



Minutes

of an Ordinary Meeting
held at 6.00pm

15 November 2010

Note:
Minutes subject to confirmation at
a meeting of the Council to be held on
13 December 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 November 2010 commencing at 6.00pm.

Councillors attendance

Cr Jan Bonde (Acting Mayor)
Cr John Deacon
Cr David Dry
Cr Ken Haines
Cr Brian Robertson
Cr Philip Viney

Cr Lionel Bonde
Cr Amanda Diprose
Cr Cheryl Fuller
Cr Gerry Howard
Cr Tony van Rooyen

Employees attendance

General Manager (Ms Sandra Ayton)
Acting Director Corporate & Community Services (Mr Stuart Arnot)
Director Development & Regulatory Services (Mr Michael Stretton)
Director Engineering Services (Mr Bevin Eberhardt)
Executive Services Officer (Miss Lisa Mackrill)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The Meeting opened in Prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

342/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 18 October 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 Robertson moved and Cr Howard seconded, “That the minutes of the previous ordinary meeting of the Council held on 18 October 2010 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

343/2010 Council workshops

The Executive Services Officer reported as follows:

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

- 25.10.2010 – Community Survey results and actions / Central Coast Regional Land Use Planning Framework

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

344/2010 Mayor's communications

The Acting Mayor reported as follows:

"I have no communications at this time."

345/2010 Mayor's diary

The Acting Mayor reported as follows:

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

- Enormity Inc. - meeting re Santa Run
- Local Government Association of Tasmania - Special Meeting (Launceston)
- Ulverstone High School - 'No Ill Feeling' musical production
- Enormity Inc. - meeting re Road Safety Rules
- Secretary to Cabinet, Cassy O'Connor MP - meeting re Affordable Housing
- Central Coast Chamber of Commerce and Industry Inc. - Business Excellence Awards
- Ulverstone Show Society - Show Day afternoon tea
- Gunns Plains Community Centre Association Inc. - Gunns Plains Potato Festival judging
- Medibank Active Tasmania Awards 2010 - official presentations (Launceston)
- Optia Inc. - meeting re disability housing
- Cradle Coast Mayors and General Managers - meeting re Cradle Mountain Water review (Wynyard)
- Central Coast Primary Schools - 2010 art exhibition
- Hospice Care Association of North West Tasmania Inc. - 25th birthday celebrations
- West Ulverstone Primary School - Building the Education Revolution Project - official opening
- Cradle Mountain Water - annual general meeting (Devonport)
- East Ulverstone Primary School - Building the Education Revolution Project - official opening
- Central Coast SES Unit - medal presentation
- Cradle Coast Authority - North West Coast Zone Marketing Group - industry function (Wynyard)
- Rotary Club of Ulverstone West/Central Coast Council/North West Art Circle - ArtEx10 preview luncheon and official opening

Cr Brian Robertson has represented me at the following event:

- . Ulverstone District Cricket Club - Sponsors Day Marquee Luncheon

Cr Gerry Howard has represented me at the following event:

- . Penguin Senior Citizens Club - birthday celebration

Cr Cheryl Fuller has represented me at the following events:

- . AuSSI-Tas (Australian Sustainable Schools Initiative) - Kids for Kids Conference (Port Sorell)
- . Tasmania *Together* - community forum

Cr Ken Haines has represented me at the following event:

- . Department of Premier and Cabinet, Community Development Division - Local Government Youth Forum (Launceston)

Cr Philip Viney has represented me at the following events:

- . North West Christian School - Building the Education Revolution Project - official opening
- . Tall Timbers Thunder Basketball Club - 2010 season celebration and awards presentations (Smithton)."

- Cr Haines moved and Cr Diprose seconded, "That the Acting Mayor's report be received."

Carried unanimously

346/2010 Pecuniary interest declarations

The Acting 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.

347/2010 Public question time

The Acting 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

348/2010 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 Deacon reported on the Central Coast Chamber of Commerce & Industry Inc. Business Excellence Awards.

Cr Howard reported on a meeting of the Heybridge Improvement Association.

Cr Fuller reported on a function at the Penguin Basketball Clubrooms celebrating the final loan repayment for construction of the Clubrooms.

Cr Fuller reported on a meeting of the Dulverton Waste Management Authority.

Cr van Rooyen reported on the Regional Planning workshop.

Cr Viney reported that Cr Haines and himself had attended the Lions 201T1 District Convention.

Cr Robertson reported on a meeting of the Barrington Area Fire Management Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

349/2010 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

350/2010 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

351/2010 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

352/2010 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.

