already cleared area immediately north-west of the site proposed on the plan.

A FMBZ of 15m would be required beyond the BPZ that would involve the selective removal of small trees, manage fuel between ground level and the tree canopy, and minimise ground level fuel by mowing, slashing and weed management. Mature trees would be retained. The visual impact of the FMBZ would be that while probably noticeable, it would be not unreasonable in the context of the proposed development and the residential character of the surrounding area.

## 2 Character –

The proposed development involves an exercise of discretion on the front and rear boundary setbacks, as follows:

• Caretaker's residence:	Front setback:	5m
	Rear setback:	2m
• Gallery/dining:	Front setback:	6.4m
• Cabin 1:	Front setback:	3.5m
• Cabin 2:	Front setback:	3.5m

The Performance Criteria allow for a lesser setback where:

- (a) It provides for efficient use of the site.
- (b) No unreasonable shading or loss of privacy to adjoining properties.
- (c) Siting is in keeping with open space character.
- (d) Setback is consistent with adjoining properties.

The siting of the caretaker's residence and the gallery/dining building and their lesser setbacks, generally allow for a greater retention of trees on the site for a BPZ for bushfire protection purposes. It also means a greater efficiency in relation to material for driveway construction. On this basis, Performance Criteria (a) is deemed to be satisfied.

The lesser front setbacks would be unlikely to cause any shading of adjoining properties because they are on the south side of Henslowes Road. Any shading caused would be cast on the subject site only.



The rear setback could cast some shading on the adjoining Residential zoned land that was the subject of a subdivision approval (SUB2009.15) on 12 November 2010. The shadowing effect is unlikely to be significant and certainly not more than that which could be regarded as reasonable in a residential area.

The impact of the development, and the setbacks in particular, on the privacy of neighbouring residents, is not considered to be significant and not unreasonable in an urban context. Performance Criteria (b) is deemed to be satisfied.

Performance Criteria (c) is an interesting requirement: it is almost self-contradictory in that a building of any size is likely to result in a loss of open space character. Such is true in this instance. The clause refers only to the siting of buildings and on this criteria the difference in impact on the open space character, or any other type of character, between the proposed siting of the buildings and that of a proposal re-sited to comply with the required setback, would be negligible. However, the visual impact of the development could be down played and created into one that is closer to the “open space character” through sympathetic and appropriate planting along the Henslowes Road frontage. A landscaping plan should be prepared to this end. On this basis Performance Criteria (c) is deemed to be satisfied.

The choice of natural building form and finish (i.e. one and two storeys, pitched roof, muted tones, and weatherboard construction) and the spacing of accommodation cabins are appropriate design elements to reflect the natural (or open space) character of the area.

Performance Criteria (d) requires that front setbacks be consistent with adjoining properties. In this case there are no adjoining lots with development (or front setbacks). Development in the vicinity is principally suburban with a couple of houses opposite the subject site on larger sized lots. Future development behind the proposed tourist development will be suburban residential, likely involving typical suburban setbacks, i.e. 4-5m. The proposed 5m setback of the proposed development is not considered to be inconsistent with the current or future setbacks of development in the area. Performance Criteria (d) is deemed to be satisfied.

### *3 Sight distance –*

The northern sight distance from the proposed entrance is substantially less than required in the Safe Intersection Sight Distance Table in the Road and Rail Schedule, approximately 35m short. However, the access to Henslowes

Road at this point is to a cul-de-sac in an area with low traffic volumes and low traffic speeds. On this basis the sight distance under S2.5.1 of the Road and Rail Schedule (Public Works Engineering Australia – Tasmania Division Municipal Standard Drawings) requires only 60m. In reality the sight distance available is unlikely to be particularly problematic. Traffic speed and volumes are likely to be sufficiently low as to not cause a significant safety issue. As well it would be difficult to redesign access to substantially increase the sight distance.

The mechanism for determining whether the lesser distance is adequate is through a Traffic Impact Assessment (TIA). In this context it would be appropriate to require the applicant to meet the 80m sight distance requirement or such lesser distance as would be adequate and determined by a traffic engineer, in accordance with P3 of S2.5.1 Access Sight Distance on Category I, II, III, IV, V and VI Roads, of the Road and Rail Schedule.

#### *4 Traffic generation –*

The Scheme contains no specific provisions in the Environmental Management Zone or the Road and Rail Schedule, which relate to traffic generation and its impact on the safety and/or amenity of others, particularly residents. However it is an issue raised by some objectors along with the safety of Henslowes Road in the vicinity.

For the majority of its length Henslowes Road is 9m wide and does not appear to be particularly unsafe at any point. The last 200m of Henslowes Road narrows to 5m where it services three properties, two dwellings, the subject site, and visitors to the coastal reserve. By any measure the traffic volume is low and does not seem to be particularly unsafe.

