



Minutes

of an Ordinary Meeting
held at 6.00pm

15 FEBRUARY 2010

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
15 March 2010

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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, 15 February 2010 commencing at 6.00pm.

Councillors attendance

Cr Mike Downie (Mayor)	Cr Jan Bonde (Deputy Mayor)
Cr Lionel Bonde	Cr John Deacon
Cr Amanda Diprose	Cr Cheryl Fuller
Cr Ken Haines	Cr Gerry Howard
Cr Brian Robertson	Cr Tony van Rooyen
Cr Philip Viney	

Councillors apologies

Cr David Dry

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)
Planning Consultant (Mrs Heidi Goess)

Guest of the Council

Miss Bianca Burford, Mr Matthew Broadfield, Miss Leah Chamberlain, Miss Molly Wotherspoon, Mr Ryan Aitken and Miss Melissa Kadar.

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

31/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 25 January 2010 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 Haines moved and Cr (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 25 January 2010 be confirmed.”

Carried unanimously

2 COUNCIL WORKSHOPS

32/2010 Council workshops

The Executive Services Officer reported as follows:

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

- . 01.02.2010 – Briefing on asphalt plant development application/Changes to PAL Policy;
- . 08.02.2010 – Draft Open Space and Dial Master Plans.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

33/2010 Mayor's communications

The Mayor reported as follows:

"I will now adjourn this meeting for approximately 15 minutes to present Certificates of Appreciation to Leah Chamberlain, Molly Wotherspoon, Matthew Broadfield, Bianca Burford, Ryan Aitken and Melissa Kadar in recognition of their contributions to the Central Coast Youth Engaged Committee."

The Mayor also acknowledged receipt of a Certificate of Appreciation from the organisers of ArtEx 2009.

The meeting was resumed following presentation of the Certificates of Appreciation.

34/2010 Mayor's diary

The Mayor reported as follows:

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

- . Australia Day Services and Concert
- . Premier David Bartlett – Wharf redevelopment funding announcement."

Cr (J) Bonde reported as follows:

"On behalf of the Mayor I have attended the following functions:

- . Don College Campus – Excellence Awards
- . Cancer Council – farewell afternoon tea for Lawson Ride.

Cr Haines reported as follows:

"On behalf of the Mayor I attended:

- . The Cars for Communities Grant announced by Premier David Bartlett (New Norfolk).

■ Cr Robertson moved and Cr Fuller seconded, "That the Mayor's, Cr (J) Bonde's and Cr Haines' reports be received."

Carried unanimously

35/2010 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.

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.

36/2010 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

37/2010 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.”

Cr Fuller provided a brief update on the activities of the Penguin Miniature Railway Management Committee.

Cr Fuller also provided an update on the National IRB Championships to be hosted by the Penguin Surf Club from 16 to 18 April 2010.

Cr (L) Bonde reported on a meeting of the Bush Watch Western District Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

38/2010 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

39/2010 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

40/2010 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

41/2010 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

- '29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
 - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations –
- except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.

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- (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.

42/2010 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, 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

43/2010 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of January 2010 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 (J) Bonde moved and Cr Haines seconded, “That the Schedule of Development & Regulatory Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

44/2010 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. 45/2010, 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 Robertson moved and Cr Diprose seconded, "That the Mayor's report be received."

Carried unanimously

**45/2010 Planning Scheme Amendment – Penguin Urban Design Guidelines
Application No. AMD2008.1 9322/2008 – 15.09.2008)**

The Director Development & Regulatory Services reported as follows:

"The Planning Consultant has prepared the following report:

<i>'AMENDMENT NO.:</i>	AMD2008.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Penguin – various (refer to Amendment Plan)
<i>CURRENT ZONING:</i>	Various
<i>PROPOSAL:</i>	To insert a special area overlay and provisions for the area identified in the draft Amendment
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)

PURPOSE

The purpose of this report is to consider the merits of the representations received to the draft Amendment AMD2008.1 for the Penguin Urban Design Schedule and to allow the Council to advise the Tasmanian Planning Commission (TPC) pursuant to s.39(2) of the Act.

BACKGROUND

At its meeting on 21 July 2008 (Minute No. 248/2008) the Council initiated and certified a draft Amendment (1/2008), to insert an urban Design Schedule for town of Penguin to the Scheme.

Following the public exhibition of this draft Amendment, the (former) Resource Planning and Development Commission (RPDC) held a hearing on 27 February 2009 to consider this Amendment. The RPDC determined that there was a procedural error and directed the Council to alter the draft Amendment to a substantial degree.

The draft Amendment was altered accordingly and was certified by the TPC to be suitable for public exhibition in November 2009. Twenty-two representations were received on this Amendment during the public exhibition period (see Discussion below).

Section 39 of the Act provides that where representations are received to a draft amendment during the statutory advertising process, the Council must consider each of these, and following that:

“...forward to the TPC a report comprising–

- (a) a copy of each representation received by the authority in relation to the draft amendment...; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.”

This report to the Council will serve to satisfy s.39(2) of the Act.

It is likely that the TPC will hold a public hearing on the representations. Following this hearing, the TPC will make a decision on the draft Amendment and issue written notification of such to the Council.

DISCUSSION

The Amendment (as advertised) is detailed in Annexure 1, “14 Penguin Urban Design Schedule” (the Schedule). The supporting information for the Amendment is not included in the Annexures to this report. It will be provided to the TPC as part of the amendment process and has previously been provided to the Council.

The Amendment was advertised in The Advocate as required by the Act on Saturday 21 November 2009 with the representation period closing on Saturday 12 December 2009.

Twenty representations were received during the statutory exhibition period. Two additional representations were received shortly after the closing date. These representations have been included as they raise similar issues to a number of the other representations. The representations are provided as Annexure 2 "Representations". The issues raised in the representations are provided in Table 1 below. A response as required by s.39(2) of the Act is provided with each issue. Note that where more than one representation raises the same issue, they have been cross-referenced to remove repetition.

TABLE 1: SUMMARY OF REPRESENTATIONS AND OFFICER RESPONSE

REP/POINT	REPRESENTATION GROUNDS	MERIT STATEMENT
1/1	Attended the forum at the Penguin Railway Station. Commended planners on their approach to retaining the coastal village character of Penguin.	Noted. No modification recommended.
1/2	No reason was provided (at the forum) of why the height of buildings should be more than 8m.	<p>The topography of Penguin creates an amphitheatre setting for the town allowing the built form to frame the natural elements of the hinterland and foreshore. Similarly, the open spaces along the western side of Main Road provide an important coastal outlook.</p> <p>The varied building separation and height within the overlay area also ensures that the visual linkages to the foreshore and the hinterland can be observed from street level. These visual linkages are considered to be an essential characteristic to defining the coastal village character.</p> <p>The visual linkages (outlined above) and building height are seen to be interconnected, although this relationship may be altered by such variables as:</p> <ul style="list-style-type: none"> . lot size; . topography of the lot; . building orientation;

		<ul style="list-style-type: none"> . building setback; and . the separation of a proposed building in context of the adjoining buildings. <p>The built form within the overlay area is generally characterised by single and two storey buildings, ranging from a height of approximately 4m to 12m. Within this range there are a number of existing buildings that exceed a height of 8m, particularly around Main Road, to the east of the Crescent Street junction. The Penguin Uniting Church, with a maximum building height of 16m (to the spire, 12m for the bulk of the building), is a notable landmark and is considered to be the exception rather than the rule with respect to building height.</p> <p>For these reasons it may be appropriate for a building with a height greater than 8m to be considered.</p> <p>Accordingly, the provisions have been written in such a way to allow some flexibility within the overlay area with respect to building height. While the Schedule primarily encourages buildings not to exceed a height of 8m, the provisions allow consideration of buildings that may exceed this height. This does not mean that a permit will be automatically granted for the latter. Quite to the contrary, an application of this nature would need to provide detailed information to demonstrate how a proposal complies with the Performance Criteria and the Schedule generally. See 1/3 below.</p>
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		No modification recommended.
1/3	<p>Concerned that the discretionary height provision encourages both developers and the Councillors to override the intentions of the Scheme.</p> <p>An absolute height limit of 8m should be enforced by the Scheme.</p>	<p>Since the original draft of the Schedule, the provisions have been substantially modified to clarify and strengthen the assessment criteria within the overlay area with respect to building height.</p> <p>Despite this re-drafting of the Schedule, many of the representations received during the public exhibition period (see below), including this one, have expressed their concerns regarding:</p> <ul style="list-style-type: none"> . the removal of an absolute height limit from P1, Clause 12.4.3; and . the absence of an absolute building height limit from P1, Clause 14.5.1 of the proposed Schedule. <p>There is a common point of view that the absence of a quantitative building height limit will open this clause for interpretation allowing a planning authority to disregard the intent of the Schedule. This view was also commonly expressed at the informal information session held on 1 December 2009 at the Penguin Railway Station.</p> <p>Initially, the removal of the absolute height limit was the result of a number of factors, including:</p>