353/2010 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, at least 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

(2) An answer to a question on notice must be in writing.'

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

One question on notice has been received from Cr Fuller and is listed at Minute No. 365/2010."

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

354/2010 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of October 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 Viney seconded, “That the Schedule of Development & Regulatory Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**355/2010 Rezoning of land from Environmental Management to Residential and 8-lot subdivision, at 6 Turners Beach Road, Turners Beach
Application No. COM 2009.3**

The Director Development & Regulatory Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	COM2009.3
<i>APPLICANT:</i>	Richard Sands, Surveyor
<i>LOCATION:</i>	6 Turners Beach Road, Turners Beach
<i>CURRENT ZONING:</i>	Environmental Management
<i>PROPOSED ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Planning Scheme)
<i>ADVERTISED:</i>	11 September 2010

PURPOSE

The purpose of this report is to receive the decision of the Tasmanian Planning Commission (the Planning Commission) on the proposal to rezone the property at 6 Turners Beach Road and subdivide the land into eight lots.

BACKGROUND

On 12 April 2010 the Council initiated an amendment to the Planning Scheme to rezone a portion of land zoned Environmental Management, to Residential. An 8-lot subdivision was submitted with the rezoning proposal.

The land was excluded from consideration by the then Resource Planning and Development Commission, of a larger subdivision and rezoning proposal for the land (a former caravan park) because it required significant dune rehabilitation works to be carried out prior to residential development being considered. Those works were carried out and the dune satisfactorily reconstructed.

DISCUSSION

A hearing on the proposal was conducted by the Planning Commission on 14 July 2010 at which the Council, applicants and representors were heard.

The principal issue was the potential impact of climate change and how the proposal would limit risk through building siting and land management. These matters were translated to conditions on the subdivision permit.

The Planning Commission subsequently advised by letter on 3 September 2010, that it had approved the rezoning and issued an amended permit for the subdivision, to come into effect on 10 September 2010 (Annexure 1).

The amendment to the Planning Scheme was advertised in The Advocate newspaper on 11 September 2010.

The matter of zoning and subdivision for the subject land has now been resolved in a planning context.

The required change to zoning maps and the website have been made.

CONSULTATION

The certified proposal was notified for a 21-day statutory period as required under s.38 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

Notification involved a notice placed on the site, and an advertisement in The Advocate newspaper, and letters to adjoining property owners.

The Planning Commission's decision was notified in accordance with Section 42(3)(d) of LUPAA, on 11 September 2010.

IMPACT ON RESOURCES

The proposal has no likely impact on Council resources.

CORPORATE COMPLIANCE

The Planning Commission's decision is generally consistent with the Council's decision of 12 April 2010 and the Central Coast Strategic Plan 2009–2014 in relation to the following strategies and key actions:

The Shape of the Place

- . Improve the value and use of open space
- . Adopt an integrated approach to land use planning
- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

A Connected Central Coast

- . Provide for a diverse range of movement patterns
- . Connect the people with services

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment

CONCLUSION

It is recommended that the information be received.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Tasmanian Planning Commission's advice referred to in the Land Use Planning Group Leader's report has been circulated to all Councillors."

■ Cr Haines moved and Cr Deacon seconded, "That the Land Use Planning Group Leader's report be received."

Carried unanimously

GENERAL MANAGEMENT

356/2010 Australia Day Awards 2011

- Cr (L) Bonde (having given notice), to move, "I propose two changes to the conditions of entry.

I propose the second clause be changed to read:

‘Entry in the Young Citizen of the Year is open to all young men and women under 27 years of age as at 26 January 2011’.

I also propose that the clause, ‘Awards are not made posthumously’ be deleted.”

Cr Bonde, in support of his motion, submits as follows:

“We have very little opportunity as a Council to acknowledge the effort of community involvement for youth other than sporting achievements, and yet we have an age limit that prohibits younger people under 14 years of age.

In today’s society there are not enough young people doing a community contribution so we should be able to make an effort to recognise goodwill no matter what the age.

I am disappointed to see the clause regarding posthumous Awards as in today’s society and lifestyle there is no guarantee in life, and I believe if a person has been making a great contribution to our community in the current 12 months, then their contribution should be made available to the current Australia Day Award and the Award made posthumously if that is the decision decided.”

The General Manager reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Bonde proposing that the conditions of entry for the Central Coast 2011 Australia Day Awards be altered to allow persons younger than 14 years of age to apply for the Young Citizen of the Year award and also that they allow for each of the Awards to be granted posthumously.

