

Minutes

of an Ordinary Meeting
held at 6.00pm

19 JULY 2010

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
16 August 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, 19 July 2010 commencing at 6.00pm.

Councillors attendance

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

Councillors apologies

Cr Mike Downie

Employees attendance

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

Guests of the Council

Mr Glenn Clark – former Caretaker of the Sprent Community Centre
Ms Alice Ling – Central Coast Council Bursary recipient
Ms Dayna Broun – Participation, Pathways and Scholarships Coordinator,
Cradle Coast Campus of the University of Tasmania

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in Prayer.

Prior to the commencement of the business of the Council meeting, the Acting Mayor noted with sadness the recent passing of Mrs Judy Liauw.

CONFIRMATION OF MINUTES OF THE COUNCIL

209/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 21 June 2010 and the special meeting held on 28 June 2010 have already been circulated. The minutes are required to be confirmed for their accuracy, subject to the record of Councillors’ voting at Minute No. 183/2010 (21.06.2010) being amended to read as follows:

‘■ Cr Fuller (having given notice) moved and Cr Howard seconded, “That Council direct the Mayor, Deputy Mayor and General Manager to request financial support for the implementation of the Dial Regional Sports Complex Master Plan from Federal Government representatives of all parties when next pursuing funding support at this level.

...

Voting for the motion

(6)

Cr Diprose

Cr Dry

Cr Fuller

Cr Howard

Cr van Rooyen

Cr Viney

Voting against the motion

(3)

Cr (J) Bonde

Cr (L) Bonde

Cr Robertson

Motion

Carried’

This corrects a typographical error in which Cr Robertson’s name appeared as voting both for and against the motion and Cr Howard’s name was excluded from voting for the motion.

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 Viney seconded, “That the minutes of the previous ordinary meeting of the Council held on 21 June 2010 and the special meeting held on 28 June 2010 be confirmed, subject to the record of Councillors’ voting at Minute No. 183/2010 (21.06.2010) being amended to read as follows:

‘■ Cr Fuller (having given notice) moved and Cr Howard seconded, “That Council direct the Mayor, Deputy Mayor and General Manager to request financial support for the implementation of the Dial Regional Sports Complex Master Plan from Federal Government representatives of all parties when next pursuing funding support at this level.

...

Voting for the motion

(6)

Cr Diprose

Cr Dry

Cr Fuller

Cr Howard

Cr van Rooyen

Cr Viney

Voting against the motion

(3)

Cr (J) Bonde

Cr (L) Bonde

Cr Robertson

Motion

Carried”

Carried unanimously

COUNCIL WORKSHOPS

210/2010 Council workshops

The Executive Services Officer reported as follows:

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

- . 05.07.2010 – General Manager’s quarterly performance review
- . 12.07.2010 – Role of LGAT/Review of Cradle Coast Authority Rules

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

211/2010 Mayor's communications

The Acting Mayor reported as follows:

I will now adjourn the meeting for the following purposes:

- . To present a Certificate of Appreciation to Mr Glenn Clark acknowledging his contribution to the community as Caretaker of the Sprent Community Centre for more than 20 years.
- . To provide an opportunity for the current recipient of the Central Council Bursary, Ms Alice Ling to report on progress with her tertiary studies. Ms Ling is accompanied by Ms Dayna Broun the Participation, Pathways and Scholarships Coordinator of the Cradle Coast Campus of the University of Tasmania. After the address by Ms Ling and Ms Broun, Councillors will have the opportunity to ask questions.

Ms Ling and Ms Broun also joined Councillors for dinner prior to the meeting.”

Following the presentations and speeches, the Acting Mayor resumed the meeting.

212/2010 Mayor's diary

The Acting Mayor reported as follows:

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

- . Food Connections Tasmania/Tall Timbers Thunder Mens Basketball - tastings of local food and produce; NW Tasmania v AIS basketball game
- . Burnie City Council - civic reception for the Governor of Tasmania, the Hon Peter Underwood AC (Burnie)
- . Ulverstone Municipal Band - annual general meeting
- . Ulverstone High School - opening of photography exhibition by media students
- . Senator the Hon Richard Colbeck and Garry Carpenter, Federal Liberal Candidate for Braddon - meeting
- . Senator Stephen Parry - afternoon tea with the Hon Tony Abbott MHR, Leader of the Opposition; and Garry Carpenter, Federal Liberal Candidate for Braddon (Burnie)

-
- Mersey Leven Aboriginal Corporation - NAIDOC Week luncheon (Devonport)
 - TasPorts - Devonport Airport Stakeholder Forum (Devonport)
 - Cradle Mountain Water - Water & Sewerage Industry Briefing: Our water now and into the future (Burnie)
 - Ulverstone High School - opening of exhibition by Semester 1 Art Class
 - Ulverstone High School and The Beacon Foundation - 2010 Pathways to Success Charter Signing Ceremony

Cr Tony van Rooyen has represented me at the following event:

- Rotary Club of Ulverstone Inc. - annual change-over dinner

Cr David Dry has represented me at the following event:

- Lions Club of Ulverstone Inc. - annual change-over dinner

Cr John Deacon has represented me at the following event:

- North Western Fisheries Association - birthday celebration dinner

Cr Gerry Howard has represented me at the following event:

- Fundraiser for Amy Cure - Our local World Champion cyclist.”

Cr Robertson reported as follows:

“I attended the following function on behalf of the Council:

- Penguin Lions Club and Penguin Leo club changeover dinner.”

■ Cr Deacon moved and Cr Haines seconded, “That the Acting Mayor and Cr Robertson’s reports be received.”

Carried unanimously

213/2010 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.

214/2010 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

215/2010 Councillor reports

The Executive Services Officer reported as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

Cr Fuller reported on the Healthy By Design workshop.

Cr Diprose reported on a meeting of the East Ulverstone Swimming Pool Management Committee.

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

Cr (L) Bonde reported on a Bush Watch meeting.

APPLICATIONS FOR LEAVE OF ABSENCE

216/2010 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

217/2010 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

218/2010 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

219/2010 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.
- (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.

220/2010 Councillors’ questions on notice

The Executive Services Officer reported as follows:

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

‘30 (1) A councillor, 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

221/2010 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of June 2010 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

222/2010 Request for waiver or reduction of Land Use Planning, Building and Plumbing fees

The Director Development & Regulatory Services reported as follows:

PURPOSE

This report provides the basis for considering a request from the Penguin Uniting Church for the Council to waive or reduce the Land Use Planning, Building and Plumbing fees associated with a proposed toilet block addition to the Church.

BACKGROUND

A major review of the Council’s Land Use Planning, Building and Plumbing fees was undertaken in setting fees for the 2009–10 financial year. This review established that the Council’s fees are generally equal to or below the fees of other North West Coast councils. Additionally, in determining its fees the Council applies a ‘community obligation’ reduction.

The Penguin Uniting Church is proposing to undertake a small addition which will provide the Church building with toilet and shower facilities (Annexure 1). Currently users of the Church must leave the building to utilise the existing toilet facilities which are located in an old building at the rear of the site.

The fees which would be attracted by the proposed toilet block addition are as follows:

APPLICABLE FEE	FEE (\$)
<i>Land Use Planning</i>	
Discretionary Application	300.00
Notification fee	235.00
<i>Building and Plumbing</i>	
Building Permit fee	120.00
Building Permit Levy (State Government fee)	30.00
Industry Training Levy (State Government fee)	60.00
Plumbing Permit fee	390.00
TOTAL	1,135.00

Of the above-mentioned fees, the Council has the ability to waive or reduce only those fees which are charged by the Council. It is beyond the Council's head of power to waive the levies imposed by the State Government and collected by councils. Therefore the Council has the ability to waive or reduce fees in the amount of \$1,045.00.

