

Minutes

of an Ordinary Meeting
held at 6.00pm

17 AUGUST 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
21 September 2009

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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, 17 August 2009 commencing at 6.00pm.

Councillors attendance

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

Employees attendance

General Manager (Ms Sandra Ayton)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development & Regulatory Services (Mr Michael Stretton)
Acting Director Engineering Services (Mr Paul Breaden)
Executive Services Officer (Miss Lisa Mackrill)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

238/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 20 July 2009 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 McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 20 July 2009 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

239/23009 Council workshops

The Executive Services Officer reported as follows:

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

- . 27.07.2009 – Open Space and Recreation Plan/Dial Regional Sports Complex Masterplan
- . 03.08.2009 – Climate Change Risk Assessment/Ulverstone History Museum management plan
- . 10.08.2009 – CORES presentation/Commercial use of buildings

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

240/2009 Mayor's communications

The Mayor reported as follows:

"A cheque for \$5073.73 has been forwarded to the Council from Bob and Jean Boyd on behalf of Ulverstone's Canberra Ship Association. The Association has folded and the funds are forwarded for use in ongoing maintenance at the Shropshire Park Memorial.

A letter has been received from the Hon. David Llewellyn MP indicating that information regarding the purchase of land at the Ulverstone Wharf would be forthcoming by the end of July. No further information has been received to date.

The Tasmanian Audit Office has forwarded correspondence indicating that the audit fees for this year will be \$22,310.00.

The State Government has today issued a press release indicating it will fund the full cost of pensioner concessions in relation to water and sewerage charges.

With the agreement of those present, I will investigate the holding of a function to acknowledge the sporting achievements of Ben Hilfenhaus and Amy Cure."

241/2009 Mayor's diary

The Mayor reported as follows:

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

- . Mersey Region Emergency Management Planning Committee – meeting (Devonport)
- . Cooperative Research Centre for Forestry – Socioeconomic impacts of plantations forum (Burnie)
- . Marist Regional College – Dying with Dignity Bill (Burnie)
- . Community forums – Forth and Preservation Bay Open Space/Recreation Plan
- . Samaritan's Purse Australia – North West launch of Operation Christmas Child
- . National Science Week 2009 – North West launch at Imaginarium Science Centre (Devonport)
- . Ulverstone Anglers Club – annual dinner
- . Local Government Association of Tasmania – General Meeting (Bridgewater)
- . Penguin Uniting Church – Operation Christmas Child fund raiser

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- . Eliza Purton Home for the Aged – Coroneagh Park Auxiliary annual general meeting
 - . Central Coast Chamber of Commerce and Industry – annual general meeting and dinner.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the Forth valley Lions Club changeover dinner.”

■ Cr Fuller moved and Cr (J) Bonde seconded, “That the Mayor’s and Cr (J) Bonde’s reports be received.”

Carried unanimously

242/2009 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.

243/2009 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

244/2009 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 reported on a meeting of the Castra-Sprint-Nietta Community Advisory Committee and provided information regarding the recent focus groups hosted by the Penguin Leo Club.

Cr Deacon reported on the Chamber of Commerce Annual General Meeting and dinner.

Cr Howard reported on a meeting of the Ulverstone Local History Museum Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

245/2009 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

246/2009 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

247/2009 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

248/2009 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.
 - (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.

249/2009 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.

A question on notice has been received from Cr Cheryl Fuller and is listed at Minute No. 269/2009.”

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

250/2009 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of July 2009 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 (J) Bonde seconded, “That the Schedule of Development & Regulatory Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

GENERAL MANAGEMENT

251/2009 Payment of allowances and expenses to the Mayor, Deputy Mayor and Councillors (223/2009 – 20.07.2009)

■ Cr Fuller (having given notice) moved and Cr (J) Bonde seconded, “That Council Policies, Practices and Key Decisions – most recently confirmed on 6 November 2007 (Minute No. 405/2007 – Section 6, clause 7 – be changed to read:

‘That the Council reimburse a claim for the care of any person for whom the councillor is responsible, where a copy of an account of the carer is provided and the period of the care matches the approved business of the Council.’ ”

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

“Under the current *Local Government (General) Regulations 2005*, Section 43 provides instruction on Expenses for councillors. The Central Coast Council’s own policy on this matter, Council Policies, Practices and Key Decisions – most recently confirmed on 6 November 2007 (Minute No. 405/2007) – Section 6, clause 7 – is based upon Regulation 43.

Under Regulation 43, no reimbursement is permitted for a councillor requiring care for dependents other than children.

In my opinion, this creates an inequitable situation for current and future councillors. It may also well act as a deterrent for prospective candidates that are responsible for the day to day care of adults, be they parents, spouses or adult children.

As the Central Coast Council recently supported a motion on this matter to the Local Government Association of Tasmania (LGAT) requesting that the LGAT request an amendment to Section 43 regarding reimbursement of carers costs I now request that, as permitted, the Council now add the reimbursement of carer’s expenses to our Policy.

Currently Section 43 does allow for councils to set their own policy on other expenses for which councillors can be reimbursed.”

The General Manager reported as follows:

"PURPOSE

This report considers a motion on notice from Cr Fuller.

BACKGROUND

Cr Fuller's supporting comments provide background to this motion.

DISCUSSION

The Council reviews the Policy for the Payment of allowances and expenses to the Mayor, Deputy Mayor and Councillors on a bi-annual basis (immediately after a Council election). As Cr Fuller has stated that with the absence of the amendment being incorporated in our Policy prior to the elections, it may be seen as a deterrent to prospective candidates availing themselves for nomination at the forthcoming elections. Cr Fuller's notice of motion addresses this issue.

CONSULTATION

No consultation is required.

IMPACT ON RESOURCES

Any reimbursement will be funded through the Councillors Expenses budget.

CORPORATE COMPLIANCE

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

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

CONCLUSION

Cr Fuller's motion is submitted for consideration."

The Executive Services Officer reported as follows:

"The above notice of motion and report was submitted to the Council's meeting on 20 July 2009. At that meeting (Minute No. 223/2009) the following procedural motion was carried:

'That the motion lay on the table until further qualified advice has been received.'

The qualified advice referred to relates specifically to Schedule 5 of the *Local Government Act 1993* (the Act) as it relates to Regulation 43.

Schedule 5 of the Act states as follows:

'...(2) A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under subclause (1) in relation to –

- (a) any prescribed expenses; and
- (b) any other expenses the council determines appropriate...'

Therefore, the Council is able to alter its own current policy to include Cr Fuller's proposed motion.

The matter is accordingly returned to the Council for consideration."

Continued after Minute No. 252/2009.