BACKGROUND

Up until 2005 the Council presented Australia Day awards to the Young Citizen under 25 and Citizen over 25. From 2005 the conditions of entry were altered to introduce the current age limits of 14 to 27 for the Young Citizen of the Year Award.

Nominations for the 2011 Central Coast Australia Day awards opened on Saturday, 23 October 2010 and will be accepted until Wednesday, 1 December 2010.

DISCUSSION

The current conditions of entry for the Central Coast Australia Day Awards have been in place for the past five years.

A review of the entry conditions for various Tasmanian Councils' Australia Day awards has identified that they generally include an upper age limit on the Young Citizen of the Year Award of between 25 to 28. Only Latrobe Council sets a lower age limit of 14, which is consistent with the Council's Award. Notably, while Clarence City Council restricts entrants to their Young Citizen of the Year Award to persons between the ages of 18–25, they also include a Junior Australia Day Award for persons under the age of 18.

The entry conditions for each of the Council's reviewed were silent on whether the Australia Day Awards can be granted posthumously.

By way of comparison, the National Australia Day Award '*Australian of the Year*', which is awarded each year by the National Australia Day Council includes the following selection criteria:

- “. Nominees must be Australian citizens
- . Awards will not be granted posthumously
- . Self nominations will not be accepted
- . Nominees must be at least 16 years of age on 26 January 2011..."

The Council does not currently have an Australia Day Awards Policy and it may be timely to develop such a Policy prior to the 2012 Australia Day Awards.

CONSULTATION

No consultation was necessary for this matter.

IMPACT ON RESOURCES

Apart from staff time there is no impact on Council resources.

CORPORATE COMPLIANCE

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

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community
- . Community capacity–building

A Connected Central Coast

- . Improve community wellbeing

CONCLUSION

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

Cr (L) Bonde indicated to the meeting that he wished to split the proposed motion into two separate motions.

The meeting concurred.

- Cr (L) Bonde moved and Cr Fuller seconded, “That the second clause be changed to read:

‘Entry in the Young Citizen of the Year is open to all people under 27 years of age as at 26 January 2011.’”

Carried unanimously

- Cr (L) Bonde moved and Cr Howard seconded, “That the clause, ‘Awards are not made posthumously’ be deleted.”

Voting for the motion

(9)

Cr (L) Bonde

Cr Deacon

Cr Diprose

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr van Rooyen

Cr Viney

Voting against the motion

(2)

Cr (J) Bonde

Cr Robertson

Motion

Carried

357/2010 Public question time

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

Questions and replies concluded at 6.46pm.

358/2010 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- East Ulverstone Swimming Pool Management Committee – meeting held on 29 September 2010
- Development Support Special Committee – meetings held on 11 and 25 October 2010
- Youth Engaged Steering Committee – meeting held on 21 October 2010
- Penguin Miniature Railway Management Committee – meeting held on 26 October 2010
- Dulverton Regional Waste Management Authority – Representatives meeting held on 27 October 2010
- Central Coast Community Safety Partnership Committee – meeting held on 27 October 2010.

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

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

Carried unanimously

CORPORATE & COMMUNITY SERVICES

359/2010 Corporate & Community Services determinations made under delegation

The Acting Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations made during the month of October 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 Fuller moved and Cr Diprose seconded, “That the Schedule of Corporate & Community Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

360/2010 Contracts and agreements

The Acting 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 October 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 Councillor.”

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

Carried unanimously

361/2010 Correspondence addressed to the Mayor and Councillors

The Acting Director Corporate & Community Services reported as follows:

"PURPOSE

This report is to inform the meeting of any correspondence received during the month of October 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 requesting flexibility in setting rebates on Council costs;
- . Email advising of Home Sustainability project;
- . Letter regarding stormwater runoff issues at 7 Hull Street;
- . Letter regarding traffic hazard at South Road interchange;
- . Letter concerning how some councils deal with Aboriginal heritage matters;
- . Letter requesting reduction in hire fees for the North Motton Hall.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations."

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

Carried unanimously

362/2010 Common seal

The Acting Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 19 October to 15 November 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 Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities."

The Executive Services Officer reported as follows:

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

- Cr Haines moved and Cr Viney seconded, "That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the

minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

363/2010 Financial statements

The Acting Director Corporate & Community Services reported as follows:

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

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

364/2010 Rate remissions

The Acting Director Corporate & Community Services reported as follows:

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

<i>PROPERTY NO.</i>	202085.012
<i>PROPERTY ADDRESS</i>	6 Harding Drive, Turners Beach
<i>REMISSION</i>	\$204.29
<i>REASON</i>	Property revalued due to objection to previous valuation.