The likely impact of the additional vehicles generated by the development is probably best considered in relation to the component parts, as follows:

- (a) Caretaker's residence: this is likely to generate two vehicles with comings and goings akin to a standard residential use, i.e. up to 10 vehicle trips per day. Such traffic would be hardly discernible on the majority of Henslowes Road residents and well within its capacity to absorb.
- (b) Four cabins: the maximum number of vehicles at any one time is likely to be four during the tourist season (December to April). Other times of the year are likely to attract lesser patronage and fewer cars. Assuming an average number of cars on site at three, the number of vehicle trips per day in most cases would be between six and 10, i.e.

one in the morning to travel and one in the evening upon return, with some also returning during the day. Again, an additional six to 10 cars would be unlikely to be noticeable to the majority of residents in Henslowes Road (except those opposite the site), and would be well within the capacity of Henslowes Road to accommodate.

- (c) Gallery/dining building: the capacity of the facility is about 50 people. The car park would accommodate 34 vehicles. Cabin guests would use the facility for breakfast and dinner – their vehicle movements are included in (b) above. The application indicates that other patrons would visit the gallery/dining room any day of the week, up to 10.00pm. It further proposes that the facility would operate 50% of the time, i.e. every second day on average.

Whether such patronage levels are achieved may be a moot point. However, on the assumption that the figures are correct, the traffic generation would be about 34 cars every second day – on average. It is likely that residents opposite the site would notice the increase in traffic, especially since the volume of traffic currently using the last section of Henslowes Road is low, being predominantly the residents themselves.

The impact of additional traffic in the remainder of Henslowes Road would be less obvious. It currently serves a collector road function and carries a significant amount of vehicular traffic. This is set to increase with further development of the Braid estate.

The 5m width of the last section of Henslowes Road should be adequate to handle the likely increase in traffic generated by the gallery/dining facility. The carriageway is sufficiently wide to allow the passing of two vehicles in a safe manner. Roadside parking is unlikely and even if it were to occur, there are generous road verges on both sides within which to park. Also, it is likely that most of the gallery/dining generated traffic would be travelling in one direction at about the same time, i.e. passing of vehicles would be limited.

#### *5 Fire fighting –*

The Bushfire Schedule requires a 20m BPZ and a 15m FMBZ around each of the proposed buildings. For reasons associated with conformity with the Zone Purpose, the four cabins should be relocated to positions where vegetation removal is avoided, or at least minimised.

The development is also required to provide an adequate water supply under the Bushfire Schedule, either through connection (and upgrading in this case)

to the reticulated supply, or through the provision of dedicated on-site water storage (20,000 litres), or some combination of both.

The Fire Management Plan submitted as part of the application incorporates various additional measures including:

- (a) There should be two accesses or entry points to Henslowes Road.
- (b) Maintain a 10m strip around the southern boundary as a short grass fire break.
- (c) Planting around the buildings should employ suitable fire retardant vegetation species.

Installation of a second access is appropriate, but should be located at a point which provides adequate sight distance along Henslowes Road. The previously suggested TIA should incorporate this measure. The second access is mainly intended as an alternative egress in the event of fire. It should not be allowed to become the principal access point and a condition to this effect would be appropriate.

The above-mentioned requirements of the Bushfire Schedule and the Fire Management Plan should be conditions of a permit, should it be approved.

#### *CONSULTATION*

In accordance with s.57(3) of the Act:

- . a site notice was posted;
- . letters to adjoining owners were sent;
- . an advertisement was placed in the Public Notices section of "The Advocate" newspaper.

The application 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.

The application was also referred to Cradle Mountain Water. Its permit is attached as Annexure 3.

*REPRESENTATION*

In response to notification of the application 34 submissions and one petition were received. A copy of the representations is provided at Annexure 4 and the petition at Annexure 5. The majority of submissions were based on a common letter format. The main points of the submissions are identified and commented on in the following table:

CONCERN	COMMENT
1 Not in keeping with passive recreation and low density housing uses in the area.	An understandable concern given the low level of development at the end of Henslowes Road. However the Scheme accommodates change, including tourist development. Also, the character is likely to change with subdivision of the Braid estate.
2 Application foreshadows itinerant worker housing and backpacker's accommodation – not consistent with existing uses.	The plan does foreshadow such a development but it is not part of this application. A proposal would need to be the subject of a future development application.
3 Western section of Henslowes Road is dangerous. Proposed use will increase traffic and the safety problem.	The last section of Henslowes Road is not considered unsafe. The expected increase in traffic is unlikely to cause a traffic safety problem.
4 Buildings would be located too close to Henslowes Road. Should be re-sited further south or west.	Siting buildings on the site is difficult given the triangular shape of the lot. A concession on the setback requirements will assist to maximise retention of trees, which is of greater value.
5 Some mature trees will be removed. No trees should be removed.	Except for the proposed cabins, there should be no removal of mature trees. Within the FMBZ understory vegetation will require removal/management.