		<p>(a) the Scheme provisions currently adopt an absolute height limit which means a building could be constructed across multiple titles on the Main Road of Penguin, to 10m in height and the only point of discretion may be whether the “design is in keeping with or enhances the streetscape character,” Performance Criteria which are not defined at all in the current Scheme;</p> <p>(b) consideration of designs that are slightly over the maximum height limits but are certainly in keeping with the established streetscapes and characters of the relevant area cannot be considered at all; and</p> <p>(c) the community consultation that was undertaken (with respect to the development of the Urban Design Guidelines) in which the community expressed concern about the restrictions and shortcomings of a maximum height limit.</p> <p>Additionally, an absolute building height limit is considered to be a simplistic approach and may encourage development which fails to:</p> <ul style="list-style-type: none">. account for the relationship a proposed building may have with adjoining buildings; or
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		<p>. consider the spatial relationship between buildings and the hinterland and foreshore.</p> <p>There are many assessment tools that can be utilised to determine building height. As there are a range of building heights within the overlay area, a proposed building over 8m may be appropriate in some locations but not acceptable in others. This of course is dependent on a number of factors as outlined in the discussion in 1/2 above.</p> <p>Within the Schedule, P1, Clause S14.5.1 was carefully devised to provide flexibility but at the same time offer an assessment tool which can be calculated to a set formula, removing an element of discretion from the decision making process.</p> <p>P1 is only applicable to a proposed building with a height greater than 8m. The Performance Criteria is broken into two components:</p> <ol style="list-style-type: none"> 1 unreasonable shading of, or unreasonable loss of privacy to adjoining properties; and 2 coastal village character. <p>Unreasonable shading is a term that is defined by the Scheme. The definition sets out a formula to determine unreasonable</p>
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		<p>shading. In essence, this definition states that shading projected from a proposed building on an adjoining lot, between the hours of 10.00am and 3.00pm on 21 June cannot be greater than that caused by a building with:</p> <ul style="list-style-type: none"> . the same floor plan; . a setback from boundaries which meet the required acceptable solution; and . a height of 6m. <p>For example, a building is proposed on a lot in the Business Zone. The lot has an approximate frontage of 20m and a depth of approximately 40m and is orientated towards the north-east. The building complies with the setback requirements and has a staggered building height up to 11m.</p> <p>P1, Clause S14.5.1 requires that the test, as outlined above, for unreasonable shading be applied to the proposed building as it cannot comply with A1, Clause S14.5.1.</p> <p>At 12.00pm on 21 June the projected shade area of this building on an adjoining lot, located on the south-eastern side, is approximately 326m². This compares to the projected shade area of 127m² for an equivalent building with the same floor plan and a height of 6m. The proposed building does not satisfy P1, Clause S14.5.1. Other examples of the application of this formula are attached in Annexure 3.</p>
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		<p>This means that a building would need to be redesigned to satisfy P1, Clause S14.5.1 otherwise an application of this nature could not be approved. The other assessment criteria for P1, Clause S14.5.1 is also not worth considering until such time a proposal satisfies the requirement of unreasonable shading. Accordingly, an assessment could not initially deviate from this quantifiable approach.</p> <p>Also in the reconsideration of P1, Clause S14.5.1 was the use of storeys, along with an absolute height limit as an assessment tool for building height. To ensure that the coastal village character is generally maintained, limiting the number of storeys above ground level in conjunction with an absolute height limit could be employed to restrict building height within the overlay area.</p> <p>A criteria of “one storey more than buildings on adjoining land” could be limiting in Penguin as it is not uncommon for a three storey (above ground) building to be proposed with a single building at either side of the proposal. For this reason, an approach of this nature was not supported.</p> <p>It is recommended that P1, Clause S14.5.1 is not altered for the following reasons:</p> <ul style="list-style-type: none"> . it provides a quantifiable approach without the limitations of an absolute height limit;
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		<ul style="list-style-type: none"> . has the ability for a proposed building to be considered in context of adjoining buildings to ensure its impact is minimised; . a proposal which involves a building over the height of 8m is not a minor undertaking for a development to demonstrate how it satisfies the performance criteria and it would be open to public scrutiny. <p>The removal of the maximum height limitation is considered to be in keeping with the overall project and the Scheme.</p> <p>No modification recommended.</p>
2/1	<p>Objection to Clause 14.5.1 P1 – A building height may not exceed a maximum height of 8m.</p> <p>A maximum building height at 10m (three storeys) should be expected provided it meets the criteria of Schedule 14 with no discretionary clauses.</p>	<p>Contrary to the representation outlined above, this representation has expressed a desire for buildings up to 10m or three storeys to be the permitted building height. This means that all proposed buildings over 10m would be prohibited within the overlay area.</p> <p>Within the Business Zone and Residential Zone of the Scheme, a building over 8m and up to a height of 10m is discretionary. Again as outlined above, there are a number of elements that need careful consideration with respect to determining building height in any given location.</p> <p>This assessment method suggested by the representor is</p>

		<p>considered to be simplistic and is not supported. A building height of 10m without regard to the space relationship with adjoining buildings or the visual linkages to the hinterland or foreshore is not considered to be an approach that will protect the coastal village character.</p> <p>The proposed Schedule tries to adopt a balanced perspective in determining an appropriate building height over 8m. An approach of 10m as the maximum building height as the AS1 Clause 14.5.1 is not recommended for the following reasons:</p> <ul style="list-style-type: none"> . does not take account of lot size and the potential impact a proposed building could have on an adjoining lot. . does not take account of the impact the height could have on the visual linkages. <p>No modification recommended.</p>
2/2	<p>Existing buildings that are over a 10m height should be allowed to be restored or rebuilt due to any damage (i.e. fire or storm). Therefore allowing these buildings to keep their character and Penguin's character intact (i.e. churches).</p>	<p>There is scope within the Scheme pursuant to Clause 4.15 to allow the consideration of non-conforming building or works accidentally damaged or destroyed, on which a conforming use exists as discretionary. Irrespective of the final development standards that will be integrated into the Schedule, there is scope within the Scheme to consider such applications.</p> <p>No modification recommended.</p>

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3/2	Apart from Clause 14.5.1, supports the Penguin Urban Design Schedule.	Noted. No modification recommended.
1/3	Pleased that the “planned” high rise developments did not go ahead and ruin the lovely ambience of the seaside town of Penguin.	This is not relevant to this draft Amendment. No modification required.
	Rumours are circulating regarding the development of the Thomas’ Building and that it is likely to be passed by councillors.	This is not relevant to this draft Amendment. An application for a permit received by a planning authority requires that it is determined in accordance with Clause 4.9 of the Scheme. No modification required.
3/3	Concerned about the height of new development. Queries whether councillors will be made to stick to draft Amendment 1/2008 that removed the prescribed height limit of 8m, with a maximum of 10m and advice of their own Planning Department.	See 1/3 above.
1/4	Commended on the approach taken by the Council staff and the Consultant Planner.	Noted. No modification required.