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.”

CORPORATE & COMMUNITY SERVICES

■ Cr Deacon moved and Cr van Rooyen seconded, "That the following remissions be approved:

- . Property No. 202085.012 – \$204.29

Carried unanimously and by absolute majority

ENGINEERING SERVICES

365/2010 Councillor's questions on notice

The General Manager reported as follows:

“The following question on notice has been received from Cr Fuller:

‘Next year the Penguin Railway Station meeting rooms will celebrate 10 years since opening. The exterior of the building is in need of refurbishment. At what stage will the necessary maintenance be undertaken?’

The following information has been provided by the Asset Management Group Leader in respect of Cr Fuller’s question on notice.

‘Council Officers have recently assessed the building.

The windows were patched and painted last year at a cost of around \$1,500.

The northern wall is in good condition with the remaining walls in a reasonable condition. There are some small patches that could do with a “touch up” but it was felt this may only highlight the area further.

The building will require a complete repaint in around 3–5 years depending on how it further deteriorates.

A request was placed recently for the pressure cleaning of the walls and it is suggested that this be done again closer to the 10 year anniversary.’ ”

366/2010 New Leven River (Hobbs Parade) bridge – Pedestrian zone

■ Cr (L) Bonde moved and Cr Diprose seconded, “That the Council hold discussions with the appropriate authorities on the possible options of erecting a permanent barrier separating pedestrians and cars on the new traffic bridge over the Leven River at Ulverstone, with the suggestion that it could be a low steel barrier or a concrete mould of at least 20cm in height which would prevent cars from mounting the footpath and causing serious pedestrian injuries.”

Cr Bonde, in support of his motion, submits as follows:

“The design of the new bridge does not include a physical barrier between pedestrians and cyclists using the footpath, and passing motorists, including heavy vehicles. It is not difficult to imagine a child pedestrian, or cyclist, moving into the

path of a motorist, as they do not possess the road sense of adults and should not be expected to. It is also not difficult to imagine a scenario involving an inattentive or ill motorist moving into the pedestrian zone.

The design treats as an unacceptable risk the potential for a pedestrian or motorist plunging into the river, and has included a physical barrier to mitigate against the risk. It clearly does not consider the potential for a motorist to strike a pedestrian, whether by fault of the pedestrian or motorist, as an unacceptable risk. What risk analysis has been conducted in respect of these two risks, and what does it say about the risk to pedestrians posed by the design? (If we don't have a risk analysis that says it is ok, why are we continuing down that path?) Is placing aesthetics over safety a responsible position for the Council to take?

Every improvement to the Bass Highway over the past fifteen years has been to place a physical barrier between opposing traffic. Why, in such a safety-design climate, are we virtually going the other way by removing a physical barrier that is currently available?

If a pedestrian is killed by being struck by a vehicle on the bridge, regardless of whose fault it was, and a Coroner recommends a physical barrier be erected to physically separate pedestrians and motorists, the Council is duty-bound to erect such a barrier. How is that situation going to affect the Council's credibility and budget, and even the aesthetics of the new bridge?

If this motion is carried, regardless of whether we are successful in getting a barrier erected, or not, this Council would be seen to have achieved its responsibilities in addressing this public safety issue, as far as we can."

The Director Engineering Services reported as follows:

"PURPOSE

This report considers a motion on notice from Cr (L) Bonde proposing that discussions be held with the appropriate authorities on the possible options of erecting a permanent barrier separating pedestrians and cars on the new bridge over the Leven River at Hobbs Parade, Ulverstone.

BACKGROUND

Cr Bonde's supporting commentary provides background to his motion.

In respect to the issue of the shared pathway and barrier the following is relative to the consideration.

A Parliamentary Standing Committee on public works in respect to the Replacement of the Leven River Bridge hearing was conducted on 13 November 2009 and the relevant extract from the report dated 4 December 2009 is as follows:

‘...The requirement for a barrier between the shared footpath and the road was thoroughly reviewed. The outcome was that for the speed environment, i.e. a speed limit of 60km/h on the bridge leading to a lower speed to negotiate the roundabout then followed by a 50km/h speed limit into the shopping zone at Crescent Street, a barrier is not warranted. The situation is similar to most other roads, which have footpaths directly adjacent to the roadways and in this case the shared footpath is 3 metres wide compared to the usual 1.5 metre wide footpath.

Provision of a barrier at this location would also limit the sight distance for road users because of the curved geometry of the bridge, both vertical and horizontal...’