DISCUSSION

Whilst it may seem like a small gesture for the Council to grant a waiver or reduction of fees for the Penguin Uniting Church's proposed addition, it is considered that any decision to grant a waiver or reduction of the fees would be inequitable and inconsistent with previous applicants who have been required to pay the fees associated with similar developments. Additionally, any decision to waive or reduce fees may set a precedent which would undoubtedly be sought from similar organisations in the future.

The Council currently provides a Community Small Grants Scheme to support local organisations in undertaking works similar to those proposed by the Penguin Uniting Church. The funding for these grants is considered in the Council's annual budgeting processes. It may be more appropriate for the Penguin Uniting Church to

apply for a Small Grant in the Councils 2010–11 Scheme to assist in the costs of the proposed toilet block addition, rather than seeking to have the fees waived or reduced.

It should also be noted that the Central Coast Council already exempts the Uniting Church property at 50 Main Road, Penguin, from paying the general rate.

CONSULTATION

Consultation has been undertaken with the Acting Mayor and Penguin Uniting Church representatives.

IMPACT ON RESOURCES

Any precedent of waiving fees has the potential to adversely impact the Council's budgeted revenues.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance
• Improve corporate governance

CONCLUSION

It is recommended that the Council refuse the request from the Penguin Uniting Church to waive or reduce the Land Use Planning, Building and Plumbing fees associated with the proposed Church toilet block addition."

The Executive Services Officer reported as follows:

"A copy of the application and plans relating to the proposed Church toilet block addition have been circulated to all Councillors."

■ Cr Fuller moved and Cr (L) Bonde seconded, "That the Council refuse the request from the Penguin Uniting Church to waive or reduce the Land Use Planning, Building and Plumbing fees associated with the proposed toilet block addition to the Church."

Carried unanimously

223/2010 Council acting as a planning authority

The Acting Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development & Regulatory Services has submitted the following report:

‘If any such actions arise out of Minute No. 224/2010, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

- Cr Deacon moved and Cr Howard seconded, “That the Acting Mayor’s report be received.”

Carried unanimously

224/2010 Rezoning of land from Rural Resource to Rural Living, two lot subdivision and boundary adjustment at 258, 262 and 264 Ironcliffe Road, Penguin – Application No. COM2009.2 (152/2010 – 17.05.2010)

The Director Development & Regulatory Services reported as follows:

“The Planning Consultant has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	COM2009.2
<i>APPLICANT:</i>	Michell Hodgetts and Associates P/L
<i>LOCATION:</i>	258, 262 and 264 Ironcliffe Road, Penguin
<i>ZONING:</i>	Rural Resource and Rural Living
<i>PROPOSAL:</i>	Rezoning of land from Rural Resource to Rural Living, two lot subdivision and boundary adjustment
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)

<i>LEGISLATION</i>	<i>Land Use Planning and Approvals Act 1993 (the Act)</i>
<i>ADVERTISED:</i>	22 May 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 June 2010
<i>REPRESENTATIONS RECEIVED:</i>	Nil

PURPOSE

The purpose of this report is to:

- . advise that there were no representations received during the public exhibition period on the draft Amendment or the application for the permit;
- . consider the need for modification of this draft Amendment or the permit;
- . allow the Council to advise the Tasmanian Planning Commission (the Commission) pursuant to s.39(2) and s.43F of the Act.

BACKGROUND

This application is for a combined Scheme Amendment and permit application for:

- . rezoning of land at 258 and 262 Ironcliffe Road, Penguin from Rural Resource to Rural Living; and
- . a two lot subdivision and boundary adjustment involving 262 and 264 Ironcliffe Road, Penguin.

With regard to the draft Amendment, s.39(2) of the Act provides that where no representations are received to a draft Amendment during the public exhibition period, the Council must:

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

- (a) ... a statement to that effect; and
- (b) ...
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.”

Additionally, pursuant to s.43F(6), where the Council has received no representations during the public exhibition period on the application for a permit, it must also forward to the Commission:

- “(a) ... a statement to that effect; and
- (b) ...
- (c) such recommendations in relation to the planning authority's decision as the planning authority considers necessary.”

Accordingly, this report to the Council will serve to satisfy s.39(2) and s.43F(6) of the Act.

Pursuant to s.43G, the Commission must consider any recommendations or statements made with respect to s.43F at the same time it considers Council's report pursuant to s.39(2). Even if no representations are received, pursuant to s.40(4) of the Act, the Commission may hold a hearing into issues that, in the Commission's opinion, require consideration. The Commission may also dispense with a hearing.

Regardless of whether a hearing is conducted or not, the Commission, after consideration of the draft Amendment and the Council's s.39 report may:

- . approve the draft Amendment;
- . direct the Council to modify the draft Amendment before approval; or
- . reject the draft Amendment.

The Commission, at the same time it considers the draft Amendment may:

- . confirm the decision of Council under s.43F(1) in relation to the permit; or
- . refuse the permit; or
- . modify or delete conditions or restrictions attached to the permit or add new conditions or restrictions to the permit.

If the Commission is satisfied that the draft Amendment is in order, it will notify the Council of its decision not later than three months from the date of the submission of this report.

DISCUSSION

The draft Amendment and plan of subdivision as advertised is detailed in Annexure 1. The supporting information for the draft Amendment and the application for the permit are not included in the Annexure to this report. It has been provided to the Commission as part of the amendment process and has previously been provided to the Council.

The draft Amendment was initiated and certified by the Council on 17 May 2010. At the same time the application for a permit with conditions was approved. The combined draft Amendment and application for the permit was placed on public exhibition in The Advocate newspaper as provided by the Act on Saturday, 22 May 2010 and again on Saturday, 29 May 2010.

There were no representations received during the statutory exhibition period. Consequently no additional issues or concerns have been raised. No modifications to the draft Amendment or the draft permit are considered to be necessary.

CONSULTATION

The statutory consultation period was fulfilled and is detailed in the "Discussion" above. The draft Amendment was advertised for a period of three weeks.

IMPACT ON RESOURCES

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

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

CONCLUSION

There were no representations received by the Council on the draft Amendment or the application for the permit during the public exhibition period.

No modification is recommended as a result of the representations received.

RECOMMENDATION

It is recommended that the Council advise the Commission:

- . that there were no representations to the draft Amendment for the rezoning of land or the draft permit for a two lot subdivision and boundary adjustment; and
- . that there is no modification necessary to the rezoning proposed by the draft Amendment or the draft permit.'

The Planning Consultant's report is supported."

The Executive Services Officer reported as follows:

"A copy of the annexures have been circulated to all Councillors."

■ Cr Howard moved and Cr Robertson seconded, "That the Tasmanian Planning Commission be advised as follows:

- 1 there were no representations to the draft Amendment or the application for the permit during the public exhibition period in respect of the proposed rezoning of land from Rural Resource to Rural Living and the two lot subdivision and boundary adjustment at 258, 262 and 264 Ironcliffe Road, Penguin (identified as Amendment 2/2010); and
- 2 the Council does not recommend any modifications to the draft Amendment or the permit."

Carried unanimously

GENERAL MANAGEMENT

225/2010 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

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

- . East Ulverstone Swimming Pool Management Committee – meeting held on 24 March 2010;
- . Penguin Miniature Railway Management Committee – meeting held on 9 June 2010;
- . Forth Community Representative Committee – meeting held on 10 June 2010;
- . Ulverstone Local History Museum Committee – meeting held on 17 June 2010;
- . Youth Engaged Steering Committee – meeting held on 17 June 2010;
- . Central Coast Community Safety Partnership Committee – meeting held on 23 June 2010.