## DEVELOPMENT & REGULATORY SERVICES

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<p>6 Septic tank waste system is not appropriate in this location which is ecologically sensitive. Connection to the reticulated system would be more appropriate.</p>	<p>The proposal satisfies the Scheme requirement that the site is capable of accommodating an on-site wastewater disposal system. Any adverse effect on the ecology of the area is unlikely.</p>
<p>7 Past delays in establishing the development raise doubt about the applicant's ability to undertake. A bond should be required to ensure completion within two years.</p>	<p>This is not a matter relevant to consideration of the development application under the Scheme. The lease requires development application approval be obtained and if it is not approved the lease becomes defunct. Past activities have no relevance to the development application considerations.</p>
<p>8 Better use of the leased area would be as part of a public recreation area.</p>	<p>The sentiment is understandable however the Council has previously decided to make the land available for a Tourist operation.</p>
<p>9 Development would restrict or eliminate public access to the Gawler River reserve.</p>	<p>This is not a correct statement. Public access would still be available from the Henslowes Road turning head around the coastal reserve via the Nietta Railway cutting and track.</p>
<p>10 Applicant does not have control of the lease. Land is occupied by a squatter who claims a financial interest. Applicant cannot evict the squatter and is not legally able to make or pursue the application, or proceed if approved.</p>	<p>The representation suggests an unlawful aspect to the application. The Council solicitor advises that there is nothing in the Act that could cause the application to fail, neither through a representation nor at any subsequent stage, e.g. an appeal.</p>
<p>11 Will confer a non-transparent profit advantage to a private person from public land.</p>	<p>This is not a matter relevant to consideration of the development application under the Scheme. The lease is based on a commercial rental.</p>

<p>12 If lease fails, could another developer establish a business on the land?</p>	<p>Possibly yes, but not without the Council issuing a further lease to another person. A planning approval would be current for two years and if the same as approved, would not require another approval.</p>
<p>13 Development is proposed before an adequate assessment of the impact or ability to service.</p>	<p>Such assessment has been undertaken as part of the decision-making process, and contained in this report.</p>
<p>14 Current state of the property does not create confidence that the development will be realised as planned.</p>	<p>This is not a matter relevant to consideration of the development application under the Scheme. The lease requires the site be tidied within six months.</p>
<p>15 Should be public disclosure of the lease.</p>	<p>This is not a matter relevant to consideration of the development application under the Scheme. A commercial lease would not be publicly notified due to reasons of commercial in confidence.</p>
<p>16 Development would not be consistent with the quiet surroundings of the area.</p>	<p>An understandable concern given the low level of development at the end of Henslowes Road. However the Scheme accommodates change, including tourist development and the Council has previously decided to pursue a development of this type on the land. Also, the character is likely to change with subdivision of the Braid estate.</p>
<p>17 Property boundaries do not seem to be adequately established. Leased area should be surveyed and fenced.</p>	<p>The lease contains a provision to survey the land and secure a Title for the land.</p>
<p>18 Existing vegetation should be retained and public</p>	<p>The proposal and suggested conditions in this report have endeavoured to</p>

<p>access to riverside and old railway tracks should be retained.</p>	<p>maximise the retention of vegetation. Public access to the coastal reserve (including the old railway formation) will be retained.</p>
<p>19 Previous plans for the development have not been realised in the timeframes. What would Council do in the event that a dwelling is constructed and the remainder comes to naught?</p>	<p>This is not a land use consideration under the Scheme. However, the lease requires substantial commencement of building works – office and caretaker’s residence, accommodation and associated infrastructure, within two years.</p>

A petition against the development was received. It contained 117 signatures and calls on the Council not “...to lease and develop council land at the western end of Henslowes Road and to retain the property for future public and recreational use.” It raises no particular land use issues beyond those identified through submissions.

The Crown has advised that the caretaker’s residence, gallery/dining building and accommodation cabins comprising the application, do not impact on the adjoining Crown land but that the future “Digger’s Huts” would require the Crown’s consent as landowner. Such consent would be provided if required.

*IMPACT ON RESOURCES*

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Invest in and leverage opportunities from our natural environment
- . Contribute to a safe and healthy environment.

The proposal is consistent with these strategies and key actions.



*CONCLUSION*

The Tourist operation can reasonably be regarded as a complementary use in the proposed location, and that it is consistent with the protection and management of the remnant vegetation. The gallery and accommodation theme is based on the natural and historical values associated with the site and Ulverstone which it would promote through photographs, information and interpretive walks. It would also be complementary in the sense that the operator has a direct interest in maintaining the natural values of the area.