252/2009 Public question time

The time being 6.42pm, the Mayor introduced public question time.

Questions and replies concluded at 6.47pm.

Minute No 251/2009 continued...

Voting for the motion

(11)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

253/2009 Payment of allowances and expenses to the Mayor, Deputy Mayor and Councillors (405/2007 – 06.11.2007)

■ Cr (L) Bonde (having given notice), moved and Cr Fuller seconded, “That before any claim for carer expenses can be settled, a photocopy of a signed assessment by a qualified person stating the need for a carer presence for the person concerned to be cared for must be supplied with the application for refunding of carer expenses by the Councillor concerned.”

Cr (L) Bonde, in support of his motion, submitted as follows:

“It is absolutely essential that the Central Coast Council properly protects itself from the possibility of any wrongdoing with regard to the payment of any claims for carers.

It is good business procedure to put in place proper regulations that simplifies for both Council and the claimant, the settling of any claims for payment.

It is not difficult for a Councillor to obtain an assessment carried out by a doctor or qualified assessor and forward a photocopy to the Central Coast Council when requesting payment.

It would only be necessary for one photocopy to be supplied at the commencement of the payment period.”

The General Manager reported as follows:

“PURPOSE

This report considers a motion on notice from Cr (L) Bonde.

BACKGROUND

Cr (L) Bonde’s supporting comments provide background to this motion.

DISCUSSION

This is an administrative matter and our procedures can be changed to ensure that a photocopy of an assessment is kept in our confidential files for the period of the claim.

CONSULTATION

No consultation is required.

GENERAL MANAGEMENT

IMPACT ON RESOURCES

This notice of motion has no impact on resources.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance
• Improve corporate governance

CONCLUSION

Cr (L) Bonde's motion is submitted for consideration."

Voting for the motion

(8)

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Voting against the motion

(5)

Cr Downie

Cr Deacon

Cr McKenna

Cr van Rooyen

Motion

Carried

254/2009 Driver education – Central Coast or regional school

■ Cr McKenna (having given notice), moved and Cr Haines seconded, "That the Council give consideration to establishing, in conjunction with the State government, a driver education centre within the municipal area to enable tuition to be given to pupils at secondary schools, initially on the fundamentals of vehicle driving and safety requirements with an ultimate aim to produce an above average driving standard in the initial areas as a result of education."

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

"1 The State Government and Local Government have a responsibility to take positive action to reduce the number of accidents and fatalities on roads and streets within the State of Tasmania and it is the confirmed opinion of the

proposer that action by this Council, and indeed by all councils within the north-west region, with the full support of the State would achieve this objective in the most accident prone area of Tasmania marginally initially and considerably in the distant future.

- 2 A driver education centre can materialise by a co-operative approach with council, State Government and State Departments, particularly Tasmania Police and road safety agreeing to participate. A local or regional centre could materialise through the extension of partnership agreement(s).
- 3 The proposed centre would not establish a precedent for the Central Coast area. This facility being evident at Penguin from 1974 - 1978, the government providing the vehicles (two), Transport Tasmania the tutors and the Council the venue and maintenance of the vehicles. The school was conducted for half a day per week.
- 4 Personal discussion with local police and safety officers brought favourable comment from these areas, indicating that driver education is essential to reduce vehicle accidents.
- 5 It is evident that principals of secondary schools in the Central Coast area would support the proposed learner driving centre.”

The General Manager reported as follows:

PURPOSE

This report considers a motion on notice from Cr McKenna.

BACKGROUND

Cr McKenna’s supporting comments provide background to this motion.

DISCUSSION

A Road Safety Consultant (RSC) from the Department of Infrastructure, Energy & Resources (DIER) works closely with high schools in the Central Coast, Devonport and Kentish municipal areas. Other RSC’s are working closely with neighbouring council areas.

Through the Community Road Safety Partnership (CRSP) with Central Coast, the RSC for this area has been able to incorporate municipal resources in support of the State Government approach to road safety education for high schools, called ‘*Road Risk Reduction Education Package – Teachers resource.*’ For example, there is a

professional learning day will be held at the Council's Administration Centre on Tuesday, 11 August for teachers from this area. The RSC has regular meetings with the Council's Community Development Officer and Engineering Projects Supervisor, and also attends the Community Safety Partnership meetings.

A report from the Road Safety Council is attached. This report details DIER's current initiatives in regard to road safety education in the Central Coast municipal area. Those initiatives include the road risk reduction resource, community support programs, community road safety partnership initiatives and future progress of road safety education for high schools.

CONSULTATION

Information was sought from DIER's RSC. No other consultation has been undertaken at this stage.

IMPACT ON RESOURCES

Other than staff time, there has been no impact on resources. If the Council were to pursue the development of a driver education centre then there will likely be an impact on our resources.

CORPORATE COMPLIANCE

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

Community Capacity and Creativity

- Community capacity–building

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment

Council Sustainability and Governance

- Strengthen local–regional connections

CONCLUSION

The motion of Cr McKenna is submitted for consideration.”

Carried unanimously

255/2009 Municipal elections (22/2004 - 27.01.2004 and 143/2004 - 26.04.2004)

■ Cr McKenna (having given notice), moved and Cr Dry seconded, "That the Council make representation to the Minister for Local Government, the Hon. Jim Cox, for an amendment to the *Local Government Act 1993*, to provide for municipal elections to be conducted every fourth year and for the whole council of a municipal area to retire at the same time."

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

- "1 Currently the *Local Government Act 1993* provides for half of the elected councillors to retire after four years service, with a resultant election every two years.
- 2 The cost of elections is substantial (approx. \$70,000), and with the introduction of compulsory voting as proposed by the State Government in 2011, the costs will increase considerably, primarily due to an increase in voting numbers (estimated 85% of enrolments - Legislative Council poll). Should an election be held every four years, the annual budget funding to offset the cost would be approximately half the present input.
- 3 Currently with half the Council retiring bi-annually, that half of the Council are held responsible for the actions, policies and decisions by the electorate. This is not considered to be a democratic system, it is considered an all-in all-out statutory requirement would be more democratic.
- 4 Councils are not a house of review or a Senate and it is considered elections, if compulsory, should be conducted on the same basis as State and Federal Government elections.
- 5 Vacancies due to resignations etc. would be filled with a recount of unsuccessful candidates at the last election, subject to candidate consent.
- 6 Previous decisions of the Council (Minute No's 22/2004 - 27.01.2004 and 143/2004 - 26.04.2004) support the four year term but not all-in all-out elections. It is assumed that on agreement to support all-in all-out elections, the Council, through previous policy, would agree to four year terms."

The General Manager reported as follows:

"PURPOSE

This report considers a motion on notice from Cr McKenna.