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

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

Carried unanimously

226/2010 Public question time

The time being 6.35pm, the Mayor introduced public question time.

Questions and replies concluded at 6.40pm.

227/2010 Delegation by the Council of its functions and powers – Delegations issued to the General Manager (169/2000 – 26.04.2000 and 251/2008 – 21.07.2008)

The General Manager reported as follows:

"PURPOSE

This report invites the Council to review and reaffirm its delegations to the General Manger.

BACKGROUND

The *Local Government Act 1993* provides, subject to certain restrictions, that, '...a council, in writing, may delegate with or without conditions to the general manager...any of its functions or powers under this or any other Act...'. This is explained in detail in the attached extracts from the *Local Government Act 1993* and the *Acts Interpretation Act 1931*.

Since its formation, the Council has widely delegated its authority and powers.

At its meeting on 26 April 2000 the Council resolved (Minute No. 169/2000) as follows:

'That the Council review its delegations as issued to the General Manager, on a two year cycle in conjunction with the General Manager's performance review.'

The last review took place on 21 July 2008 and is subsequently up for review this year.

DISCUSSION

In a report on 11 January 1999 (Minute No. 19/1999) the General Manager outlined several reasons supportive of the good value of delegation by the Council. These reasons remain relevant and are reproduced as follows:

- '. Delegations do not take away the powers of the Council – they allow the General Manager and (her) staff to get on with managing the business of the Council while it enables the Council to focus on strategic and policy development and higher-level decision making.
- . As a result of a substantial investment in education, learning and training, the Council has a well-qualified, professional and very experienced staff.
- . Delegations assist in the development of an efficient and effective operation which is much leaner in resources than would be the case should the Council not have granted delegations.

- . Delegating is consistent with the employment arrangements so far as the General Manager’s appointment is concerned.
- . Matters subject to delegation are generally based on technical issues rather than on political and/or governance issues.
- . Delegations enable a greater opportunity for consistent decision making.
- . Delegations ensure a more efficient management of business with the community ... ; they make it easier in dealing with issues which are subject to legislative time frames and they assist in the reduction of ‘local’ red tape.
- . The heart of effective governance is a good relationship between the Council and the General Manager and staff where trust, reliability and fairness is essential.
-’

The Council, in order to ensure that its requirements are met and its goals achieved, employs a General Manager who, in addition to legislated obligations, is granted delegated authority to carry out the operational tasks required to make the organisation work. Central Coast has a good record in this regard and the delegations issued have been beneficial to its efficiency and effectiveness.

A schedule of all current delegations by the Council to the General Manager is attached. It is noted that the specific delegations listed in the table below, when reaffirmed, will be reissued with inconsequential amendments (such as change of officers’ position titles).

DELEGATION NO.	AMENDMENT
B23; B25; B28	Officer title (Director Engineering Services)
B26; B30; B32; B33; B34; B35; B36; B37; B39; B40; B41; B43; B46; B47; B48	Officer title (Director Development & Regulatory Services)
B38	Officer title (Director Engineering Services) Removal of references to sewers (now a Cradle Mountain Water

responsibility)

B45 Officer title (Director Development & Regulatory Services
Change reference from Resource Planning and Development
Commission to Tasmanian Planning Commission

All delegations have been reviewed by the Senior Management Team. The Team is of the opinion that each delegation remains valid and relevant, and that their issue should be reaffirmed.

The Senior Management Team has also asked that the Council consider adding/amending the following delegations to the current delegations for the following reasons:

Development and Regulatory Services –

Overall the current delegations are adequate to provide for the efficient and effective exercise of statutory functions and powers in the Land Use Planning Group. However, further review of the delegations is sought in the following areas to enable further improvements to the Council’s Land Use Planning service:

- . the refusal of development applications;
- . Resource Management and Planning Appeal Tribunal compromise agreements; and
- . the approval of final subdivision plans.

REFUSAL OF DEVELOPMENT APPLICATIONS –

Currently, the General Manager, Director Development & Regulatory Services and Land Use Planning Group Leader have been delegated the following power under the *Land Use Planning and Approvals Act 1993*:

- . To refuse applications for a permit where the proposed development is prohibited under the provisions of the Council's planning instruments and/or legislation.

Under the *Central Coast Planning Scheme 2005* (‘the Scheme’) this delegation is very broad and may provide staff with greater power to refuse a development application than is intended by the Council.

A use or development in a zone is prohibited under the Scheme if:

- (a) the defined use into which it is categorised is shown in a Table of Use as prohibited;

- (b) it meets any related qualification to the relevant defined use and that qualification states it is prohibited;
- (c) it does not meet all applicable standards; or
- (d) any other provision of the Scheme provides that it is prohibited.

The current delegation allows staff to refuse an application if it is determined that the use does not comply with the Scheme's applicable standards (i.e. Acceptable Solutions or Performance Criteria).

As I understand it, the original intent of the delegation from the Council under the previous Planning Scheme was to allow staff to refuse a development application only in situations where it is listed in the Table of Use as being prohibited. This was to stop applicants from being able to submit and progress an application to the Council even though it is clearly prohibited under the Scheme. However, under the definition of a 'Prohibited use' in the current Scheme, staff have considerably more power to refuse an application. It is recommended that the delegation (B31) be amended as follows:

- . To refuse applications for a permit where the proposed development is prohibited under the Council's planning scheme where:
 - (a) the defined use into which it is categorised is shown in a Table of Use as prohibited; or
 - (b) it meets any related qualification to the relevant defined use and that qualification states it is prohibited.

RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL COMPROMISE AGREEMENTS –

Where an appeal is made under the *Resource Management and Planning Appeal Tribunal Act 1993* concerning a Council decision on a planning application, the Tribunal may hold a conference of the parties to allow an opportunity for an agreement to be reached as to the terms of a decision of the Tribunal in the appeal that would be acceptable to the parties.

The Council is generally represented in such conferences by the Land Use Planning Group Leader or Town Planner, often with the support of the Council's solicitor. Currently, the Land Use Planning Group Leader or Town Planner does not have a delegation from the Council to be able to 'sign off' compromise agreements in respect of a decision of the Council. This limits the ability for staff to adequately participate in the process and to achieve positive planning outcomes on behalf of the Council. Therefore, it is recommended that the General Manager be provided

with the following delegation (proposed B54) and further, that the General Manager be authorised to delegate this power to the Director Development & Regulatory Services and the Land Use Planning Group Leader:

- . To appear on behalf of the Council at a conference held by the Resource Management and Planning Appeal Tribunal with authority to act on behalf of Council in respect to compromise agreements.

APPROVAL OF FINAL SUBDIVISION PLANS –

Under the *Local Government (Building and Miscellaneous Provisions) Act 1993* ('the Act'), it is a requirement for persons undertaking a subdivision to have the final subdivision plan approved by the Council. Section 89(1) of the Act states:

- '...(1) If satisfied that a final plan complies with this part, the council is to–
- (a) cause its seal to be affixed to the plan; and
 - (b) cause the sealed plan to be lodged in the office of the Recorder of Titles.'

The Council's Land Use Planning staff currently administers the process for the sealing of final subdivision plans. Procedure PSD05 is attached. For the most part this procedure works effectively, however, staff are routinely having to manage situations whereby developers submit final plans too late for inclusion on the agenda for a Council meeting and therefore must wait an additional month to have the Council seal attached. Often there are land sales contingent upon the sealing of the subdivision plan and as a result staff are routinely exposed to unreasonable levels of pressure and resultant anger from developers.