The proposal and suggested conditions in this report seek to limit the impact of the development, particularly in relation to the retention of vegetation, which is arguably one of the area's principal values. In this case the buildings would be sited on already cleared land: only one mature tree needs removal and the understory maintained in a low fuel condition for 15m beyond the 20m BPZ around the buildings. The four accommodation cabins should be resited to avoid tree removal in the 20m BPZ.

The presence of buildings on the land and maintenance of the FMBZ will change the appearance of the site and increase the level of activity on and off the site. The extent of that change is not considered unreasonable in the context of the existing and future residential development in the surrounding area and its performance against the standards of the Scheme, particularly its retention of tree cover.

Traffic generated by the development would increase traffic volumes on Henslowes Road, to a point where it is likely to be most noticeable to occupants of the two residences opposite. However, the increase would not be excessive or unlikely to cause any adverse effect on safety.

The application is judged as satisfying the principal provisions of the Scheme and where there are matters at issue those can be managed through conditions. On this basis it is considered that an exercise of discretion on the use, and front and rear setbacks, is considered appropriate.

*RECOMMENDATION*

It is recommended that the application for a Tourist operation at 83 Henslowes Road, Ulverstone, be approved subject to the conditions and notes contained in the draft Permit (refer Annexure 6).'

The report is supported."

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the Land Use Planner Group Leader’s report have been circulated to all Councillors.”

■ Cr Fuller moved and Cr Bloomfield seconded, “That the representations are determined to have sufficient merit and that the application for a Tourist operation at 83 Henslowes Road, Ulverstone is refused on the following grounds:

- 1 The insufficient setbacks provided to the front and rear boundaries are not in keeping with the open space character of the area;
- 2 Non-compliance with the sight distance requirements of Table S2.6.2 of Schedule 2.0 of the Central Coast Planning Scheme 2005; and
- 3 Non-compliance with provision S4.4.2 Dwelling unit siting and design of the Central Coast Planning Scheme 2005.”

■ Cr Broad moved an amendment, “That the application for a Tourist operation at 83 Henslowes Road, Ulverstone is refused on the following grounds:

- 1 The insufficient setbacks provided to the front and rear boundaries are not in keeping with the open space character of the area;
- 2 Non-compliance with the sight distance requirements of Table S2.6.2 of Schedule 2.0 of the Central Coast Planning Scheme 2005; and
- 3 Non-compliance with provision S4.4.2 Dwelling unit siting and design of the Central Coast Planning Scheme 2005.”

The amended motion lapsed through lack of a seconder.

Voting for the motion

(1)

Cr Fuller

Voting against the motion

(10)

Cr (J) Bonde  
Cr (L) Bonde  
Cr Bloomfield  
Cr Broad  
Cr Carpenter  
Cr Downie  
Cr Diprose  
Cr Howard  
Cr Tongs  
Cr Viney

Motion

Lost

■ Cr Fuller moved and Cr Broad seconded, "That the application for a Tourist operation at 83 Henslowes Road, Ulverstone is refused on the following grounds:

- 1 The insufficient setbacks provided to the front and rear boundaries are not in keeping with the open space character of the area;
- 2 Non-compliance with the sight distance requirements of Table S2.6.2 of Schedule 2.0 of the Central Coast Planning Scheme 2005; and
- 3 Non-compliance with provision S4.4.2 Dwelling unit siting and design of the Central Coast Planning Scheme 2005."

Voting for the motion

(7)

Cr (J) Bonde  
Cr Bloomfield  
Cr Broad  
Cr Diprose  
Cr Fuller  
Cr Tongs  
Cr Viney

Voting against the motion

(4)

Cr (L) Bonde  
Cr Carpenter  
Cr Downie  
Cr Howard

Motion

Carried

**400/2011 Public question time**

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

There were no questions from the public.

GENERAL MANAGEMENT

**401/2011 Minutes and notes of committees of the Council and other organisations**

The General Manager reported as follows:

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

- Riana Community Centre Committee - annual general meeting held on 21 September 2011
- Riana Community Centre Committee - general meeting held on 21 September 2011
- Central Coast Community Safety Partnership Committee - meeting held on 26 October 2011
- East Ulverstone Swimming Pool Management Committee - meeting held on 16 November 2011
- Penguin Miniature Railway Management Committee - meeting held on 29 November 2011.

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

- Cr Diprose moved and Cr Fuller seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

**402/2011 Amendments to the Cradle Coast Authority Rules (242A/2010 - 19.07.2010)**

The General Manager reported as follows:

*PURPOSE*

The purpose of this report is to consider proposed amendments to the Cradle Coast Authority Rules.

*BACKGROUND*

On 19 July 2010 the Council considered the Cradle Coast Authority rules to determine if and how the existing Rules can be improved to address factors that may affect the Cradle Coast Authority’s governance and operations into the future.

The Council at that meeting endorsed a number of issues to be forwarded to the Cradle Coast Authority as the Council's submission to the Review of the Cradle Coast Authority Rules.