2/4	Concerned that at the information session on 1 December 2009 that there is no guarantee Councillors would adhere to P1, Clause S14.5.1.	See 1/3 above.
3/4	It is imperative that the prescribed height limit of P1, Clause 12.4.3 is retained.	See 1/3 above.
4/4	Imperative that the prescribed (building) height limit of Clause 12.4.3 is retained in P1 of S14.5.1.	See 1/3 above.
1/5	The Amendment removes the prescribed height limit of 8m with a maximum of 10m (the Scheme 2005, 12.4.3 P1) using setbacks, shadings etc. to control height.	See 1/3 above.
1/6	Object to S14.5.1 P1. The maximum building height of 11m (enabling a maximum of three storeys) be accepted, provided it meets all the criteria of Schedule 14 with no discretionary clauses.	See 2/1 above.
2/6	Existing buildings that are over 11m should be allowed to be restored or rebuilt in the event of any damage sustained, thus keeping the character	See 2/2 above.

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	of the building and the town of Penguin's character intact.	
1/7	<p>The central concern of residents has, throughout, been the height of intended buildings; also setbacks, effect on shade, sheer size, suitability to streetscape etc., but primarily height.</p> <p>The new draft Amendment, removes the prescribed and popular 8m height limit. Why?</p>	See 1/3 above.
1/8	Tasmania is unique. High rise buildings will destroy the atmosphere of Tasmania, especially in a small place like Penguin.	<p>Noted.</p> <p>No modification recommended.</p>
2/8	If Penguin grows, more houses will have to be pulled down for parking. Parking now has become a problem.	<p>The proposed Schedule requires that car parking be located to the side, rear or underground. The proposed Schedule will not alter the requirements for car parking spaces with respect to a particular use. The number of required car parking spaces is prescribed in Schedule 10 of the Scheme.</p> <p>Any application made pursuant to s.57 or s.58 of the Act will need to have regard to Schedule 10.</p> <p>No modification recommended.</p>

3/8	There is no need for new development as nearby towns can meet the needs of residents.	This is not relevant to the draft Amendment. No modification recommended.
4/8	Modern development could compromise the character of Penguin.	The provisions of the proposed Schedule are intended to have regard for height, setback, and building width to ensure that buildings will not compromise the coastal village character. No modification recommended.
5/8	Retain height limits.	See 1/3 above.
1/9	Supports the intent of the draft Amendment.	Noted. No modification recommended.
2/9	Concerned that the provisions will allow buildings with a height of greater than 8m. While understood that the intent of the provisions are to support innovative design, fears that this may be exploited.	See 1/2 and 1/3 above.
3/9	Performance criteria such as “it is in keeping with the coastal village atmosphere” is open to different interpretation. A height restriction with	Written representations, including this one, have expressed concern with respect to the proposed definition of the “Coastal Village Character” and the potential for this definition to be

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	<p>a discretionary limit ensures that there is no ambiguity.</p>	<p>misinterpreted. These same concerns were expressed verbally at the information evening.</p> <p>Throughout the Schedule reference is made to the term “Coastal Village Character” and a definition is provided within this Schedule.</p> <p>The criticism of this definition has prompted a further review of this term. An amended definition that could be inserted into the Schedule is attached in Annexure 4.</p> <p>The intent of the redrafting of this definition was to improve its clarity by defining more specifically the elements that are important to the coastal village character.</p> <p>An alternative definition is recommended to address the concern of this representation.</p>
4/9	<p>A cap of 8m has been the desired limit, an 8m limit with a discretionary cap of 10m was considered acceptable.</p>	<p>See 1/3 above.</p>
5/9	<p>Despite repeated representations from the community, including formal processes with the RPDC, the Council has persisted trying to abolish height restrictions in Penguin.</p>	<p>See 1/3 above.</p>

6/9	A discretionary height cap of 10m is essential to prevent manipulation of the Scheme.	See 1/3 above.
1/10	We attended with interest the recent information session. The controls suggested regarding shading and setbacks are well reasoned and will help to maintain the character of Penguin.	Noted. No modification recommended.
2/10	Important that P1, Clause 12.4.3 be maintained. There have been occasions where the Council has approved developments without adequate setbacks or where objections to shading have been dismissed as having no merit. Again the representation expresses concern the Council will not uphold the intent of the Scheme if there is a subjective judgement to be made.	See 1/3 above.
1/11	Attended the information session on 1 December 2009. Whist very impressed with their work, still concerned that the height for future developments is still left very open.	Noted. See 1/3 above.
2/11	Concerned that Councillors will override any recommendation from Planning Services.	See 1/3 above.

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3/11	Prefer to retain a quantifiable approach advocated by the P1, Clause 12.4.3.	See 1/3 above.
1/12	Objects to the removal of the discretionary height cap.	See 1/3 above.
1/13	Objects to the removal of the discretionary height cap.	See 1/3 above.
1/14	The clarification and reclarification of the maximum building height beyond 8m within Penguin has proceeded from the ridiculous to the ridiculous.	Noted. No modification recommended.
2/14	What we do here in Penguin affects not just its unique coastal life and architectural/topographical character, the shading of streets and private and public properties and a multitude of other aspects, but, if understood correctly, precedent for the rest of the State can potentially be set by these decisions.	Noted. No modification recommended.
3/14	Understands the tremendous effort on part of personnel involved. Opposed to the removal of a discretionary height cap.	See 1/3 above.

1/15	<p>Attended the information session on 1 December 2009. It was explained for example that a building may be above 8m if it does not cause unreasonable shading or unreasonable loss of privacy to adjoining properties, and it was demonstrated that the shading requirements are actually quantified. This is not expressed in Schedule 14, why?</p>	<p>Unreasonable shading is defined by the Scheme and accordingly this definition has not been reiterated in the proposed Schedule itself.</p> <p>No modification recommended.</p>
2/15	<p>We learnt that a building may exceed 8m (presumably going as high as 16m, the height of the Penguin Uniting Church) if it has something worthwhile to recommend it architecturally, and if it (presumably) “tapers” (our word) (like a church or a steeple?) and if it satisfies other criteria, all basically to do with maintaining the “coastal village character.” The coastal village character is subjective and is a matter of interpretation.</p>	<p>The representation is correct in that the test of unreasonable shading is applied to any proposal with a building height greater than 8m (see 1/3 above).</p> <p>The term “coastal village character” comes into play once a proposal can satisfy the quantitative measure of unreasonable shading.</p> <p>Again this representation expresses concern that the term “coastal village character” is subjective and a matter of interpretation. This issue is discussed in further detail under 3/9 above.</p>
3/15	<p>An absolute height limit of 11m be stipulated as the height and where buildings above this height cannot be considered. The representation expresses the importance of adopting a quantifiable approach.</p>	<p>See 1/3 above.</p>

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1/16	Building heights in the CBD area be no more than 10m. Building heights in the township area be no more than 8m. At no time may there be a reason for increasing the height of new buildings under any circumstance.	See 2/1 above.
1/17	Attended the information session on 1 December 2009. I was impressed with the controls suggested regarding shading and setbacks and felt they would maintain the character of Penguin.	Noted. No modification recommended.
2/17	Strongly assert that Clause 12.4.3 be maintained.	See 1/3 above.
3/17	Concerned that the Council will not uphold the intent of the Scheme.	See 1/3 above.
1/18	Object to the removal of the maximum height of 10m. The removal of 10m height restriction is ignoring the negative possibilities and continuing to make a mockery of all so called consultation with community, and the well documented wishes of the community. This is a waste of time and resources.	See 1/3 above.

2/18	When is the Council going to do the right thing and adhere to the Planning Scheme 12.4.3? When will the reason for more than a height of 10m be made transparent to the public?	See 1/3 above.
1/19	Objects to the removal of the prescribed height limit of Penguin CBD.	See 1/3 above.
1/20	Objects to the removal of the prescribed height limit for the Penguin CBD. The height limit of Clause 12.4.3 should be included in P1, Clause S14.5.1.	See 1/3 above.
1/21	Concerned that there is no prescribed discretionary height limit. Needs to remain clear and unambiguous.	See 1/3 above.
1/22	Objects to the removal of an absolute height limit.	See 1/3 above.

Summary of Representations

Since the modification of the proposed Schedule, a lot of positive feedback has been received. This is also reiterated in many of the written representations received. Despite this feedback, an issue of contention with respect to the proposed Schedule is the absence of an absolute discretionary building height limit.