The Council is not currently offering an optimal level of service for the sealing of final plans because of the limitations in opportunities for affixing the Council seal. While it is acknowledged that this is an important role for the Council to perform, it is not one which should unduly restrict developers in the situation described above. Accordingly, it is recommended that the Council delegate the General Manager the power to cause the Council seal to be affixed to final subdivision plans (proposed B55). It is further recommended that this delegation be subject to the following conditions:

- . Notwithstanding the delegation, the Council may continue to exercise or perform all of the powers or functions delegated;
- . That all instances where the power and function delegated is exercised or performed must be reported to the following Council meeting; and that

- . The delegation is restricted to the General Manager (or person acting in that position) only.

Engineering Services –

Overall, the current delegation are adequate to provide for the efficient and effective exercise of statutory function and powers in the Engineering Services Department, however, two further delegations are sought in respect of carrying out road works and road closures.

The *Local Government (Highways) Act 1982* (the Act) provides for permission to carry out works in relation to highways under s.46. The first proposed delegation (B56) is to grant permission to carry out various works in relation to highways.

Section 46(1) of the Act states:

- ‘...(1) A corporation may, in accordance with its by-laws, grant a person written permission to do any one or more of the following things on such conditions and for such consideration as the corporation, either generally or in a particular case, determines:
- (a) open or break up the soil or pavement of a local highway;
 - (b) make a drain leading to a local highway;
 - (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the corporation under a local highway;
 - (d) make an excavation, vault or cellar in or under a local highway;
 - (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels;
 - (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway...’

This section is used to enable Roadworks Authorities and Private Works Authorities to be undertaken within the road reservation and will be required in respect to gas reticulation in the future.

Section 46(2) reads as follows:

‘...(2) Subject to any directions given by the corporation, its powers under subsection (1) to grant a permission may be exercised on its behalf by its mayor or by some other person authorized by it for that purpose...’

The proposed delegation also refers to revoking permission and is referred to at s.46(3) as follows:

‘...(3) By written notice served on a person to whom a permission under subsection (1) has been granted or the owner of any land in relation to which any work or other thing made, constructed, or placed in pursuance of the permission is being, or capable of being, used, the corporation may revoke the permission and require that the work or other thing be removed or filled up and the highway reinstated...’

In order to comply with what happens in practice it is recommended this power should be delegated to the General Manager and further, that the General Manager be authorised to delegate this power to the Director Engineering Services, subject to the following conditions:

- . To comply with the provisions of the *Local Government (Highways) Act 1982* s.46 relating to granting permission to carry out various works in relations to highways;
- . To revoke permission and require the work or other thing be removed or filled up and the highway reinstated as provided under s.46(3) of the *Local Government Highways Act 1982*.

The second proposed delegation (B57) is to grant permission for temporary closure and closure of parts of local highways for the purposes of public functions and events.

The Act refers to ss.19 and 20 in respect of temporary closure and closure of parts of local highways for the purposes of public functions and events.

Section 19 states as follows:

- ‘...(1) For a purpose in connection with a public function, or in order to facilitate work on land adjoining a local highway, a corporation may, after consulting the Commissioner of Police –
- (a) close a local highway or part of a local highway in the municipality;

- (b) forbid the use of a local highway or part of a local highway in the municipality by all person, or by all persons with vehicles, subject to such exceptions as the corporation considers appropriate; or
- (c) subject to a resolution of the council, grant exclusive licences to occupy part of a local highway so closed for such periods and on such conditions as the corporation thinks fit...'

Section 20 reads as follows:

'...(1) For the purpose of providing a place for the sale of goods and for entertainment, the corporation may –

- (a) after giving –
 - (i) at least 10 days' written notice of its intention to do so to the Transport Commission and the Commissioner of Police and after consulting the Transport Commission and the Commissioner of Police; and
 - (ii) at least 5 days' notice of its intention to do so in a local newspaper circulating in the municipality –

close part of a local highway on a Saturday or a statutory holiday, or Sunday for not more than 12 hours;

...'

In order to facilitate this process, delegation from the corporation to the General Manager is required.

CONSULTATION

This is a governance matter for which consultation is not required.

IMPACT ON RESOURCES

Delegation is one of the tools that assist in keeping a check on administration costs.

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 all delegations contained within the attached schedule be reaffirmed and the above-mentioned additions/amendments be confirmed.”

The Executive Services Officer reported as follows:

“A copy of extracts from various legislation, the Schedule of delegations by the Council to the General Manager and Procedure PSD05 have been circulated to all Councillors.”

- Cr van Rooyen moved and Cr Haines seconded, “That all delegations made in accordance with s.22 of the *Local Government Act 1993* and listed in the Schedule of Delegations by the Council to the General Manager (a copy of the Schedule being appended to and forming part of the minutes) be reaffirmed.”

Carried unanimously

228/2010 Regional and Local Community Infrastructure Program 2010–11

The General Manager reported as follows:

“The Director Corporate and Community Services has prepared the following report:

PURPOSE

The purpose of this report is to consider the Council’s allocation of funding from the third round of the Regional and Local Community Infrastructure Program (RLCIP) 2010–11.

BACKGROUND

On 18 June 2010, the Australian Government, as part of its contribution to address the global economic crisis, made an additional \$100 million available in the third round of RLCIP funding to support local jobs during the global economic recession and provide long-term benefits to communities by assisting councils to build and modernise local infrastructure.

The Central Coast Council has been allocated an amount of \$148,000 for spending on community infrastructure including new construction and major renovations or refurbishments across a wide range of assets.

DISCUSSION

In an effort to boost the economy the Australian Government has made funding available to councils that can be utilised across a wide range of projects, a copy of the list of projects that can be funded is attached, specifying only that funding will not be available for operational and maintenance costs, or for certain transport infrastructure costs covered by Roads to Recovery or Black Spot programs.

In the first round of funding the Council was successful in obtaining funding for the following projects:

- . refurbishment of Forth Hall – \$60,000;
- . Showground Precinct power and building refurbishment – \$160,000;
- . Turners Beach Hall refurbishment – \$25,000;
- . Riana Community Centre kitchen upgrade – \$60,000; and
- . Penguin Main Beach sea wall – \$86,000.

In the second round of funding the Council was successful in obtaining funding for the following project:

- . recreation parking at the Ulverstone Showground and boat ramp access – \$151,000.

In considering which projects to put up for the third round of funding under RLCIP, the Senior Management Team needed to be confident that projects chosen could be completed within the designated timeline (commencement once the Council has received a funding agreement executed by the Commonwealth and completion by December 2011) and that they met the relevant criteria.

The Senior Management Team has considered how best to achieve the greatest benefit across the whole of the Central Coast area and taken into account those works undertaken under previous rounds of RLCIP funding. Works in Penguin, Sulphur Creek and Ulverstone have been considered that cover Town Halls and Recreation Facilities, with the nature of the works designed to stimulate activity across a broad range of disciplines and businesses wherever possible within Central Coast.

The following projects have been identified as being appropriate for funding under round three of RLCIP:

- . refurbishment of Sulphur Creek Hall – \$80,000;
- . resurfacing of Penguin Sports Stadium – \$68,000;
- . playground equipment (Anzac Park) – \$58,000;
- . physical activity equipment (Bicentennial Park) – \$10,000.

Refurbishment of Sulphur Creek Hall – \$80,000

The Council has developed plans to improve the disabled access to the main part of the Sulphur Creek Hall as well as upgrade both the entrance and the toilets located within the Hall and provide open public access to a toilet in the Hall. These plans have been put on hold due to the prioritisation of available funds within the Estimates and the allocation of this funding from round three of RLCIP will enable the Council to further its program to upgrade one of the more popular public halls that is located in what is now a growing community.