*DISCUSSION*

The attached final copy of the amended Rules of the Cradle Coast Authority have been prepared in accordance with the *Local Government Act 1993* ('the Act') and incorporating changes endorsed at the February 2011 Representatives meeting.

The Rules have been checked and certified as consistent with the law by Jackson Tremayne and Fay and signed by one of the General Managers of the Member Councils as required under s.32(3)(b) of the Act.

Under s.38(5) of the Act a majority of the participating councils must authorise the amendments in order for them to take effect.

It is recommended that the Council notes the amended Rules of the Cradle Coast Authority have been prepared in accordance with the *Local Government Act 1993* and endorse their formal adoption.

*CONSULTATION*

Consultation has been undertaken at previous workshops of the Council and with the Cradle Coast Authority Representatives.

*IMPACT ON RESOURCES*

The proposed Rule amendments will have no impact on Council resources.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

- Council Sustainability and Governance
- . Improve corporate governance
  - . Strengthen local–regional connections.

*CONCLUSION*

It is recommended that the Council note the amended Rules of the Cradle Coast Authority have been prepared in accordance with the *Local Government Act 1993* and endorse their formal adoption."

The Executive Services Officer reported as follows:

“A copy of the amended Rules of the Cradle Coast Authority have been circulated to all Councillors.”

■ Cr Fuller moved and Cr Downie seconded, “That the Council:

- (a) note the amended Rules of the Cradle Coast Authority have been prepared in accordance with the *Local Government Act 1993*; and
- (b) endorse the amendments to the Cradle Coast Authority Rules November 2011 (a copy being appended to and forming part of the minutes).”

Carried unanimously

#### **403/2011 Review of the Code of Conduct of Councillors (297/2010 – 20.09.2010)**

The General Manager reported as follows:

*“PURPOSE*

The purpose of this report is to review the Code of Conduct of Councillors.

*BACKGROUND*

Section 28E of the *Local Government Act 1993* provides as follows:

- ‘(1) A Council must adopt a code relating the conduct of councillors... .
- (2) A code of conduct must –
  - (a) be consistent with this Act; and
  - (b) address any prescribed matters; and
  - (c) be reviewed within 12 months after an ordinary election.
- (3) ...’

The Council last reviewed its Code of Conduct of Councillors in 2010. The last ordinary election of councillors was concluded on 28 October 2011 and accordingly the Code of Conduct must be reviewed by 28 October 2012.

*DISCUSSION*

Regulation 22A of the *Local Government (General) Regulations 2005* sets out matters that a code of conduct must address. It is silent on the extent to which they must be addressed, and it is therefore up to each individual council to determine how it will articulate its commitment to each prescribed matter.

It is considered that the inclusion of a new clause in the Code regarding the use of Council resources, equipment, email and internet facilities reflects the outcome this Council wishes to achieve.

The Local Government Association of Tasmania provides the following comments regarding the legislative review of Code of Conduct regulations:

'Draft amendments to the *Local Government (General) Regulations 2005* in relation to the code of conduct process were requested from the Office of Parliamentary Counsel early in 2011 on the basis of a discussion paper prepared by the Local Government Association of Tasmania (LGAT) and consultation between LGAT and the Local Government Division.

...

It is hoped that draft amendment regulations will be available to councils early in 2012 for comment.

Any necessary amendments to the Act will be considered during 2012 following the making of the initial amendment regulations.

LGAT is concerned that the limited changes to the regulations will not resolve the key issues as outlined in the discussion paper circulated to councils. We will continue to advocate strongly for appropriate amendments to the Act and Regulations.'

*CONSULTATION*

This is an internal governance matter for determination by Councillors.

*IMPACT ON RESOURCES*

Implementation of the Code in this form has negligible administrative costs.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

Council Sustainability and Governance

- . Improve corporate governance
- . Effective communication and engagement.

*CONCLUSION*

It is recommended that a new clause be included in the Code of Conduct of Councillors regarding the use of Council resources, equipment, email and internet facilities as it will continue to meet all legislative requirements as well as being reflective of the outcome the Council wishes to achieve.”

The Executive Services Officer reported as follows:

“A copy of the draft Code of Conduct of Councillors, December 2011 has been circulated to all Councillors.”

- Cr (L) Bonde moved and Cr Howard seconded, “That, having been reviewed as required under the *Local Government Act 1993*, the Code of Conduct of Councillors, December 2011 (a copy of the Code being appended to and forming part of the minutes) be adopted.”

Carried unanimously

**404/2011 Payment of allowances to the Mayor, Deputy Mayor and Councillors and the reimbursement of expenses (346/2009 – 03.11.2009)**

The General Manager reports as follows:

“The Executive Services Officer provides the following report.

*PURPOSE*

The purpose of this report is to record the payment of allowances and to review the Council’s policy in respect of the reimbursement of expenses to the Mayor, Deputy Mayor and Councillors.