DISCUSSION

The issue has been considered during the design phases of this project. The Department of Infrastructure, Energy and Resources (DIER) was approached for comment on the issues and has provided the following response.

‘DIER (Traffic Management) have reviewed the proposal from Central Coast Council (CCC) for a more substantial permanent barrier for separation of cars and pedestrians on the new Leven River Bridge.

DIER understands that CCC has the following concerns:

- 1 That a physical barrier has not been included as a mitigation to reduce the risk of a pedestrian / vehicle crash on the bridge and also because a barrier fence has been provided to mitigate against motorists driving off the edge of the bridge,
- 2 Physical barriers are used on the Bass Highway to separate opposing traffic and so physical separation should be provided on the bridge between pedestrians and vehicles,
- 3 Council credibility in the event of a pedestrian fatality on the bridge.

DIER appreciates CCCs concern for traffic and pedestrian safety as they are of paramount importance. Accordingly DIER does not wish to diminish Councils concerns however the following reasons are presented to explain why DIER has not required a pedestrian fence or more substantial barrier than designed:

- . Pedestrian fences do not effectively mitigate against the consequences of a crash between a vehicle and a pedestrian. Pedestrian fences can be used to restrict pedestrian from entering a traffic lane where the pedestrian path is narrow but do not provide protection from a vehicle leaving the road. In low speed urban environments where footpaths are provided adjacent to a road there is always some risk of a crash between a vehicle and pedestrian but this risk is considered low, especially where the footpath is wide. For DIER and Tasmanian Councils the generally preferred mitigation is barrier kerb or barrier kerb and channel as the level difference helps to define the boundary between the traffic and pedestrian ways and provide a form of barrier that vehicles and pedestrians tend to avoid crossing. Barrier kerb and channel more than standard height can be less forgiving. It is also noted that some Councils also consider mountable kerbs to be sufficient in urban areas.
- . Physical barriers provided on roads like the Bass Highway are a response to a different road environment to Hobbs Parade which is a much lower speed local road in an urban environment.
- . Everyone should be responsible for road safety in some form and Council's concern for the risk of a fatality is appreciated. DIER employs a whole range of strategies to reduce fatality risk including vehicle inspection, driver education programs and proactive and reactive strategies to improve road infrastructure. The proactive strategies involve road safety auditing at various stages of a project. The Leven River Bridge project was subject to a Road Design Safety Audit prepared by a Consultant Engineer not associated with the Road Design. Reactive strategies are used to treat sites with unacceptable crash histories. In terms of safety DIER considers that the facilities provided for vehicular and pedestrian traffic on the Leven River Bridge are suitable and also comply with Austroads standards. In the event of a pedestrian fatality on the bridge there could be any number of causes and it is simply not feasible to provide engineering controls to mitigate against every possibility.

In summary the requirement for a barrier or pedestrian fence between the shared footpath and the road has been thoroughly reviewed. The consensus is that for the speed environment, i.e. a speed limit of 60km/h on the bridge leading to a lower speed to negotiate the roundabout then followed by a 50km/h speed limit into the shopping zone at Crescent Street, a barrier or pedestrian fence is not warranted. The situation is similar to most other roads, which have footpaths directly adjacent to the roadways and in this case the shared footpath is 3 metres wide compared to the usual 1.5 metre wide footpath.'

Comments from DIER are in accordance with design considerations.

It is noted that since design work of the bridge was completed, that the Council has applied to DIER for a 50km/h speed limit extending from Main Street/Alexandra Road intersection to the Hobbs Parade/South Road/Queens Street junction, including the bridge. A 50km/h speed limit has also been suggested for Kings Parade and Lovett Street extending to the Bass Highway. All approaches and the bridge are therefore likely to be a 50km/h speed limit.

In respect to responsibility for the design, construction, maintenance and operation of the bridge, this clearly rests with DIER as it is a State Government owned bridge.

The Council will only be taking over responsibility for some of the routine maintenance tasks for the bridge including:

- . sweeping of the road and shared footpaths;
- . maintenance of landscaped areas to bridge approaches;
- . bridge street light maintenance, including light fittings and operating costs; and
- . architectural lighting, including fittings and maintenance costs.

CONSULTATION

Consultation has been undertaken with DIER.

IMPACT ON RESOURCES

The Council has provided additional funding to the Leven River Bridge project in order to provide for the widened path and aesthetic features including lighting and landscaping. The provision of a barrier is not expected to be a cost to the Council but to DIER as owner of the bridge.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- . Provide for a diverse range of movement patterns
- . Connect the people with services
- . Improve community wellbeing.