Resurfacing of Penguin Sports Stadium – \$68,000

In 1998 the Council replaced approximately one third of the existing floor of the Penguin Sports Stadium, with further work undertaken in 2006. The Council needs to complete the replacement of the remainder of the floor and then resurface and linemark the whole of the Stadium floor. The Penguin Sports Centre is used heavily by neighbouring schools as well as a number of sporting groups including basketball, badminton and squash.

Playground/physical activity equipment – \$68,000

Playground equipment is the one item that was listed in the application for round one of RLCIP and the only item that was rejected from that application. The Council has commenced replacement of playground equipment and park furnishings in Fairway Park and Bicentennial Park and is in the process of considering the future equipment needs for Anzac Park in conjunction with the Leven River bridge replacement. Funding for this equipment and park furnishings would enable these projects to be progressed in line with the Parks & Open Space Strategy. An additional application for funding for this project has been included in case any of the other projects put up for consideration are rejected.

CONSULTATION

Consultation is not applicable in respect of this report.

IMPACT ON RESOURCES

There will be some impact on Council resources in managing and administering the projects.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space

A Connected Central Coast

- Improve community wellbeing

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council approve the following projects for funding under the third round of the Regional and Local Community Infrastructure Program 2010–11:

- refurbishment of Sulphur Creek Hall – \$80,000;
- resurfacing of Penguin Sports Stadium – \$68,000;
- playground equipment (Anzac Park) – \$58,000;
- physical activity equipment (Bicentennial Park) – \$10,000.'

The report is supported.”

■ Cr (L) Bonde moved and Cr Robertson seconded, “That the Council approve the following projects for funding under the third round of the Regional and Local Community Infrastructure Program 2010–11:

- refurbishment of Sulphur Creek Hall – \$80,000;
- resurfacing of Penguin Sports Stadium – \$68,000;
- playground equipment (Anzac Park) – \$58,000;

- . physical activity equipment (Bicentennial Park) – \$10,000.”

Continued after Minute No. 229/2010.

229/2010 Adjournment of meeting

- Cr Deacon moved and Cr Fuller seconded, “That the meeting be adjourned for a short period to allow Councillors the opportunity to ask questions and determine the order in which the suggested projects for the 2010–11 Regional and Local Infrastructure program should be listed.

Carried unanimously

The meeting adjourned at 6.48pm and resumed at 6.59pm

Minute No. 228/2010 continued...

Motion

Carried unanimously

230/2010 Festive Decorations Working Group – Councillor representative

The General Manager reported as follows:

PURPOSE

The purpose of this report is to appoint a Councillor as a representative on the Festive Decorations Working Group.

BACKGROUND

At a recent workshop the Council received an overview of a suggested process for looking at Christmas decorations for Central Coast.

The Working Group is to consist of two staff members, one Councillor, one Chamber of Commerce representative, two local school children and one – two Service Club representatives.

DISCUSSION

The role of the Working Group includes confirming decorations/replacements for the current season within the approved budget; reviewing the festive arrangements and receiving feedback; and confirming additional festive decorations for consideration in the following year’s budget.

It is expected that there would be no more than three meetings over the year.

CONSULTATION

No consultation is required for this report.

IMPACT ON RESOURCES

There is no impact on resources outside the time for the nominated Councillor attending meetings.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Effective communication and engagement

CONCLUSION

It is recommended that a Councillor representative be appointed to the Festive Decorations Working Group.”

- Cr Robertson moved and Cr Fuller seconded, “That Cr Diprose be appointed as a Council representative on the Festive Decorations Working Group.”

Carried unanimously

C O R P O R A T E & C O M M U N I T Y S E R V I C E S

231/2010 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of June 2010 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

232/2010 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report is to inform the meeting of any correspondence received during the month of June 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:

- . Email from Riverlinks concerning the new boat ramp and pontoon in the Leven River.
- . Letter from Australian Local Government Women’s Association re ‘Put yourself in our shoes.’
- . Letter from ALP Burnie City Branch concerning election signage.
- . Letter from the Penguin Basketball Association concerning the Dial Regional Master Plan.
- . Letter congratulating the Council for the repairs to the wall in Haywoods Reserve.

- . Media release from Senator Stephen Parry referring to the funding of roads under a Coalition Government.
- . Letter concerning a range of traffic management issues including references to Hobbs Parade and Haywoods Reserve.

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 Haines moved and Cr Dry seconded, “That the Director’s report be received.”

Carried unanimously

233/2010 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 June to 19 July 2010 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

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

- Cr Deacon 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

234/2010 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 June 2010 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

235/2010 Installation of surveillance cameras (408/2009 – 14.12.2009)

The Director Corporate & Community Services reported as follows:

“The Information Technology Manager has prepared the following report:

PURPOSE

The purpose of this report is to consider the possible purchase and installation of surveillance cameras for the Central Coast area.

BACKGROUND

At the Ordinary Council meeting held on Monday, 14 December 2009 the Council moved, “That in pursuit of combating an alarming increase in anti-social behaviour, it is strongly recommended that staff research the practicability and feasibility of purchasing an adequate supply of surveillance cameras.”

DISCUSSION

This report considers both the practicality and feasibility of purchasing and installing surveillance cameras for the purpose of combating anti-social behaviour that expresses itself in a number of forms including vandalism of private and public property.

Despite the number of camera trials that are taking place in Australia, no figures have been released to the public as to the effectiveness of street surveillance. Anecdotal evidence would, however, suggest that cameras pick up a number of petty crimes such as public drunkenness, vandalism and parking infringements.

While there are privacy issues with regard to surveillance, these revolve largely around concerns relating to covert surveillance. The difference between covert surveillance and most street surveillance is the issue of notice. It is assumed that to maximise the deterrent effect, street

surveillance schemes will normally include notices to the effect that the surveillance is being carried out, at what times, in what range, and by whom. If there are no, or inadequate, notices, then such schemes are in effect covert.

In the introduction to the *Guidelines on Covert Optical Surveillance in Commonwealth Administration February 1992* (the Guidelines), the Privacy Commissioner stated that, "Covert surveillance is an activity which intrudes into the privacy of individuals in an extreme way." The Guidelines take account of the privacy interests of those not involved in suspect activities who may incidentally be caught in the surveillance.

Video or photos generally do not fall under the jurisdiction of privacy laws either because the images fall outside the definition of personal information, or because the laws do not apply to likely users.

It has been argued that street surveillance is required to combat crime, particularly in light of cuts to regular police patrols and services. There are three potential objectives for the use of cameras for law enforcement:

- . to increase public safety;
- . as a crime deterrent; and
- . to provide evidence for investigations.

Proposals for camera surveillance for law enforcement should have one or more of these key objectives clearly identified:

- . Increased safety – The presence of video surveillance cameras can have a positive effect on increasing public safety. Active surveillance systems that are monitored routinely on a real-time basis provide the advantage of being able to detect suspicious activity. Early detection can lead to crime prevention.
- . Crime deterrent – The mere presence of video surveillance cameras can act as a powerful crime deterrent. Individuals are less likely to commit a crime if they suspect that they are being monitored. Several conditions do have to be met though in order for a surveillance system to be a successful crime deterrent. Cameras have to be visible to the perpetrator and cameras have to be routinely monitored so that any suspicious activity is immediately dealt with. It has been argued that advertised video surveillance simply displaces crime, for example from commercial areas to nearby residential areas. Minor crime or vandalism may be reduced in the areas subject to surveillance but at

the cost of increases in other areas. Regular patrols, improved lighting and physical design changes are measures that may in fact provide a more effective crime deterrent.