*BACKGROUND*

The payment of annual allowances and the reimbursement of expenses to the Mayor, Deputy Mayor and Councillors is determined by the *Local Government Act 1993* (“the Act”) and the *Local Government (General) Regulations 2005* (“the Regulations”).



Regulation 42 of the Regulations provides as follows:

- “(1) For the purposes of sections 340A(1) and (2) of the Act, the allowances for councillors and the additional allowances for deputy mayors and mayors for the period of 12 months starting on 1 November 2008 are as specified in columns 2, 3 and 4 respectively of Schedule 4.
- (2) The allowances for councillors and the additional allowances for deputy mayors and mayors payable in each subsequent period of 12 months starting on 1 November –
  - (a) take effect from that date each year; and
  - (b) are calculated by multiplying the allowances for the previous year by the inflationary factor for the current year and rounding the resulting amount to the nearest whole dollar.
- (3) The allowances referred to in this regulation are to be paid in monthly or fortnightly instalments.”

As at 1 November 2011, the allowances specified in Schedule 4 as applicable to the Central Coast Council are:

. Councillor \$18,722;

plus additional allowances as follows:

. Deputy Mayor \$14,632;  
 . Mayor \$46,804.

The Department of Premier and Cabinet has provided a Councillor Allowances Information Sheet. A copy is appended to this report.

Schedule 5 of the Act provides as follows:

- “1. Expenses
  - (1) A council, on or before 1 January 2006, is to –
    - (a) adopt a policy in respect of payment of expenses incurred by councillors in carrying out the duties of office; and

- (b) make a copy of the policy available for public inspection.
- (2) A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under subclause (1) in relation to –
  - (a) any prescribed expenses; and
  - (b) any other expenses the council determines appropriate.

2. Loan of services, facilities and equipment

A council may decide to provide support services, facilities and equipment on loan to a councillor on any conditions it considers appropriate.”

Regulation 43 of the Regulations provides as follows:

“A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to –

- (a) telephone rental and telephone calls; and
- (b) travelling; and
- (c) care of any child of the councillor.”

The Council has an existing policy as follows:

- “1 That the Council reimburse the cost of one household telephone rental and also the cost of a separate line for facsimile machine or computer;
- 2 That the Council reimburse the cost of all telephone calls where a signed claim has been submitted nominating the basis of the call. These claims for reimbursement of rental and calls are to be lodged within the financial year to which they apply;
- 3 That the Council provide to the Councillor’s home a facsimile machine of which the Council will accept the cost of the hardware, service and maintenance (the machine remaining

the property of the Council at all times) and the Councillor accepting the cost associated with all consumables and costs of operation;

- 4 That, subject to availability from surplus operating stock, the Council make available to Councillors a PC rather than the options 3 above and (remaining the property of the Council at all times) PCs being supplied with:

Microsoft XP operating system  
Microsoft Outlook – for email  
Microsoft Excel – viewer  
Microsoft Powerpoint – viewer  
Microsoft Word – viewer,

and with (a) the installation for internet access being paid for by the Council with the ongoing cost being the Councillor's responsibility; (b) the Council setting up the PC at the Councillor's residence and connecting it to the internet; (c) any software in addition to the above being the responsibility of the Councillor to purchase, install and maintain; and (d) training in the use of the PC and software, including use of email, being provided by the Ulverstone Online Access Centre. After initial installation, Councillors are to arrange their own support for the computer in their residence;

- 5 That, on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of the Council or the General Manager and is able to be automatically recorded within the records of the Council;
- 6 That the Council provide a fully serviced six-cylinder sedan (the sedan remaining the property of the Council at all times) for the Mayor in the exercise of his/her duties and functions as Mayor. The vehicle is only to be used for bona fide Council business and is to be garaged at the Mayor's residence;
- 7 That the Council reimburse a claim for the care of any person for whom the Councillor is responsible, where a copy of an account of the carer is provided and the period of the care matches the approved business of the Council;

- 8 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like;
- 9 That all Councillors be urged to retain records of expenses for taxation purposes; and
- 10 That before any claim for carer expenses can be settled, a photocopy of a signed assessment by a qualified person stating the need for a carer presence for the person concerned to be cared for must be supplied with the application for refunding of carer expenses by the Councillor concerned."

*DISCUSSION*

The policy was updated by the Council at its meeting on 17 August 2009 (Minute Nos 251/2009 and 253/2009) to revise clause 7 to include the care of any person for whom the Councillor is responsible (instead of the care of any child) and to add clause 10 in respect of claiming for carer expenses.

In conjunction with the General Manager and Senior Management Team, the policy has been reviewed. Whilst it is proposed that a number of the clauses remain, it is recommended that a number of changes be made which will incorporate the payment of Councillor allowances and also reflect the current times.