While there are differences of opinions amongst the representations in terms of the preferred height limit that should be allowed, the community has expressed the need for a quantitative approach to remove the subjective nature of the decision making process with respect to building height.

Table 1 above has demonstrated that a simplistic approach with respect to determining building height does not take into account the space or visual relationship that a proposed building may have with the hinterland or foreshore. This approach also assumes that a building height of 10m, if implemented, is acceptable within the overlay area regardless of its location. This is seen to be problematic. Accordingly the provisions have been written to provide a quantitative approach that adopts a more balanced perspective and is still considered to be consistent with the community's desire to limit building height in the town of Penguin.

It is also recommended that the term "coastal village character," is modified to address the concerns raised by the representations. An alternative definition is attached in Annexure 4.

In addition to the written representations, there were a number of matters that were raised verbally at the information evening but unfortunately were not documented in the representations. The additional matters which are addressed below include:

- . development on multiple titles;
- . building setback from side boundaries;
- . balconies extended beyond the frontage.

Development over multiple titles

A concern was expressed that the Schedule did not provide clarity with respect to a proposed development that may extend over a number of existing titles. If a proposal was submitted for a development over a number of titles, there would be requirement for these titles to be combined and

treated as a single lot. This could result in a development that may visually dominate the streetscape and in turn compromise the values of the coastal village character.

For this reason it is recommended that the restrictions are placed on wall length along a frontage and side boundaries for permitted buildings. This will ensure that permitted buildings are kept to single and double front facades and that wall lengths along side boundaries are complementary and kept in proportion to adjoining buildings.

Accordingly, an additional Acceptable Solution and Performance Criteria are recommended limiting building wall length along a frontage and side boundaries. Refer to Annexure 5 to see the provision recommended with respect to this matter. The quantitative measurement of the acceptable solutions was derived from an inventory undertaken for lot width and depth.

Building setback from side boundaries

Since the modification of the draft Schedule, the Council has determined an application (DEV2009.13) for a residential use to be constructed above an existing building. The proposed building height was below 8m. This application, which was granted a permit, proposed a 0m setback from the south-eastern lot boundary. As this application (refer to Annexure 6) reflected a development outcome that would be advocated within the overlay area, it was considered important to test this application with respect to building setback against the proposed Schedule.

A2(b), Clause S14.5.1 in the proposed Schedule requires that a building be set back at least half the building height from side boundaries. This means that P2(c) is triggered as the proposal does not comply with A2(b). Accordingly an assessment is required to determine if the proposal will result in unreasonable shading. It was determined that the proposal could not satisfy P2(c)(ii), Clause S14.5.1 in which case it would be prohibited. This has prompted a review of the setback provisions.

The existing building setback within the overlay area was revisited. It was determined that there were a high percentage of buildings that were built to the boundary on one side but setback from the other. While the separation varied, in essence this setback allowed the important visual linkages to the hinterland and foreshore to be maintained. Accordingly, it is recommended that A2(b), Clause S14.5.1 be modified (as outlined in Annexure 5) to ensure that a building built to the boundary would not be prohibited in the overlay area.

Balconies (extending over the streetscape)

P2, Clause S14.5.1 allows balconies to be constructed 3m beyond the frontage. Concern was expressed that balconies should be limited, particularly over the streetscape, as this could potentially impact on the coastal village character. This issue was raised informally at the information evening.

If this provision is removed, balconies could still be constructed on buildings, however these would need to be contained within the lot boundaries of the land in question. It is recommended to the TPC that this provision is removed.

CONSULTATION

Extensive community consultation was conducted as part of the Penguin Urban Design Guidelines project and is detailed in the Penguin Urban Design Guidelines and the report to Council on 21 July 2008 (Minute No. 248/2008) supporting the original draft Amendment.

The first version of the Amendment was advertised and placed on public exhibition in accordance with the Act. The modified draft Amendment was certified suitable for public exhibition by the TPC on 10 November 2009. Accordingly the modified Amendment was readvertised in accordance with the requirements of the Act.

An informal information session was held from 3.00pm until 8.00pm on 1 December 2009 at the Penguin Railway Station and provided an opportunity for the public to obtain further information on the proposed draft Amendment. The information session attracted more than 25 individuals, of which many later made a written representation on the Schedule.

The statutory consultation periods were fulfilled, and are detailed in the above "Discussion" section of this report.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the process. No other impacts on resources are anticipated.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

CONCLUSION

The representations and discussion outlined above have highlighted a series of issues which impact on this draft Amendment. The discussion of both the representations and additional matters has identified that modification to the draft Amendment is recommended. Accordingly, it is recommended this report, along with the modified draft Amendment be forwarded to the TPC.'

The report is supported."

The Executive Services Officer reported as follows:

"Copies of the Annexures referred to in the Planning Consultant's report and Amendment 1/2008 have been circulated to all Councillors."

■ Cr Fuller moved and Cr (J) Bonde seconded, "That the Tasmanian Planning Commission be advised of the Council's views that there are alterations recommended to the draft Amendment (identified as AMD2008.1, Schedule 14 Penguin Urban Design Guidelines Schedule and attached in Annexure 5) (a copy being appended to and forming part of the minutes) as a result of the 21 representations received during the public exhibition period."

Continued after Minute No. 46/2010.

46/2010 Public question time

The time being 6.45pm, the Mayor introduced public question time.

Questions and replies concluded at 6.58pm.

Minute No. 45/2010 continued...

Motion

Carried unanimously

GENERAL MANAGEMENT

47/2010 Motion for General Meeting of Local Government Association of Tasmania on 12 May 2010 – Local government skills shortage

■ Cr Fuller (having given notice) moved and Cr Deacon seconded, “That the Council submit a notice of motion to the LGAT for their 2010 Annual meeting that reads as follows:

‘That the LGAT vigorously pursue State and Federal governments in relation to the significant skills shortage being faced by the local government sector in Tasmania, with a view to securing increased funding assistance for traineeships to assist the sector; and further

That the LGAT continue to actively explore ways in which councils can encourage Tasmanian students to undertake studies in the fields identified as crucial to maintaining a well resourced and sustainable sector.’

Cr Fuller, in support of her motion, submitted as follows:

“Preamble

Much data has already been collected pertaining to the shortage of skilled staff for the local government sector in Tasmania.

For the purpose of this motion data has been taken from the following report, published July 2008:

Occupational Skill Shortage Analysis – Tasmania Phase One Report

Prepared for Skills Tasmania by: Lisa Taylor Principal tasmanianjobs.com Lisa Taylor Consulting

A survey conducted during the compilation of this report received the following comments from councils across Tasmania –

‘List those specific occupations that currently present difficulties in terms of recruitment and retention

- . Town planning, various engineering, building surveyor, EHO, plumbers
- . Town planner (at a senior level), graduate engineer
- . Town planning, engineering and IT
- . Engineer, Tourism Development Officer, Youth Development Officer

- . Engineering and planning
- . Statutory Planner, Building/health inspector, grader driver, plant operators, financial management, IT, engineer
- . Plant operators, technically qualified staff, engineering, technical officer, works manager
- . Planners, machine operators, senior accounting officer, works staff
- . Office Administration
- . Plant Operators & Truck Drivers
- . Statutory/Strategic Planning
- . Concreting
- . MR licence
- . Engineering, Planning, Accountancy, Public Health, Child Care
- . Engineers, Planning Officers, Environmental Health Officers, Senior Accountants, Qualified Child Carers
- . Town Planners
- . Systems Development Officers
- . Outside School Hours & Vacation Carers
- . Engineers
- . Plumbers
- . IT
- . Project Management
- . Treatment Operators
- . Town Planners
- . Roads Maintenance and Construction
- . Systems Development
- . Child Care
- . Nursing, child care
- . Aged Care within community
- . Office Administration/reception
- . Town Planners, Engineers and Construction Workers
- . Construction (non-tradespeople) – specifically in areas such as concreting, paving
- . Management
- . Diesel fitters (retention issue)
- . Admin assistants (retention issue)
- . Development appraisal planners (retention issue)

Identify occupations or skills areas in your council, which are likely to experience significant growth in demand in the next ten years.