BACKGROUND

Cr McKenna's supporting comments provide background to this motion.

DISCUSSION

The Council's current policy is that:

- 1 The Council supports continuation of the existing four-year terms; and
- 2 The Council does not support all-in all-out elections.

The decision was based on the belief at the time that it is important to maintain the current arrangements as continuity is critical for Local Government and the efficiencies gained through accumulated experience are important for informed decision making. Evidence from the corporate sector was that few boards would have total spills of their directors on the basis that continuity and accumulated experience are necessary to ensure good governance.

The Premier wrote to the Local Government Association of Tasmania (LGAT) on 10 March 2009 formally inviting LGAT to take part in a Joint Working Group to advance the introduction of compulsory elections for Local Government within the State. A number of issues will need to be considered by the Group, as outlined in the draft Issues Paper which all Councillors received a copy of on 12 March 2009. It has been raised in the Issues Paper that other changes to elections could be considered at that time, including the General Manager's Roll, length of terms and all-in all-out elections and other related issues.

CONSULTATION

No consultation is required.

IMPACT ON RESOURCES

As indicated in Cr McKenna's supporting information, there would be a positive impact on resources if elections were to be only held every four years. This has to be weighed up against any negative non-financial impacts of having elections every four years only.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

The motion of Cr McKenna is submitted for consideration.”

■ Cr Fuller moved and Cr Haines seconded an amendment, “That the Council submit a motion to the 2010 Local Government Association of Tasmania Annual General Meeting, for an amendment to the *Local Government Act 1993*, to provide for municipal elections to be conducted every fourth year and for the whole council of a municipal area to retire at the same time.”

Voting for the amendment

(5)

Cr (J) Bonde
 Cr Deacon
 Cr Fuller
 Cr Haines
 Cr van Rooyen

Voting against the amendment

(7)

Cr Downie
 Cr Robertson
 Cr Barker
 Cr (L) Bonde
 Cr Dry
 Cr Howard
 Cr McKenna

Amendment

Lost

Voting for the motion

(8)

Cr Downie
 Cr (J) Bonde
 Cr Deacon
 Cr Dry
 Cr Fuller
 Cr Howard
 Cr McKenna
 Cr van Rooyen

Voting against the motion

(4)

Cr Robertson
 Cr Barker
 Cr (L) Bonde
 Cr Haines

Motion

Carried

256/2009 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:

- . East Ulverstone Swimming Pool Management Committee – meeting held on 27 May 2009;
- . Central Coast Community Safety Partnership Committee – meeting held on 24 June 2009;
- . Youth Engaged Steering Committee – meeting held on 16 July 2009;
- . Ulverstone Local History Museum Committee – meeting held on 21 July 2009.

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

- Cr Haines moved and Cr Howard seconded, “That the minutes and notes of committees of the Council be received.”

Cr Dry left the meeting at this stage.

Carried unanimously

257/2009 Cradle Coast Waste Management Group – Annual Plan and Budget 2009/10

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to advise the Council of the proposed activities of the Cradle Coast Waste Management Group (CCWVG) for the financial year 2009–10.

BACKGROUND

The *Cradle Coast Regional Waste Management Strategy* (Cradle Coast Authority, 2009) was endorsed by the Council in early 2009. The Strategy set the broad strategies to be delivered over the next five years and the objective of providing improvements in:

- . waste reduction and resource recovery;
- . regional co-operation and co-ordination;
- . waste management policy and service delivery; and
- . community education and marketing.

The CCWMG Annual Plan and Budget 2009/10 (copy attached) outlines the proposed activities that will be undertaken in the 2009–10 financial year.

Activities undertaken by the CCWMG with funding from the Waste Management Levy in 2008–09 are as follows:

- . the tendering, assessment and documenting contracts for the new regional kerbside recycling collection contract;
- . contributing to the statewide ‘Do the right thing’ campaign; and
- . input into the Tasmanian Waste and Resource Management Strategy.

DISCUSSION

The CCWMG is responsible for the Strategy implementation with Dulverton Waste Management providing resources to undertake activities identified in the Annual Plan and Budget.

The oversight by the CCWMG, which comprises elected members, general managers and technical staff, is considered well equipped to manage governance, financial, political and technical risks.

The co-ordinated approach by Tasmanian councils on waste management has mitigated against the State Government imposing a State Waste Management Levy which has been opposed by Local Government for at least the last decade.

The management of waste improvement activities as a region is undertaken voluntarily as there is no legal requirement for councils to participate.

CONSULTATION

All participating councils were consulted on the Regional Waste Strategy. The CCWMG developed the Annual Plan and Budget to fulfil the goals and strategies identified in the Cradle Coast Regional Waste Management Strategy.

IMPACT ON RESOURCES

There are no additional costs to the waste levy already collected by Dulverton Waste Management.

CORPORATE COMPLIANCE

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

GENERAL MANAGEMENT

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Strengthen local–regional connections

The Plan also complies with the *Cradle Coast Regional Waste Management Strategy* (Cradle Coast Authority, 2009).

CONCLUSION

It is recommended that the Annual Plan and Budget 2009/10 from the Cradle Coast Waste Management Group be endorsed.”

The Executive Services Officer reported as follows:

“A copy of the Cradle Coast Waste Management Group Annual Plan and Budget 2009/10 has been circulated to all Councillors.”

- Cr Fuller moved and Cr (J) Bonde seconded, “That the Cradle Coast Waste Management Group Annual Plan and Budget 2009/10 be endorsed.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

258/2009 Bus tour operator support

■ Cr Fuller (having given notice) moved and Cr Deacon seconded, "That the Council request that the Director Corporate & Community Services and the Visitor Information Centre Co-ordinator contact local bus operators and provide support to their efforts in relation to the inbound operators for visitors to the north west coast."

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

"Upon numerous requests from business operators within Central Coast to promote our region to the cruise ships which frequent Burnie, I met with Mr Stephen Hite of Burnie Sports & Events on 27 March this year. Mr Hite provided some insight as to how the pre-booked tours work and the activities of the passengers.

The itineraries for the pre-booked tours are designed by inbound operators. Usually each cruise ship company would work with only one inbound operator and details and prices are worked on about two years out.

I met with the General Manager, Mayor Downie and Cr (J) Bonde on 22 April to discuss how we could progress further benefits for Central Coast. We also discussed how Waratah-Wynyard Council had incorporated the 'Wonders of Wynyard' tour and their involvement into the cruise ship itinerary.

It was suggested that I further explore how the decisions of the Waratah-Wynyard Council were reached and how we could assist tourism operators and businesses within Central Coast."