- . Provide evidence for investigations – Evidence that has been obtained from video gathered from video surveillance cameras has proved invaluable in some police investigations. The ability to review captured video images has aided many investigations by providing clear details of what actually took place.

Vandalism in Central Coast does not seem confined to any one area for a prolonged period of time. Vandalism happens in one area for a while then moves on. The redesign and upgrade of toilet blocks has greatly reduced the amount of vandalism to these facilities. As budgets permit, toilet blocks will be assessed and upgraded as appropriate.

The police advise that they find that there is a small amount of undesirable behaviour around the hotels in the early hours of the morning both in Penguin and Ulverstone and the occasional act of vandalism to signs and shop fronts in Reibey Street.

There are two different types of cameras available, either video or photographs. In high traffic areas such as the central business area, video is the best option, while in low traffic areas still photos triggered by motion are viable.

Installing small self-contained battery operated cameras in remote locations similar to those used by Bush Watch, with appropriate signage, is also an option. Such cameras would need to be checked once a week for operation or after vandalism has been reported. While there is a chance that it will capture a prosecutable photo of the perpetrator, the chances of obtaining a photograph of sufficient quality to identify someone beyond all reasonable doubt is not high. However, the presence of the camera itself may prove to be enough of a deterrent.

Launceston City Council has numerous video surveillance cameras installed around the city and suburbs that are linked back to the police station. Their experience is that the cameras, along with the signage, are great deterrents of crime. While they would average about one prosecution per month for vandalism, by far the greatest benefit of the system is the reduction of vandalism to public property. Their experience is to definitely make it obvious that a facility is under surveillance. Avoid the crime happening rather than try to catch a perpetrator.

The cost of purchasing a recorder that will store video footage for retrieval at a later date, one that can cater for up to four cameras but fitted with a single camera, is approximately \$4,000. This assumes that a secure mounting point with power is available. The system can be upgraded to allow for live footage to be delivered via wireless network to the police station at a cost that is often paid for by the State Police Department, assuming line of sight is obtainable.

This system would be suitable for installation at such locations as the bottom end of Reibey Street, Carpark Lane toilets and Hiscutt Park. This may stop vandalism in these areas at a cost of approximately \$12,000 but do nothing to curb it in any other public places in Central Coast. This would be the preferred police option as it would potentially provide them with a live feed which would enable them to respond in a timely manner. This solution would also not involve the Council in its ongoing operation.

Battery powered still cameras with a built-in solar panel for boosting battery life cost approximately \$500. These would be suitable for installing at remote locations where there are not large traffic volumes. Because of their size and portability there is an issue with the security of these cameras, although this could be overcome to a large degree by the way in which they are installed.

Both camera options need footage to be reviewed by a Council employee, if they are not connected directly to the police station. Cameras also need to be checked weekly for correct operation. Currently these are not tasks undertaken by Council staff. The amount of time involved in checking cameras would relate directly to the number of cameras installed and their locations.

The cost of vandalism borne by the Council across the Central Coast area has been estimated to be some \$50,000 in the past year. While this is a significant cost it should be noted that it covers a wide range of areas and activities including public toilets, parks, public halls and buildings as well as recreation facilities. There is no one specific site that contributes the bulk of this cost and the installation of permanent surveillance in any area at a cost of some \$12,000 far outweighs the cost of vandalism in that particular area at this time.

Similarly, while the cost of installing battery powered cameras is low, when you add the staff cost of managing such a system and consider the fact that they can only cover a limited area and would usually be installed after a site

becomes targeted, the option of increasing security patrols in the same locality is an economic alternative.

A more detailed break-up of vandalism costs is needed to identify specific hotspots. Such a break-up of costs would enable further consideration as to the suitability of surveillance cameras for the purpose of reducing vandalism within the Central Coast area.

CONSULTATION

The Ulverstone Police Sergeant, Launceston City Council and a surveillance system supplier have been consulted in the preparation of this report.

IMPACT ON RESOURCES

Details relating to costings have been included in the report. The costings will vary anywhere between \$500 for the purchase of a single camera, to in excess of \$12,000 for a remote video surveillance system. Such costs would multiply according to the number of separate locations to be covered and have not been included in the 2010-11 Estimates.

There will also be operational costs involved in installing and managing any surveillance system that might be installed.

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 Council monitor the cost of vandalism involving individual locations across the Central Coast area and provide a report identifying these costs in 2011 to enable a further review into the implementation of surveillance cameras as a cost-efficient deterrent to vandalism, and further that the Council continue to upgrade their public facilities so as to lessen the effects of vandalism.'

The report is supported."

■ Cr Haines moved and Cr Dry seconded, “That the Council monitor the cost of vandalism involving individual locations across the Central Coast area and provide a report identifying these costs in 2011 to enable a further review into the implementation of surveillance cameras as a cost-efficient deterrent to vandalism, and further that the Council continue to upgrade their public facilities so as to lessen the effects of vandalism.”

Carried unanimously

236/2010 Proposal for sale of Council land – Gardiner Place, Penguin

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

To consider the transfer of certain land reserved as footway at Gardiner Place, Penguin, and the consequent sale of land to the adjoining property owner.

BACKGROUND

The Council has received an expression of interest in a boundary adjustment from the property owner of 5 Gardiner Place, Penguin that adjoins a reserved walkway between 4 and 5 Gardiner Place.

DISCUSSION

Following the receipt of this expression of interest, the Council’s various Departments were consulted to ascertain whether there were any Departmental issues affecting this walkway.

During the subdivision of Gardiner Place, the walkway was reserved between the properties known as 4 and 5 Gardiner Place. The intention of the walkway was presumably for the potential future provision of walkway access to the land developed to the east of Gardiner Place.

The walkway in question is not used as it is only approximately 20m in length and does not continue on through the adjoining properties to Lyndara Drive. Investigations of the titles were unable to confirm the original intention of the walkway but it appears from the walkway between Elizabeth Street and Quinn Street (see Annexure 1) and the expunged walkway to the north (see Annexure 2), that it was intended to form part of a walkway from

Gardiner Place to Lyndara Drive. Subsequent subdivision and development of the land indicates that any plan to join Gardiner Place and Lyndara Drive with a walkway have been abandoned. The only opportunity to revive plans to join Gardiner Place and Lyndara Drive with a walkway would be by acquiring land from at least two different land owners (see proposed path for continuing walkway at Annexure 3).

Feedback provided from the various Departments indicates there is no benefit to the public to utilise the existing walkway and that the benefit to the public of continuing the walkway to Lyndara Drive would not outweigh the cost to the Council and the impost on the owners whose land would have to be acquired.

The land involves an area of approximately 60m² and it could be joined to the neighbouring title by means of an Adhesion Order under s.110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

If the Council resolves to sell the land to the adjoining owner, the following procedures must be followed, as the land is deemed to be “public land” as defined under the *Local Government Act 1993*:

- 1 A resolution of the Council to sell public land is to be passed by an absolute majority.
- 2 Following that resolution, the Council has to:
 - (a) publish its intention on at least two separate occasions in a local daily newspaper; and
 - (b) notify the public that objections to the proposal may be made to the Council within 21 days of the date of the first publication.
- 3 A valuation has to be obtained from the Valuer-General or a registered valuer.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

Costs involved will include the cost of valuing the property and adhering it to the adjoining property. It is anticipated that an amount of \$500.00 would be

required to cover those costs but that this could be met to a greater or lesser extent by the purchaser, depending upon any necessary terms and conditions being finally negotiated by the General Manager.