- . All professional skills will have a shortage however the growth in workload and demand I expect to be reasonably steady.

- . Probably aged care if that responsibility comes to council. Also there will be increasing need for staff with advanced IT skills.
- . Tourism positions, planning positions, building positions, risk management.
- . Engineering, planning, building.
- . No significant growth anticipated.
- . Environmental Management Officers.
- . Information Technology, Engineers, Planners.
- . Nursing and aged care, technical services (i.e. plumbing, building etc.), community services.
- . Community services seems to be a growing area.
- . Planning, environmental planning and environmental management.

What is the impact of the skills/labour shortage on your council?

- . Currently town planning in particular although that could change rapidly – the flow on effect on customer service, regulatory capability and stress on other staff is being felt however.
- . Currently contracting or utilising consultants to fill vacancies in specialist areas.
- . Staff being utilised across the organisation, not always with specific skills at the level of understanding required. A dilution of the specialist skills in the organisation. Some more strategic strategies and initiatives being put on hold.
- . Cost of recruitment, cost of contracting.
- . Lack of productivity, more stress on current employees carrying the load.
- . Rising cost of consultants.
- . Most of the shortage is due to the location of our Municipality and the housing shortage due to the current mining boom.
- . Staff turnover.
- . Review of job priorities to work within resource capacity.
- . Restricted capacity to proactively manage succession planning.
- . The need to hire consultants to assist with workload.
- . Extra pressure being placed on existing staff.
- . Labour shortage will lead to workplace stress, long hours, workplace injuries, difficulty in accomplishing tasks within required timeframes. Potentially will lead to burnout.
- . Skills shortage will lead to poor service, potential loss of income, higher cost to employ and retain staff.
- . High recruitment costs and difficulties in achieving goals. Also, additional expense of hiring contractors.'

These are our own council managers, articulating what impacts on their workforce every day.

In our own Cradle Coast region we are increasingly witnessing movements by staff between councils that simply leave management to poach and entice the same staff around and around the region.

With the implementation of the Water and Sewerage Corporations, another three organisations have now entered the State drawing from the same pool of qualified staff.

The impact of the shortages of relevant qualified personnel, on management and the community, are clearly articulated in the actual responses from councils in the research quoted above.

Some elected members consider that skills shortage will be a key trigger for council amalgamations.

Others are considering how we can 'farm out' some of our key responsibilities to other structures, e.g. local government authorities, who would provide specialised service to a region.

Whatever models councils in Tasmania decide to pursue, the reality is that we need more opportunities for traineeships in our key areas of governance.

About the National Skills Needs List

Australian Government incentive payments encourage employers to offer employment-based training opportunities to enable people to gain and build on their skills. The Australian Government also offers personal benefits to Australian apprentices to attract more Australians into technical and trade education and improve completion rates.

Eligibility for some Australian apprenticeship incentives and personal benefits is limited to those in traditional trades identified as experiencing a national skills shortage.

Australian apprenticeships encompass all apprenticeships and traineeships. They combine time at work with training and can be full-time, part-time or school-based.

Trades experiencing persistent skills shortage are included on the National Skills Needs List which is based on detailed labour market research conducted by the Department of Education, Employment and Workplace Relations. The National Skills Needs List is used to determine the eligibility of employers and/or Australian

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apprentices for the following Australian Government incentives and personal benefits:

- . Support for adult Australian apprentices payment
- . Tools For Your Trade payments
- . Rural and Regional Skills Shortage incentive
- . Securing Australian Apprenticeships initiative.

Below are the 60 prioritised trades:

- | | |
|----------------------------------------------|----------------------------------------------------|
| . Aircraft maintenance engineer (Avionics) | . Lift Mechanic |
| . Aircraft maintenance engineer (Mechanical) | . Locksmith |
| . Automotive electrician | . Mechanical services and air-conditioning plumber |
| . Baker | . Metal fabricator |
| . Binder and finisher | . Metal machinist (First class) |
| . Boat builder and repairer | . Motor mechanic |
| . Bricklayer | . Optical mechanic |
| . Butcher | . Painter and decorator |
| . Cabinetmaker | . Panel beater |
| . Carpenter | . Pastry cook |
| . Carpenter and joiner | . Picture framer |
| . Communications Linesperson | . Pressure welder |
| . Cook | . Printing machinist |
| . Drainer | . Refrigeration and air-conditioning mechanic |
| . Electrical powerline tradesperson | . Roof plumber |
| . Electrician (Special class) | . Roof slater and tiler |
| . Electronic equipment tradesperson | . Screen printer |
| . Fibrous plasterer | . Shearer |
| . Fitter | . Sheetmetal worker (First class) |
| . Flat glass tradesperson | . Signwriter |
| . Floor finisher | . Solid plasterer |
| . Furniture finisher | . Stonemason |
| . Furniture upholsterer | . Toolmaker |
| . Gasfitter | . Tree surgeon |
| . General Communications Tradesperson | . Vehicle body maker |
| . General electrician | . Vehicle painter |
| . General plumber | . Vehicle trimmer |
| . Hairdresser | . Wall and floor tiler |
| . Joiner | . Welder (First class) |
| . Landscape Gardener | . Wood machinist (A-grade) |

Refer www.australianapprenticeships.gov.au – Fact sheet 10 January 2010.

In my opinion, only two of the 60 trades which currently appear on the National Skills Needs List would be trades that would be regularly utilised by local government. They are ‘Roof plumber’ and ‘Tree surgeon.’

This Skills List is used to prioritise financial incentives and support provided by the Australian Government to attract and retain trainees, through programs delivered at a State level.”

The Director Development & Regulatory Services reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Fuller proposing that the Council submits a notice of motion to the Local Government Association of Tasmania (LGAT) for their 2010 Annual meeting proposing that the LGAT pursue State and Federal governments in relation to the significant skills shortage being faced by the local government sector in Tasmania, with a view to securing increased funding assistance for traineeships to assist the sector. And further that the LGAT continues to actively explore ways in which councils can encourage Tasmanian students to undertake studies in the fields identified as crucial to maintaining a well resourced and sustainable sector.

BACKGROUND

Local government is experiencing critical skill shortages in professions such as land use planning, environmental health, building surveying, engineering, finance and, in some council areas, there are general labour shortages across the board. Indeed, skill shortage is a major issue which is not only confronting local government, but other industries across Australia, as the nation’s workforce is not growing sufficiently to keep pace with the labour and skills needs of a range of industries.

The nature of the local government skills shortage is illustrated by a recent Occupational Skills Shortage Analysis for Tasmania which utilised a classification system to define the nature of skills shortage in the Tasmanian labour market. These classifications were:

Level 1

- . Few people available with the essential skill set
- . Education and training not provided in Tasmania

Level 2

- . Few people available with the essential skill set

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- . Long training time to develop skills
- . Training is available in Tasmania or has the potential to be available in Tasmania

Level 3

- . Few people available with the essential skill set
- . Short training time to develop skills
- . Training is available in Tasmania

The analysis found that the occupations in greatest demand across all industries are those highly skilled roles that require a number of years of education and training as well as ongoing education and training. Those occupations that are not in short supply are the low or unskilled occupations, predominantly administrative personnel or general labour, however, industry also advises high turnover for these occupations. This finding was particularly true for local government in which highly skilled professionals are required in specialist areas such as Land Use Planning, Environmental Health, Engineering, Building Surveying, Human Resource Management and Information Technology. Level 1 or Level 2 skill shortages are reported in each of the local government employment areas listed in Table 1.