The Director Corporate & Community Services reported as follows:

"PURPOSE

This report considers a motion on notice from Cr Fuller requesting that the Council provide support to local bus operators in their dealings with visitors to the North West Coast.

BACKGROUND

Cruise ship passengers to Tasmania represent 10% of all visitors to the State, and there were 24 visits to the Burnie port by cruise ships in the year ending March 2009. According to Tourism Tasmania's Tasmanian Cruise Ship Results 2008-09:

'44% of passengers went on an organised tour during their visit to Tasmania. Of the passengers that went on an organised tour 41% booked it before they commenced their cruise, 25% booked their tour while aboard ship and 22% made their bookings once ashore in Tasmania. The majority of organised tours (74%) taken were a half day in duration.'

Also, statistics show that the most popular activities undertaken by cruise ship passengers were visiting historic sites/attractions and viewing wildlife in a wildlife park/zoo.

We currently provide support to some of the cruise ship tour guides with information to assist them in producing the tours and almost all cruise ships that have frequented Burnie have had passengers come through our area in some form.

Most have tours that visit Wings Wildlife Park (up to six bus loads per cruise ship) and Gunns Plains Caves (operators do a 45 minute tour to accommodate lack of time). As time is limited, Leven Valley Vineyard occasionally sets up its wine at the Wildlife Park. Cradle Coast Tours also provides tours of our area, as does Murray's Big Day Out Tours. Some of the cruise ship passengers also hire cars or take a taxi for the day.

DISCUSSION

The Council does provide a range of materials to visitors to the Central Coast area via the Ulverstone and Penguin Visitor Information Centres, as well as through other avenues such as Cradle Country.

Most of the tours come from Burnie through Riana to Gunns Plains, into Ulverstone and along the coast road to Penguin (most tours stop at the Penguin Visitor Information Centre) and back to Burnie. They do not stop at the Ulverstone Visitor Information Centre, however, we are planning to send out letters when our outdoor tables and chairs are in place to let all coach companies know what the Centre has to offer.

While Burnie might have an edge for shopping tours, and we need to keep in mind that any places that the tours go (dining, attractions etc.) need to accommodate at least a coach load of (48-52) people, we have been successful in promoting a range of attractions within the Central Coast area.

Cr Fuller's motion would be simply an extension of our existing program targeted at the relevant operator in support of local tour operators.

There may also be an opportunity to further promote the Ulverstone Visitor Information Centre, History Museum, Leven Antiques and the Woodcraft Gallery,

however, we need to recognise that each tour is limited for time and the more that we get in town could mean less tours going to the hinterland into areas such as Gunns Plains.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

The change would result in no impact on the Council's 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
- Cultivate a culture of creativity in the community

Council Sustainability and Governance

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

CONCLUSION

Cr Fuller's motion is submitted for consideration."

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

259/2009 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 July 2009 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 Robertson moved and Cr McKenna seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

260/2009 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 July 2009 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:

- . 12 July 2009 – Letter from Enormity thanking the Council for its support of SAN-TAS – World Santa Challenge.
- . 24 July 2009 – Letter from lawyers representing Lessee at Ulverstone Holiday Park.

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

Carried unanimously

261/2009 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 21 July 2009 to 17 August 2009 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 Howard 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

262/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 July 2009 are submitted for consideration:

- . Summary of Rates and Fire Service Levies
- . Operating Statement
- . Cash Flow Statement.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

263/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

“The following rate remission is proposed for the Council’s consideration:

<i>PROPERTY NO.</i>	302330.026
<i>PROPERTY ADDRESS</i>	Braddons Lookout Road, Leith
<i>REMISSION</i>	\$162.93
<i>REASON</i>	Land deemed to be valueless.

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 (J) Bonde seconded, “That the following remission be approved:

. Property No. 302330.0260 – \$162.93.”

Carried unanimously and by absolute majority

264/2009 Debtor remissions

The Director Corporate & Community Services reported as follows:

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

<i>DEBTOR NO.</i>	5688
<i>PROPERTY ADDRESS</i>	20 Kindred Road, Forth
<i>REMISSION</i>	\$379.44
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

<i>DEBTOR NO.</i>	9347
<i>PROPERTY ADDRESS</i>	9 Epsom Road, Penguin
<i>REMISSION</i>	\$72.54
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003).”

■ Cr McKenna moved and Cr Robertson seconded, “That the following remissions be approved:

. Debtor No. 5688 – \$379.44
. Debtor No. 9347 – \$72.54.”

Carried unanimously

265/2009 Festival and Events Strategy

The Director Corporate & Community Services reported as follows:

“The Community Development Officer has prepared the following report:

PURPOSE

The purpose of this report is to present the Central Coast Festival and Events Strategy (the Strategy) for consideration. A copy of the Draft Strategy is attached.

BACKGROUND

Festivals and events provide a range of benefits to the local community and to its visitors. The festivals and events which occur in the Central Coast municipal area provide a strong sense of community, cultural identity and pride. Events contribute significantly to areas of community building, lifestyle and leisure enhancement, cultural development, increased tourism promotions and visitation, volunteer participation, fundraising, infrastructure and economic development.

DISCUSSION

The purpose of the Strategy is to identify the Council’s role and responsibility in further developing and maintaining festivals and events in partnership with community organisations, stakeholders and government bodies. It incorporates the cultural and lifestyle characteristics that have been identified through the Settlement and Investment Strategy as being unique to the Central Coast area and involves the study of local, state and national trends to see how they relate to and can benefit the development of festivals and events within Central Coast.

The Strategy considers a number of priorities for the development of festivals and events within the Central Coast community, including the development of creative sustainable partnerships between organisations that are involved in festivals and events, to further develop their capacity, through the support of projects and programs that are relevant to, and interface with, local culture.

The Strategy identifies the varied roles the Council plays as leader, provider, sponsor, facilitator, communicator and promoter.

CONSULTATION

Workshops on the Strategy were held in September 2008 and again on 13 July 2009.

IMPACT ON RESOURCES

Apart from staff time, there is no immediate impact on resources.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- . Improve community wellbeing

Community Capacity and Creativity

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

CONCLUSION

It is recommended that the Festival and Events Strategy be adopted.’

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Draft Festival and Events Strategy has been circulated to all Councillors.”

■ Cr (L) Bonde moved and Cr Fuller seconded, “That the Council adopt the Festival and Events Strategy.”

Carried unanimously

266/2009 National team selection sponsorship (200/2009 – 29.06.2009)

The Director Corporate & Community Services reported as follows:

"PURPOSE

To consider a contribution towards the cost of national representation in academic, arts, youth or sporting endeavours for individuals residing in the Central Coast area.