*CONSULTATION*

Consultation is not relevant to this report, however the policies of several other councils have been considered.

*IMPACT ON RESOURCES*

The Estimates provide a budgeted sum for the payment of allowances and the reimbursement of expenses to elected members.

*CORPORATE COMPLIANCE*

The *Local Government Act 1993* and the *Local Government (General) Regulations 2005* provide for the payment of allowances and the reimbursement of expenses to elected members.

*CONCLUSION*

It is recommended that the Council adopt the following policy in respect of payment of expenses incurred by Councillors in carrying out the duties of office and in respect of the loan of services, facilities and equipment:

- 1 That the Council pay allowances in accordance with Regulation 42 of the *Local Government (General) Regulations 2005* (“the Regulations”) and section 340A of the *Local Government Act 1993* (“the Act”). Regulation 42 specifies the allowances payable to Mayors, Deputy Mayors and Councillors and an indexation process has been established so that allowances are adjusted each year.
- 2 A Councillor may elect to receive the prescribed allowance in fortnightly, monthly or quarterly instalments. The prescribed allowance is paid in arrears. In accordance with section 340A of the Act, a Councillor who determines that he or she does not wish to accept all or part of the prescribed allowance is to notify the General Manager accordingly, in writing.
- 3 That the Council will reimburse Councillors \$40.00 per month towards the cost of telephone line rental and calls, and internet access. This payment will be made as part of the direct deposit of the Councillor allowance. A Councillor who determines that he or she does not wish to accept all or part of the allowance is to notify the General Manager accordingly, in writing.
- 4 That the Council provide a tablet computer with internet connectivity via wireless and NextG (remaining the property of the Council at all times) for use for Council business. Each tablet will be supplied with software for viewing and creating Microsoft Office compatible files and software for viewing and marking-up PDF documents. Other software deemed necessary for Council business will be loaded as and when needed (upon approval by the General Manager).

The cost of internet access will be monitored by and paid for by the Council.

Each Councillor will be supplied with a Council email address which will remain active for the duration of the Councillor’s term of office.

The tablet will be provided with the following accessories:

- (a) case;
- (b) pen; and

(c) bluetooth keyboard (provided upon request).

Training in the use of the tablets will be provided by the Council.

- 5 That on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of the Council or the General Manager and is able to be automatically recorded within the records of the Council. The travel allowance payable will be at the "Required User" rates specified in the Tasmanian State Service Award 2000 (as amended from time to time). This payment will be made as part of the direct deposit of the Councillor allowance. A Councillor who determines that he or she does not wish to accept all or part of the allowance is to notify the General Manager accordingly, in writing.
- 6 That the Council will provide a fully serviced sedan (the sedan remaining the property of the Council at all times) for the Mayor in the exercise of his/her duties and functions as Mayor. The vehicle is only to be used for bona fide Council business and is to be garaged at the Mayor's residence.
- 7 That the Council reimburse a claim for the care of any person for whom the Councillor is responsible, where a copy of an account of the carer is provided and the period of the care matches the approved business of the Council.
- 8 That before any claim for carer expenses can be settled, a photocopy of a signed assessment by a qualified person stating the need for a carer presence for the person concerned to be cared for must be supplied with the application for refunding of carer expenses by the Councillor concerned.
- 9 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like. Where possible, a receipt should be provided with the claim for payment.
- 10 That the Council will provide Councillors with insurance cover against loss arising from any claims incurred by them in their capacity as Councillors under the Directors and Officers Liability Policy, together with personal accident insurance cover for Councillors (subject to age limit) whilst engaged in Council activities, including travel to and from place of work and residence.

- 11 That all Councillors be urged to retain records of expenses for taxation purposes.'

The report is supported.”

The Executive Services Officer reports as follows:

“A copy of the Councillor Allowances Information Sheet has been circulated to all Councillors.”

■ Cr Fuller moved and Cr Downie seconded, “That the following policy be adopted in respect of payment of expenses incurred by Councillors in carrying out the duties of office and in respect of the loan of services, facilities and equipment:

- 1 That the Council pay allowances in accordance with Regulation 42 of the *Local Government (General) Regulations 2005* (“the Regulations”) and section 340A of the *Local Government Act 1993* (“the Act”). Regulation 42 specifies the allowances payable to Mayors, Deputy Mayors and Councillors and an indexation process has been established so that allowances are adjusted each year.
- 2 A Councillor may elect to receive the prescribed allowance in fortnightly, monthly or quarterly instalments. The prescribed allowance is paid in arrears. In accordance with section 340A of the Act, a Councillor who determines that he or she does not wish to accept all or part of the prescribed allowance is to notify the General Manager accordingly, in writing.
- 3 That the Council will reimburse Councillors \$40.00 per month towards the cost of telephone line rental and calls, and internet access. This payment will be made as part of the direct deposit of the Councillor allowance. A Councillor who determines that he or she does not wish to accept all or part of the allowance is to notify the General Manager accordingly, in writing.
- 4 That the Council provide a tablet computer with internet connectivity via wireless and NextG (remaining the property of the Council at all times) for use for Council business. Each tablet will be supplied with software for viewing and creating Microsoft Office compatible files and software for viewing and marking-up PDF documents. Other software deemed necessary for Council business will be loaded as and when needed (upon approval by the General Manager).