<i>OCCUPATION</i>	<i>NATURE</i>	<i>EDUCATIONAL REQUIREMENT</i>
Asset Management Engineer	L2	University Education
Building & Eng. Professionals	L2	University Education
Building Inspectors	L2	University Education / VET pathway exists
Building Surveyors	L2	University Education / VET pathway exists
Env. Health Officers	L1	University Education / VET pathway exists
HR Professionals	L2	University Education / VET pathway exists
IT Professionals	L2	University Education
Planning Officers	L2	University Education / VET pathway exists
Town Planners	L1	University Education

Table 1: Local Government related Occupational Shortages

The skill shortage problem is compounded by the fact that the demand for local government is growing. It is estimated that employment will grow annually by just under 13% in the period 2004–2005 to 2012–2013. However, the ability to meet this estimated growth is dependent upon the capacity of local government to find appropriately skilled staff at a time when it is confronted with a current and looming

skills shortage. This reduced capacity to fill jobs with appropriately skilled staff will cause significant detriment to key functions of local government and will therefore delay local production and economic development. For example, shortages may result in planning delays, reduced food safety enforcement and education, delayed infrastructure renewal and replacement and general cut-backs on local services.

DISCUSSION

The Australian local government industry is confronted by low take-up rates of people entering training in local government occupations (for example courses such as Environmental Health, Land Use Planning, Engineering and Building Surveying).

One of the root causes for the low take-up of training may be a negative public perception of local government. A 2008 study of the work attributes and organisational preferences of 650 final year university students found that local government organisations were perceived to be the least attractive employer, coming last in the ranking with only 3.2%. Overall, most participants' perceived local government as dealing with trivial issues, which have a minor impact on society:

'I wouldn't want to work for the Local Government because the issues they deal with only cover a small number of people and they are usually more trivial issues.' Moreover, they believed that Local Government work involves mundane tasks: 'Local is boring ... yawn' and 'I do not find discussing building permits and garbage collection interesting enough'... They saw Local Government work as offering little prospects for career advancement: 'I can't see much room for moving up in Local Government.'

The LGAT has been actively working to address local government skills shortage issues in Tasmania. Current projects include:

- . A television advertisement has been developed to promote local government careers and will commence airing in late March/April 2010.
- . A new website is being prepared for the same launch date - it will have case study videos of employees (mainland ones) and a range of tools to find jobs based on peoples interests, and then the training. It will be called www.thinkbigworklocal.com.au which is the TV ad tag line, and part of the theme of the website.
- . Workforce planning is being undertaken with some councils. This involves gathering information on job roles, employee training and development, date of birth etc., and then undertaking a survey to provide more detail including staff intentions about leaving or staying at the council etc. This information

is then used to make some predictions about retirements, future training needs etc.

- . An application for approximately \$200,000 from the Federal Government to pay for 75–90% of council costs for around 80 certificate and diploma courses for seven councils.

Additionally, various professional associations such as the Institute of Public Works Engineering Australia are actively working to address skills shortage issues in their respective professions.

Clearly, local government faces an enormous challenge in attracting the best and brightest of the younger generation. The local government sector cannot recruit from as large a pool that prefer government jobs as even a decade ago, and the pool seems to be shrinking. The overall quality of the local government workforce is determined by its ability to attract, hire and retain high quality employees and part of the solution is to improve the marketing of government jobs and to provide incentives such as those proposed in Cr Fuller’s motion.

CONSULTATION

No consultation has been undertaken in preparing this report.

IMPACT ON RESOURCES

No impact on resources is anticipated.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve service provision
- . Improve the Council’s financial capacity to sustainably meet community expectations

CONCLUSION

Cr Fuller’s motion is submitted for consideration.”

Motion

Carried unanimously

48/2010 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer 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:

- . Forth Community Representative Committee – meeting held on 10 December 2009
- . Ulverstone Local History Museum Committee – meeting held on 19 January 2010.

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

■ Cr (J) Bonde moved and Cr Howard seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

49/2010 Local Government Association of Tasmania – General Management Committee 2010 Election

The General Manager reported as follows:

PURPOSE

This report invites consideration of nominations for the Local Government Association of Tasmania’s 2010 Election; in particular for General Management Committee representation.

BACKGROUND

The Electoral Commissioner, Tasmanian Electoral Commission, has written as follows:

‘The Tasmanian Electoral Commission has been requested to conduct the election of six members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT).

An election of president is not being conducted at this time, as the term of the current president was extended to 2012 at a general meeting held on 18 November 2009.

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Nominations are now invited from LGAT members and must be received at this office by 5:00PM Wednesday 24 March 2010. Candidates will be notified of receipt of their nominations by this office.

Election timetable

Nominations open.....Thursday 21 January 2010

Nominations close.....5:00PM Wednesday 24 March 2010

Ballot material posted (if ballot required).....Monday 29 March 2010

Close of postal ballot.....10:00AM Wednesday 28 April 2010

Declaration of result.....Wednesday 28 April 2010

Annual General Meeting.....Wednesday 12 May 2010

A nomination form (showing electoral districts on the reverse) and reply paid envelope are enclosed.

If you would like further information or assistance, please call me on 6233 2936.'

DISCUSSION

Attached is a copy of the electoral nomination form. Also attached is an extract from the LGAT Rules in which the General Management Committee's functions and composition are outlined and in which the representative process is detailed.

Most current members of the General Management Committee are mayors but membership is not limited to mayors.

Within the North West & West Coast Electoral District, nominations are invited for two candidates; one to represent the member councils which have a population of 20,000 or more, and another to represent the remaining councils. All councils vote for both positions.

There are two councils in this District with a population of 20,000 or more. These are Central Coast and Devonport City. They are currently represented by Cr Lynn Laycock.

In the event of there being more than one Central Coast Councillor seeking nomination, a ballot will be required to determine the successful candidate. It is noted in this regard that the *Local Government (Meeting Procedures) Regulations 2005* provide that, '...voting at a meeting may be conducted by secret ballot if the

purpose is to select a person to represent the council on a committee or other body...’

CONSULTATION

Consultation is not required in respect of this matter.

IMPACT ON RESOURCES

Apart from provision of briefings in respect of agenda items being considered by the General Management Committee and travel costs to meetings, this representative role does not otherwise impact on the Council’s resources.

CORPORATE COMPLIANCE

Corporate compliance is not relevant to this matter.

CONCLUSION

The Council’s consideration of nominating a candidate is invited.”

The Executive Services Officer reported as follows:

“Copies of the LGAT Rules (extract) and electoral nomination form have been circulated to all Councillors.”

- Cr Deacon moved and Cr (J) Bonde seconded, “That the matter of nominations for the General Management Committee for the Local Government Association of Tasmania’s 2010 Election lay on the table until the next Ordinary meeting of the Council.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

50/2010 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of January 2010 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 Robertson moved and Cr Diprose seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

51/2010 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 January 2010 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 (J) Bonde moved and Cr Haines seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

52/2010 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 January 2010 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 from Lions Club of Ulverstone expressing its concerns over the Council's decision to pass on the cost of statutory inspections.
- . Letter from Lions Club of Ulverstone submitting an expression of interest in the use of the Knights Road Clubrooms.

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

Carried unanimously

53/2010 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 26 January to 15 February 2010 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council."

The Executive Services Officer reported as follows:

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

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

Carried unanimously

54/2010 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 January 2010 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

55/2010 Rate remissions

The Director Corporate & Community Services reported as follows:

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

<i>PROPERTY NO.</i>	504730.0020
<i>PROPERTY ADDRESS</i>	15 Graingers Road, Kindred
<i>REMISSION</i>	\$273.87
<i>REASON</i>	Property originally rated for two houses, now only one house on property.

<i>PROPERTY NO.</i>	504950.1300
<i>PROPERTY ADDRESS</i>	914 Kindred Road, Kindred
<i>REMISSION</i>	\$377.17
<i>REASON</i>	Property originally rated for a house, now no longer a house on the property.

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that a council, by absolute majority, may grant a remission of all or part of any rates.”

■ Cr Robertson moved and Cr Dirpose seconded, "That the following remissions be approved:

- . Property No. 504730.0020 – \$273.87
- . Property No. 504950.1300 – \$377.17."

Carried unanimously

56/2010 Special Event Place of Assembly Licence – Request to waive fees

The Director Corporate & Community Services reported as follows:

"PURPOSE

To consider waiving the fees for the issuing of Temporary Place of Assembly Licences for special events.

BACKGROUND

A number of service clubs and not-for-profit organisations have written asking if the Council would waive the licence fee paid for the issuing of Temporary Place of Assembly Licences for special events.