BACKGROUND

At the Special Council meeting held on Monday, 29 June 2009 the Council allocated an amount of \$3,000.00 for national team selection sponsorship and requested that staff draw up a set of criteria to assist in the allocation of these funds.

Neighbouring councils have been asked as to what type and level of sponsorship they might provide.

DISCUSSION

In the past 12 months the Council has received three applications for sponsorship of representation at a national level.

According to other local councils, there are a range of differing policies with regard to the sponsorship of representatives at a local, national and international level.

Burnie City Council provides \$100.00 per person for State representation on the condition that the person belongs to a Burnie-based sporting club.

Devonport City Council has a donation policy that is scaled to local, national and international levels ranging from \$50.00 per person for national representation within Tasmania to \$200.00 per person for international representation overseas.

In Latrobe, only the Mayor pays personal donations and in Waratah-Wynyard only national representation is sponsored.

It is noted that the cost of academic, arts, youth or sporting representation at an individual level can be significant. While the Council already makes a significant contribution through the provision of a wide range of sporting and cultural facilities in addition to more direct sponsorship of certain cultural events such as Ten Days on the Island, and certain sporting events such as the Tour of Tasmania Cycling Race, it is appropriate to recognise significant individual achievement through some level of sponsorship.

The Council receives a limited number of sponsorship applications for representation at an international level.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

An amount of \$3,000 has been allocated in the 2009–2010 budget for national sponsorship. Based on applications received previously, a budget of \$1,000.00 would be sufficient to cover this matter.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Improve community wellbeing

Community Capacity and Creativity

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

CONCLUSION

It is recommended that the Council agree to the donation of an amount of \$200.00 per person to any resident of the Central Coast area who is selected for national representation in academic, arts, youth or sporting related endeavours.”

- Cr Robertson moved and Cr (L) Bonde seconded, “That the Council allocate a budget of \$1,000.00 for the purpose of donations in the amount of \$200.00 per person to any resident of the Central Coast area who is selected for national representation in academic, arts, youth or sporting related endeavours, and further that \$2,000 be transferred from the Sponsorship budget to the Communications budget.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Fuller

Voting against the motion

(1)

Cr Deacon

Cr Haines
Cr Howard
Cr McKenna
Cr van Rooyen

Motion

Carried

267/2009 Survey Co-ordination Act Review

The Director Corporate & Community Services reported as follows:

PURPOSE

To consider a submission to the review of the *Survey Co-ordination Act 1944* being undertaken by the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

BACKGROUND

The Council has received a Discussion Paper from DPIPWE involving a review of the *Survey Co-ordination Act 1944* (the Act) which established the Nomenclature Board as the statutory authority responsible for the establishment of place names in Tasmania.

The Discussion Paper (the Paper) raises questions as to the standards relating to the collection, storage and dissemination of digital spatial information, the process and responsibility for the naming of streets, and contemporary methods for determining locations.

The Paper (copy attached) presents a number of possible options as a starting point for discussion within the community and amongst land information practitioners and users.

DISCUSSION

With regard to place naming, the Paper provides three options:

Option 1 – Decentralised – similar to the current system with the Council and the Nomenclature Board to continue as naming authorities;

Option 2 – Centralised – with a single authority responsible for the naming of all place, including street names; and

Option 3 – Delegated – centralised with the responsibility for the naming of streets delegated to the Council as a part of the subdivision process.

Currently the Council names streets within town boundaries, subject to approval by the Nomenclature Board (the Board), while the Board is responsible for the naming of places outside of town boundaries. The Council can, and does, recommend names for place names outside of town boundaries for consideration by the Board.

The Council has had some concerns in the past over the Board's refusal to accept what the Council has believed to be, reasonable suggestions as to the naming of rural roads. Within the town boundary the Council has been able to work with developers to achieve a naming system that has highlighted the unique identity of each area while still working within the guidelines set by the Board. There is a concern therefore that the centralisation of all naming of place names could result in a loss of control and identity at a local level.

The Asset Management Group Leader reported as follows:

'In relation to spatial information, the Paper looks at issues relating to the following:

- 1 setting of standards for spatial information;
- 2 data collection and management; and
- 3 delivery of spatial information.

These are addressed as follows:

1 Setting of standards for spatial information

Two possible options have been put forward for consideration.

Option 1 – no standards set for spatial data.

Option 2 – Surveyor-General sets spatial data standards.

It is recommended the Council support Option 2 in relation to the setting of standards for spatial information.

This option is for the Surveyor-General's authority to be widened to encompass setting standards for digital information. Spatial information acquired and used by the Council is currently obtained to set standards, and, as the Surveyor-General sets standards for paper-based plans and surveys, the natural extension would be to include setting standards for digital data.

2 *Data collection and management*

Three possible options have been put forward for consideration.

Option 1 – co-operative arrangements;

Option 2 – prescribed in legislation; and

Option 3 – enabling provisions.

The Council currently has a data share agreement with the State Government which allows for the sharing of data between the parties, which includes access to the Land Information System Tasmania (the LIST) without charge.

Of the three options put forward there are some concerns with Options 2 and 3 and the power of the statutory officer to require custodians of identified data to submit information to the central repository.

As there is currently a co-operative approach between the two parties and this has worked well in the past, it is recommended the Council support Option 1 in respect of data collection and management.

3 *Delivery of spatial information*

Two possible options have been put forward for consideration.

Option 1 – current status of the Central Plan Office and the LIST continues; and

Option 2 – enable digital delivery via a legally defined central repository.

It is recommended the Council support Option 2 in respect of the delivery of spatial information.

In relation to surveying infrastructure, the Paper looks at issues relating to the following:

- 1 spatial datum; and
- 2 permanent survey marks.

These are addressed as follows:

1 *Spatial datum*

Option 1 – datum set for public authorities; and

Option 2 – enabling provisions for setting the spatial datum.

The datum for all digital data on the LIST is GDA94. In 2004 the Council converted its Geographic Information System (GIS) datum from AGD66 to the GDA94 datum to be in line with the LIST and general standards.

As Option 2 enables the Surveyor-General to determine the applicable state datum for all purposes, it is recommended the Council support Option 2 to bring all jurisdictions into one datum.

2 *Permanent survey marks*

Option 1 – maintain existing provisions for permanent survey marks; and

Option 2 – enabling provisions for the establishment of contemporary survey control systems.

It is recommended the Council support Option 2 in respect of permanent survey marks as this will allow the existing geodetic network to be enhanced and have the flexibility to respond to industry needs and technology changes.’