The Environment and Sustainable Infrastructure

- . Invest in and leverage opportunities from our natural environment

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

CONCLUSION

Cr Bonde's motion is submitted for consideration."

Carried unanimously

367/210 Reorientation of transport policy towards pedestrian and active users

■ Cr Fuller moved and Cr Viney seconded,

- "1 That the Council put a motion to the next available Local Government Association of Tasmania (LGAT) meeting that LGAT encourage the Department of Infrastructure, Energy and Resources (DIER) to use the document 'Blueprint for an active Australia', developed by the Heart Foundation, as a guide for future policy; and
- 2 That the General Manager ensures that pedestrian and cycle access and promotion of use are considered by Council staff when undertaking designs for our own municipality.

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

"I recently attended a workshop conducted by the Heart Foundation 'Healthy by Design' based on the document 'Blueprint for an active Australia'. I was encouraged by the shared sense of those in attendance that, as we plan for the communities of the future, the priority – wherever possible – should be given to the pedestrian or the active user rather than the motor vehicle.

Key action area 3 of the document, circulated to all Councillors, states that collectively we need to 'actively encourage, support and facilitate more walking, cycling and public transport use'.

Page 14 of the document cites that we must 'reorient transport policy in favour of walking, cycling and public transport.

- . A new paradigm of thinking is required in transport policy that defines transport to mean 'walking, cycling, public transport and the motor vehicle'. This new definition, standardised across the industry and all spheres of government, should prioritise 'users' by classifying them in descending order of importance – pedestrian, cyclist, public transport user and finally, motor vehicle user.

- . Reorient transport policy, funding and infrastructure to prioritise planning for walking, cycling and public transport.’

During discussions on the day it became apparent that council infrastructure planning staff often take their direction from DIER policy on these issues.”

The Director Engineering Services reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Fuller proposing a reorientation of transport policy towards pedestrians and active users.

BACKGROUND

Cr Fuller’s supporting commentary provides background to her motion.

DISCUSSION

The Engineering Group Leader reported as follows:

‘The following information is provided in respect of Cr Fuller’s notice of motion and shows that it supports many areas of State Government, DIER in particular, which already have many strategies considering the walking and cycling public. This is also evidenced in the Council’s Strategic Plan and supporting documentation.

1

- . Any Policy change in favour of walking, cycling and public transport should consider the transport hierarchy.
- . The motion supports several existing strategies of State and Local Government for the walking and cycling public.
- . The document “Healthy by Design” was produced by the Heart Foundation (Tasmania) and the Premier’s Physical Activity Council.
- . DIER is currently encouraging and considering infrastructure to accommodate the focus of Key Action 3 of “Healthy by Design”.
- . In Infrastructure Focus Areas of the Tasmanian Infrastructure Strategy, DIER includes strategic directions for consideration of walking/cycling opportunities.
- . The DIER vision statement recognises poor pedestrian connectivity and networks and the need to expand cycling infrastructure.
- . DIER recently released its Tasmanian Walking and Cycling for Active Transport Strategy, part of the Tasmanian Urban Passenger Transport Framework.

- . Pedestrians/cyclists are a low contributor to road infrastructure funding compared to vehicle registrations, licenses etc.
- . The availability and use of public transport is limited on the northwest coast. This has been improved through DIER's Core Passenger Services Review and the introduction of the Ulverstone-Devonport link.
- . "Blueprint for an active Australia" was developed for general information and only some sections are "expert opinion" (refer preface).
- . DIER is primarily responsible for highways and rail, for them freight demand is of high importance due to its impact on the Tasmanian economy. Local Council roads are more relevant to pedestrians/cyclists, the order of importance is not able to be simply applied across all transport mediums.
- . The LGAT Roads Forum in April 2009 indicated one of the main issues facing all transport providers is funding. It was intended there would be follow up sessions at a later time. (For note – walking and cycling were not mentioned as key points at that time).

2

- . Consideration of walking and cycling is included in the Council's Strategic Plan.
- . Pedestrian and cycle use is already considered in Council designs.
- . Council staff were present at the "Healthy by Design" workshop and have copies of the relevant documents for reference.
- . Design decisions should be based on several sources of information, this is only one part of a wide range of requirements and standards to be considered.

General

- . "Blueprint for an active Australia" is a useful reference and should be given consideration by all infrastructure providers.
- . The Council has established Opt in and community wellbeing programs.
- . Past examples of where we already consider these issues include Production Drive, Bass Highway to Sulphur Creek, Ulverstone-Penguin Bypass and footpath network plans for future.'

The Engineering Group Leader's report is supported.