DISCUSSION

The Council sets the fees and charges each year and any waiver of these fees requires a remission from the Council.

The fee charged by the Council to issue a Place of Assembly Licence for a special event is \$120.00. This is a fee that was introduced in the 2009–2010 Fees and Charges that reflects earlier changes to the requirements that groups need to meet when holding a special event anywhere within the Central Coast area. In setting the fee it was established that the approximate cost to the Council in assessing applications for Temporary Place of Assembly Licences for special events is between \$133.00 and \$275.00 per event. In recognition of the public benefit of this service it was proposed not to cover the full cost of providing the service.

There are a number of service clubs and not-for-profit organisations that run events that are currently free to all members of the Central Coast community. Events such as Christmas Parades, Christmas Carols and Playgroup in the Park are all events that benefit the community as a whole and are largely popular because they are freely available to any member of the public.

The introduction of a fee to cover the cost of issuing a Temporary Place of Assembly Licence for such events has, despite the discounting of the fee, resulted in a significant increase in the cost of running such events and may result in service clubs choosing to cease the running of such events or such events attracting an entry fee to cover the increased cost of running the event.

The Council has a policy that groups and organisations who are classified as a charitable organisation and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on fees charged for the hire of certain facilities. In the past the Council has believed that the value to the community of such events would warrant such a rebate.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Any reduction in the cost of Place of Assembly Fees for special events will result in a reduction in income from Fees and Charges in the order of \$600 – \$1,000.

CORPORATE COMPLIANCE

The Strategic Plan 2009–14 includes the following objectives:

The Shape of the Place

- . Improve the value and use of open space

A Connected Central Coast

- . Connect the people with services
- . Improve community wellbeing

Community Capacity and Creativity

- . Community capacity-building
- . Cultivate a culture of creativity in the community

The Environment and Sustainable Infrastructure

- . Develop a manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve service provision
- . Improve the Council's financial capacity to sustainably meet community expectations.

CONCLUSION

The Council already has a policy that groups and organisations who are classified as a charitable organisation and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on fees charged for the hire of certain facilities.

It is recommended that groups and organisations who are classified as not-for-profit organisations and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on the Temporary Place of Assembly Licence fee charged for special events providing that the event is free to the public and held with the Central Coast area.”

The Executive Services Officer reported as follows:

“At the Council meeting held on 14 December 2009 the Council unanimously agreed to allow the matter to lay on the table until additional information is provided (Minute no 415/2009 – 14.12.2009). Additional information has been provided by the Director Corporate & Community Services as follows:

‘PURPOSE

To consider additional information related to the waiving the fees for the issuing of Temporary Place of Assembly Licences for special events.

BACKGROUND

In addition to a number of service clubs and not-for-profit organisations asking if the Council would waive the licence fee paid for the issuing of Temporary Place of Assembly Licences for special events the Council has identified a number of other significant costs that might be associated with the running of certain public events.

DISCUSSION

The Council has sorted events within the Central Coast area into the following classifications:

- . icon events such as the Tour of Tasmania;
- . major events such as the Ulverstone Show;
- . community events such as Carols by Candlelight;
- . commercial and fundraising events such as the Penguin Market;
- . conferences and meetings; and
- . other events such as wedding receptions.

Within these definitions community events include a range of events such as Carols by Candlelight, Christmas Parades and Playgroup in the Park, that are provided free of charge, without restriction, to the community, and where there has not been the opportunity to transfer costs to other parties such as stallholders.

In addition to the fee charged by the Council to issue a Temporary Place of Assembly Licence for community events, event organisers can face a range of licence/certificate/permit fees such as a temporary occupancy permit and related surveyors certificate and temporary food business registration, as well as having to find additional toilets. All of these being statutory obligations arising out of the broad range of legislation that covers these events. While costs such as building surveying certification and public toilet rentals are outside the control of the Council, there remains a range of fees imposed directly by the Council.

Despite the fact that the Central Coast Council's level of fees in this area are on a par with those of neighbouring councils, the effect of these requirements is such that under the present regime of fees and charges a service club wishing to hold a public event such as Christmas Carols within a Council reserve, could be faced with a bill of close to \$700.00 to provide what is considered by many, especially family groups, to be one of the highlights of the year. With the Council contributing as much as 50% of the cost there is a very real risk that the increasing cost of running such events could lead to service clubs and not-for-profit organisations no longer being prepared to run these events.

In the case of certain community events (as defined within the Central Coast Festival and Events Strategy) such as non-commercial markets, there is the opportunity for event organisers to pass on these costs to the relevant stallholders who have the opportunity to profit from the event. This is not the case with community events such as Christmas Parades and Carols.

There is no doubt that the community as a whole benefits considerably from events such as Christmas Parades and Christmas Carols and it does not seem unreasonable that the community, through the reduction in fees by the Council, contributes in some way to the ongoing success of such events.

CONCLUSION

It is recommended that the Council grant groups and organisations who are classified as not-for-profit organisations and are either based in the Central Coast area or have strong Central Coast membership, a 50% rebate on all

Council licence/certificate/permit fees charged for community events providing that the event is free to the public and held within the Central Coast area.”

■ Cr Haines moved and Cr Howard seconded, “That the Council grant groups and organisations who are classified as not-for-profit organisations and are either based in the Central Coast area or have strong Central Coast membership, a 50% rebate on all Council licence/certificate/permit fees charged for community events providing that the event is free to the public and held within the Central Coast area.”

■ Cr Viney moved and Cr (J) Bonde seconded an amendment, “That the Council grant groups and organisations who are classified as not-for-profit organisations and are either based in the Central Coast area or have strong Central Coast membership, a 100% rebate on all Council licence/certificate/permit fees charged for community events providing that the event is free to the public and held within the Central Coast area.”

Voting for the amendment
(1)
Cr Viney

Voting against the amendment
(10)
Cr Downie
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon
Cr Diprose
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr van Rooyen

Amendment

Lost

Voting for the motion
(11)
Cr Downie
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon
Cr Diprose
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr van Rooyen
Cr Viney

Voting against the motion
(0)

Motion

Carried unanimously

ENGINEERING SERVICES

57/2010 Consideration of items for inclusion in the 2010–2011 budget Estimates

■ Cr Howard (having given notice) moved and Cr Fuller seconded, “That sufficient funds be provided in the 2010–2011 budget Estimates to include items in the works program to address public concerns in respect of the area at Johnsons Beach, Penguin.”

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

“As a matter of community concern it is deemed necessary to submit that the areas known as ‘The Nut’ and Johnsons Beach in Penguin receive prime consideration for inclusion in the 2010–2011 works program.

With the ever increasing popularity of the areas, recent issues have arisen which are causing public concern.

Of those concerns, perhaps the most alarming aspect is the lack of road safety. Traffic travelling to and from the caravan park is generally devoid of care for those at the skate park and miniature railway (refer photos at Annexure 1). It is felt that the present speed limit of 50km/h should be reduced to a safer 25km/h.

To not only maintain but further enhance these iconic unique tourist locations, attention is required to the following:

- . Security gate to be installed at the north–east corner at what is known as ‘The Nut’. This would ensure protection from hooning whilst allowing access for approved vehicles on miniature railway group events.
- . Additional picnic table/seating and repair to present seating.
- . Sun shade.
- . Remove unnecessary bank to prevent bike riders using it as a launching pad to cross the road. Removal would allow better vision for road users.
- . Designated parking bays to alleviate congestion around the Scout Hall, skate park and boat ramp locations.
- . Dog litter bags.
- . Additional playground equipment.
- . Larger rubbish bins.

- . Removal of invading feral grass and plants on Johnsons Beach. Approximately 25% of the beach area has been lost due to this problem. Nature had created an environmental feature by the tidal dispersing and returning of the sand. An undertow situation has now been accentuated by the permanent build-up of a noxious plant bank.
- . Car park at Revell Reserve. Those using public toilets frequently park on the road causing a traffic problem.
- . Provision of a treated pine walkway from Preservation Drive to allow safe access to Johnsons Beach. At present entry is via a rough gravel track.

In support of the above, further comments are as follows.