The report is supported.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

There are minimal administration costs involved in the naming of roads and streets and the options suggested should have no impact on the cost of the Council’s GIS.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision

CONCLUSION

It is recommended that the Council write a submission to the Department of Primary Industries, Parks, Water and Environment supporting the decentralised option for the naming of place names, with the Council and the Nomenclature Board to continue as naming authorities, and indicating support for the following options concerning the provision of spatial information:

- 1 the Surveyor-General sets spatial data standards;
- 2 co-operative arrangements for data collection and management;
- 3 digital delivery is enabled via a legally defined central repository;
- 4 the Surveyor-General determines the applicable State datum of all purposes; and
- 5 enabling provisions for the establishment of contemporary survey control systems.”

The Executive Services Officer reported as follows:

“A copy of the Survey Co-ordination Act 1944 Discussion Paper has been circulated to all Councillors.”

■ Cr Barker moved and Cr Howard seconded, “That the Council write a submission to the Department of Primary Industries, Parks, Water and Environment supporting the decentralised option for the naming of place names, with the Council and the Nomenclature Board to continue as naming authorities, and indicating support for the following options concerning the provision of spatial information:

- 1 the Surveyor-General sets spatial data standards;
- 2 co-operative arrangements for data collection and management;
- 3 digital delivery is enabled via a legally defined central repository;
- 4 the Surveyor-General determines the applicable State datum of all purposes; and
- 5 enabling provisions for the establishment of contemporary survey control systems.”

Carried unanimously

268/2009 Policy on the commercial use of public reserves and buildings (230/2009 - 20.07.2009)

The Director Corporate & Community Services reported as follows:

"PURPOSE

To consider a draft Policy for the management of commercial use of public reserves and buildings/facilities.

BACKGROUND

In April 2009 the Council passed the following motion on commercial activity on Council owned/controlled land (Minute No. 132/2009 - 20.04.2009) which said in part:

'That the Council defer debate and otherwise adjourn Minute No. 132/2009 until such time as the Council has developed and tabled a strategic policy on "for profit" and other commercial activities on land in which the Council has a legal interest or is the owner...'

This report considers the adoption of a Policy for the management of the commercial use of public reserves and buildings/facilities aimed at providing a process within which applications for the commercial use of public land either owned or controlled by the Council can be considered in a fair, equitable and transparent manner.

DISCUSSION

Council owned and controlled areas have traditionally been the site for a wide range of clubrooms run by sporting clubs, service clubs, surf clubs and various other such organisations where activities are undertaken for the purpose of raising funds to facilitate the running of that club or organisation, as well as providing a meeting place. The Council also owns a number of caravan parks as well as a limited number of properties such as the Municipal Tearooms that are run on a commercial basis and provide funds that the Council then returns to the community through its programs.

At the time of council amalgamation in 1993, the Central Coast Council adopted the Reserves By-law from the Municipality of Ulverstone which enabled the Council to control the sale of goods or services within Council reserves. This By-law has since lapsed and, following a discussion on the use of a Council controlled building by a commercial enterprise, the Council has requested the drafting of a Policy to manage applications for the commercial use of public land.

Within the current framework of clubs, caravan parks and other public buildings there exists a range of commercial activity relating to liquor licenses and multi-purpose function rooms that are, in most cases, run and managed by the relevant club as part of its own fundraising activities. The draft Policy on the Commercial Use of Public Reserves and Buildings/Facilities provides an assessment process that allows the Council to assess applications for extensions or variations to such activity, including fully commercial activities, whilst ensuring that issues of fairness, equity and transparency, both for the applicant and the community who own the property, are addressed.

The Policy's assessment process requires that the Council ensures that no commercial enterprise gains an unfair commercial advantage through its lease of public land, that any commercial activity accepted by the Council does not limit the community's enjoyment of the property being leased, and that the lease provides a positive return for the community.

CONSULTATION

A range of workshops have been held with the Councillors with regard to the Policy and its implementation.

IMPACT ON RESOURCES

The implementation of this Policy will have an impact on the resources of the Council dependent on the number applications received, and the time taken to process them. This impact could be offset by including this cost in any lease agreement.

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
- Encourage a creative approach to new development

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community
- Cultivate a culture of creativity in the community

The Environment and Sustainable Infrastructure

- Invest in and leverage opportunities from our natural environment."

CONCLUSION

It is recommended that the Council adopt the draft Policy on the Management of Commercial Use of Public Reserves and Buildings/Facilities.”

The Executive Services Officer reported as follows:

“The report above was submitted to the Council’s meeting on 20 July 2009. At that meeting (Minute No. 230/2009) the following procedural motion was carried:

‘That the motion lay on the table until further information is provided.’

Further information has been provided at a Councillors Workshop held on Monday, 10 August 2009 and this matter is accordingly returned to the Council for consideration.”

■ Cr Robertson moved and Cr Deacon seconded, “That the paper lay on the table as a guide to the Council.”

Cr (J) Bonde left the meeting at this time.

Carried unanimously

ENGINEERING SERVICES

269/2009 Councillor's questions on notice

The General Manager reported as follows:

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

‘Shortly after the re-construction of a section of the sea wall in Penguin, and a local resident used the surfaces to display some artist drawings, the then General Manager issued a media release explaining why the art works were not permitted. I believe the release also indicated what consideration would be given to the treatment of the walls after the defect period had passed. Could you please advise what was Council’s intent at this time, and what consideration and resources have been discussed for using this area as a place of public art.’

The following answer is provided by the Director Engineering Services.

‘The Engineering Group Leader has provided the following information:

“The original sketches on the wall were drawn in January 2006. At the time the pictures were allowed to stay. The artist and community were made aware that the wall was still under contractual obligations with the builder until the defects liability period had expired.

The Contractor was granted Final Completion of the project on 6 March 2007, signifying the end of the defects liability period.

The Engineering Services Department is not aware of any consideration or resource allocation for the area to be used as a place of public art in the last two and a half years, or of any approaches by the community to consider its future use. There is no current intent to progress this issue, however the Council’s Open Space Strategy, when completed, may provide some direction for use of the area.

It is up to the Council as to what they wish to pursue with the wall and public art. It should be noted there would be issues with funding and long-term maintenance costs which would need to be investigated and considered if such a use was pursued. A project such as this would also require management and co-ordination which may impact on the Council’s resources.’ ”

270/2009 Carroo Court footbridge over Penguin Creek (214/2009 – 20.07.2009)

The Director Engineering Services reported as follows:

"PURPOSE

This report considers options for the footbridge over Penguin Creek between Carroo Court and Ironcliffe Road and seeks the endorsement of the Council in respect to the provision of this facility.

BACKGROUND

The Council has responsibility for seven footbridges throughout the municipal area. In February this year inspection of these footbridges was commenced. This first round of inspections, performed by AusSpan Total Bridge Management, revealed this footbridge was in a very poor state structurally and was recommended for immediate closure.