CONSULTATION

Councillors and staff attended the 'Healthy by Design' workshop in Latrobe and Wynyard.

IMPACT ON RESOURCES

There will be no impact on resources using 'Healthy by Design' as a reference document.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Provide for a diverse range of movement patterns
- Connect the people with services
- Improve community wellbeing

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision

CONCLUSION

A copy of 'Key action area 3' from the document 'Blueprint for an active Australia' having been circulated to all Councillors, Cr Fuller's motion is submitted for consideration."

Voting for the motion

(10)

Cr (J) Bonde
Cr Deacon
Cr Diprose
Cr Dry
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr van Rooyen
Cr Viney

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

368/2010 Ulverstone Bus Interchange

The Director Engineering Services reported as follows:

"PURPOSE

To provide information regarding potential bus service funding and confirm direction to seek such funding for a bus interchange area in Wongi Lane, Ulverstone.

BACKGROUND

The Traffic and Parking Study conducted by GHD in 2009 as part of the Ulverstone Urban Design Guidelines development process was supportive of a bus interchange but did not conclude with a preferred location. The preliminary work carried out on the Parking Strategy and presented to Councillors at a workshop in May 2010 provided a layout for the Wongi Lane area.

DISCUSSION

The Engineering Group Leader reported as follows:

'Metro and Phoenix bus services currently use an area on the eastern side of King Edward Street between Reibey Street and Wongi Lane. When buses are parked at this location it can impact on the sight distance of those exiting Wongi Lane and has been the subject of several complaints. There is currently provision for only two buses to park at the same time. The current location is not acceptable as a long term solution and an alternative needs to be considered, however, it is felt that an interim move would not be arranged if funding for the interchange can be sourced in a timely manner.

The Redline service utilises two different areas in Alexandra Road. Each area is only utilised once per day for less than half hour. The areas have been changed as a result of recent roadworks and the zones are timed to suit the Redline schedule. Earlier discussions with their representatives suggested they would also support an interchange at Wongi Lane

Private school buses also tend to utilise the Alexandra Road area but do not currently have designated areas. A request has been made to extend the time limits to allow for school bus parking. This is currently being considered.

Another issue for the town is the lack of parking for tourist coaches in proximity to the shopping districts, public toilets and the Visitor Information

Centre. The Wongi Lane location is centrally placed and may also be able to cater for these vehicles as it has capacity for four buses at any one time.

A single interchange area would enable the current issues with the public transport, Redline and school bus services to be provided for in one area. This means one set of infrastructure for all users, better utilisation of on-street parking for shoppers and a location that is accessible to all areas of town. The proposed interchange is also located near several existing carparking areas (a copy of the concept plan is attached at Annexure 1). Good infrastructure will also assist to increase the use of public transport. This is good for the environment, community wellbeing and assists in managing the parking situation.

The source of funding being considered was announced by the Minister for Sustainable Transport and Alternative Energy, Nick McKim. The total fund was a \$7 million Public Transport Innovation Fund to "help develop passenger transport as a genuine first choice of transport for Tasmanians".

CONSULTATION

A preliminary meeting has been held with representatives of Metro and Phoenix regarding alternative locations for the King Edward Street stop. They were supportive of the concept, have provided information on the possible funding source and are prepared to support the application.

A Phoenix representative has had initial discussions with the Minister's office and reported that the idea was favourably received and that they would welcome a submission to consider.

IMPACT ON RESOURCES

The project is not currently scheduled in the Council's forward works program.

There should be minimal impact on Council resources if the funding is received.

Preliminary estimates place the cost of the proposal in the order of \$200,000 to \$250,000.

A firm proposal will be developed prior to submission to the Minister's office.

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
- Adopt an integrated approach to land use planning
- Conserve the physical environment in a way that ensures we have a healthy and attractive community
- Encourage a creative approach to new development

A Connected Central Coast

- Provide for a diverse range of movement patterns
- Connect the people with services
- Improve community wellbeing

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

- Improve service provision
- Effective communication and engagement
- Strengthen local–regional connections'

The Engineering Group Leader's report is supported.

CONCLUSION

It is recommended that the Council prepare a submission for funding from the Public Transport Innovation Fund announced in the State Budget to provide an integrated bus interchange area in Wongi Lane."

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Dry seconded, "That the Council prepare a submission for funding from the Public Transport Innovation Fund announced in the State Budget to provide an integrated bus interchange area in Wongi Lane."

Voting for the motion
 (10)
 Cr (J) Bonde
 Cr Deacon
 Cr Diprose
 Cr Dry
 Cr Fuller
 Cr Haines
 Cr Howard
 Cr Robertson
 Cr van Rooyen
 Cr Viney

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

Motion

Carried

369/2010 Subdivisions – Public infrastructure construction – Defects liability period

The Director Engineering Services reported as follows:

“PURPOSE

This report seeks Council approval to assign a defects liability period on public infrastructure assets constructed as part of the land subdivision process at 12 months from the date of ‘Practical Completion’.

BACKGROUND

The process of subdividing land is controlled by the Council’s Planning Scheme (given effect by the *Land Use Planning and Approvals Act 1993* and the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGB&MP).

Processes under the Planning Scheme allow the issuing of a permit to subdivide land but usually subject to a number of conditions, which often includes the provision of public infrastructure assets. The LGB&MP contains the subdivision administration process.

DISCUSSION

The Environmental Engineer reported as follows:

‘The construction of public infrastructure assets such as roads, footpaths and stormwater mains is an integral part of the land subdivision process. This infrastructure is transferred to the ownership of the Council, and

becomes maintainable by the Council, after a fixed period of time from the date of "Practical Completion". This fixed period is currently six months.

"Practical Completion" is that stage in the carrying out and completion of the public infrastructure work when:

- (a) The works are complete except for minor defects:
 - . which do not prevent the works from being reasonably capable of being used for their intended purpose;
 - . which the Council determines the rectification of which will not prejudice the convenient use of the works; and
- (b) A range of documents (Engineer's certification of the works, as-constructed data etc.) are supplied and accepted by the Council's Director Engineering Services.

During the defects liability period, or maintenance period as it is sometimes known, the whole of the infrastructure is maintained by the subdivider and any defects identified at the time of practical completion are required to be rectified.

A final inspection of the works is undertaken at the end of the defects liability period to ensure all defects have been rectified and that any other defects or anomalies that may have occurred during the defects liability period are identified for rectification.

Public infrastructure assets have long lives and the Council expends significant resources in the maintenance of these assets. Thus it is in the public interest that any assets accepted by the Council are of an appropriate standard and will stand the test of time.

A six month defects liability period has some limitations in that the assets are not exposed to the full range of seasonal variations that would be expected over a year. This is particularly important in Tasmania where there are distinct seasons which do change the way infrastructure reacts. For example, a road should experience a winter and a summer to ensure that the drainage is effective and that the pavement is not adversely affected by the effect each season has on the underlying soil.

A minimum 12 month defects liability period would allow these observations to be made and provide a better guarantee that the assets have been constructed appropriately and will adequately perform the function for which they were built.

CONSULTATION

Some informal discussions have been undertaken with other local government entities. There has been no public consultation.

IMPACT ON RESOURCES

This item will have no impact on Council resources.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

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

CONCLUSION

It is recommended that the defects liability period for public infrastructure assets constructed as part of the land subdivision process be 12 months from the date of "Practical Completion".

The Environmental Engineer's report is supported."

- Cr van Rooyen moved and Cr Howard seconded, "That the defects liability period for public infrastructure assets constructed as part of the land subdivision process be 12 months from the date of 'Practical Completion'."

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

370/2010 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 matters be discussed in a closed meeting:

- . Minutes and notes of other organisations and committees of the Council;
- . Local Government Association of Tasmania General Management Committee representation; and
- . Fees and charges remissions.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential; and
- . the personal affairs of any person.”

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

- . information provided to the Council on the condition it is kept confidential; and
- . the personal affairs of any person;

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;
- . Local Government Association of Tasmania General Management Committee representation and
- . Fees and charges remissions.”

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

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.
- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

GENERAL MANAGEMENT

371/2010 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 in the minutes of the open meeting the details of the outcome unless the council or council committee determines otherwise.’

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

372/2010 Local Government Association of Tasmania – General Management Committee representation (133–133A/2010 – 19.04.2010)

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

“This report is to provide advice to the Local Government Association of Tasmania in regard to General Management Committee representation....

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

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

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

373/2010 Fees and charges – Remissions for residential dwellings destroyed by fire

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

“This report is to consider a request for the Council to adopt a policy for staff to be able to apply rebates on Council fees under special circumstances...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 8.42pm.

CONFIRMED THIS 13TH DAY OF DECEMBER, 2010.

Chairperson

(Imm:dl)

Appendices

- Minute No. 354/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 359/2010 – Schedule of Corporate & Community Services Determinations
- Minute No. 360/2010 – Schedule of Contracts & Agreements
- Minute No. 362/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 363/2010 – Financial statements

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