The Council's work in providing the Main Road Makeover walk across Penguin Creek to Johnsons Beach has received warm public acclaim, although some comments have indicated a disappointment regarding what is evident at the journey's end.

Recent activities in the area have included two weddings on top of 'The Nut', five group bookings of the miniature railway and several Christmas and birthday functions. On the fishing open day, 18 vehicles with boat trailers were present. Advice from a Burnie birthday group indicated support for the miniature railway will be forthcoming from that region as no facility of that type is available for children's birthdays in Burnie.

Of those using the miniature railway, around 80% are of a tourist origin.

The rejuvenated Scout organisation has in excess of 50 members. At times the organisation hosts the Ulverstone Venturers.

Whilst the skate park facility would be one of the most utilised public facilities in Penguin, it has obviously reached a need for rejuvenation.

The motion is put that sufficient funds be provided in the 2010-2011 budget to address the issues as described."

The Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to consider a motion on notice from Cr Howard.

BACKGROUND

The works suggested include a number of maintenance and capital works items.

An allocation of \$35,000 has been made to construct the railway crossing from Preservation Drive to Johnsons Beach Road over the last few years and is proposed to be constructed this financial year following a delay in the issue of a licence for the railway crossing.

DISCUSSION

The works listed will need to be estimated and considered in priority with other maintenance and capital works.

CONSULTATION

Consultation has been limited to previous community plan discussions noting the works arising from these plans have also been included in forward programs.

IMPACT ON RESOURCES

Subject to Estimates, the works listed would involve allocation from maintenance, capital and forward programs as required.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure
- Contribute to the preservation of the natural environment

Council Sustainability and Governance

- Improve service provision

CONCLUSION

The motion on notice from Cr Howard is submitted for consideration.”

Voting for the motion
(10)
Cr Downie
Cr (J) Bonde
Cr Deacon

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

Cr Diprose
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr van Rooyen
Cr Viney

Motion

Carried

58/2010 Engineering Services determinations

The Director Engineering Services reported as follows:

“A Schedule of Engineering Services Determinations made during the month of January 2010 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 Robertson moved and Cr Haines seconded, “That the Schedule of Engineering Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

59/2010 Tenders for Stage 1 of the overall master lighting plan – Ulverstone Showground

The Director Engineering Services reported as follows:

PURPOSE

The purpose of this report is to make a recommendation on tenders received for Stage 1 of the overall master lighting plan for the Ulverstone Showground Leisure and Sports Complex’s open grassed area.

BACKGROUND

The Asset Management Group Leader reported as follows:

‘As part of the Ulverstone Showground redevelopment, the Central Coast Council has developed a suitable overall master lighting plan for the

Showground's sports fields and implemented Stage 1 of this master plan by installing soccer training lighting.

The scope for Stage 1 of the sports field lighting is limited to suitable lighting for soccer training and match practice in the north-west section of the Showground. However, this lighting installation is to form part of an integrated "master plan" for future staged implementation of sports field lighting (subject to budgetary constraints). The overall sports field lighting requirements include potential for night time soccer competition (match practice and club matches) as well as softball training and club competitions. Other night time recreation and athletic activities may also be considered at the venue in the future.

The most significant technical constraint for sports field lighting at this venue is the requirement that all lighting structures are to be limited to the perimeter of the main grass field area (i.e. no fixed lighting structures are to be installed in the open field area). This will mean that implementing sports field lighting in accordance with the pole location schemes recommended in the applicable Australian Standards will not be possible and a compromise in respect of lighting arrangements will need to be considered.

Pitt & Sherry was engaged by the Council to provide an "Issues and Options Report" for the Ulverstone Showgrounds sports field lighting. Following review of the report, a performance specification and tender documents were prepared for the design, supply and installation of two options for Stage 1 soccer training lighting. Option 1 was two light towers and Option 2 was to construct three light towers. Option 2 will give better coverage and will avoid the need to install an additional light tower in the future.

A public call for tenders was advertised on 12 December 2009. During the pre-tender period a total of seven sets of tender documents were issued, a pre-tender site meeting was held and various queries were fielded from potential tenderers.

Tenders closed at 4:00pm on Friday, 22 January 2010 with a total of two tenders received. The tenderers were PSG Russell Smith and Dobson Electrical Pty Ltd.

Tenders were received as follows:

Option 1 – two light towers

TENDERER	COST \$ (EXC. GST)
Dobson Electrical Pty Ltd	86,030.00
PSG Russell Smith	98,145.00
<i>BUDGET</i>	<i>100,000.00</i>

Option 2 – three light towers

TENDERER	COST \$ (EXC. GST)
Dobson Electrical Pty Ltd	119,000.00
PSG Russell Smith	136,890.00
<i>BUDGET</i>	<i>130,000.00</i>

DISCUSSION

The contractor is required to provide all the necessary goods and services required to meet the Council’s requirements as detailed in the tender documents.

The general scope of work for the Stage 1 soccer training area lighting at the Ulverstone Showground will include the following:

- . Detailed design and documentation of a master plan lighting system to achieve compliance with the specified light parameters and referenced Standards;
- . Design and construction of all required lighting pole footings for the Stage 1 lighting (Option 1 or Option 2);
- . Supply and installation of all required lighting poles for the Stage 1 lighting (Option 1 or Option 2);
- . Supply and installation of all required luminaires, lamps, control gear and associated enclosures for the Stage 1 lighting (Option 1 or Option 2);
- . Design, supply and installation of underground distribution cabling for the Stage 1 lighting (Option 1 or Option 2);
- . Testing and commissioning of all electrical equipment, luminaires, and switchgear. This includes configuration and optimisation of luminaire aiming;

- . Documented site acceptance testing verifying compliance with the design light parameter requirements;
- . Operator and maintenance staff training (as required); and
- . Provision of complete shop drawings and “as built” documentation.

Both tenders comply with the documentation and occupational health and safety requirements.

CONSULTATION

This item has followed a public tendering process and consideration has been given to the two tenderers and four tender prices stated in the tables above.

IMPACT ON RESOURCES

The budget for Stage 1 of the lighting project is \$130,000.00. This figure is made up a contribution from the Soccer Infrastructure Development Reserve of \$110,000.00 and a contribution from the Ulverstone Softball Association of \$20,000.00 both of which have been approved by the respective sporting bodies.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space

A Connected Central Coast

- . Connect the people with services

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve service provision

CONCLUSION

It is recommended that:

- 1 the tender from Dobson Electrical Pty Ltd in the amount of \$130,900.00 (incl. GST) be accepted for Option 2 (three light towers) for Stage 1 of the overall master lighting plan at the Ulverstone Showground Leisure and Sports Complex; and further;
- 2 that the Council authorise the transfer of \$110,000 from the Soccer Infrastructure Special Projects Reserve for this purpose, noting that the use of these funds has been approved by the Ulverstone Soccer Club Inc. in accordance with the Deed of Agreement.”

The Asset Management Group Leader’s report is supported.”

■ Cr Deacon moved and Cr (J) Bonde seconded, “That:

- 1 the tender from Dobson Electrical Pty Ltd in the amount of \$130,900.00 (incl. GST) be accepted for Option 2 (three light towers) for Stage 1 of the overall master lighting plan at the Ulverstone Showground Leisure and Sports Complex; and further
- 2 that the Council authorise the transfer of \$110,000 from the Soccer Infrastructure Special Projects Reserve for this purpose, noting that the use of these funds has been approved by the Ulverstone Soccer Club Inc. in accordance with the Deed of Agreement.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

60/2010 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 Robertson 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

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 not to record the details of the outcome unless the council determines otherwise.

-
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

GENERAL MANAGEMENT

61/2010 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 9.13pm.

CONFIRMED THIS 15TH DAY OF MARCH, 2010.

Chairperson

(Imm:dil)

Appendices

- Minute No. 43/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 45/2010 – AMD2008.1, Schedule 14 Penguin Urban Design Guidelines Schedule
- Minute No. 50/2010 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 51/2010 – Schedule of Contracts & Agreements
- Minute No. 53/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 54/2010 – Financial statements
- Minute No. 58/2010 – Schedule of Engineering Services Determinations Made Under Delegation

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