At a workshop in May 2009, the Council was advised of the need to temporarily close the footbridge while options were investigated. The bridge was subsequently closed on 22 May 2009.

A petition for the Council to restore the footbridge to working order was conducted between 10 June 2009 and 30 June 2009. The petition received 256 signatures and was presented to the Council meeting on 20 July 2009 (Minute No. 214/2009).

A questionnaire was sent to property owners in the immediate vicinity on 30 June 2009 (a plan highlighting which residences received the questionnaire is attached). Graphical representations of the results are provided.

The Engineering Group Leader reported as follows:

'DISCUSSION

There is a perceived need for this footbridge by the community as evidenced by contact from the public and the submission of the petition. The Advocate newspaper has also been approached and published an article depicting upset residents. According to the survey, there are some 15 people who advised they used the bridge on a weekly or daily basis.

The evidence obtained from the survey of residents is depicted in the following graphs and summarised as follows:

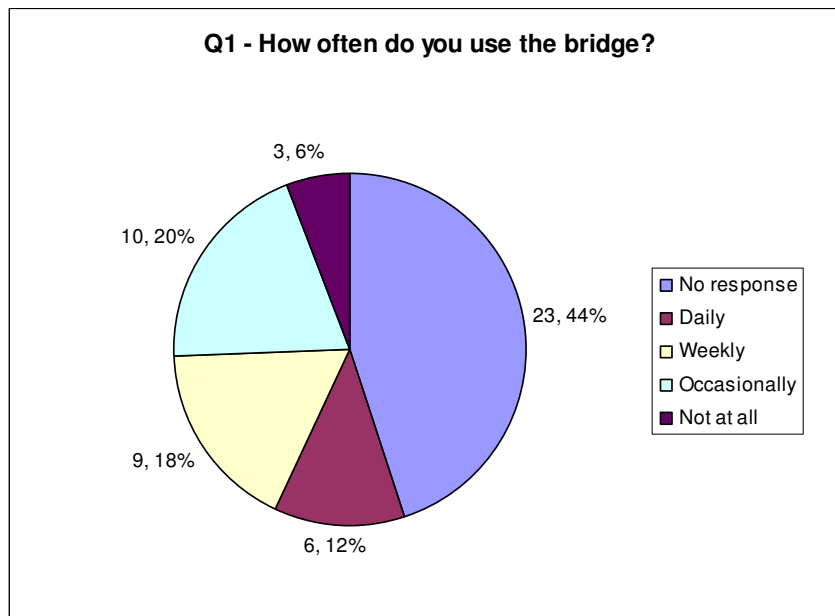
Three questions were asked of the residents:

- 1 How often do you use the bridge?
- 2 What is your main destination?
- 3 What alternate are you using?

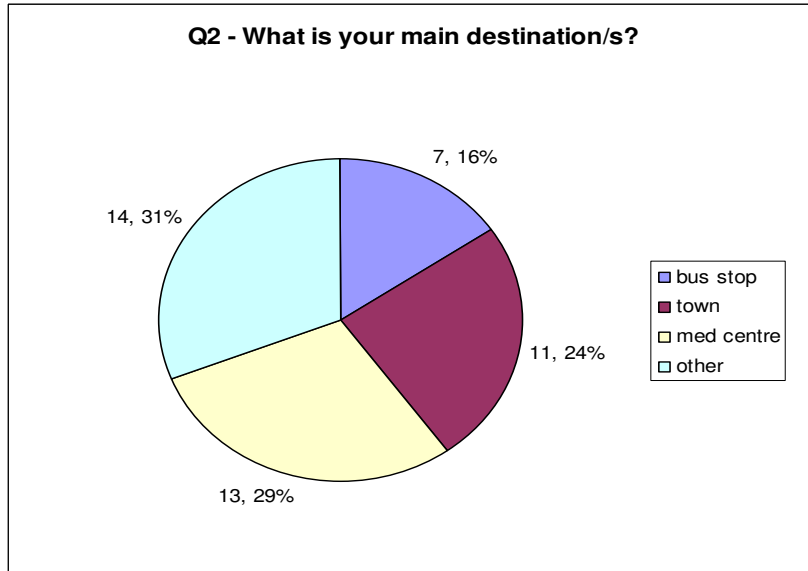
Questionnaires were sent out to 52 residents, 27 responses were received.

It can be seen that 44% of those sent a questionnaire did not respond.

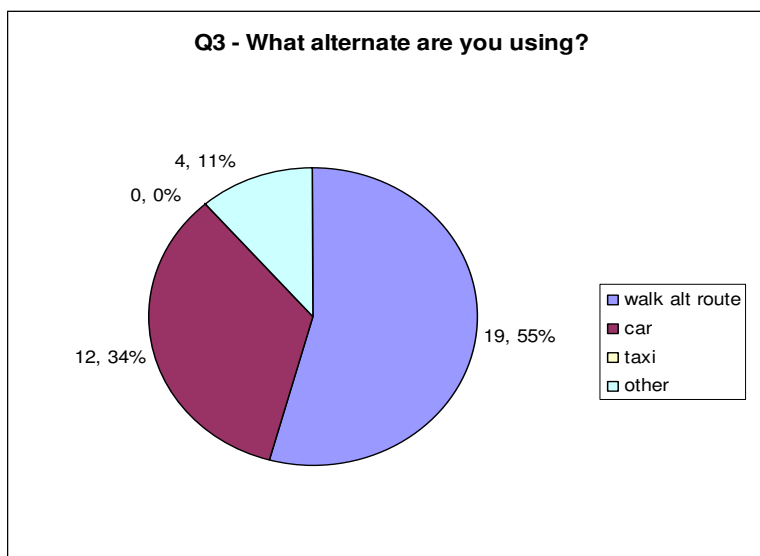
In response to the first question, only six indicated they used the bridge daily, nine weekly and 10 occasionally. Three did not use it at all and 23 did not respond.



In response to question 2, of those that responded the main destinations were the bus stop, town and medical centre. It should be noted the medical centre has only been in operation since early 2008 and that the bus routes in the Penguin area have had three major changes during the last three years with resultant changes in bus stop locations. Prior to this, travel to the nearest medical centre would not have involved use of the footbridge and more than likely would have meant vehicular travel. Discussions with Metro have suggested that, if required, reconsideration could be given to the location of stops in the area if the bridge were to be out of service long-term or not replaced.



Question 3 shows the larger proportion of those who responded and use the footbridge are currently walking the alternate route via Hayward Street. Depending on departure and destination locations, this can add a maximum of 400m to the journey. Many cases will be a lot less than this and for anybody travelling north of Hayward Street there is effectively no difference in distance.