Further legal costs would be incurred by the sale process.

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council declares surplus to its requirements the footway located between 4 and 5 Gardiner Place, Penguin, and that it proceed with the publication of a notice advertising its intention to sell the land – it being deemed to be “public land” – to the adjoining property owned at 5 Gardiner Place subject to:

- 1 Consolidation of the land with the adjoining property at 5 Gardiner Place; and
- 2 Any necessary terms and conditions being finally negotiated by the General Manager.'

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the location plans have been circulated to all Councillors.”

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the Council declare surplus to its requirements the footway located between 4 and 5 Gardiner Place, Penguin, and that it proceed with the publication of a notice advertising its intentions to sell the land – it being deemed to be ‘public land’ – to the adjoining property at 5 Gardiner Place subject to:

- 1 Consolidation of the land with the adjoining property at 5 Gardiner Place; and

- 2 Any necessary terms and conditions being finally negotiated by the General Manager.”

Carried unanimously and by absolute majority

ENGINEERING SERVICES

237/2010 Engineering Services determinations

The Director Engineering Services reported as follows:

“A Schedule of Engineering Services Determinations made during the month of June 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 Deacon moved and Cr van Rooyen seconded, “That the Schedule of Engineering Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

238/2010 Annual Tenders 2010–2011

The Director Engineering Services reported as follows:

PURPOSE

The purpose of this report is to consider the annual tenders for the supply and delivery of bitumen emulsion, supply of hotmix and supply and delivery of ready-mixed concrete for the 2010–2011 financial year and fixed term tender for the public area and Central Business District (CBD) refuse collection services for 2010–2013.

It also includes the expressions of interest for asphalt surfacing, sprayed bituminous surfacing, plant hire and quarry and landscaping materials.

BACKGROUND

The Engineering Group Leader reported as follows:

‘The Council calls for tenders for the above supplies on an annual or fixed term basis.

The public area and CBD refuse collection service was carried out by the Council until 2004. At this time the public area portion was changed to an external contract with Veolia Environmental Services due largely to OHWS obligations and continuity of service level. The Council continued to collect from the CBD area until 2006, when it sold its compactor truck and engaged another external contractor, DL & DM Wescombe for the CBD area. In order to provide continuity of service, provide best value, ensure OHWS requirements are met, and place the activities under one tender and management system it was decided this year to publicly tender both services as a fixed term (three year) contract as part of the annual/fixed term tender process.

Tenders were called on 22 May 2010 and closed on 23 June 2010.

Tenders were received from the following companies:

- 1 *Supply of bitumen emulsion –*
 - . Downer EDI Works.

- 2 *Supply of hotmix asphalt –*
 - . Venarchie Contracting;
 - . Roadways;
 - . Downer EDI Works.

- 3 *Ready-mixed concrete –*
 - . Hanson Construction Materials;
 - . Quickmix Concrete.

Expressions of interest were received from the following companies:

- 4 *Hotmix asphalt surfacing –*
 - . Venarchie Contracting;
 - . Hardings Hotmix;
 - . Roadways;
 - . Downer EDI Works.

- 5 *Sprayed bituminous surfacing –*
 - . Venarchie Contracting;
 - . Hardings Hotmix;

ENGINEERING SERVICES

- . Roadways;
- . Downer EDI Works.

6 *Plant hire –*

- . GW Landscaping;
- . D & G Marshall;
- . Equity Labour Services;
- . A1 Tree Services;
- . Jamie Smith Automotive;
- . LK Bourke; LK Bourke & Sons Excavations;
- . G J French Excavator Hire;
- . Hardings Hotmix;
- . E & T Stump Grinding and Tree Recycling;
- . Aquafortis;
- . Venarchie;
- . Tas Tree Services;
- . AW Contractors;
- . Matt Mitchell.

7 *Quarry and landscaping materials –*

- . Padgetts Pine Bark;
- . LK Bourke; LK Bourke & Sons Excavations;
- . D & G Marshall;
- . Jamie Smith Automotive;
- . GW Landscaping.

Fixed term tenders were received from the following companies:

8 *Public area and CBD refuse collection services –*

TENDERER	TENDER 1 PUBLIC AREA MGB (\$ INC. GST)	TENDER 2 PUBLIC AREA SKIPS (\$ INC. GST)	TENDER 3 CBD (\$ INC. GST)
DL & DM Wescombe Transport P/L	1,993.20/wk 103,646.40/yr	Not tendered	272.58/day 96,493.32/yr
Veolia Environment Services (Australia) P/L	1,162.70/wk 60,460.40/yr	633.60/wk 32,947.20/yr	304.59/day 107,824.86/yr
<i>BUDGET ESTIMATE</i>	<i>60,000.00/yr</i>	<i>35,000.00/yr</i>	<i>75,000.00/yr</i>

DISCUSSION

1 Supply of bitumen emulsion

Downer EDI Works is the only tenderer for supply of bitumen emulsion.

The rate this year is 1.5% higher than last year.

The tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value expended under this contract last year was \$40,645.00.

2 Supply of hotmix asphalt

Tenders from Downer EDI Works, Venarchie Contracting and Roadways were received for supply of hotmix asphalt. The tenders from both Downer EDI Works and Venarchie Contracting are an average of 6–8% lower than Roadways, however, due to the additional distance, cost and time involved in travelling to Launceston, these tenders are not considered further.

The rates this year from Roadways are around 1.5% higher than last year.

The Roadways tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value of works expended under this contract last year was \$164,744.69.

3 Supply and delivery of ready-mixed concrete

Tenders were received from Quickmix Concrete and Hanson Construction Materials for supply and delivery of ready-mixed concrete. Both companies have serviced the Council in past years, meet the tender requirements and would be considered acceptable.

Assessment is based on a standard set of criteria including value for money, compliance, experience, personnel, references and OHWS systems and record. Using the selection criteria, Quickmix Concrete has been selected as preferred supplier. The rates this year for orders of over 3m³ for Class A, C1 and C2 are between 0.5% and 1.5%

higher than last year. The rate for Class B concrete is about 1% less than last year.

The value of works expended under this contract last year was \$92,852.12.

Expressions of Interest –

- 4 *Hotmix asphalt surfacing; and*
- 5 *Sprayed bituminous surfacing*

Suppliers are listed on a multiple-use register following assessment in accordance with the Council's Purchasing and Procurement Policy. Quotations are requested from all registered suppliers when projects are ready. Because we already have all the relevant information from the suppliers, we can limit our assessment at the time of quotation to price and availability. This system has proved successful and has therefore been continued this year.

Expressions of interest were received from the above-listed contractors. Following assessment and confirmation of their suitability, their names will be placed on a multiple-use register and the listed contractors will be requested to provide quotations for projects as required. This includes the urban and rural reseal programs.

The value of works expended under these contracts last year was \$781,752.28.

- 6 *Plant hire*

Expressions of interest were received from the above-listed contractors. Following assessment and confirmation of their suitability, their names will be placed on a supplier list and may be selected for projects as appropriate and required.

- 7 *Quarry and landscaping materials*

Expressions of interest were received from the above-listed contractors. Following assessment and confirmation of their suitability, their names will be placed on a supplier list. Materials will be selected to suit the requirements of the individual projects. This process has been adopted to give us flexibility to select the material

best suited to the purpose and/or who has the best quality, price or availability.

8 Public area and CBD refuse collection services

There are three contracts in this tender. Contract 1 is for the collection of mobile garbage bins. Contract 2 is for the collection of front lift bulk bins (skips) and Contract 3 is for the collection of receptacles. Tenderers were allowed to tender for one or more Contracts of the tender.