The cost of internet access will be monitored by and paid for by the Council.

Each Councillor will be supplied with a Council email address which will remain active for the duration of the Councillor’s term of office.

The tablet will be provided with the following accessories:

- (a) case;
- (b) pen; and
- (c) bluetooth keyboard (provided upon request).

Training in the use of the tablets will be provided by the Council.

- 5 That on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of the Council or the General Manager and is able to be automatically recorded within the records of the Council. The travel allowance payable will be at the "Required User" rates specified in the Tasmanian State Service Award 2000 (as amended from time to time). This payment will be made as part of the direct deposit of the Councillor allowance. A Councillor who determines that he or she does not wish to accept all or part of the allowance is to notify the General Manager accordingly, in writing.
- 6 That the Council will provide a fully serviced sedan (the sedan remaining the property of the Council at all times) for the Mayor in the exercise of his/her duties and functions as Mayor. The vehicle is only to be used for bona fide Council business and is to be garaged at the Mayor's residence.
- 7 That the Council reimburse a claim for the care of any person for whom the Councillor is responsible, where a copy of an account of the carer is provided and the period of the care matches the approved business of the Council.
- 8 That before any claim for carer expenses can be settled, a photocopy of a signed assessment by a qualified person stating the need for a carer presence for the person concerned to be cared for must be supplied with the application for refunding of carer expenses by the Councillor concerned.
- 9 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like. Where possible, a receipt should be provided with the claim for payment.
- 10 That the Council will provide Councillors with insurance cover against loss arising from any claims incurred by them in their capacity as Councillors under the Directors and Officers Liability Policy, together with personal accident insurance cover for Councillors (subject to age limit) whilst engaged in Council activities, including travel to and from place of work and residence.
- 11 That all Councillors be urged to retain records of expenses for taxation purposes."

Carried unanimously



CORPORATE & COMMUNITY SERVICES

**405/2011 Corporate & Community Services determinations made under delegation**

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations made during the month of November 2011 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

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

■ Cr Downie moved and Cr Diprose seconded, “That the Schedule of Corporate & Community Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**406/2011 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 November 2011 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**407/2011 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 November 2011 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:

- . Letter raising concerns over long grass, litter, potholes and public amenities within the Sulphur Creek and Preservation Bay area.
- . Letter concerning the proposed plans for the new railway bridge across the Leven River.
- . Letter thanking Councillors for sponsoring the University of Tasmania PICSE Science Investigation Awards.

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 Howard moved and Cr (L) Bonde seconded, "That the Director's report be received."

Carried unanimously

**408/2011 Common seal**

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 22 November 2011 to 12 December 2011 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 Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities."

The Executive Services Officer reported as follows:

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

- Cr Viney moved and Cr Downie 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, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

**409/2011 Financial statements**

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 November 2011 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

## ENGINEERING SERVICES

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### ENGINEERING SERVICES

#### **410/2011    Engineering Services determinations**

The Director Engineering Services reported as follows:

“There are no matters from the Engineering Services Department for decision at this meeting.”

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## CLOSURE OF MEETING TO THE PUBLIC

### 411/2011 Meeting closed to the public

The Executive Services Officer 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:

- . Minutes and notes of other organisations and committees of the Council.

This is a matter relating to:

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

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

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

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

- . Minutes and notes of other organisations and committees of the Council.”

Carried unanimously and by absolute majority

The Executive Services Officer 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

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not to record in the minutes of the open meeting 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

**412/2011 Minutes and notes of other organisations and committees of the Council**

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

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

...

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

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record in the minutes of the open meeting 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 7.06pm.

CONFIRMED THIS 23RD DAY OF JANUARY, 2012.

## **Chairperson**

(Imm:dil)

## **Appendices**

- Minute No. 396/2011 – Schedule of Development & Regulatory Services Determinations
- Minute No. 397/2011 – Policy for the holding of Development Support Special Committee meetings
- Minute No. 402/2011 – Cradle Coast Authority (amended) Rules
- Minute No. 403/2011 – Code of Conduct of Councillors, December 2011
- Minute No. 405/2011 – Schedule of Corporate & Community Services Determinations
- Minute No. 406/2011 – Schedule of Contracts & Agreements
- Minute No. 408/2011 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 409/2011 – Financial statements



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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.

Sandra Ayton  
GENERAL MANAGER