The petition referred to provision of access to essential services and listed these as local bus stop, doctor's surgery, Penguin Market, and the eastern end of Penguin's Main Road, pharmacy, hotels and other services. As mentioned above, bus stops and the doctor's surgery, while closer for some residents using the footbridge, were not always at that location. The route to Penguin Market for residents south of Hayward Street in Killara Avenue, Melli Court and Carroo Court would probably be shorter, however the other areas at the eastern end of town would be just as close using Hayward Street. It should be noted that of the 256 signatures obtained for the petition, only 18 resided in the immediate area used for the affected resident survey.

During the period of consultation Council officers have also been approached by some residents who live directly adjacent to the path leading from Carroo Court to the footbridge to remove the bridge permanently. They are affected by through traffic and have issues with inappropriate behaviour at all hours, litter, vandalism and fear at times for their personal safety. On occasions the Police have been called to the area. Whilst they sympathise with those who may be faced with a longer journey, they feel the number is very few and that if the bridge is to be re-opened their safety concerns should be catered for.

Investigations have shown that the path beside the units is through Council owned land. Should the bridge be replaced it is believed there would be a need to legalise the pathway access for the future. If the units were privately owned this path would not have been allowed to be constructed in the first place. If the land were to be sold the Council could find itself with a bridge to nowhere.

The pathway leading from Ironcliffe Road does not comply with disabled access requirements. In order to comply, additional rectification works would be required. These works could cost in the order of \$30,000.

It is difficult from an asset management perspective to find enough argument to support the construction of a replacement structure. The main reason quoted in all responses has been the shorter route, and the convenience of the present location of the footbridge. However, in this case an alternative crossing exists at Hayward Street some 200m away. There are footpaths linking Melli Court, Killara Avenue and Carroo Court to the bridge, although some residents may need to cross the road to walk along the footpath. This is not uncommon in areas where footpaths are only on the one side of the road.

Initial quotations to remove the existing bridge and replace with a new structure are as high as \$80,000. It is expected this may be able to be reduced by further negotiation and consideration of other options if required, but it is expected the lowest alternative would still be in the order of \$60,000. There are also ongoing maintenance issues with any infrastructure and inspections twice yearly. If the bridge is replaced, the issues and safety concerns of the nearby affected residents would need to be considered and there would be additional costs to rectify or minimise the issues, possibly in the order of \$10,000 to \$20,000 depending on the solution.

Removal of the bridge and paths would also have a cost expected to be in the order of \$10,000. This is a one-off cost with no future life cycle costs. Provision of kerb ramps at the intersection of Carroo Court, Melli Court and Killara Avenue are also required, but this needs consideration regardless of whether the bridge remains or not. Expected cost is in the order of \$5,000.

In summary, the estimated cost of constructing a new footbridge and associated works would be in the order of \$110,000 – \$130,000. The estimated cost for removal of the existing bridge and associated works would be in the order of \$10,000 – \$20,000.

CONSULTATION

At the time of closure, signs were placed on the bridge with a telephone number to contact the Council for enquiries.

A questionnaire was sent to 52 residences in the immediate vicinity to determine usage of the bridge.

IMPACT ON RESOURCES

The construction of this bridge may affect the Works Program for 2009–10. Unless an application for additional Roads to Recovery funding is successful, this project or an alternative project currently included in the Works Program would require deferral to 2010–11.

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

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

Council Sustainability and Governance

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

The Engineering Group Leader's report is supported.

The report is a good example of the issues that need to be considered prior to bridge replacement. The principles could also be applied to replacement of other assets in the future.

CONCLUSION

Based on asset management considerations, safety concerns of adjacent residents, issues regarding legal access past the units, and non-compliance of the existing path with disabled access requirements, it is recommended that the footbridge over Penguin Creek, located between Carroo Court and Ironcliffe Road, should be removed and the pathways leading to the bridge also be removed. It is further recommended the kerb ramps at the intersection of Carroo Court and Killara Avenue are constructed to provide access to the existing footpath system in Hayward Street and on to Ironcliffe Road."

The Executive Services Officer reported as follows:

"A copy of the plan highlighting which residences received the questionnaire has been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Fuller seconded, "That based on asset management considerations, safety concerns of adjacent residents, issues regarding legal access past the units, and non-compliance of the existing path with disabled access requirements, the footbridge over Penguin Creek, located between Carroo Court and Ironcliffe Road, should be removed and the pathways leading to the bridge also be removed, and further, that the kerb ramps at the intersection of Carroo Court and Killara Avenue be constructed to provide access to the existing footpath system in Hayward Street and on to Ironcliffe Road."

Cr (J) Bonde returned to the meeting at this stage.

Voting for the motion
(0)

Voting against the motion
(11)
Cr Downie
Cr Robertson
Cr Barker
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon
Cr Fuller
Cr Haines
Cr Howard
Cr McKenna
Cr van Rooyen

Motion

Lost

■ Cr Haines moved and Cr (L) Bonde seconded, "That before any decision to remove the Carroo Court footbridge is made, a more exact costing to undertake the replacement and/or repair of the footbridge be provided to the Council for consideration."

Carried unanimously

Cr Dry returned to the meeting at this stage.

271 /2009 Adjournment of meeting

The Mayor advised the following:

"This meeting is adjourned for five minutes."

The meeting adjourned at 9.43pm and resumed at 9.52pm.

CLOSURE OF MEETING TO THE PUBLIC

272/2009 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; and
- . Leven River bridge, Hobbs Parade, Ulverstone – Council contribution.

These are matters relating to:

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

■ Cr Robertson moved and Cr Fuller 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 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; and
- . Leven River bridge, Hobbs Parade, Ulverstone – Council contribution.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is 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

273/2009 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.”

ENGINEERING SERVICES

274/2009 Leven River bridge, Hobbs Parade, Ulverstone – Council contribution (450/2008 – 15.12.2008)

The Director Engineering Services reported as follows:

“This report considers potential Council contribution towards the construction of the Leven River bridge, Hobbs Parade, Ulverstone.

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 10.32 pm.

CONFIRMED THIS 21ST DAY OF SEPTEMBER, 2009.

Chairperson

(Imm:vjl)

Appendices

Minute No. 250/2009– Schedule of Development & Regulatory Services Determinations

Minute No. 259/2009– Schedule of Contracts & Agreements

Minute No. 261/2009– Schedule of Documents for Affixing of the Common Seal

Minute No. 262/2009– 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 recommendations provided to the Council in or with the following agenda:

- (i) the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

- (ii) where any advice is 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