Tenders were received from DL & DM Wescombe Transport P/L for Contract 1 and 3 and Veolia Environment Services (Australia) P/L for all three Contracts. Both companies have serviced the Council in past years for parts of the contract.

Assessment is based on a standard set of criteria including value for money, compliance, experience, personnel, references and OHWS systems and record. The ability to provide the service continually throughout the fixed period was also a major consideration. Using the selection criteria, Veolia Environment Services (Australia) P/L has been selected as preferred supplier for all three contracts.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Use of tendered materials is included within capital works and maintenance budget items for Tenders 1 – 7.

The total annual contract amount from Veolia Environment Services (Australia) P/L is \$201,232.46. The budget amount for the three services is \$170,000.00.

The shortfall funding of \$31,232.46 is due mainly to the tendered rate for collection from receptacles in the CBD increasing by over \$40,000 from the current rate. It was not anticipated to rise this much. The shortfall will be accommodated within the overall non-household waste budget of \$296,000 by minor adjustment of service levels in some items.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

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

CONCLUSION

The following tenders are recommended for acceptance by the Council:

- 1 *Supply of bitumen emulsion*
 - Downer EDI Works
- 2 *Supply of hotmix asphalt*
 - Roadways
- 3 *Supply of ready-mixed concrete*
 - Quickmix Concrete
- 8 *Public area and CBD refuse collection services*
 - Veolia Environment Services (Australia) P/L

Expressions of interest received for hotmix asphalt surfacing will be placed on a multiple-use register.

Expressions of interest received for sprayed bituminous surfacing will be placed on a multiple-use register.

Expressions of interest received for plant hire will be placed on supplier lists.

Expressions of interest received for quarry and landscaping materials will be placed on supplier lists.'

The Engineering Group Leader's report is supported."

- Cr van Rooyen moved and Cr Haines seconded, "That the following annual tenders for the 2010–2011 financial year be accepted in accordance with the schedules of rates submitted:

1 *Supply of bitumen emulsion*

- . Downer EDI Works

2 *Supply of hotmix asphalt*

- . Roadways

3 *Supply and delivery of ready-mixed concrete*

- . Quickmix Concrete

and that the following suppliers be placed on a multiple-use register:

4 *Hotmix asphalt surfacing*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways;
- . Downer EDI Works;

5 *Sprayed bituminous surfacing*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways;
- . Downer EDI Works;

and that the following suppliers be placed on a suppliers list:

6 *Plant hire*

- . GW Landscaping;
- . D & G Marshall;
- . Equity Labour Services;
- . A1 Tree Services;
- . Jamie Smith Automotive;
- . LK Bourke; LK Bourke & Sons Excavations;
- . G J French Excavator Hire;
- . Hardings Hotmix;
- . E & T Stump Grinding and Tree Recycling;
- . Aquafortis;
- . Venarchie;
- . Tas Tree Services;

- . AW Contractors;
- . Matt Mitchell;

7 *Quarry and landscaping materials*

- . Padgetts Pine Bark;
- . LK Bourke; LK Bourke & Sons Excavations;
- . D & G Marshall;
- . Jamie Smith Automotive;
- . GW Landscaping;

and that the fixed three year term tender for 2010–2013 be accepted in accordance with the schedules of rates submitted:

8 *Public area and CBD refuse collection services*

- . Veolia Environment Services (Australia) P/L.”

Carried unanimously

239/2010 Street Tree Strategy

The Director Engineering Services reported as follows:

“PURPOSE

This report considers the adoption by the Council of the Street Tree Strategy.

BACKGROUND

The Asset Management Group Leader reported as follows:

‘There is a need for a Street Tree Strategy so as to provide Council staff and the community with a consistent platform for the consideration of street tree management issues.

DISCUSSION

The attached Street Tree Strategy (the Strategy) has been prepared for adoption.

The purpose of this Strategy is to achieve a coordinated, consistent and strategic approach to street tree management.

The aim of the Strategy is to:

- . Improve the aesthetic quality of the streetscape for residents and visitors.
- . Ensure trees are planted and preserved for future generations.
- . Provide a consistent approach to managing tree related problems and responding to residents grievances.
- . Increase the number and the sustainability of street trees in the urban areas within budget constraints.

The Strategy will provide a long-term direction of the implementation of new appropriate and desirable trees and the preservation of existing trees.

It is intended to be a working document, to be reviewed periodically. If any significant changes are required to the Strategy, it will be referred back to the Council.

CONSULTATION

Consultation has been undertaken in conjunction with the Council's internal staff, external consultants and the Council, through a Councillor Workshop.

IMPACT ON RESOURCES

This Strategy will be implemented as the budget allows.

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
- . Conserve the physical environment in a way that ensures we have a healthy and attractive community

A Connected Central Coast

- . 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
- . Contribute to the preservation of the natural environment

Council Sustainability and Governance

- . Improve service provision

CONCLUSION

It is recommended that the Street Tree Strategy be adopted.'

The Asset Management Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Street Tree Strategy – July 2010 has been circulated to all Councillors."

■ Cr (L) Bonde moved and Cr Viney seconded, "That the Street Tree Strategy – July 2010 be adopted, subject to the addition of the following paragraph at the end of Section 6 – Community Consultation:

'The Council understands for this Strategy to be successful it needs the community to be involved in its implementation, particularly those ratepayers directly affected.'

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

240/2010 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;
- . Cradle Coast Authority Rules – Review;
- . Cradle Coast Authority Board – Call for nominations;
- . Proposal to purchase Council land – Russell Avenue, Ulverstone; and
- . General Manager’s performance review.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential;
- . a proposal for the disposal of land; and
- . personnel.”

■ Cr Robertson moved and Cr Deacon 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;
- . a proposal for the disposal of land; and
- . personnel

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;
- . Cradle Coast Authority Rules – Review;
- . Cradle Coast Authority Board – Call for nominations;

-
- . Proposal to purchase Council land – Russell Avenue, Ulverstone; and
 - . General Manager’s performance review.”

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

241/2010 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

242/2010 Cradle Coast Authority Rules – Review

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

“*PURPOSE*

This report considers a submission to the Cradle Coast Authority Rules Review that is currently taking place.

...

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.”

243/2010 Cradle Coast Authority Board – Call for nominations

The General Manager reported as follows:

“*PURPOSE*

To consider a call for nominations to the Cradle Coast Authority Board.

...

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.”

C O R P O R A T E & C O M M U N I T Y S E R V I C E S

244/2010 Proposal to purchase Council land – Russell Avenue, Ulverstone (158/2010 – 17.05.2010)

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to consider expressions of interest in the purchase of certain lots that will be created following the subdivision of Council-owned property situated between Russell Avenue and Buttons Avenue, Ulverstone, that are considered to be surplus to Council requirements.

...

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.”

GENERAL MANAGEMENT

245/2010 General Manager's performance review

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

“The General Manager’s annual performance review has been conducted. A report and recommendation from the Review Committee will be provided at the meeting.

...

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

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

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

Closure

There being no further business, the Acting Mayor declared the meeting closed at 8.26pm.

CONFIRMED THIS 16TH DAY OF AUGUST, 2010.

Chairperson

(Imm:dil)

Appendices

- Minute No. 221/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No 227/2010 – Delegation by the Council of its functions and powers – Delegations issued to the General Manager (169/2000 – 26.04.2000 and 251/2008 – 21.07.2008)
- Minute No. 231/2010 – Schedule of Contracts & Agreements
- Minute No. 233/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 234/2010 – Financial statements
- Minute No. 237/2010 – Schedule of Engineering Services Determinations Made Under Delegation

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER