

# Minutes

of Ordinary Meeting

20 JUNE 2011

Note:  
Minutes subject to confirmation at  
a meeting of the Council to be held on  
18 July 2011.

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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, 20 June 2011 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)	Cr Lionel Bonde
Cr Tony van Rooyen (Deputy Mayor)	Cr Garry Carpenter
Cr John Deacon	Cr Amanda Diprose
Cr Cheryl Fuller	Cr Gerry Howard
Cr Brian Robertson	Cr Philip Viney

**Councillors apologies**

Cr David Dry, Cr Ken Haines

**Employees attendance**

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

**Planning Consultant**

Planning consultant 4-Planning Pty Ltd was represented at the meeting by Mr Allen Carman-Brown.

**Media attendance**

The Advocate newspaper.

**Public attendance**

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

**Prayer**

The Meeting opened in Prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 166/2011 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 May 2011 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Robertson moved and Cr Viney seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 May 2011 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 167/2011 Council workshops

The Executive Services Officer reported as follows:

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

- . 23.05.2011 – Social Inclusion Framework/Number of Councillors
- . 30.05.2011 – Councillors bus tour and Estimates
- . 06.06.2011 – Retail Plan/Maskells Road/Former Levenbank site redevelopment (DHHS).

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

168/2011 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time."

169/2011 Mayor's diary

The Mayor reported as follows:

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

- . North West Regional Indoor Bowling Competition – official opening
- . Lions Club of Ulverstone – dinner-meeting guest speaker
- . Tasmanian Chamber of Commerce & Industry – Executive luncheon (Burnie)
- . The Governor of Tasmania – Investiture (Hobart)
- . Ulverstone Rowing Club – annual dinner
- . AFL Tasmania – media conference announcement re Ulverstone Football Team 1976 induction into Tasmanian Football Hall of Fame
- . Cradle Coast Authority – Representatives meeting
- . Cradle Coast Regional Planning Initiative Steering Committee – Planning Scheme Template for Tasmania briefing
- . State Government – Ulverstone Community Forum welcome address
- . State Government – Ulverstone Cabinet meeting
- . Devonport Airport Consortium – meeting (Devonport)
- . Master Builders Association of Tasmania – North West Region annual dinner
- . Holy Trinity Anglican Church, Ulverstone – 50 year celebration – Historical re-enactment service
- . Ulverstone RSL – annual dinner."

Cr Fuller reported as follows:

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

- . Penguin Surf Life Saving Club – annual dinner
- . Penguin Composites – official opening of expansion."

■ Cr Deacon moved and Cr Diprose seconded, "That the Mayor's and Cr Fuller's reports be received."

Carried unanimously

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170/2011 Pecuniary interest declarations

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

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.”

Cr Viney reported as follows:

“I will be declaring an interest in respect of Rate remissions (Minute No. 192/2011).”

Cr Deacon reported as follows:

“I will be declaring an interest in respect of the Rezoning and Hotel industry (bottle-shop at 4 Eastland Drive, Ulverstone – Application No. DA201305 (Minute No. 181/2011).”

171/2011 Public question time

The Mayor reported as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2005* and the supporting procedures adopted by the Council on 20 June 2005 (Minute No. 166/2005).”

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## COUNCILLOR REPORTS

### 172/2011 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr Howard reported on a meeting of the Riana Community Centre Committee.

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

Cr Fuller reported on the annual dinner of the Penguin Surf Life Saving Club.

## APPLICATIONS FOR LEAVE OF ABSENCE

### 173/2011 Leave of absence

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

## DEPUTATIONS

### 174/2011 Deputations

The Executive Services Officer reported as follows:

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

## PETITIONS

175/2011      Petitions

The Executive Services Officer reported as follows:

“The following petition has been received:

‘Subject matter	The subject matter of this petition is to object to the bottle shop development at 4 Eastland Drive, Ulverstone, Tasmania.
Statement of subject matter and action requested	The following petitioners object to the development of the bottle shop at 4 Eastland Drive, Ulverstone. We ask the Council to reject the Application for the construction of the bottle shop in a residential area of the grounds of increased traffic flow, light and noise pollution and the disruption to the residents peace and harmony.
Signatories	There are 23 signatories to this petition.’

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

A report on this matter is provided at Minute No. 181/2011.

The Director Development & Regulatory Services advises that the petition has also been accepted as a representation to the application considered at Minute No. 181/2011 because it has been lodged within the statutory time period and it contains grounds of objection to the proposal. The points raised in the representation are similar to those raised by others and are responded to in the report on the proposal in this agenda.”

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- Cr Viney moved and Cr Deacon seconded, "That the petition be received."

Carried unanimously

### COUNCILLORS' QUESTIONS

176/2011 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.'



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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.

#### 177/2011 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received."

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

178/2011 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

179/2011 Amendments to the Dulverton Waste Management Rules (396/2009 – 16.11.2009)

The Director Development & Regulatory Services reported as follows:

*PURPOSE*

This report provides the basis for considering proposed amendments to the Dulverton Regional Waste Management Authority Rules.

*BACKGROUND*

The Dulverton Regional Waste Management Authority, trading as DWM, operates under s30–39 of the *Local Government Act 1993* as a Joint Authority of the Central Coast, Devonport, Kentish and Latrobe Councils for the management and disposal of waste.

In 2005 the governance structure of DWM was altered from a Representatives Board to a skills-based Board of Directors which is governed by Rules adopted on 15 August 2005. The core business of the Authority is defined by the Rules as:

- . Management of waste generated within the Mersey–Leven Region;
- . Management of waste solid inert material, putrescible waste, fill material and low level contaminated soil as defined or explained in the *Landfill Sustainability Guide*; and
- . Activities identified in the Strategic Plan as approved by the Representatives.

The Council endorsed the scope of a review of the Rules at its meeting on 16 November 2009 (Minute No. 369/2009). Following this the DWM Representatives and Board undertook a Rules review with assistance from Mr Geoffrey Tremayne of Jackson Tremayne & Fay Lawyers. Five amendments were recommended from the review.

The proposed amendments to the Rules were adopted by the Representatives at their meeting on 19 April 2011 and under section 38(5) of the *Local Government Act 1993* a majority of the participating councils must authorise the amendments in order for them to take effect.

#### *DISCUSSION*

Five amendments to the Rules have been proposed by the Representatives and they are illustrated in Annexure 1 by either text highlighted in yellow for additions or strikethrough text for deletions. The proposed amendments are outlined below:

#### *1 Interpretation*

Six additional interpretations were added to support additional or amended clauses in the Rules.

#### *2 Representatives' Power and Duties (clause 13, pages 9 and 10)*

It is possible that other North West councils may like to consider becoming members of DWM in the future. If this is to occur, the Representatives need the authority to discuss potential membership by other councils to be able to appropriately advise participating councils. Under the amendment the decision to accept additional member councils will still reside with the current participating councils.

#### *3 Appointment of Directors (clause 24, pages 13 and 14)*

A new clause is added to ensure potential conflicts of interest are considered when appointing a Chair or Director.

4 *Dismissal of Directors (clause 27, pages 14 and 15)*

This clause was amended to make the dismissal process simpler.

5 *Financing of the Authority's activity [clause 38(3), pages 17 and 18]*

Upon closure of the landfill there are significant expenses to continue the maintenance of the landfill cap, leachate management and environmental monitoring. This clause has been amended to ensure appropriate funds are placed in a reserve for aftercare and details conditions on how the funds may be accessed.

*CONSULTATION*

Consultation has been undertaken with DWM Chief Executive Officer, DWM Representatives and DWM Board.

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

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

*CONCLUSION*

It is recommended that the proposed amendments to the Dulverton Regional Waste Management Authority Rules be authorised by the Council.”

The Executive Services Officer reported as follows:

“A copy of the amended Dulverton Regional Waste Management Authority Rules (Annexure 1) has been circulated to all Councillors.”

■ Cr Fuller moved and Cr van Rooyen seconded, “That the Council authorise the amendments to the Dulverton Regional Waste Management Authority Rules (a copy being appended to and forming part of the minutes) as adopted by the Representatives on 19 April 2011.”

Carried unanimously

180/2011 Council acting as a planning authority

The Mayor reported as follows:

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

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

'If any such actions arise out of Minute No. 181/2011, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.'

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Fuller seconded, "That the Mayor's report be received."

Carried unanimously

181/2011 Rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone – Application No. DA210305 (150/2011 – 16.05.2011)

*Cr Deacon, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of the Rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone – Application No. DA201305.*

The Director Development & Regulatory Services reported as follows:

"A Consultant Planner (4-Planning Pty Ltd) has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA210305
<i>APPLICANT:</i>	Ireneinc obo Marcus Kelly Property Developments P/L
<i>LOCATION:</i>	4 Eastland Drive, Ulverstone (CT229279/1)
<i>CURRENT ZONING:</i>	Residential

<i>PROPOSED ZONING:</i>	Local Business
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)
<i>ADVERTISED:</i>	21 May 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	11 June 2011
<i>REPRESENTATIONS RECEIVED:</i>	Eight

#### *PURPOSE*

The purpose of this report is to consider the merits of representations received during the statutory public exhibition period for the rezoning and development of land at 4 Eastland Drive, Ulverstone.

In accordance with the requirements of the Act, the Council is required to consider the merits of each representation, and whether any subsequent modifications are considered necessary to the proposed rezoning and draft permit originally initiated by the Council.

The Council's response to the representations is then forwarded to the Tasmanian Planning Commission (the Commission) who will make the final assessment of the draft Amendment and draft permit concurrently and conduct public hearings if it deems necessary.

#### *BACKGROUND*

At its meeting on 16 May 2011 (Minute No. 150/2011) the Council resolved to initiate an application to amend the Scheme by the rezoning of land from Residential to Local Business and development of a Hotel industry (bottle-shop) on land at 4 Eastland Drive, Ulverstone (CT229279/1).

In accordance with the requirements of the Act the draft Amendment and development application was then placed on public exhibition for a period of 21 days during which time any person could inspect the draft Amendment and application and lodge representations to the Council in writing.

#### *DISCUSSION*

Eight representations were received to the application during the statutory public exhibition period. All but one representor live or own property in the immediate vicinity. The representations are summarised in the table below, which also includes a response to the issues raised.

REPRESENTATION	ISSUE SUMMARY	RESPONSE
<p>1 (Refer to Annexure 1)</p>	<p>Objects to increased traffic flow in residential area into Main Street.</p> <p>Claims that an increase in already high levels of traffic flows on Eastland Drive resulting in increased safety issues.</p> <p>Claimed that increased traffic flows will impact on living conditions given the representors have a garage on both Main and Heathcote Streets.</p> <p>A bottle-shop represents another problem for the amenity and safety of residents socially.</p> <p>Objects on the use given that East Ulverstone is well serviced with liquor outlets.</p>	<p><i>Increased traffic flow generally -</i></p> <p>The representor objects to the development on the basis that the use will increase traffic flow in the residential area along Main Street. The judicious exercise of development control can mitigate or lessen impacts to provide an acceptable planning outcome.</p> <p>The draft permit prescribes suitable conditions to address the issues raised.</p> <p><i>Increased traffic flow impact on landowner's property -</i></p> <p>The representor's two property accesses to both Main and Heathcote Streets are sufficiently separated to avoid traffic conflicts that would otherwise occur if they were located at the junctions of Main and Finch Streets and Eastland Drive.</p> <p>Additionally, the modelling provided by the proponent's Traffic Engineer indicates that the impact on the transport network and road safety is not significant.</p> <p>Condition 4 on the development permit requiring left-turn only from the site onto Eastland Drive, would result in an increase in the volume of traffic travelling west along Main Street (particularly between Eastland Drive and Heathcote Street) and north on Heathcote Street (between Main Street and Eastland</p>

		<p>Drive). In the case of Main Street it would probably be a 50% increase during the peak period. For Heathcote Street the Consultant Traffic Engineer estimates that the increase may well be threefold. Whilst the road network is capable of handling these volumes, there may be some impact on the residential amenity during peak operating times.</p> <p>There are suitable conditions included on the draft permit to address these traffic concerns. However, it is recommended that the draft permit be modified to provide more clarity on what would be acceptable traffic controls. Therefore, the following notes are recommended for inclusion:</p> <ul style="list-style-type: none"> <li>. In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.</li> <li>. In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street.</li> </ul> <p><i>Social impacts –</i></p> <p>The representor claims that a bottle-shop represents a social problem of amenity and safety for residents where the purchase and consumption of alcohol occurs on the streets at night.</p> <p>In response, the drive-through nature of the proposed bottle-shop is not</p>
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		<p>conducive to pedestrians purchasing and consuming liquor on streets at night, and attendant discarding of bottles and cans on streets and gardens, any more or less than could potentially occur now in the area.</p> <p>In regard to the bottle-shop being a target of thieves, this is a matter to be addressed by the operator and is beyond the scope of this assessment.</p> <p>The documentation accompanying the development application indicates the design of the retail areas and windowed façades would allow for passive surveillance of the entry area, as well as the rest of the site. The entry is visible from within 50m of that door, from Main Street. The car park area, delivery bay, and the internal shop area are also visible from Eastland Drive.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p> <p><i>Inappropriate oversupply of liquor outlets -</i></p> <p>The claim that East Ulverstone is well serviced with alcohol outlets and that the proposed bottle-shop should be relocated to West Ulverstone is not a matter that Council can consider. The Council must only consider the development application before it. The number of competing like businesses in any given area is more a matter of commercial decision consideration.</p>
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DEVELOPMENT & REGULATORY SERVICES

		<p>No modifications to the draft Amendment or draft permit are recommended.</p>
<p>2 (Refer to Annexure 1)</p>	<p>Objects on the basis that a bottle-shop development on the site will create a traffic hazard.</p> <p>Development would create a problem with pedestrians as many people walk in the area at evening time.</p> <p>Comments that there is no business advantage in having another bottle-shop which results in traffic congestion and disruption to the residential area.</p>	<p><i>Traffic hazard -</i></p> <p>The representors accept that the nearby BP and Woolworth's petrol stations are acceptable in a residential area as the problems are manageable. However, the representors point out that traffic generated by the site's previous petrol station use was not ideal. It is contended that the proposed bottle-shop will cause a traffic black spot.</p> <p>In response, an annual growth in traffic along Eastland Drive and Main Street can be expected. The bottle-shop use will add to this growth in an immediate time scale, once operational. According to the consultant/applicant's supporting documentation, the activity relies on at least 50% of passing traffic for its business. Therefore, the total traffic visits to the site represents a less if not equal amount to the passing traffic. Most vehicles entering the site would be from those customers driving along the Eastland Drive and Main Street priority routes. Therefore the extent of the directly affected area and the degree of disruption caused by the traffic visiting the site would be limited. The main area of concern is the area of the junction of Eastland Drive, Finch and Main Streets - as opposed to the wider surrounding residential area. However it is recognised that there will be an</p>

		<p>increase in traffic exiting from the site along Main Street to the north and returning to Eastland Drive by Heathcote Street.</p> <p>The draft permit prescribes suitable conditions to address the raised issues and no modifications to the draft Amendment or draft permit are recommended.</p> <p><i>Pedestrian safety –</i></p> <p>The representation is not sufficiently clear in identifying the exact concerns regarding the safety of residents walking in the area in the evening. Therefore, the only response that can be offered is to reiterate that the drive-through nature of the proposed bottle-shop (assuming the majority of patrons arrive and leave by vehicle), and that alcohol is not served on the premises, will mean that any increase in drunk and disorderly conduct by persons resulting from the purchase of alcohol from the bottle-shop, is unlikely.</p> <p>It should be noted that no footpath is provided on the nature strip on the eastern side of Main Street at the point of the development site, but located on the western side of the street. Therefore, the likelihood of interaction between local pedestrians and patrons of the bottle-shop is reduced.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p>
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		<p>The representors comment that there is no business advantage in having another bottle-shop which results in traffic congestion and disruption to the residential area. As mentioned in the response to Representation No. 1 above, it is appropriate for Council to confine its decision-making as a planning authority to matters concerning land use and the provisions of its planning scheme.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p>
3  (Refer to Annexure 1)	Protest on social grounds.	<p>The representor contends that there are enough bottle-shops in town without allowing another one in a residential area. It is further claimed that there is enough young lives ruined because of alcohol abuse with more outlets added to "their woos".</p> <p>As mentioned in the response to Representation No. 1 above, it is appropriate for Council to confine its decision-making as a planning authority to matters concerning land use and the provisions of its planning scheme.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p>
4  (Refer to Annexure 1)	<p>Objects to the scale and proposed use.</p> <p>Objects to the impacts of increased traffic generation.</p> <p>Objects to the acoustic impact.</p>	<p><i>Appropriateness of land use -</i></p> <p>The representor states that a business in the Local Business Zone should serve the local neighbourhood i.e. local milk-bar etc. The proposed bottle-shop is of</p>

	<p>Objects to Illumination impacts.</p> <p>Objects to impacts on streetscape and loss of residential amenity.</p>	<p>a scale that will service a much wider area than the local neighbourhood and as such should be located in the Commercial area of the town and not in a residential area.</p> <p>Another bottle-shop is not warranted as there are already three bottle-shops in the town, certainly not if it requires rezoning a site within a residential zone.</p> <p>In response, the scale of the site is not one which would undermine or threaten the primacy of the CBD, and a small scale outlet targeting drive past traffic would provide an additional service rather than one which replaces CBD functions.</p> <p>There are some Local Business zoned sites in the area around the proposed site - at 48 Eastland Drive which accommodates a take-away food/grocery shop and house, and 119 Main Street which accommodates a take-away food/grocery store and house. The site is also relatively close to and within walking distance (750m) of the Ulverstone CBD.</p> <p>Hotel industry is a discretionary use in the Local Business Zone.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p> <p><i>Traffic generation -</i></p> <p>The proponent claims that the proposed redevelopment will result in a considerable increase in traffic flow in the area and consequently</p>
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		<p>increased traffic movements.</p> <p>If a left-turn only requirement is stipulated from the site onto Eastland Drive, the volume of traffic travelling west along Main Street (particularly between Eastland Drive and Heathcote Street) and north on Heathcote Street (between Main Street and Eastland Drive) is likely to increase. In the case of Main Street it would probably be a 50% increase during the peak period. For Heathcote Street the Consultant Traffic Engineer estimates that the increase may well be threefold. Whilst the road network is capable of handling these volumes, it is acknowledged that there may be some impact on the residential amenity during peak operating times.</p> <p>The removal of the right turn would improve performance for the access and have little impact on the Main Street intersection. There should be no significant adverse impact on the operation of the intersection or the access in terms of queues or delays.</p> <p>It is considered that the recommended modification of the draft Permit to include specific traffic controls satisfactorily addresses these concerns.</p> <p>The development would need to incorporate these traffic management measures. With these in place it is considered that the proposal would satisfy S2.5.3 Use of Accesses and junctions onto Category IV, V and VI</p>
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		<p>Roads, P3 of the Road and Rail Schedule, to ensure that the safety and efficiency of the roads is not unreasonably reduced and the four x one-way accesses would be justified.</p> <p><i>Acoustic impact and illumination issues -</i></p> <p>The representors accept that the proposal will not greatly affect the existing acoustic environment during day but would be unacceptable during extended operating time.</p> <p>In response, the proponent proposes operating hours from 9.00am to 11.00pm.</p> <p>Houses in the vicinity and particularly those adjacent to the proposed development (93 Main Street and 6 Eastland Drive) are likely to receive the greatest impact of vehicle noise and light spillage (car headlights) up to 11.00pm.</p> <p>The draft permit prescribes a suitable condition to address the raised issue with the limiting of operating hours of 9.00am to 9.00pm. This is supported.</p> <p><i>Streetscape impacts -</i></p> <p>The representors contend that Ulverstone has a considerable number of heritage listed properties, many of which are within a small radius of development site. The proposed building is in stark contrast to the surrounding</p>
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		<p>buildings and will not be sympathetic to the style of the area. It is not at all suitable for a residential area. The current building on the site, though a commercial property, was built in the style of a residential building with a pitched roof and blends in quite easily with the current streetscape.</p> <p>Additionally, it is asserted that advertising signs would not likely complement the surrounding houses, many of which were built early in the last century. The proposed structure would be totally out of character with the buildings in the locality and would be an eyesore.</p> <p>In response, and with reference to the Planning Scheme – 11.4.3 Building design and siting:</p> <ul style="list-style-type: none"> <li>. The streetscape is an important element in the area around the proposed site. The architectural features provide relief and colour on the street boundary walls, with high quality timber and aluminium detailing. The entry point is clearly demarcated with the traffic management of the site, and orientation towards the drive-through awning.</li> <li>. The proposal sites the building on the Main Street boundary but does not provide an awning, however, the proposed entry is well protected with the drive-through awning. It may be</li> </ul>
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		<p>appropriate to provide weather protection through the use of an awning but in this case only placing an awning on the Main Street frontage would produce an awkward design solution that would be inappropriate in a streetscape sense.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p>
<p>5 (Refer to Annexure 1)</p>	<p>Objects on the basis that the proposal is not consistent with the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>.</p> <p>Objects on the basis of inconsistency with recent strategic review.</p> <p>Objects as the proposed development is beyond that of a local use.</p> <p>Objects that the decision made by the Council was against the advice of the professional staff.</p> <p>Objects to the impact on residential amenity by increased noise and illumination issues.</p> <p>Objects to other areas of technical non-compliance.</p>	<p><i>Inconsistent with LUPAA -</i></p> <p>Schedule 1 of LUPAA requires that the planning system of Tasmania provides (amongst other things) for the "fair, orderly and sustainable development of...land".</p> <p>The proposed rezoning and development application is required by this provision, in conjunction with the Central Coast Planning Scheme 2005.</p> <p>In response, the proposed scheme amendment allows for the viable use of a site which has currently been quarantined by the planning scheme from any future viable use. The proposal seeks to achieve a productive use of the land, whilst ensuring minimisation of environmental impacts. In conjunction, the rezoning application allows the social, environmental and economic impacts to be assessed against the various guiding policies governing land use planning at different levels.</p>

		<p>The representor asserts that s.32(e) of LUPAA requires that an amendment of a planning scheme "must, as far as practicable, avoid the potential for land use conflicts" outside the client's land, due to the insufficiencies of the intersection(s) and access to Eastland Drive, as detailed in the traffic studies and planner's report to Council. This increased noise from traffic would increase the potential for land use conflicts with the surrounding residential area, in conflict with s.32(e) of LUPAA.</p> <p>In response, refer to the provided response to Representation No. 4 – Traffic generation and to Representation No. 4 – Acoustic impact and illumination issues.</p> <p>The proposal will allow for the establishment of a local service, to take the place of an abandoned and underutilised site.</p> <p>The draft permit prescribes suitable conditions to address the raised issues.</p> <p><i>Strategic review inconsistency –</i></p> <p>The representor states that the Central Coast Planning Scheme 2005 was approved by the Resource Planning and Development Commission with an operative date of 20 June 2008. Prior to this Scheme, the subject site was zoned as Business Satellite. In the review of that planning scheme, the proposed zoning for the subject site</p>
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		<p>was Residential, and this zoning was approved as part of the 2005 Planning Scheme. Council staff advise that the zoning to Residential was due to the cessation of the previous commercial use of the site as well as the known inadequacies of the intersection to support a development with a traffic flow significantly above a normal residential use.</p> <p>Thus, it is asserted that the proposed development is not in keeping with the long term strategic view for the site as identified by the Central Coast Council.</p> <p>In response, and with reference to the supporting documentation submitted with the application, this site, along with other similar uses was zoned Business BB Satellite under the Central Coast Planning Scheme 1993. Under that zoning a proposal was lodged with Council for the redevelopment of the site as a Woolworths Petrol Station. The proposal was met with strong community opposition, with Council refusing the application.</p> <p>The application was eventually withdrawn in the course of an appeal over unresolved traffic movement issues (that particular application proposed a configuration of traffic movement in and out of the site which has not been replicated in this application).</p> <p>The draft Central Coast Planning Scheme 2005 proposed the rezoning of a number of Satellite Business sites to</p>
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		<p>residential. Whilst the owner of the subject site did not make specific representation to the rezoning, other similar service station sites did make submissions. In response to the representation in relation to 20-22 Eastland Drive (a substantially larger site to the east) the Tasmanian Planning Commission determined that there was scope to recover the residential amenity of the site as it was now vacant. It went on to state that:</p> <p><i>"If the owner and council wish to pursue proposals that depend upon local business zoning for the property, they should proceed via an amendment demonstrating that:</i></p> <ul style="list-style-type: none"> <li><i>. Any proposed use and development will satisfy the objectives of that zone,</i></li> <li><i>. Outstanding contamination issues will be adequately addressed,</i></li> <li><i>. Traffic generation and management is handled safely,</i></li> <li><i>. The surrounding residential amenity is respected or enhanced."</i></li> </ul> <p>A subsequent application was made to the sealed scheme to amend 10 properties affected by the zone change arising from the Draft Scheme from Residential to Local Business. Draft Amendment 2/2009 considered a number of sites approving all but one (20-22 Eastland Drive) to Local</p>
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		<p>Business zoning. That site, which had in the meantime been approved as a petrol station, was not approved for rezoning on the reasoning that the large scale and nature of the site had the potential to undermine the retail hierarchy of the CBD, and that the petrol station use was not one which would comfortably comply with the intent of the Local Business Zone.</p> <p>It is considered that the reasoning applied to 20-22 Eastland Drive does not apply to the subject site at 4 Eastland Drive. With reference to the BFP Consultants site investigation report, the site contamination is stable, and does not require remediation if not used for a sensitive use. There is no evidence of leaching from the site or contamination issue arising from the decommissioned tanks. However, being such a small site, the cost of remediation to a satisfactory standard for residential use is not commercially viable. This issue is discussed further below. The scale of the site is not one which would undermine or threaten the primacy of the CBD, and a small scale outlet targeting drive past traffic would provide an additional service rather than one which replaces CBD functions.</p> <p>This rezoning amendment and development proposal is consistent with the strategic intent for the site.</p> <p>No modifications to the draft</p>
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DEVELOPMENT & REGULATORY SERVICES

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		<p>Amendment or draft permit are recommended.</p> <p><i>The proposed development is beyond that of a local service –</i></p> <p>The proponent contends that whilst a “local service” is not specifically defined in the Central Coast Planning Scheme 2005, the intention can be determined by the Purpose of the Local Business Zone, which states:</p> <p><i>11.1.1 To provide for retailing, offices and community services serving the local area.</i></p> <p><i>11.1.2 To ensure local business centres provide opportunities for local community interaction and a sense of place and identity.</i></p> <p><i>11.1.3 To ensure conflict between adjoining commercial and residential activities is minimised.</i></p> <p>In response, the rezoning of the site to Local Business Zone, reflects the zoning which historically applied to the site, and reflects the nature and scale of the previous use (in fact smaller), as well as future potential uses appropriate for the site. The zone is also an appropriate one to apply to individual sites, and does not depend on contiguous or adjacent development to be strategically justified.</p>
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		<p>The purpose of the Local Business Zone is to provide retailing, office and community services to the local area, whilst minimising conflict with adjacent residential zones and uses. In accordance with the Planning Scheme, a Hotel industry is a discretionary use. A bottle-shop activity is classified as one of a Hotel industry use.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p> <p><i>Decision inconsistent with Council advice -</i></p> <p>Asserts that the decision made by the Council was against the advice of the professional staff. The role of a Council's planning staff is to provide qualified advice. It is the role of Council, as the delegated Planning Authority to consider the qualified staff advice and other matters in deliberating and providing a planning decision regarding planning applications and other planning matters.</p> <p>No modifications to the draft Amendment or draft permit are recommended.</p> <p><i>Noise and traffic impact on residential amenity -</i></p> <p>The representor states that this type of development would impact on residential amenity. Information provided with the application</p>
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		<p>regarding vehicle movements and routes both into and out of the site identifies that a significant amount of increased vehicular traffic would occur on Main Street, both adjoining and directly in front of the representor's client's property. In addition, observations of bottle-shop operations identify that the noise created from such operations is outside and beyond that which would be reasonably expected within a residential area, thus affecting residential amenity. There is also capacity for light spillage to occur into residential sites, regardless of the care taken with lighting placement. Fencing to reduce this impact would also be outside what is reasonably expected in a residential area. Specific reference is made to the effect of the proposed hours of operation.</p> <p>See Response to Representation No. 4 – Acoustic impact and illumination issues.</p> <p>The draft permit prescribes suitable conditions to address the raised issues.</p> <p><i>Other areas of technical non-compliance –</i></p> <p>Council's planning staff advised in their report to Council that in relation to total glazing and the lack of awning, the "exercise of discretion on the Acceptable Solution in this case would not be justified".</p> <p>See Response to Representation No. 4</p>
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		<p>- Streetscape impacts.</p> <p>The representor asserts that whilst the signage details are not provided, observation of other premises reveals that it is unusual for a bottle-shop proposing to operate until 11.00pm to not incorporate illuminated signage.</p> <p>In response, S12.5.2 Design and siting for business areas, of the Planning Scheme requires that pole signs in the Local Business Zone must:</p> <ul style="list-style-type: none"> <li>(a) be compatible with the building;</li> <li>(b) not be visually intrusive;</li> <li>(c) where illuminated, not spill light over the site boundary; and</li> <li>(d) not create a traffic hazard.</li> </ul> <p>One pole sign is proposed and is a replacement of an existing sign. There are no details provided on the height, area or illumination of the sign, and it would be located in a section of the land dedicated on the title as "road". In the event that the road area is taken for widening of the Main Street/Eastland Drive intersection, the sign would need to be moved.</p> <p>Signage in the area around the site should be limited and restrained, to reflect its general residential use, visual character and amenity.</p> <p>The signs issue is appropriately managed by Conditions 23 and 24 on the Draft Permit and therefore, there</p>
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		<p>is no modification to the draft Amendment or draft permit recommended.</p>
<p>6 (Refer to Annexure 1)</p>	<p>Objects to impacts of increased traffic flow, noise, illumination, streetscape and parking.</p>	<p><i>Traffic -</i></p> <p>The representor objects to impacts of increased traffic flow, noise, illumination, streetscape and parking.</p> <p>See Response to Representation No. 4 - Traffic generation.</p> <p>There is also the possibility of vehicles parking in front of 1 Eastland Drive and entering the bottle-shop on foot this increases the risk of pedestrians being hit by a vehicle travelling in either direction. According to the report by Midson Traffic P/L they have only estimated the traffic volume on Main Street and made an assumption of traffic flow on Finch Street. There is also concern that the traffic will bank up at the intersection of Main Street and Eastland Drive for those who wish to make a right hand turn into Main Street to gain access to the bottle-shop.</p> <p>The draft permit prescribes suitable conditions to address the issues raised.</p> <p><i>Noise -</i></p> <p>With the increased traffic our properties will be subjected to more noise, exhaust pollution and vehicle vibration. There will also be the noise from the refrigeration systems going on and off. This will cause stress and</p>

		<p>discomfort to all those who live in the immediate area of the proposed development.</p> <p>The draft permit prescribes suitable conditions to address the raised issues.</p> <p><i>Streetscape –</i></p> <p>The proposed new modern building and canopy will not complement the surrounding residential buildings which includes several heritage listed properties. The proposed tenant's signage of 4.8m<sup>2</sup> would be an eyesore particularly if they are to be black and orange.</p> <p>See Response to Representation No. 4 – Streetscape impacts.</p> <p>The draft permit prescribes suitable conditions to address the issues raised.</p> <p><i>Light problem –</i></p> <p>The lighting of the driveway and illuminated signs together with vehicle lights will have a direct impact on the local residents in Main Street and those next to and opposite the proposed development in Eastland Drive.</p> <p>The draft permit prescribes suitable conditions to address the raised issues.</p> <p><i>Parking –</i></p> <p>The representor disagrees with that part of Council's assessment report</p>
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		<p>that the variation in parking will not impact on the surrounding streets. It is asserted that parking will spill onto Main Street and that people will park in Finch Street and walk across to the proposed bottle-shop and the same will occur in Eastland Drive causing concern for safety.</p> <p>In response, and with reference to the Planning Scheme, specifically S11.0 – Car Parking and S11.3.1 Number required, the Performance Criteria allows for a waiving or reduction in the number of spaces required where there is:</p> <ul style="list-style-type: none"> <li>(a) no adverse effect on the streetscape;</li> <li>(b) no traffic congestion or traffic hazard would be caused; and</li> <li>(c) there would be no adverse impact on the amenity of the area.</li> </ul> <p>The TIA provided with the application assessed the required parking at 12 spaces, based on the central lane in the covered vehicle waiting area providing no parking. The report also states that the facility is a drive-through type and not a park and browse. Based on the TIA’s findings and research for a similar facility in Lindisfarne, it is considered that the Scheme requirement is excessive. The TIA concluded that the more reasonable requirement is 12 spaces – this would require reducing the exit to Eastland Drive from two lanes to a single lane.</p>
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		<p>Additionally, S11.3.3 Car Park Design and Construction; (A1) Design Standard, the Acceptable Solution requires that designs must comply with AS/NZS 2890.1-2004 Parking facilities – Off Street Parking.</p> <p>The car park construction issue is appropriately managed by Condition 19 on the draft permit and therefore, there is no modification to the draft Amendment or draft permit recommended.</p>
<p>7  (Refer to Annexure 1)</p>	<p>Objects on the basis of impacts on residential amenity.</p> <p>Objects to traffic impacts.</p> <p>Objects to the proposed use not permitted in the proposed zone.</p>	<p><i>Residential amenity -</i></p> <p>The proposed use of a Hotel industry would create high levels of both noise and traffic which would directly impact upon the residential amenity of the surrounding area.</p> <p>The representor states that Council’s planning assessment of the development indicates that, “The development is likely to be significant on surrounding residents, particularly as it is intended to operate up to 11.00pm. Noise sources would include voices, starting of car engines, vehicle acceleration and car doors closing.” The assessment goes on to state that, “The bottle-shop would generate a significant amount of traffic, assessed by the TIA as 117 vehicles per hour at peak times.”</p> <p>The draft permit prescribes suitable conditions to address the raised issues with a limiting of hours of operation.</p>

		<p><i>Traffic impact -</i></p> <p>The proponent has contracted RJK Consulting which has carried out a peer review of the applicant's TIA - included as part of the development application - as part of this representation. The report outlines a number of traffic related issues with the proposed development. These issues can be summarised as follows:</p> <p><i>Increased Traffic Volumes -</i> The proposed development is expected to produce in excess of 1,000 vehicle movements per day with 116 occurring during peak hour.</p> <p><i>Loss of Amenity -</i> High traffic flows associated with the proposed development would negatively impact surrounding residents, especially those that abut the subject site.</p> <p><i>Delivery Vehicles -</i> The peer review points out that no mention is made in relation to the desired flow of delivery trucks when they exit the site on Main Street.</p> <p><i>Intersection Saturation -</i> Of Eastland Drive/Main Street and Eastland Drive/Heathcote Street intersections.</p> <p><i>Insufficient Line of Sight Distance for Exiting Vehicles -</i> The ability of vehicles to turn right from the exit lane does not meet the requirements of the Scheme.</p> <p>Council has received additional information from the proponent's consulting Traffic Engineer.</p>
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		<p>See response to Representation No. 4 – Traffic generation.</p> <p>The draft permit prescribes suitable conditions to address the raised issues.</p> <p><i>The proposed use is not permitted within the proposed Zone –</i></p> <p>The representor asserts that, as pointed out in Council’s planning assessment on the development, the proposed use does not support the objectives of the proposed zone (Local Business Zone). Section 11.1 outlines the purpose of the Local Business Zone.</p> <p>In addition it is contended that Council’s planning assessment states that, “the proposed use is of a business nature that is likely to go beyond the level of a local service that would be considered appropriate in a residential area.” And that, “...it [the proposed development] is not consistent with the purpose of the Zone to ‘serve the local area’”, or with focusing “local business activity in business nodes including Queen Street, West Ulverstone, Forth Road and Leith Road, Forth and local shops.” The representor agrees with these statements and notes that the proposal does not meet the intent and purpose of the proposed Zone.</p> <p>See response to Representation 5 – Proposed development is beyond that of a local use.</p> <p>No modifications to the draft</p>
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		<p>Amendment or draft permit are recommended.</p> <p>The representor indicates that the proposed development and zoning has given little consideration to the potential for land use conflict, and is therefore not in our opinion representative of, "fair, orderly and sustainable use and development of air, land and water". Consequently, the development is not consistent with the fair or orderly use of land under Schedule 1 Objective of the <i>Land Use Planning and Approvals Act 1993</i>. In addition and as a result of this inconsistency, the proposal does not comply with s.32 of LUPAA.</p> <p>In response this report has attempted to address all raised issues with the recommendation of a number of suitable conditions. The support for the rezoning amendment and development is provided on the basis that it is consistent with the fair and orderly use of the subject land.</p>
<p>8 (Refer to Annexure 1)</p>	<p>Petition signed by 23 people. Calls on Council to reject the application on the grounds of increased traffic flow, light and noise pollution and the disruption to the residents peace and harmony.</p>	<p><i>Increased traffic -</i></p> <p>Refer to response to the same issue under Representation Nos 1, 5, 6 and 7.</p> <p><i>Light and noise pollution -</i></p> <p>Refer to response to the same issue under Representation Nos 4, 5 and 6.</p> <p><i>Disruption to residents -</i></p> <p>Refer to response to residential amenity under Representation Nos 1, 4 and 7.</p>



		No modifications to the draft Amendment or draft permit are recommended.
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In addition to the above responses, there is an amendment required to Condition 6 of the Council’s approval for the development. Condition 6 states:

“6 The egress and access points along the Eastland Drive frontage must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.”

The same access and kerb and channel treatment is required for Main Street and so it is recommended that Condition 6 be amended to also include reference to Main Street, as follows:

“6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.”

*Summary of Recommendations –*

The following information provides a summary of the recommendations for modification of the draft Amendment further to the assessment of the representations received and the discussion in the previous section. The proposed modifications relate solely to conditions prescribed on the draft permit.

It is recommended that Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

“6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.”

The following notes are recommended for inclusion:

- . In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- . In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street.'

The report is supported.

*CONSULTATION*

In accordance with the requirements of the Act the draft Amendment was subject to:

- . the placement of a site notice;
- . notification to adjoining landowners;
- . an advertisement was placed in the Public Notices section of The Advocate newspaper on two occasions (including a Saturday); and
- . the draft Amendment was made available for public inspection and open to public comment for a period of three weeks.

*IMPACT ON RESOURCES*

The generation of this report has involved the engagement of a consultant Town Planner for the assessment and preparation of a report which has increased the cost of the assessment process.

Unless the Commission determines that a public hearing is not required, the Council will also need to be represented by the consultant Town Planner at the hearing of the draft Amendment.

*CONCLUSION*

This report has addressed the issues raised in the representations received during the statutory public exhibition period of the draft Amendment. The above discussion has identified some modifications are necessary to the draft permit for the proposed development, which was considered by the Council at its meeting of 16 May 2011 (Minute No. 150/2011).

*Recommendation –*

It is recommended that the Council advise the Commission that the following modifications are necessary for the rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone.

That Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

“6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.”

The following notes are to be included:

- . In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- . In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street.”

The Executive Services Officer reported as follows:

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

■ Cr Diprose moved and Cr Carpenter seconded, “That the Council advise the Tasmanian Planning Commission that the following modifications are necessary for the rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone.

That Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

‘6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.’

That the following conditions be included in the draft permit to provide a greater level of control over issues raised in the representations:

- ‘25 The central parking lane of the covered vehicle waiting area to be clearly marked as “driveway only”.
- 26 All extraneous items (such as pallets) are to be stored in a dedicated facility that suitably screens such items from public view.’

The following notes are to be included:

- . In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- . In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street.”

#### 182/2011 Adjournment of meeting

The Mayor advised as follows:

“This meeting is adjourned for five minutes to take advice on the wording of an amendment to Minute No. 181/2011.”

The meeting adjourned from 6.37pm to 6.43pm.

#### Minute No. 181/2011 continued...

■ Cr Robertson moved and Cr Howard seconded an amendment, “That the Council advise the Tasmanian Planning Commission that the following modifications are necessary for the rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone.

That Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

‘6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner’s/applicant’s cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.’

That Condition 2 of the draft permit be amended to change the hours of operation:

‘2 The use must not operate before 9.00am or after 9.00pm during daylight savings time, or before 9.00am or after 7.00pm during non-daylight savings time.’

That the following conditions be included in the draft permit to provide a greater level of control over issues raised in the representations:

- ‘25 The central parking lane of the covered vehicle waiting area to be clearly marked as “driveway only”.
- 26 All extraneous items (such as pallets) are to be stored in a dedicated facility that suitably screens such items from public view.

- 27 The architectural features of the building must complement the characteristics of the buildings in the locality to the satisfaction of the General Manager.'

The following notes are to be included:

- In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street."

**183/2011 Adjournment of meeting**

The Mayor advised as follows:

"This meeting is adjourned for five minutes to take advice on meeting procedure."

The meeting adjourned from 6.45pm to 6.50pm.

**184/2011 Public question time**

The time being 6.50pm, the Mayor the Mayor introduced public question time.

There were no questions from the public at this time.

**Minute No. 181/2011 continued...**

Cr Robertson, who moved the amended motion, advised he wished to withdraw that motion. Cr Howard, as the seconder of the amended motion, consented to the withdrawal.

Amendment

Withdrawn

■ Cr Robertson moved and Cr Carpenter seconded an amendment, "That the Council advise the Tasmanian Planning Commission that the following modifications are necessary for the rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone.

That Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

- '6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the

owner's/applicant's cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.'

That Condition 2 of the draft permit be amended to change the hours of operation:

- '2 The use must not operate before 9.00am or after 9.00pm during daylight savings time, or before 9.00am or after 7.00pm during non-daylight savings time.'

That the following conditions be included in the draft permit to provide a greater level of control over issues raised in the representations:

- '25 The central parking lane of the covered vehicle waiting area to be clearly marked as "driveway only".
- 26 All extraneous items (such as pallets) are to be stored in a dedicated facility that suitably screens such items from public view.'

The following notes are to be included:

- . In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- . In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street."

Voting for the amendment  
(3)  
Cr Carpenter  
Cr Robertson  
Cr van Rooyen

Voting against the amendment  
(6)  
Cr (J) Bonde  
Cr (L) Bonde  
Cr Diprose  
Cr Fuller  
Cr Howard  
Cr Viney

Amendment

Lost

■ Cr Robertson moved and Cr Fuller seconded a further amendment, "That the Council advise the Tasmanian Planning Commission that the following modifications are necessary for the rezoning and Hotel industry (bottle-shop) at 4 Eastland Drive, Ulverstone.

That Condition 6 of the draft permit be amended to include reference to Main Street, as follows:

'6 The egress and access points along the Eastland Drive and Main Street frontages must be defined to the satisfaction of the Director Engineering Services, at the owner's/applicant's cost, and will involve the reinstatement of kerb and channel and naturestrip areas, and the installation of new driveways.'

That the following conditions be included in the draft permit to provide a greater level of control over issues raised in the representations:

'25 The central parking lane of the covered vehicle waiting area to be clearly marked as "driveway only".

26 All extraneous items (such as pallets) are to be stored in a dedicated facility that suitably screens such items from public view.

27 The architectural features of the building must complement the characteristics of the buildings in the locality to the satisfaction of the General Manager.'

The following notes are to be included:

- . In relation to Condition 4, a suitable traffic control may include the extension of the central traffic island to prevent right turns.
- . In relation to Condition 5, a suitable traffic control may include the provision of a traffic island bulb near the side entry to Main Street."

Amendment	Carried unanimously
Amended motion	Carried unanimously

Cr Deacon returned to the meeting at this stage.

Cr Diprose left the meeting at this stage.

GENERAL MANAGEMENT

185/2011 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- . Forth Community Representatives Committee – meeting held on 12 May 2011;
- . Penguin Miniature Railway Committee – meeting held on 17 May 2011;
- . Central Coast Youth Engaged Steering Committee – meeting held on 26 May 2011;
- . Cradle Coast Authority – Representatives meeting held on 26 May 2011;
- . Development Support Special Committee – meeting held on 30 May 2011.

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

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

Cr Diprose returned to the meeting at this stage.

Motion

Carried unanimously

186/2011 Constitutional recognition for local government

The General Manager reported as follows:

*“PURPOSE*

The purpose of this report is for the Council to consider a request from the President of the Australian Local Government Association (ALGA) to become directly engaged in the campaign for constitutional recognition.

*BACKGROUND*

Following the National General Assembly of Local Government in June 2010, correspondence was forwarded to councils providing an update on the progress of ALGA’s campaign for a referendum on the constitutional recognition of local government highlighting the importance of local government to local communities.



ALGA has written to the Council inviting all Councils to become directly involved in the campaign for constitutional recognition.

State and Territory Associations of local government have been advocating the formal recognition of local government in the Australian Constitution for many decades.

For the Constitution to be amended, a Bill is required to be passed by both the House of Representatives and the Senate and subsequently a referendum question to be voted on by Australian electors. For a referendum to be successful it must receive a double majority vote in support of the 'Yes' question, i.e. an overall majority of electors and a majority of the six States must support the referendum question.

Two previous attempts have been made to recognise local government through referendum questions (1974 and 1988) and both attempts failed.

### *DISCUSSION*

After the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold - to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure there is a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. They feel it is in the best interest of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. The preference of ALGA is for a pragmatic and simple change to the Constitution (most likely to s.96) which would allow direct funding to continue.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and State Governments, has been endorsed by the Local Government Association of Tasmania (LGAT) and all other State and Territory Government Associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and State Governments, Oppositions and political parties that the position has a widespread support within local government.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National

General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

Further materials will be provided by ALGA in the coming months to assist councils in a campaign to win broad public support.

At the General Meeting of the LGAT held on 6 April 2011, a report was provided in respect of the scale of the campaign and to seek in-principle support to the development of a 'fighting fund'. The fighting fund is to resource and implement two of the four key communications strategies identified by ALGA: communications to raise the profile and standing of local government; and communications to campaign up to and during the referendum.

In relation to raising the profile and standing of local government, a number of Associations, including the LGAT, have undertaken work to promote councils as employers of choice and it was agreed that Associations would continue to progress this strategy. The Careers Project, which includes the 'Think Big, Work Local' campaign, is funded only until July 2012.

The campaign up to and during the referendum requires a coordinated public engagement campaign and a 'yes'/referendum campaign.

Association Policy Directors and Communications/Marketing Managers met in March to develop a detailed plan to support the Constitutional Recognition Campaign which will provide support to each State/Territory campaign and coordinate input to the development of key messages and materials.

While traditionally there has been Commonwealth funding of the 'yes' campaign, this is not guaranteed and ALGA has decided to take precautionary measures. From late last year ALGA began encouraging Associations to consider making a specific provision for funding a public relations campaign in 2011-12.

ALGA has identified that a significant budget is required for the campaign year - in the order of millions - to be funded by Associations in line with the allocation of subscriptions. This is in addition to the ongoing State/Territory work in building the profile and standing of local government.

The LGAT General Meeting agreed to seek part funds annually (eg \$75,000 per annum) through the subscription process, to be quarantined for a campaign, or refunded if a referendum does not eventuate, to be topped up using LGAT reserves.

## GENERAL MANAGEMENT

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### *CONSULTATION*

Consultation is not required in this matter at this stage.

### *IMPACT ON RESOURCES*

The Council will be contributing \$3,263 annually through the LGAT subscription process towards the Constitutional Recognition Campaign. This amount will be refunded if a referendum does not eventuate, and will be topped up using LGAT reserves if required.

### *CORPORATE COMPLIANCE*

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

- Council Sustainability and Governance
  - Strengthen local–regional connections.

### *CONCLUSION*

It is recommended that the Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.”

- Cr (L) Bonde moved and Cr Fuller seconded, “That the Central Coast Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.”

Carried unanimously

## 187/2011 Infrastructure names of the Leven River Precinct development

The General Manager reported as follows:

“The Director Engineering Services has prepared the following report.

*'PURPOSE*

The purpose of this report is to consider names of infrastructure related to the Leven River Precinct development, Ulverstone.

*BACKGROUND*

The replacement of the Leven River Bridge at Ulverstone is nearing completion. The Ulverstone Sub-Branch Returned & Services League of Australia (Ulverstone RSL) wrote to the Council on 28 July 2009 as follows:

"Previous councils along with the Ulverstone RSL Sub-Branch, Service Clubs and members of the Central Coast community at large have created outstanding parks and memorials along the banks of the Leven River, these parks are linked by the present Leven River Bridge. We believe that with the construction of the new bridge an opportunity presents to enhance and further promote these parks and memorials as the outstanding commemorative tourist features that they are, by giving the bridge a name that reflects the parks memorial theme and links them together.

The name proposed is: 'The Remembrance Bridge'.

We envisage that this name be placed at either end of the bridge along with a plaque inscribed with the words:

'In honour of all those who paid the supreme sacrifice in the defence of Australia'.

We are prepared, in consultation with the Central Coast Council, to pursue funding support through the DVA Commemorative Grants Program and, if necessary, from community service clubs in the Ulverstone area. This proposal is also supported by the President of the RSL in Tasmania.

The rationale behind this proposal is that we see the parks and memorials along with our unique Cenotaph (Clock) as an outstanding tourist attraction unsurpassed by any of a similar nature in Tasmania and probably in Australia and, if given appropriate promotion, could significantly increase tourism to the area with all the associated employment and commercial benefits that could accrue. A "Remembrance Walk" could start at the visitors information centre, proceed to the Cenotaph and Light Horse Park, then via the Museum to Fairway Park, on to the memorials situated at and near Shropshire Park then south along the river past the wharf precinct to ANZAC Park. On leaving ANZAC Park, and the numerous memorial sited therein, the trail would proceed across "The Remembrance Bridge" to Tobruk Park and

Australian Allied Women's Services Memorial Wall, then on to the RAAF Memorial Park past the showground and into Legion Park. For organized tours, a BBQ or refreshments could be provided at Otto's Grotto, ANZAC Park, Tobruk Park, the RAAF Memorial or at Legion Park. Interpretive signs would be used to enhance the features of each site with brochures and site maps printed and available at information centres and the various tourist outlets.

The naming of the bridge is the key to this low cost proposal and we think it would go a long way to achieving profile and landmark status for the bridge."

The Acting Director Engineering Services wrote to the Ulverstone RSL on 24 August 2009 as follows:

"I have received your letter of 24 July 2009 proposing a name for the new bridge across the Leven River.

Bridges in the Central Coast area have not been officially named in the past, however given the significance of this bridge it has been deemed appropriate to do so.

A process for naming of the bridge will be undertaken in due course and your proposal will be included for consideration.

For your information DIER are intending to call for Tenders in October 2009.

Thank you for your interest and the other ideas for associated and nearby parks and memorials."

The General Manager wrote to the Department of Infrastructure, Energy and Resources (DIER) on 19 July 2010 as follows:

"The Council has asked that I write to you to ascertain the process that DIER is undertaking to name the new bridge that is currently being reconstructed across the Leven River in Ulverstone.

There has been discussion in the community as to whether the bridge will be renamed or continue as the Leven River Bridge. I am aware that you have also had representation from the Ulverstone RSL Club branch in regards to renaming the bridge.

I look forward to your response."

The General Manager wrote to DIER on 14 October 2010 as follows:

“I am writing to you in reference to the Notice of Motion that Paul O’Halloran MP put to the House of Assembly on 28 September 2010 calling for the Government and the Central Coast Council to have dialogue in regards to naming the new Leven River Bridge in honour of the late Mayor, Mike Downie.

The Council will be looking at what is the most appropriate way to honour our former Mayor in the near future. We would expect to have these discussions in November after the Council elections have been finalised.

The Council would be happy to hear the Department’s views on the re-naming of the Leven River Bridge and any guidelines or suggestions you could make to help inform our discussions.

I look forward to your response.”

DIER responded to the General Manager on 4 November 2010 as follows:

“Thank you for your letter of 14 October 2010, relating to the Notice of Motion put to the House of Assembly calling for naming of the new Leven River Bridge in the honour of the late Mayor, Mike Downie.

This bridge is a declared structure, meaning that while it is a structure on a local road under the care and control of Council, the State Government has assumed responsibility for the structure, that is, its maintenance and replacement.

As it is a local road, it is my view that naming of the structure is rightly the role of the Central Coast Council. I believe Council is in the best position to determine a name that is appropriate and acceptable to the community. It is important the name of the bridge is approved by the Nomenclature Board. The Board is part of the Department of Primary Industries, Parks, Water and the Environment.

I have attached some additional information regarding the Nomenclature Board and its function.

Given the strong regard for Mr Downie expressed by many public figures at his recent funeral, I have little doubt that the naming of the bridge in his honour would receive widespread support.”

### *DISCUSSION*

The existing and new Leven River bridges are the property of the State Government. The name of the current bridge is the Leven River Bridge, Hobbs Parade, Ulverstone.

The letter from the Ulverstone RSL in 2009 suggested the name Remembrance Bridge but also had reference to a Remembrance Walk incorporating links to the various memorial parks in Ulverstone. The remembrance walk concept could link into the Stories of Ulverstone and is considered a worthwhile suggestion. Drawing No. 1615-14 (Annexure 1) shows the concept of the walk and park links. It extends approximately 2km+ allowing for walks within parks, from Shropshire Park to Legion Park and links Anzac Park, Tobruk Park and Airforce Park including a number of memorials and passive recreation activities within these parks. It is suggested this shared path be named 'Remembrance Pathway'. The Remembrance Walk concept could include the Cenotaph and Light Horse Park by linking into the Remembrance Pathway.

There are a number of bridges on the Leven River as follows:

- . Leven River Bridge, Hobbs Parade, Ulverstone
- . Leven River Bridges, Bass Highway
- . Leven River Bridge, Allison
- . Leven River Bridge, Purtons
- . Leven River Bridge, Bannons
- . Leven River Bridge, Loongana
- . Leven River Bridge, Taylors Flats.

As indicated, each bridge refers to the Leven River followed by a geographic location. It is considered that reference to the river that the bridge spans is most significant. The Hobbs Parade name could be retained for the replacement bridge or the following names may be applicable:

- . Ulverstone Leven River Bridge
- . Leven River Bridge
- . Leven River Bridge - Ulverstone.

As these names are similar to the existing bridge it is suggested that the existing name of Leven River Bridge, Hobbs Parade, Ulverstone, be retained.

There has been suggestion that the new Leven River Bridge be named after the late Mayor Mike Downie. Whilst this would provide recognition to Mike in respect to the bridge, it is considered that it would fall short in recognition

of his contribution made to his community and in particular to the Leven River Precinct development which has included the showgrounds development, wharf development, Leven River bridge and pathway links between the wharf to the bridge. The pathways will link with the Ulverstone–Turners Beach Shared Pathway project which he was also very passionate about in his time as Mayor.

As part of the wharf development it is proposed to construct a viewing platform near the end of Reibey Street in order to view and provide interpretation of the following:

- . Anzac Park
- . Old bridge history
- . Leven River bridge
- . Dial Range and Coast to Canyon branding
- . Tobruk Park
- . Showgrounds redevelopment
- . Leven River wharf
- . Remembrance Pathway.

All of these Council assets were of significance to Mike and his view of the Central Coast and the Leven River Precinct. It is suggested that the viewing platform and interpretation panels be named after the late Mayor Mike Downie, e.g. 'Mike Downie View'.

A concept of the viewing platform is shown as Drawing No. 1615-15 (Annexure 2).

The naming of the wharf building will need to be considered in the near future but should not conflict with the suggested names of the bridge, pathway and viewing platform.

#### *CONSULTATION*

A Councillor Workshop was conducted in March 2011. The Downie family and the Ulverstone RSL have been consulted.

#### *IMPACT ON RESOURCES*

The construction of the viewing platform can be included in the pathway connections works which are currently out to tender. Additional funding for interpretation panels and furniture will be sourced from other applicable sources.



In respect to the proposed Remembrance Walk, the Ulverstone RSL has suggested other sources of funding that may be applicable and this could be pursued on a joint basis with the RSL.

### *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

- . Provide for a diverse range of movement patterns

#### Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

#### The Environment and Sustainable Infrastructure

- . Invest in and leverage opportunities from our natural environment

#### Council Sustainability and Governance

- . Effective communication and engagement.

The significance of the Leven River Precinct is indicated by the number of strategies and key actions it relates to.

### *CONCLUSION*

It is recommended that in respect of infrastructure associated with the Leven River Precinct development:

- . the existing name, Leven River Bridge, Hobbs Parade, Ulverstone be retained;
- . the name “Remembrance Pathway” be adopted for the shared pathway extending from Shropshire Park across the Leven River bridge to Legion Park; and
- . the viewing platform and interpretation at the western end of Reibey Street be named after the late Mayor Mike Downie.’

The report is supported.”

■ Cr Deacon moved and Cr van Rooyen seconded, "That in respect of infrastructure associated with the Leven River Precinct development:

- . the existing name, Leven River Bridge, Hobbs Parade, Ulverstone be retained;
- . the name 'Remembrance Pathway' be adopted for the shared pathway extending from Shropshire Park across the Leven River bridge to Legion Park; and
- . the viewing platform and interpretation at the western end of Reibey Street be named after the late Mayor Mike Downie."

Carried unanimously

CORPORATE & COMMUNITY SERVICES

188/2011 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of May 2011 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

189/2011 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

*PURPOSE*

This report is to inform the meeting of any correspondence received during the month of May 2011 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

*CORRESPONDENCE RECEIVED*

The following correspondence has been received and circulated to all Councillors:

- . Response from Tasmania Police concerning Ulverstone Library incident.
- . Letter concerning wildlife in Hiscutt Park, Penguin.
- . Letter concerning development at 4 Eastland Drive.
- . Copies of letters concerning Purtons Flat bridge.

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 Viney moved and Cr Deacon seconded, "That the Director's report be received."

Carried unanimously

190/2011 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 17 May 2011 to 20 June 2011 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities."

The Executive Services Officer reported as follows:

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

- Cr Deacon moved and Cr Diprose seconded, "That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received."

Carried unanimously

191/2011 Financial statements

The Director Corporate & Community Services reported as follows:

"The following principal financial statements of the Council for the period ended 31 May 2011 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

192/2011 Rate remissions

*Cr Viney, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Rate remissions.*

The Director Corporate & Community Services reported as follows:

"The following rate remissions are proposed for the Council's consideration:

<i>PROPERTY NO.</i>	100910.0660
<i>PROPERTY ADDRESS</i>	26 King Edward Street, Ulverstone
<i>REMISSION</i>	\$313.47
<i>REASON</i>	Shop burnt down 14 December 2010
<i>PROPERTY NO.</i>	504460.0900
<i>PROPERTY ADDRESS</i>	Cuprona Road, Heybridge
<i>REMISSION</i>	\$219.00
<i>REASON</i>	Property has been adhered to adjacent title
<i>PROPERTY NO.</i>	504740.0420
<i>PROPERTY ADDRESS</i>	1019 Gunns Plains Road, Gunns Plains
<i>REMISSION</i>	\$648.53
<i>REASON</i>	House burnt down 12 September 2010
<i>PROPERTY NO.</i>	504880.0740
<i>PROPERTY ADDRESS</i>	98 Isandula Road, Gawler
<i>REMISSION</i>	\$232.84
<i>REASON</i>	House burnt down 3 November 2010."

The Executive Services Officer reported as follows:

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

- Cr Deacon moved and Cr Carpenter seconded, "That the following remissions be approved:

Property No. 100910.0660 – \$313.47

- . Property No. 504460.0900 – \$219.00
- . Property No. 504740.0420 – \$648.53
- . Property No. 504880.0740 – \$232.84.”

Carried unanimously and by absolute majority

Cr Viney returned to the meeting at this stage.

ENGINEERING SERVICES

193/2011 Civic Leaders Promenade

■ Cr (L) Bonde (having given notice) moved and Cr Howard seconded, "That:

- 1 The Central Coast Council erect a permanent structure in Ulverstone to acknowledge the contribution of past and present civic leaders of Ulverstone Council and Central Coast Council;
- 2 Past Wardens and Council Clerks of Ulverstone Council and Mayors and Managers of Central Coast be erected on the proposed structure."

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

"It is an opportune time for Central Coast Council to make a permanent acknowledgement of our past and present civic leaders in Ulverstone Council and Central Coast.

A suitable site can be decided, and my preference is just north of 'Otto's Grotto' in Fairway Park. This structure, if done delicately, would complement all the other attractions we have in that area.

I am proposing that the structure be clear standing with no flowers or shrubs, purely for maintenance reasons, which would make it more noticeable.

Suitable colours would need to be selected so that the structure stands out and does the job it is erected to do and that is acknowledge the work of our very good past and present civic leaders.

I am suggesting the structure has stainless steel beams and steel uprights with brass or something similar on top. The bricks on the pillars would enable the plaques to be clearly visible and quite unique.

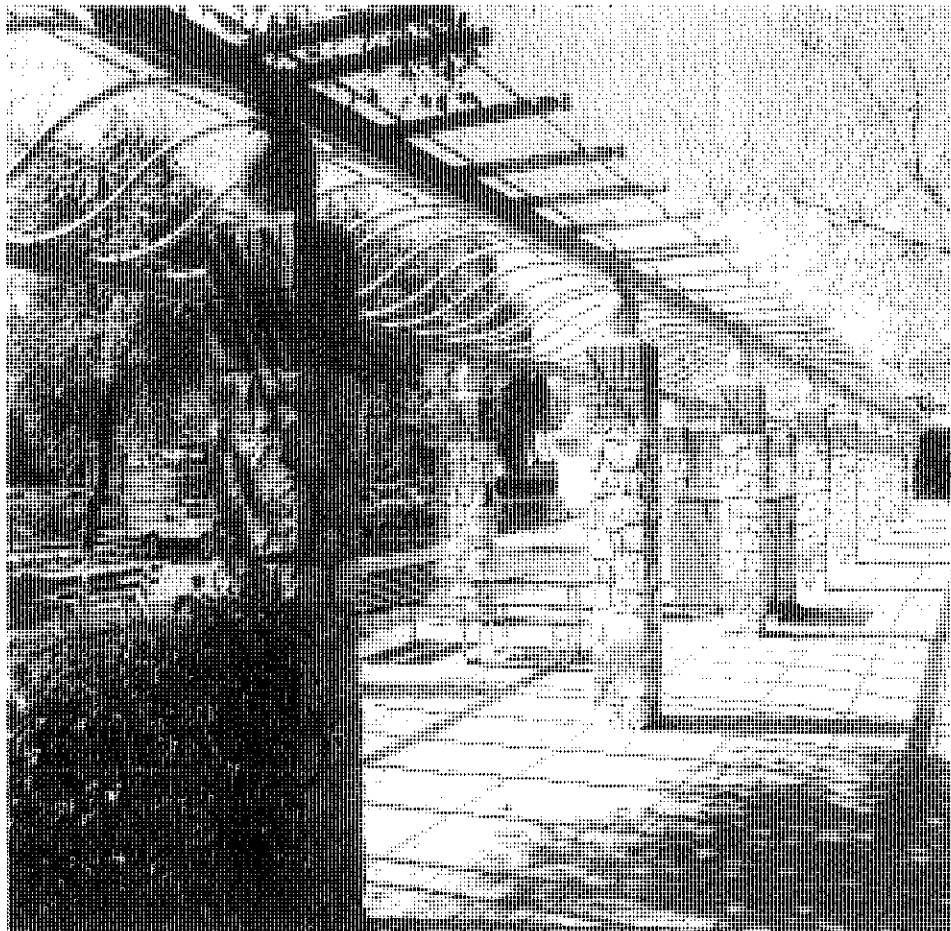
The structure would need to be at least 20 metres in length and of a height suitable to the area. I envisage either tiles on the ground or coloured cement sections to imitate tiles, and the bricks to be a light colour.

It could be called the 'Civic Leaders Promenade' on the southern end and 'Community Leaders' on the northern end.

To help curb expenses, I am suggesting we give thought to also include an area on the northern end of the promenade for the erection of plaques for community

leaders. This would be a limited section of names sponsored by the families of extra special community contributors, or any interested groups.

A structure similar to that proposed is the Angaston (South Australia) township's Village Green Arbour and rose gardens and a photograph is shown below.



A fee of \$1,000 would be charged and a small committee (not necessarily all Councillors) would be chosen to administer this part of acknowledgement of our community leaders. The selection criterion would be strict so that only true community contribution over a large period of time would be eligible to be displayed. Nominations for this area could come from an interested group or a family representation of the person nominated.

There would have to be no exemption from paying the \$1,000 in any way so that it would be fair and equitable, to all interested parties.



The structure could be placed anywhere but to get maximum effect I have chosen to recommend the area in Fairway Park where there is already about eight young trees that would make an excellent backdrop for a clear standing structure such as this.

It would get a lot of visitors in this area and would suitably complement all of the beautiful displays we have in that area. It should be a spectacular structure that attracts attention from a distance.

I am proposing this structure be built in Ulverstone at this point in time and we should also give thought to something similar but unique for Penguin to acknowledge their past civic and community leaders in a prominent manner of recognition, where it is visible to the general public.”

The Director Engineering Services reported as follows:

### *PURPOSE*

This report considers a proposal to erect a permanent structure in Ulverstone to acknowledge the contribution of past and present civic leaders of the Ulverstone Council and the Central Coast Council.

### *BACKGROUND*

The Council currently has a Civic Park located between the Council Offices and the Ulverstone Civic Centre. This park has a plaque located in it recognising the contribution to the community and local government through service of 20 years or more as elected members of the Leven/Ulverstone Municipal Council 1908–1947 and 1947–1993. A similar plaque is erected at the entrance to the Penguin Visitor Information Centre recognising previous Penguin Councillors of 20 years plus service.

The Ulverstone History Museum currently houses the past Ulverstone Council Honour Board showing past Wardens (Mayors), Council Clerks (General Managers) and a Municipal Engineer. The Penguin Council had a similar honour board which is located in the Exhibition Room at the Penguin Railway Station.

### *DISCUSSION*

It would be good to continue the theme of the Civic Park but Cr Bonde's concept would appear to be more substantial and difficult to fit in at this location.

The suggested location near Shropshire Park may conflict with the proposed Remembrance Pathway and the entrance to Bicentennial Park which currently has an

avenue of Canadian Maples in recognition of the American Field Service of World Wars I and II and associated scholarship exchange program.

As part of the Leven River Precinct development it is proposed to construct a viewing platform near the end of Reibey Street with a stairway entrance to the wharf. The stairway entrance could be designed to incorporate plaques recognising the theme suggested by Cr Bonde. It is proposed to have some urban design features in the viewing platform and stairway such as handrails and interpretation panels. The interpretation could link in with the viewing platform and past civic leaders. This location would be close to the Ulverstone CBD and link to the stories of Ulverstone and the Coast to Canyon themes, as well as providing a prominent location for such a structure of recognition.

While the proposed stairway differs from the structure suggested by Cr Bonde, the pathway leading up to the viewing platform provides the opportunity to install plaques recognising past and future civic leaders.

The suggestion of a contribution to community members may be misinterpreted by the public as the purchase of recognition plaques does not necessarily reflect all those involved in community service. Administration of such a system would be very difficult. It is suggested that the recognition be restricted to past civic (Council) leaders only in order to make the structure more precise.

In view of recognition of the services of previous Councillors from Ulverstone and Penguin already provided in Civic Park and at the Penguin Visitor Information Centre, it is suggested that the recognition be related to the Central Coast only. The Central Coast was formed in 1993 and has developed significant recent history over an 18 year period and its history could be added to in the future by way of recognition of Mayors as appropriate. A new honour board could also be provided in the Council Offices and plaques erected on the stairway to the wharf as a continuing recognition over time of Central Coast civic leaders.

#### *CONSULTATION*

Consultation has been limited to the notice of motion and a Councillor Workshop in respect to the naming of the Leven River bridge. The proposed infrastructure names for the Leven River Precinct are considered in a separate report.

#### *IMPACT ON RESOURCES*

The proposed archway concept is estimated at \$50,000.

Provision of the viewing platform and entrance stairway to the wharf is subject to detail design but as this structure is required in any case as part of the Leven River

## ENGINEERING SERVICES

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Precinct development, the addition of suitable plaques and interpretation would be of the order of \$10,000.

### *CORPORATE COMPLIANCE*

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

#### The Shape of the Place

- Improve the value and use of open space

#### A Connected Central Coast

- Connect the people with services

#### Community Capacity and Creativity

- Cultivate a culture of creativity in the community

#### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

#### Council Sustainability and Governance

- Effective communication and engagement.

### *CONCLUSION*

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

- Cr Robertson moved and Cr Viney seconded an amendment, “That the Central Coast Council workshop a proposal to erect a permanent structure in Ulverstone to acknowledge the contribution of past and present civic leaders of Ulverstone Council and Central Coast Council.”

#### Voting for the amendment

(8)

Cr (J) Bonde  
Cr Carpenter  
Cr Deacon  
Cr Diprose  
Cr Fuller  
Cr Howard  
Cr Robertson  
Cr Viney

#### Voting against the amendment

(2)

Cr (L) Bonde  
Cr van Rooyen

Amendment

Carried

Voting for the amended motion  
(8)

Cr (J) Bonde  
Cr Carpenter  
Cr Deacon  
Cr Diprose  
Cr Fuller  
Cr Howard  
Cr Robertson  
Cr Viney

Voting against the amended motion  
(2)

Cr (L) Bonde  
Cr van Rooyen

Amended motion

Carried

**194/2011 Engineering Services determinations**

The Director Engineering Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

Cr Diprose left the meeting at this stage.

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## CLOSURE OF MEETING TO THE PUBLIC

195/2011 Meeting closed to the public

The Executive Services Officer reported as follows:

"The *Local Government (Meeting Procedures) Regulations 2005* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close the meeting or part of the meeting because it wishes to discuss a matter (or matters) in a closed meeting and the Regulations provide accordingly.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

- . Minutes and notes of other organisations and committees of the Council;
- . Cradle Mountain Water Quarterly Report to the Owners' Representatives;
- . Cradle Mountain Water – Water and Sewerage Owner Representative; and
- . General Manager's performance review.

These are matters relating to:

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

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

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

and the 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 Mountain Water Quarterly Report to the Owners' Representatives;
- . Cradle Mountain Water – Water and Sewerage Owner Representative; and
- . General Manager's performance review.

Carried unanimously and by absolute majority

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The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.

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

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

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

GENERAL MANAGEMENT

196/2011 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

Cr Diprose returned to the meeting at this stage.

197/2011 Cradle Mountain Water Quarterly Report to the Owners’ Representatives

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

“PURPOSE

This report is to present the Cradle Mountain Water Quarterly Reports to Owners’ Representatives for the periods 1 October 2010 to 31 December 2010 and 1 January 2011 to 31 March 2011. These reports are provided to all owner councils on an ‘In Confidence’ basis.

...

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

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and

- (b) is not to record in the minutes of the open meeting the details of the outcome unless the council or council committee determines otherwise.'

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

**198/2011 Cradle Mountain Water – Water and Sewerage Owner Representative  
(34A/2011 – 24.01.2011)**

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

*"PURPOSE*

The purpose of this report is to seek a nomination from the Council for a 'Water and Sewerage Owner Representative'.

...

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

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

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

The General Manager and Council employees left the meeting at this stage.

**199/2011 General Manager's performance review**

The Mayor reported (reproduced in part) as follows:

"The General Manager's Performance Review Committee advises the Council that the annual review of the performance of the General Manager has been completed...

...

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



## GENERAL MANAGEMENT

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

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

The General Manager and Council employees returned to the meeting at this stage.

---

## Closure

There being no further business, the Mayor declared the meeting closed at 8.21pm.

CONFIRMED THIS 18TH DAY OF JULY, 2011.

## Chairperson

(Imm:Imm)

## Appendices

- Minute No. 178/2011 – Schedule of Development & Regulatory Services Determinations
- Minute No. 179/2011 – Dulverton Regional Waste Management Authority Rules (as amended)
- Minute No. 188/2011 – Schedule of Contracts & Agreements
- Minute No. 190/2011 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 191/2011 – Financial statements
- Minute No. 194/2011 – Schedule of Engineering Services Determinations

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## QUALIFIED PERSON'S ADVICE

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

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

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

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

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton  
GENERAL MANAGER

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# Appendices

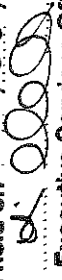
# Central Coast Council

## List of Development Applications Determined

Period From: 1 May 2011 To 31 May 2011

### CENTRAL COAST COUNCIL

I certify that this is the schedule referred to in Minute No. 178/2011 of a meeting of the Council held on 20.06.2011

  
Executive Services Officer

Application Number	Property Address	Development Application Type	Description of Proposed Use Date	Application Date	Decision Determined	Day
DA210303	12-14 Harley Court Ulverstone 7315	Permitted Development Application	Boundary adjustment between 12-14 and 13 Harley Court	29-Mar-2011	02-May-2011	31
DA210305	4 Eastland Drive Ulverstone 7315	Combined Planning Scheme Amendment & Permit	Rezone from Residential to Local Business and development of Bottleshop	31-Mar-2011	16-May-2011	43
DA210310	5 Berkshire Parade Penguin 7316	Permitted Development Application	Outbuilding	05-Apr-2011	02-May-2011	24
DA210312	Crescent Street Ulverstone 7315	Discretionary Development Application	General retail and hire and Business and professional services - Stage 1.1B of Wharf Development	07-Apr-2011	04-May-2011	24
DA210309	46 Hales St Penguin 7316	Permitted Development Application	Cluster house (2)	08-Apr-2011	03-May-2011	22
DA210324	64 Braddons Lookout Road Leith 7315	Discretionary Development Application	Two lot subdivision	15-Apr-2011	17-May-2011	29
DA210323	22 Kywong Crescent Ulverstone 7315	Permitted Development Application	Discharge of Adhesion Order	18-Apr-2011	19-May-2011	28
DA210323	24 Kywong Crescent Ulverstone 7315	Permitted Development Application	Discharge of Adhesion Order	18-Apr-2011	19-May-2011	28
DA210329	731 Kindred Road Kindred 7310	Discretionary Development Application	Shed	19-Apr-2011	12-May-2011	20
DA210328	126A South Road Penguin 7316	Discretionary Development Application	Residential shed	20-Apr-2011	20-May-2011	27
DA210333	1a Main Road Penguin 7316	Discretionary Development Application	Residential dwelling - variation to front setback	27-Apr-2011	17-May-2011	20
DA210334	1 Kilowatt Court Ulverstone 7315	Discretionary Development Application	Automotive recycling	27-Apr-2011	20-May-2011	23

Application Number	Property Address	Development Application Type	Description of Proposed Use	Application Date	Decision Determined	Day
DA210275	239 West Gawler Road Gawler 7315	Discretionary Development Application	Two lot subdivision	27-Apr-2011	17-May-2011	20
DA210335	25 Isaac Road Penguin 7316	Discretionary Development Application	Outbuilding	28-Apr-2011	27-May-2011	29
DA210325	83 Bienefelts Road Turners Beach 7315	Discretionary Development Application	Residential dwelling	28-Apr-2011	30-May-2011	32
DA210337	39 Maud Street Ulverstone 7315	Permitted Development Application	Home occupation	03-May-2011	12-May-2011	9
DA210339	14 King Edward Street Penguin 7316	Permitted Development Application	Deck	03-May-2011	05-May-2011	2
DA210332	94 William Street Forth 7310	Permitted Development Application	Residential dwelling	03-May-2011	30-May-2011	27
DA210343	730 Ironcliffe Court Penguin 7316	Permitted Development Application	Dwelling addition	04-May-2011	05-May-2011	1
DA210340	3 Spencer Place Ulverstone 7315	Permitted Development Application	Shed and dwelling addition and alteration	05-May-2011	06-May-2011	1
DA210341	14-16 Leven Street Ulverstone 7315	Permitted Development Application	Four units	06-May-2011	30-May-2011	24
DA210353	22 Ashwater Crescent Penguin 7316	Permitted Development Application	Residential dwelling extension	19-May-2011	26-May-2011	7
DA210354	11 Elliott Street Ulverstone 7315	Permitted Development Application	Residential dwelling	20-May-2011	27-May-2011	7
DA210357	73A Leven Street Ulverstone 7315	Permitted Development Application	Deck	23-May-2011	24-May-2011	1
DA210361	157 Upper Maud Street Ulverstone 7315	Permitted Development Application	Shed and carport	27-May-2011	31-May-2011	4

Building Approvals – 16

<i>Type</i>	<i>No.</i>	<i>Total Value (\$)</i>
Dwellings	4	\$1,272,470
Flats/Units	0	0
Additions	8	\$133,700
Alterations	0	0
Outbuildings	1	\$20,000
Other	4	\$490,000
The estimated cost of building works totalled		\$1,916,170

Amended Building Permit – 1

Plumbing Permits – 12

Special Plumbing Permits – 1

Public Health Risk Activity Licence – 1

Food Business registrations – 22

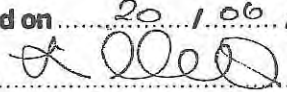
Place of Assembly licences – 5

Temporary Food Business registrations – 2

Temporary Place of Assembly licences – 1



Michael Stretton  
DIRECTOR DEVELOPMENT & REGULATORY SERVICES

<p><b>CENTRAL COAST COUNCIL</b></p> <p>I certify that this is <u>Dulverton Regional</u> <u>Waste Management Authority</u> referred to in <u>Rules (as amended)</u> <b>Minute No. 179/2011</b> of a meeting of the <b>Council held on</b> <u>20/06/2011</u>  <b>Executive Services Officer</b></p>
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## DULVERTON REGIONAL WASTE

## MANAGEMENT AUTHORITY

*(A Joint Authority under s30-39 Local Government Act of the Central Coast, Devonport,  
Kentish and Latrobe Councils for the management and disposal of waste).*

## RULES

As adopted 15<sup>th</sup> August 2005<sup>1</sup>

<sup>1</sup> Amendments to date inserted 30<sup>th</sup> November 2010



**Table of Contents**

PART 1 - PRELIMINARY .....	3
1. Title .....	3
2. Name .....	3
3. Interpretation .....	3
PART 2 - FUNCTIONS AND POWERS .....	4
4. Function .....	54
5. Powers of the Authority .....	65
6. Core Activities .....	65
PART 3 – MEMBERSHIP AND FINANCIAL CONTRIBUTIONS .....	76
7. Members and Contributions .....	76
8. Withdrawal .....	7
9. Representatives .....	87
PART 4 - MEETINGS AND POWERS OF REPRESENTATIVES .....	8
10. Convening of <b>RepsRepresentatives'</b> Meetings .....	8
11. Notice of <b>RepsRepresentatives'</b> Meeting .....	98
12. AGM .....	98
13. Representatives' Powers and Duties .....	9
PART 5 - PROCEEDINGS OF <b>REPSREPRESENTATIVES'</b> MEETINGS .....	10
15. Attendance at <b>RepsRepresentatives'</b> Meetings .....	1140
16. Quorum of Representatives .....	1140
17. Quorum Not Present .....	1140
18. Chair of <b>RepsRepresentatives'</b> Meeting .....	1244
19. Voting at <b>RepsRepresentatives'</b> Meetings .....	1244
20. Declaration of Vote at <b>RepsRepresentatives'</b> Meetings .....	1244
21. Resolution in Writing .....	12
22. Special Resolution of Representatives .....	1312
23. Validity of Proceedings of <b>RepsRepresentatives'</b> Meetings .....	1312
PART 6 - THE BOARD .....	1312
24. Appointment of Directors .....	13
25. Eligibility for Appointment as Director .....	1443
26. Suspension of Directors .....	1544
27. Dismissal of Directors .....	1544
28. Vacation of Office of Director .....	1544
29. Remuneration of Directors .....	1544
30. Travel and Other Expenses of Directors .....	1644
31. Functions and Powers of the Board .....	1645
32. The Duties of the Board and Directors .....	1645
33. Notifying Representatives of Adverse Developments .....	1645
34. Board Proceedings .....	1645
35. Board Committees .....	1745
PART 7 - CEO AND EMPLOYEES .....	1746
36. CEO .....	1746
37. Delegations of Power by the CEO .....	1746
PART 8 – FINANCE, ACCOUNTS AND AUDIT .....	1746
38. Financing of Authority's Activities .....	1746
39. Investments .....	1947
40. Borrowing .....	1947
41. Accounting Records .....	2048
42. Financial Statements .....	2048
43. Audit .....	2048
44. Annual Report .....	2048
PART 9 - DIVIDENDS AND OTHER PAYMENTS .....	2149
45. Comptroller .....	2149
46. Dividends .....	2149
47. Distribution of Other Payments .....	2149
PART 10 - MISCELLANEOUS .....	2149

48	Participating Councils' Domestic Waste Collection .....	<u>2119</u>
49.	Indemnity for Representatives, Directors and Employees .....	<u>2219</u>
50.	Minutes and Confidentiality .....	<u>2220</u>
51.	Notices .....	<u>2321</u>
52.	Common Seal and Execution of Documents .....	<u>2321</u>
53.	Amendment of Rules.....	<u>2422</u>
54.	Insolvency .....	<u>2422</u>
55.	Winding Up.....	<u>2422</u>
56.	Dispute Resolution .....	<u>2523</u>
	SCHEDULE 1 .....	<u>2523</u>
	SCHEDULE 2 .....	<u>2523</u>
2.1	The Strategic Plan .....	<u>2623</u>
2.2	The Annual Plan .....	<u>2624</u>
2.3	Budget .....	<u>2725</u>
2.4	Adoption of Strategic Plan, Annual Plan and Budget .....	<u>2725</u>
2.5	Exclusion of Processes of the Act .....	<u>2926</u>
2.6	Legal Effect of Strategic Plan, Annual Plan and Budget .....	<u>2927</u>
	SCHEDULE 3 .....	<u>2927</u>
3.1	Convening of Board Meetings .....	<u>2927</u>
3.2	Notice of Board Meetings .....	<u>2927</u>
3.3	Chairing of Board Meetings .....	<u>3027</u>
3.4	Quorum at Board Meetings .....	<u>3028</u>
3.5	Voting at Board Meetings .....	<u>3028</u>
3.6	Conduct of Meetings .....	<u>3028</u>
3.7	Resolutions Without Meetings .....	<u>3028</u>
3.8	Validity of Proceedings .....	<u>3028</u>
3.9	Confidentiality.....	<u>3129</u>
	SCHEDULE 4 .....	<u>3129</u>
4.1	Outline of Resolution Process .....	<u>3129</u>
4.2	Other Parties May Join .....	<u>3129</u>
4.3	Notice of Dispute .....	<u>3129</u>
4.4	Notice of Mediation .....	<u>3129</u>
4.5	Mediation Rules .....	<u>3129</u>
4.6	Arbitration .....	<u>3230</u>
4.7	Other Processes .....	<u>3230</u>
	SCHEDULE 5 .....	<u>3230</u>
5.1	Definitions .....	<u>3230</u>
5.2	The Board and Committee .....	<u>3230</u>
5.3	The Representatives .....	<u>3331</u>
5.4	Strategic and Operational Plans and Budgets.....	<u>3331</u>
5.5	CEO.....	<u>3331</u>
5.6	General Savings Provision .....	<u>3432</u>
5.7	Repeal.....	<u>3432</u>
5.8	Commencement Date .....	<u>3432</u>

**DULVERTON REGIONAL WASTE MANAGEMENT  
AUTHORITY RULES**

**PART 1 - PRELIMINARY**

**1. Title**

These Rules may be cited as the Dulverton Regional Waste Management Authority Rules.

**2. Name**

The name of the *Authority* is the Dulverton Regional Waste Management Authority.

**3. Interpretation**

(1) In these rules, unless the contrary intention appears:

- ~~‘Act’ means the Local Government Act 1993;~~
- ~~“*aftercare management*” is the management of the landfill site means the work that is necessary in order for the Authority to comply with clauses R1 to R5 of Environment Protection Notice No: 715844 to avoid environmental harm after the site has been closed as an active landfill and until such time as the site is deemed to pose no further potential environmental harm;~~<sup>2</sup> ~~as defined by the *Environmental Management and Pollution Control Act 1994 (EMPCA)*;~~<sup>3</sup>
- ~~‘AGM’ means an annual *repsrepresentatives*’ meeting held in accordance with rule 12;~~
- *‘Authority’* means the Dulverton Regional Waste Management Authority;
- *‘Board’* means the *Board of directors* appointed by the *representatives*;
- *‘chair’* means the chair of the *Board*;
- *‘chief representative’* means the chair of the *representatives* and where the context permits, refers to the person chairing the relevant *repsrepresentatives*’ meeting;
- *‘CEO’* means the chief executive officer of the *Authority*;<sup>4</sup>
- ~~*closure date* is the date when the landfill site is closed such that waste is no longer deposited at the site;~~
- *‘Corporations Law’* means the *Corporations Law of Tasmania*;
- *‘councillor’* means an elected member of a *participating council*;
- *‘director’* means a member of the *Board* and includes the *chair*;

<sup>2</sup> ~~RepsRepresentatives’ Mtg 4 of 2010 – as per Board’s recommendations~~

<sup>3</sup> ~~RepsRepresentatives’ Mtg 4 of 2010 – recommendation that *Aftercare Management* interpretation be expanded to define *environmental harm*~~

<sup>4</sup> Add definition to clause 3 – “*Council*” means a council established under Section 18 of the *Local Government Act 1993* – recommended by GT

- *'financial ratio'* means the proportion which the population of the municipal area of each *participating council* bears to the total population of the *Mersey-Leven Region* where such populations are as shown in the latest available "Estimated Residential Population" published by the Australian Bureau of Statistics.
  - *'general manager'* means a general manager of the *participating councils*.
  - *landfill site is all land owned by the Authority for the purpose of management and disposal of waste;*<sup>5</sup> (this requires a better definition)
  - *'Mersey-Leven Region'* means the municipal areas of the *participating councils*;
  - *'participating council'* means a council which is a member of the Authority;
  - *rehabilitation is the capping and revegetation of landfill waste cells as they are filled;*<sup>6</sup>
  - *'representative'* means a person appointed by a *participating council* to represent it on the Authority and includes a substitute appointed under rule 9(4);
  - *'representatives'* means the *representatives* acting together at a *representatives' reps' meeting*;
  - *'reps' representatives' meeting'* means a meeting of *representatives*;
  - *'Treasurer'* means the Treasurer for the State of Tasmania;<sup>7</sup>
  - *'special resolution'* means a resolution of the *representatives* complying with Rule 22;
  - *'Statute'* means an Act, Regulation or By-law whether made by the State of Tasmania or the Commonwealth of Australia or by any *participating council*;
  - *'waste'* includes:
    - (1) garbage, rubbish and refuse of any description; and
    - (2) bi-products of any industrial process; and
    - (3) any material normally disposed of at, treated in or otherwise dealt with at municipal or commercial *waste* land-fill or similar sites in Australia;
 but does not include human sewage.
- (2) These rules are to be interpreted in accordance with the Acts Interpretation Act unless the contrary intention appears.

## PART 2 - FUNCTIONS AND POWERS

<sup>5</sup> *RepsRepresentatives' Mtg 4 of 2010 – as per Board's recommendation*

<sup>6</sup> *RepsRepresentatives' Mtg 4 of 2010 – as per Board's recommendation*

<sup>7</sup> Add definition for "Site" means the area of land owned by the Authority situate at ... and used for the storage, treatment and disposal of waste – recommended by GT

#### 4. Function

- (1) The principal function of the *Authority* is to manage *waste*.
- (2) The principal function includes:
  - (a) collecting, purchasing and otherwise acquiring *waste* (whether or not the *waste* is generated within the *Mersey-Leven Region*; and
  - (b) storing (whether temporarily or permanently), treating and disposing of *waste*; and
  - (c) reconstituting, refurbishing, recycling, cleansing and otherwise treating *waste* and any product or by-product of *waste* or of any of those processes; and
  - (d) trading or dealing in any product or by-product of any of the activities referred to in any of the preceding subclauses; and
  - (e) anything which any *participating council* may do under any *Statute* with respect to any function expressly set out in these rules; and
  - (f) anything which the *Authority* may in its own right do under any *Statute* with respect to any function expressly set out in these rules; and
  - (g) formulating, implementing and monitoring policies and programs for reducing, managing or recycling *waste*, whether for itself, its *participating councils* or any other council; and
  - (h) undertaking within the *Mersey-Leven Region* any function, power, duty or requirement (however expressed) of any *waste* management policy or guideline (however named) issued in any way by any State or Federal body with respect to *waste* reduction, management or recycling.
- (3) The *Authority* may formulate, implement and monitor policies and programs for the development and use of land owned by it for purposes compatible with a licensed *waste* disposal land-fill, including for industrial uses of a heavy industrial or regional nature (whether or not the region so considered is limited to the *Mersey-Leven Region*).
- (4) The *Authority* may do anything reasonably incidental to the performance of its functions including, as incidental activities, undertaking projects or activities for the purpose of raising revenue even if they are not directly authorised by its other functions.
- (5) Whether or not the *Authority* exercises a function a *participating council* may exercise that function itself or obtain the benefit of that from any other source.
- (6) If, for any reason, the functions described in any part of this rule 4 exceed the functions that the *Authority* can legally perform, those functions are to be read down so as to be those that the *Authority* can legally perform, but no further.

## 5. Powers of the Authority

- (1) In performing its functions, the *Authority* may do anything:
  - (a) which the *Act* authorises a joint authority to do; and
  - (b) which the *Act* authorises a council to do with respect to the functions of a council, (including the making of by-laws in accordance with Part 11 of the *Act*) excepting those things which the *Act* stipulates are not provided for in the rules of a joint authority; and
  - (c) which a *participating council* is empowered to do under any *Statute* with respect to the functions in rule 4 which a *participating council* could otherwise perform; and
  - (d) which the *Authority* is otherwise empowered to do either specifically or generally under any *Statute*.
- (2) Without the prior approval of a majority of the *participating councils* the *Authority* must not:
  - (a) acquire any land which it did not own as at the 1<sup>st</sup> January 2005; or
  - (b) use any land for the purposes of a licensed *waste* disposal land-fill that is not owned by it as at the 1<sup>st</sup> January 2005.

## 6. Core Activities

- (1) The provisions of rules 4 and 5 are enabling provisions. Nothing in those rules requires the *Authority* to undertake or perform any of those functions or powers.
- (2) The core activities of the *Authority* are the management of *waste* which is:
  - (a) generated within the *Mersey-Leven Region*; and
  - (b) solid inert material, putrescible waste, fill material and low level contaminated soil (as all those terms are defined or explained in "Landfill Sustainability Guide 2004" published by the Environmental Division of the Department of Primary Industries Water & Environment in September 2004).
- (3) Until determined to the contrary under rule 6(4) the *Board* may only perform the functions and exercise the powers of the *Authority* with respect to:
  - (a) the core activities of the *Authority*; and
  - (b) *waste* that the Board of the Authority has agreed to accept and continue to accept prior to the commencement date defined in Schedule 5 that is not *waste* that comes within the core activities.
- (4) The Board may perform such functions and exercise such powers of the *Authority* that are not core activities if:
  - (a) the *representatives* authorise that specifically or generally by special resolution; or
  - (b) the strategic plan or annual plan clearly includes it.
- (5) Any act, transaction, agreement or resolution of the *Board* or any other thing which is within the *Authority's* functions or powers under rules 4 and 5 is not rendered invalid because it is outside the functions or powers of the *Board* specified by or in accordance with rule 6(2) to 6(4).

**PART 3 – MEMBERSHIP AND FINANCIAL CONTRIBUTIONS****7. Members and Contributions**

- (1) The members of the *Authority* are the *participating councils*.
- (2) *Participating councils* are:
  - (a) those councils listed in Schedule 1; and
  - (b) any council which becomes a member under subrule (3); which have not withdrawn from membership.
- (3) Another council may become a member and a *participating council* if:
  - (a) it resolves to do so and to be bound by these rules; and
  - (b) a majority of the *participating councils* approve its membership; and
  - (c) that council and a majority of *participating councils* agree the terms and conditions on which it will become a member, including:
    - (i) the number of *representatives* it may appoint under rule 9; and
    - (ii) the *financial ratio* for that council and each of the *participating councils*.
- (4) The *participating councils* are only required to make financial contributions to the *Authority*:
  - (a) when agreed by the majority of *participating councils* and in the proportions so agreed; or
  - (b) as required under rules 38, 54 or 55.

**8. Withdrawal**

- (1) Subject to any requirements of the *Act*, a *participating council* may only withdraw from membership of the *Authority* if it gives notice to the *CEO* of its intention to withdraw at least 3 months prior to the commencement of the financial year at the end of which it wishes to withdraw.
- (2) If a *participating council* has given notice under subrule (1), it may cancel that notice by further notice to the *CEO* at any time before its withdrawal becomes effective.
- (3) A withdrawal from membership becomes effective on the expiration of a notice given under subrule (1).
- (4) A council which has withdrawn from the *Authority*:
  - (a) remains liable to pay all amounts due by it to the *Authority*; and
  - (b) remains bound by rules 54(5) and (6) and 55(5).

- (c) is not entitled to any payment with respect to any interest it may have in the *Authority's* assets.
- (5) All property and assets owned or controlled by the *Authority* including those located within the municipal area of a council which has withdrawn from the *Authority* remain the property of or under control of the *Authority* unless they are purchased from or otherwise transferred by the *Authority* to that council.

#### 9. Representatives

- (1) Each *participating council* is to appoint 2 persons to represent and vote on its behalf as a *participating council*.
- (2) A *representative* may resign from that office by notice given to the *general manager* of the relevant *participating council*.
- (3) A *participating council* may terminate an appointment and appoint a replacement *representative*.
- (4) The *general manager* may appoint a substitute *representative* to act in place of the *representative* whenever that *representative* is unable to act as a *representative*.
- (5) An appointment, resignation, substitution or replacement of a *representative* is not effective until the *CEO* is notified in writing.
- (6) Only a *representative* appointed under this rule is authorised to represent a *participating council* and vote at a ~~representatives~~ *representatives* meeting.
- (7) The administrator under section 230 or 231 of the *Act* of a *participating council* may:
- (a) personally fulfil the role and exercise the powers and functions of the *representatives* of that council and for that purpose is to be counted as 2 *representatives* in the quorum and voting; or
- (b) appoint 2 persons as *representatives*, one of whom may be the administrator.

### PART 4 - MEETINGS AND POWERS OF REPRESENTATIVES

#### 10. Convening of ~~Reps~~ *Representatives* Meetings

- (1) The *Authority* may hold such ~~reps~~ *representatives* meetings as are desirable to carry out its functions.



- (2) The CEO is to convene a *representatives' meeting* at the request of the chief representative, the Board or 2 or more representatives.

11. Notice of **Representatives' Meeting**

- (1) The CEO is to give to the:
- (a) *representatives*; and
  - (b) *general managers*; and
  - (c) *directors* ;
- at least:
- (d) 14 days notice in writing of the AGM or of a *representatives' meeting* which includes a matter which requires a *special resolution*; and
  - (e) at least 4 days notice in writing of any other *representatives' meeting*.
- (2) The notice is to specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting.
- (3) Even if no notice is given under subrule (1)(b) and (c) the *representatives* may by resolution passed or signed by all of them waive the requirement for notice of a *representatives' meeting* other than an AGM.

12. AGM

- (1) An AGM must be held in every year before the end of November.
- (2) The AGM is to:
  - (a) receive and consider the accounts and reports of the *Board*; and
  - (b) elect the *chief representative* and deputy *chief representative*.
- (3) The AGM may transact any other business specified in the notice of the meeting.
- (4) *Councillors* and the employees of a *participating council* and *directors* and employees of the *Authority* may attend any AGM but are not entitled to vote.
- (5) The *chief representative* is to provide a "question time" during which persons entitled to be present may ask questions of the *representatives*, the *Board* or the *CEO*.

13. Representatives' Powers and Duties

The *representatives* have powers and duties:

- (a) with respect to the matters which require a *special resolution*; and

- (b) to review the performance of the *Board* and the individual *directors* at least once in each 3 years; and
- (c) in accordance with Part 6 of these Rules with respect to:
  - (i) the appointment of *directors*; and
  - (ii) the setting of terms of office of *directors*; and
  - (iii) the setting of remuneration of *directors*; and
  - (iv) the suspension and dismissal of *directors*; and
- (d) to approve the *Authority's* strategic plan, annual plan and budget under Schedule 2; and
- (e) to appoint the auditor and with respect to all matters reasonably incidental to that appointment; and
- (f) to set their requirements for reporting to them by the *Board*.
- ~~(f)~~(g) The representatives may consider the admission of other Councils as members of the Authority and hold discussions with such other Councils concerning such membership and make a recommendation to the Participating Councils as to another Council or Councils becoming a member of the Authority.<sup>8</sup>

#### 14. Policies and Guidelines

- (1) The *representatives* may by special resolution establish any policy for any process or other matter with respect to their exercise of any of their powers and duties listed in rule 13.
- (2) In establishing any policy the *representatives* must obtain the advice of the *CEO* and, where the *CEO* certifies that it is required, the advice of an appropriately qualified person who is not an employee of the *Authority*.
- (3) The *representatives* may revoke or amend any policy in the same manner and required by subrules (1) and (2).
- (4) The *representatives* may establish, revoke or amend any guidelines for any process or other matter to be considered by them.
- (5) In establishing any guideline the *representatives* may obtain the advice of the *CEO* or any other appropriately qualified person.
- (6) The *representatives* are to comply with any policy or guideline but their failure to do so will not invalidate any decision.

### PART 5 - PROCEEDINGS OF REPSREPRESENTATIVES' MEETINGS

<sup>8</sup> Confirmed Minutes – ReprsRepresentatives' Mte 3 of 2010

**15. Attendance at ~~Reps~~Representatives' Meetings**

- (1) The *representatives* may require any of the *directors* and the *chief executive officer* to attend any ~~reps~~*representatives'* meeting and provide information.
- (2) A ~~reps~~*representatives'* meeting is not open to the public.
- (3) The *chief representative* may invite any other person to attend a ~~reps~~*representatives'* meeting.
- (4) Any person who attends a ~~reps~~*representatives'* meeting who is not:
  - (a) a *representative*; or
  - (b) a *director* or the *CEO* required to attend under subrule (1);
 may not speak unless authorised by the *chief representative* to do so.
- (5) The *chief representative* may direct any person attending a ~~reps~~*representatives'* meeting who is not a *representative* to leave the meeting or any part of the meeting.
- (6) A *representative* may participate in a ~~reps~~*representatives'* meeting by telephone, television or video conference or any other means of communication approved by the *representatives*.
- (7) A *representative* who participates in a way referred to in subrule (5) is taken to be present at the meeting for all purposes, including the quorum.

**16. Quorum of Representatives**

- (1) The quorum at a ~~reps~~*representatives'* meeting is:
  - (a) a half of the number of the *representatives* who may be appointed under rule 9(1); and
  - (b) a majority of *participating councils* represented by at least one *representative* on their behalf.
- (2) A ~~reps~~*representatives'* meeting may only transact business if a quorum is present while that business is being considered.

**17. Quorum Not Present**

- (1) If a ~~reps~~*representatives'* meeting lacks a quorum, either at the beginning or during a meeting, the *chief representative* must adjourn the meeting.
- (2) The *chief representative* may:
  - (a) resume the meeting that day when a quorum is present; or
  - (b) adjourn the meeting until a date, time and place acceptable to a majority of the *representatives* present.
- (3) Only business left unfinished at the adjourned meeting may be transacted at the rescheduled meeting.

- (4) If at the rescheduled meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be abandoned.

**18. Chair of RepsRepresentatives Meeting**

- (1) The *chief representative* is entitled to chair every repsrepresentatives meeting.
- (2) The deputy *chief representative* may chair any repsrepresentatives meeting or part of it if:
- (a) the *chief representative* is not present at the specified time for holding the meeting; or
- (b) the *chief representative* is present but is unwilling to chair the meeting or part of the meeting.
- (3) If both the *chief representative* and deputy *chief representative* are absent or unwilling to chair a repsrepresentatives meeting or part of a meeting, the *representatives* are to choose a *representative* to chair the repsrepresentatives meeting or that part of it.
- (4) The *chief representative* and deputy *chief representative* hold office until the end of the next annual AGM after their appointment unless the *representatives* by *special resolution* terminate either or both appointments.

**19. Voting at RepsRepresentatives Meetings**

- (1) Each *representative* is entitled to one vote at a repsrepresentatives meeting.
- (2) The *chief representative* has a deliberative vote only.
- (3) Unless otherwise specified in these rules, a question arising at a repsrepresentatives meeting is determined by a majority of the *representatives* present whether or not they vote.
- (4) If a vote is tied, the resolution is lost.
- (5) A vote is to be taken in the manner the *chief representative* directs.

**20. Declaration of Vote at RepsRepresentatives Meetings**

Unless a division is demanded the *chief representative* may declare that a resolution of *representatives* has been passed or lost.

**21. Resolution in Writing**

- (1) A resolution in writing signed by all *representatives* is as valid as if it had been passed at a repsrepresentatives meeting duly called and constituted.

- (2) The resolution may consist of several documents in the same form, each signed by one or more *representatives* or bearing a copy of those signatures transmitted by facsimile transmission.

## 22. Special Resolution of Representatives

- (1) A *special resolution* is passed if:
- (a) notice of the matter has been given in accordance with rule 11 at least 14 days before the ~~reps~~*representatives'* meeting; or
  - (b) it is passed by a majority of the *representatives* (whether or not they are all present and vote) which majority of *representatives* between them represent a majority of the *participating councils* (whether or not all the *participating councils* are represented at that ~~reps~~*representatives'* meeting by a *representative* who is present).
- (2) A *special resolution* is required for the:
- (a) appointment of the *chair* and other *directors* (rule 24(2)); or
  - (b) termination, suspension or other changes to the terms of appointment of a *director* prior to the end of their term of appointment (rules 26 & 27); or
  - (c) approval of the *Authority's* strategic plan, annual plan or budget when there is a dispute with the *Board* (Schedule 2 Clause 2.4); or
  - (d) appointment of a person to wind up the *Authority* (rule 54); or
  - (e) termination of office of *chief representative* or deputy *chief representative* (rule 18(4)); or
  - (f) deletion or variation of the requirements of the annual report (rule 44(3)); or
  - (g) any other rule which requires a *special resolution*.

## 23. Validity of Proceedings of ~~Reps~~*Representatives'* Meetings

An act or proceeding of the *representatives* or of any person acting under their direction is:

- (a) not invalid only by reason that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in a position as a *representative*; and
- (b) valid, even if the appointment of a *representative* was defective.

## PART 6 - THE BOARD

### 24. Appointment of Directors

- (1) The *Board* consists of at least 3 and no more than 7 *directors*, one of whom is the *chair*.
- (2) The *representatives* are by *special resolution* to appoint the *chair* and other *directors* of the *Board*.

- (3) When appointing the *chair* and other *directors*, the *representatives* are to:
- (a) take into account the functions and powers of the *Board* and appoint persons who collectively have the skills and experience to carry out those functions and powers; and
  - (b) specify in the terms of each appointment a term of office no longer than five years, which term may be different for any *director*; and
  - (c) consider the desirability of establishing arrangements for the retirement of no more than half the *Board* at a time so as to preserve continuity of corporate knowledge and skills at *Board* level; and
  - (d) specify the continuing eligibility (if any) on which the *directors'* term of office is a condition so that the *directors'* term of office will automatically cease if the director ceases to comply with that continuing eligibility.
  - ~~(e)~~ determine the size of the *Board* within the limits required by subrule (1).
  - ~~(e)(f)~~ take into account whether any potential appointee is an employee, member or director of an entity whose interests may compete with those of the Authority, take into account the likely conflict or perceived conflict of interests arising from employment or association with other organisations.<sup>9</sup>
- (4) A *director* whose term has just expired is eligible for appointment for another term.

## 25. Eligibility for Appointment as Director

- (1) A person must not be both a *representative* and a *director*. A *representative* appointed as a *director* must resign their appointment as a *representative* before accepting appointment as a *director*.
- (2) The *representatives* are not to appoint to the *Board* a person who:
- (a) is a *councillor* or employee of a *participating council*; or
  - (b) under the *Corporations Law* of any State is not entitled to manage a corporation or has been disqualified by Court order from managing a corporation; or
  - (c) is suspending payment generally to creditors or compounding with or assigning his or her estate for the benefit of the creditors; or
  - (d) is of unsound mind or is a patient under a law relating to mental health or whose estate is administered under laws relating to mental health; or
  - (e) has been dismissed from office under rule 27.

<sup>9</sup> ~~Confirmed Minutes - ReprsRepresentatives - Mtg 3 of 2010~~

**26. Suspension of Directors**

- (1) The *representatives* may by *special resolution* suspend a *director* from office for a period of no more than 3 months.
- (2) If the *representatives* suspend the *chair*, they may suspend him or her from that office only, or as a *director* as well.

**27. Dismissal of Directors<sup>10</sup>**

- (1)
  - (a) The *representatives* may by *special resolution* dismiss a *director* from office if the *representatives* consider it in the best interests of the *Authority* or the *participating councils* to do so.
  - (b) If the *representatives* dismiss the *chair*, they may dismiss him or her from that office only, or as a *director* as well.
- (2) Before dismissing a *director* the *representatives* must:
  - (a) give reasonable written notice to that *director* of the full reasons why they may consider it may be in the best interests of the *Authority* or the *participating councils* to dismiss that *director*; and
  - (b) give that *director* a reasonable opportunity to address a meeting of the *representatives* and to provide to that meeting any information relevant to the issues referred to in that notice.

**28. Vacation of Office of Director**

The office of a *director* becomes vacant:

- (a) if the *director* has been absent from 3 consecutive *Board* meetings without leave of absence granted by the *Board* and the *representatives* by ordinary resolution declare that *director's* office vacant; or
- (b) if the *director* is no longer eligible under Rule 25 to be appointed to the *Board* or ceases to be eligible under Rule 24(3)(d); or
- (c) on the written resignation of the *director* being received by the *CEO*; or
- (d) if the *director* is dismissed under rule 27; or
- (e) on the *director's* death.

**29. Remuneration of Directors**

- (1) The *directors* are to be paid the remuneration the *representatives* determine.
- (2) That remuneration may be different for different *directors* and may include incentives based on performance.

<sup>10</sup> Deletion of Clause 27(2) and insertion of new clauses recommended by GT

**30. Travel and Other Expenses of Directors**

A *director* is to be paid all reasonable travel, accommodation and other expenses incurred by the *director* while engaged on the business of the *Authority*.

**31. Functions and Powers of the Board**

Subject to rule 6(1) the *Board* may perform all the functions and exercise all of the powers of the *Authority* except those functions and powers which these rules provide may be or are to be performed by the *representatives* or the *participating councils*.

**32. The Duties of the Board and Directors**

- (1) The *Board* is to direct the affairs of the *Authority* in a manner consistent with:
  - (a) the *Authority's* strategic plan, annual plan and budget; and
  - (b) the requirements of the corporatisation model for government business enterprises referred to in the Competition Principles Agreement made between the Commonwealth, the States and the Territories.
- (2) Clause 2.6 of Schedule 2 applies as if it refers to subrule (1).
- (3) Except as otherwise provided in these rules or the *Act*, in the exercise of their functions and powers:
  - (a) each *director* has the same duties and is to exercise the same degree of care, diligence and good faith as a director of a corporation subject to the *Corporations Law*; and
  - (b) the *director* must not do anything which the *Corporations Law* provides that a director of a corporation subject to that law must not do.
- (4) *Directors* may rely on information and advice in the same manner as a director of a corporation subject to the *Corporations Law*.

**33. Notifying Representatives of Adverse Developments**

The *Board* is to promptly notify the *representatives* of anything which may:

- (a) prevent or significantly adversely affect the achievement of any objective (however called) set out in the strategic plan or annual plan; or
- (b) significantly adversely affect the financial viability or operating ability of the *Authority* and which is not referred to or allowed for in the strategic plan, annual plan or budget.

**34. Board Proceedings**

Schedule 3 applies to meetings of the *Board*.



**35. Board Committees**

- (1) The *Board* may establish committees as it considers appropriate and delegate to those committees the functions and powers the *Board* considers appropriate.
- (2) A committee may be comprised entirely of persons who are not *directors*.
- (3) If the *Board* does not direct the manner in which a committee conducts its business, the committee may determine that method.

**PART 7 - CEO AND EMPLOYEES****36. CEO**

- (1) The *Board* is to appoint a *CEO* to be responsible for the administration and operation of the *Authority*.
- (2) The *Board* may delegate any of the *Board's* functions and powers to the *CEO*.
- (3) The *Board* may require the *CEO* to:
  - (a) attend meetings of the *Board*; or
  - (b) leave any part of a *Board* meeting.

**37. Delegations of Power by the CEO**

Subject to any direction to the contrary by the *Board*, the *CEO* may delegate any of the *CEO's* functions and powers to any person appointed by the *CEO* to assist the *Board* in performing its functions and exercising its powers.

**PART 8 – FINANCE, ACCOUNTS AND AUDIT****38. Financing of Authority's Activities**

- (1) The expenses incurred by the *Authority* are to be met or defrayed out of the *Authority's* funds raised as follows:
  - (a) fees charged by the *Authority* for any service or facility provided by the *Authority*, including those fees charged to the *participating councils*; and
  - (b) revenue of any other nature received by the *Authority*; and
  - (c) loans made by the *participating councils* to the *Authority* with the prior written consent of all the *participating councils* which loans must be contributed by the *participating councils* in proportion to the *financial ratios*; and

- (d) the financial contributions as the *participating councils* from time to time unanimously agree to contribute in proportion to the *financial ratios*; and
  - (e) any other method of raising funds that is permitted to councils under section 73(b) to (i) of the Act.
- (2) Unless the *Authority* notifies the *participating councils* to the contrary, each *participating council* must within 30 days of receiving the same, pay to the *Authority* by way of capital contribution, an amount equal to:
- (a) any dividend paid by the *Authority* to the *participating council*; and
  - (b) the net amount of any income tax equivalent or guarantee fee paid to the *participating council* by the *Treasurer* or comptroller in accordance with section 39C of the Act.

~~(3) The Board is to make full reasonable allowance for the future long term environmental management, remediation and maintenance of each waste cell after its active life is finished and include in the Authority's budget sufficient provision by way of reserves for that expense. The Board is to make full reasonable provision for the continual rehabilitation of each waste cell as filled and the future long term aftercare management of the landfill site once it ceases to be an active landfill required each year to set aside an amount of money that it deems to be appropriate to make proper provision for the ongoing rehabilitation of each waste cell and for the aftercare management of the landfill site after its closure date .<sup>11</sup>~~

~~(a) The Board is to fund periodic rehabilitation by way of provisioning and borrowing as part of its normal cash flow management of the landfill site;~~

~~(b) Each year the Board must determine an amount that it reasonably believes is necessary for the long term aftercare management of the site;~~

~~(c) The amount determined in Clause 38.3(b) is to be paid into a reserve fund called the "Aftercare Fund" and thereafter used only for the long term aftercare management of the landfill site;~~

~~(d) The Board is to determine the closure date at least two (2) years prior to the landfill site ceasing to be an active landfill;<sup>12</sup>~~

~~(d) The Board is to determine the closure date at least two (2) years prior to the landfill site ceasing to be an active landfill and upon doing so, develop a closure plan to the satisfaction of the Representatives for the discharge of funds from the "Aftercare Fund";<sup>13</sup>~~

<sup>11</sup> Reps Representatives' Mtg 4 of 2010 – Clause 38.3 modified as per Board's recommendations

<sup>12</sup> Reps Representatives' Mtg 4 of 2010 – Clause 38.3(a) – (d) added as per Board's recommendations

<sup>13</sup> Reps Representatives' Mtg 4 of 2010 – Clause 38.3(d) – recommendation to include requirement for Reps Representatives' to endorse closure plan

~~(e) The *Board Authority* may borrow against the “Aftercare Fund”, at the then Tascorp borrowing rate, for landfill capital projects provided that:~~

~~(i) The *Authority* is solvent;~~

~~(ii) ~~Any~~ The total borrowings ~~in total~~ are less than 50% of the accumulated “Aftercare Fund”;~~

~~(iii) All borrowings are repaid not later than two (2) years before the planned *closure date* including all accumulated interest.<sup>14</sup>~~

~~(iv) Interest is paid on all money borrowed at the Tascorp Borrowing Rate;~~

~~(3)~~

- (4) If the *Board* determines that the *Authority’s* budget will not otherwise be sufficient to ensure proper and sufficient reserves as required by subclause (3), it is to give written notice to all *participating councils* requiring them to pay to the *Authority* the amount so required in proportion to their *financial ratio*.
- (5) The *participating councils* must promptly pay to the *Authority* any amount required under subclause (4).
- (6) The *Authority* is to place all amounts it receives under sub-clauses (2) and (5) in to a reserve for the environmental management, remediation and maintenance of *waste* cells after their active life has finished.

### 39. Investments

The *Authority* may only invest money:

- (a) in a manner in which a trustee is authorised by law to invest trust funds;  
or
- (b) in any other investment which the *Treasurer* approves.

### 40. Borrowing

- (1) The *Board*, for the purpose of raising a loan or obtaining any form of financial accommodation, may decide to provide any of the following forms of security:
- (a) debentures;
- (b) bills of sale, mortgages or other charges;
- (c) inscribed stock;
- (d) guarantees;
- (e) any other document evidencing indebtedness other than bearer instruments.

<sup>14</sup> Board Meeting 7 of 2010 – amended Clause 38.3(e) added

- (2) The *Authority* may not raise a loan in any financial year exceeding any amount the *Treasurer* determines for that financial year.
- (3) In this rule, 'loan' includes any financing arrangement as determined by the *Treasurer*.

#### 41. Accounting Records

The *Authority* is to keep accounting records that correctly record and explain its transactions and financial position and keep those records in a manner that:

- (a) allows true and fair accounts of the *Authority* to be prepared from time to time; and
- (b) allows the accounts of the *Authority* to be conveniently and properly audited or reviewed; and
- (c) complies with Australian Accounting Standards as defined in section 84(4) of the *Act*.

#### 42. Financial Statements

Within 90 days after the end of the financial year the *Board* is to prepare the financial statements of the *Authority* relating to that financial year including:

- (a) a statement of financial performance for the financial year; and
- (b) a statement of financial position as at the end of the financial year; and
- (c) a statement of cash flows for the financial year; and
- (d) statements, reports and notes attached to or intended to be read with the financial statements.

#### 43. Audit

- (1) The accounts and financial reports of the *Authority* are subject to the Financial Management and Audit Act 1990.
- (2) The accounts and financial reports of the *Authority* may be audited by private auditors with the approval of, and subject to any terms and conditions determined by, the Auditor-General.
- (3) The *representatives* are to appoint and review the appointment of the auditor.
- (4) The auditor is to report to the *representatives* and the *Board*.

#### 44. Annual Report

- (1) Before the end of October in each year the *Board* is to prepare an annual report for the last financial year.
- (2) The annual report is to include the following information and documents:
  - (a) the current statement of the contents of the strategic plan referred to in Schedule 2 clause 2.1(4) and the achieved outcomes; and

- (b) the financial statements of the *Authority* for the financial year to which the annual report relates; and
  - (c) a copy of the opinion of the auditor in respect of the financial statements; and
  - (d) reports of the *chief representative* and the *chair*; and
  - (f) performance targets achieved; and
  - (g) any other matter required by the *Act*; and
  - (h) any other matter as directed by the *representatives*.
- (3) The *representatives* may by *special resolution* delete all or any part of the requirements of subrule (2)(a) and (e), unless that is contrary to the *Act*.

#### PART 9 - DIVIDENDS AND OTHER PAYMENTS

##### 45. Comptroller

If the *Authority* is required to pay guarantee fees under section 39D of the *Act*, then under section 39E of the *Act* the *participating councils* must appoint a comptroller for the purposes of that section.

##### 46. Dividends

- (1) The *Board* may declare a dividend in each financial year with respect to the results of the financial transactions of the *Authority* during the prior financial year.
- (2) Dividends may only be paid out of the profits after providing for the reserves required by rule 38(3), depreciation and after payment of financial guarantees and tax equivalents.
- (3) The *participating councils* are to share in the distribution of declared dividends in proportion to their *financial ratios*.

##### 47. Distribution of Other Payments

To the extent that these rules can so provide, the *Treasurer* and a comptroller are to distribute payments made to the Treasury and comptroller under Part 3A of the *Act* in proportion to the *financial ratio* of each *participating council*.

#### PART 10 - MISCELLANEOUS

##### 48 Participating Councils' Domestic Waste Collection

Each of the *participating councils* is to use its reasonable endeavours to conduct, or cause to be conducted, the collection of domestic *waste* from its municipal area in a manner that renders the operation of the *Authority's* licensed *waste* disposal landfill as cost effective as practicable.

**49. Indemnity for Representatives, Directors and Employees**

- (1) The *Authority* may indemnify a person who is, or has been, a *representative, director* or an employee against any liability incurred to a person other than the *Authority* by that person in his or her capacity as a *representative, director* or an employee.
- (2) Subrule (1) does not apply if the liability arises out of conduct on the part of the *representative, director* or employee which involves a lack of good faith or wilful breach of duty in relation to the *Authority*.
- (3) The *Authority* may pay a premium on a contract insuring a person to whom subrule (1) applies against any liability to which subrule (1) applies.

**50. Minutes and Confidentiality**

- (1) The *Board* and the *representatives* are to ensure that minutes of their respective meetings and of any committees are duly recorded in any manner they respectively think fit.
- (2) The minutes are to include the names of the:
  - (a) *representatives* present at ~~representatives'~~ meetings; and
  - (b) *directors* present at each *Board* meeting; and
  - (c) persons present at any committee meeting.
- (3) The minutes are to include a record of the resolutions and proceedings of:
  - (a) ~~representatives'~~ meetings; and
  - (b) meetings of the *Board*; and
  - (c) meetings of any committee.
- (4) The minutes of any meeting, if purported to be signed by the *chair* of the meeting or by the *chair* of the next succeeding meeting of the *representatives, the Board* or the committee (as the case may be), are evidence of the matters stated in the minutes.
- (5) The *CEO* is to ensure that within 14 days of each meeting copies of the minutes of the meeting (even if they are not yet confirmed) are forwarded as follows:
  - (a) of *Board* meetings to each:
    - (i) *director*; and
    - (ii) *representative*.
  - (b) of ~~representatives'~~ meetings to each:
    - (i) *representative*; and
    - (ii) *director*; and
    - (iii) *general manager*.
  - (c) of committee meetings, to each:
    - (i) *director*; and
    - (ii) member of that committee.

- (6) *Representatives, directors, CEO, general managers and councillors* are to ensure that the minutes (whether confirmed or unconfirmed) of all *Board* and committee meetings are kept confidential unless the *chair* gives written approval to the contrary.
- (7) (a) Minutes of ~~reps~~*representatives*' meetings are not confidential unless the *representatives* determine to the contrary, either generally or specifically with respect to all or any part of those minutes.
- (b) If any part of the minutes of a ~~reps~~*representatives*' meeting are specified to be confidential, the *general managers* may only publish those confidential sections of the minutes in the confidential papers of the council.
- (c) Except as provided in subrule (b), all persons who receive confidential minutes of any part of a ~~reps~~*representatives*' meeting are to keep those minutes confidential.
- (d) *Representatives* are to keep confidential all information given, and discussions made during, that part of a ~~reps~~*representatives*' meeting for which the minutes are specified to be confidential.

#### 51. Notices

- (1) A notice required to be given to a *participating council* is to be given to both its *general manager* and its *representatives*.
- (2) A document is effectively given to an individual under these rules if it is:
- (a) given to the person; or
- (b) left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
- (c) sent by way of electronic mail or facsimile transmission to the person's electronic mail address or facsimile number last known to the giver of the document.
- (3) A document is effectively given to a *participating council* under these rules if it is marked to the attention of its *general manager* and:
- (a) left at, or sent by post to, its principal office; or
- (b) sent by way of electronic mail or facsimile transmission to its electronic mail address or facsimile number of its principal office.

#### 52. Common Seal and Execution of Documents

- (1) The common seal of the *Authority* is to be kept and used as authorised by the *Board*.
- (2) The common seal to any document is to be attested by:
- (a) the *chair* and the *CEO*; or
- (b) any two *directors*.

- (3) The *Board* may determine the method of the signing or execution of any document on behalf of the *Authority* which does not require the affixing of the common seal.

**53. Amendment of Rules**

These Rules may only be amended in accordance with the *Act*.

**54. Insolvency**

- (1) If the *Board* considers it is likely that the *Authority* will be unable to meet its financial obligations as and when they fall due, it may levy the *participating councils* for contributions to meet those obligations.
- (2) The contributions payable are to be calculated according to the *financial ratios*.
- (3) The *participating councils* must pay the amount so levied within 60 days of receiving written notice from the *Board* of that levy, whether or not they have given notice of withdrawal under rule 8(1) before or after the *Board* makes the levy.
- (4) Any such levies are to be repaid to the *participating councils* from subsequent surpluses prior to any dividends being declared.
- (5) If:
- (a) the *Board* resolves to make a levy under subrule (1); and
  - (b) a council has withdrawn from the *Authority* under rule 8(1) within 2 years prior to the *Board* making that resolution; and
  - (c) in the *representatives'* opinion at least a major cause of the *Authority's* inability to meet its financial obligations occurred while that council was a member of the *Authority*;
- then the *Board* may levy that council as if it were a *participating council* and subrule (3) binds that council.
- (6) If the *Board* makes a levy under subrule (5), the proportions under subrule (2) are to be calculated as if the council that has withdrawn is a *participating council* and in accordance with the *financial ratios* that applied immediately before it withdrew from the *Authority*.

**55. Winding Up**

- (1) The *Authority* may only be wound up under section 37 of the *Act*.
- (2) On the winding up of the *Authority* its net assets are to be distributed between the *participating councils* in proportion to their *financial ratio*.
- (3) The *participating councils* may unanimously approve a different formula for distribution for the purposes of subrule (3).
- (4) If on its winding up the *Authority* is insolvent then the *participating councils* are responsible for the net liabilities of the *Authority* in proportion to their *financial ratios*.



- (5) If subrule (4) applies and any former *participating council* withdrew within 2 years before the decision was made to wind up or at any time after the decision to wind up, then the *participating councils* including that former *participating council* are responsible for the net liabilities of the *Authority* in proportion to the *financial ratios* that applied immediately before the withdrawal of that former *participating council*.

**56. Dispute Resolution**

- (1) The provisions of Schedule 4 apply to any dispute as to any issue the subject of these rules or arising from their interpretation between;
- (a) any or all of the *participating councils*; and
  - (b) any or all of the *participating councils* and the *representatives* or the *Board*; and
  - (c) the *representatives* and the *Board* (other than one to which Schedule 2 clause 2.4 applies; and
  - (d) any council that has withdrawn and the *Authority*, the *Board* or the *representatives*.
- (2) Schedule 4 does not apply to any dispute with a *participating council* where that dispute relates to that council as a customer of the *Authority*.

**57 Transitional Provision**

Schedule 5 applies to the matters set out in it including transitional issues created by the repeal of the prior rules of the *Authority* and their replacement by these rules.

## SCHEDULE 1

### PARTICIPATING COUNCILS

Central Coast Council  
Devonport City Council  
Kentish Council  
Latrobe Council

## SCHEDULE 2

### STRATEGIC & ANNUAL PLANS & BUDGETS

---

*Levis Stace & Cooper*

Terms printed in italics are defined in clause 3(1)

## 2.1 The Strategic Plan

- (1) The *Board* is to ensure that the *Authority* has a strategic plan for the next 3 to 5 years the contents of which and the approval of which complies with the provisions of this Schedule.
- (2) The strategic plan is to contain such information as the *Act* requires for the strategic plans of councils as is relevant to the *Authority's* functions.
- (3) Subject to subrule (2) the content of the strategic plan is to be consistent with the requirements of the corporatisation model for government business enterprises referred to in the Competition Principles Agreement made between the Commonwealth, the States and the Territories.
- (4) The strategic plan is to specify the broad policy expectations of the *participating councils* for the *Authority* and the means by which the performance of the business activities of the *Authority* are to be measured.
- (5) The strategic plan is to cover such matters as the representatives determine.
- (6) Until the *representatives* determine by *special resolution* to the contrary the strategic plan is to cover the following:
  - a) the objectives of the *Authority's* activities; and
  - b) the identification of and objectives of any community service activities of the *Authority*; and
  - c) the pricing policy for services supplied by the *Authority*; and
  - d) broad policy statements such as:
    - (i) compliance with environmentally sound and sustainable principles; and
    - (ii) regard to the obligations of the *Authority* and the *participating councils* in relation to national competition policy agreements and their impact on future policies, procedures and practices concerning the *waste* management industry;
  - e) key financial parameters and performance indicators; and
  - f) financial and service performance targets; and
  - g) the *participating councils* dividend expectations; and
- (7) Either the *representatives* or the *Board* may propose to the other an amendment or replacement of the strategic plan for adoption in accordance with clause 2.3 of this Schedule.
- (8) At least once in each year the *representatives* and the *Board* are to review the strategic plan.

## 2.2 The Annual Plan

- (1) In each financial year the *Board* is to prepare and submit to the *representatives* a draft annual plan for the *Authority* for the next financial year.
- (2) The annual plan is to:
  - (a) be consistent with the strategic plan; and
  - (b) cover such matters as s72(2) of the *Act* requires for the operational plans of councils as are relevant to the *Authority's* functions; and

include such other matters as the *Board* or the *representatives* determine.

- (3) The *Board* and the *representatives* are to use their best endeavours to approve the annual plan for a financial year in sufficient time to enable the *CEO* to prepare the annual budget with respect to that annual plan by the time required by clause 2.3(6).

### 2.3 Budget

- (1) The *CEO* is to prepare a budget for the *Authority's* revenue and expenditure for each financial year.
- (2) The *annual* budget is to include:
  - (a) matters similar to those required of councils by section 82(2) of the *Act*; and
  - (b) any other matters required by the *Board* or the *representatives*.
- (3) The budget is to be consistent with the annual plan for that financial year.
- (4) The *Authority* is not bound by any of the other provisions of section 82 of the *Act*.
- (5) Once the *Board* has approved the annual budget for a financial year it must submit that budget to the *representatives* for adoption.
- (6) Unless the *representatives* determine by *special resolution* to the contrary, the timetable for adoption of the annual budget is:
  - (a) approval by the *Board* of the draft budget prepared by the *CEO* by the end of April preceding the financial year of the budget; and
  - (b) adoption by the *representatives* of the budget approved by the *Board* by the end of May preceding the financial year of the budget.

### 2.4 Adoption of Strategic Plan, Annual Plan and Budget

- (1) The *Authority's* strategic plan or any amendment to it or replacement of it is adopted:
  - (a) when the *representatives* resolve to adopt a draft submitted to them by the *Board*; or
  - (b) when the *Board* resolves to adopt a draft submitted to it by the *representatives*; or
  - (c) in accordance with subclauses (8) or (10).
- (2) The *Authority's* annual plan and budget for a particular period is adopted:
  - (a) when the *representatives* resolve to adopt the draft of the relevant document submitted to them by the *Board*; or
  - (b) in accordance with subclauses (8) or (10).
- (3) If the *representatives* and the *Board* have not been able to agree on the documents within 60 days of:
  - (a) either of the *representatives* or the *Board* submitting the draft strategic plan to the other of them for approval; or

- (b) the *Board* submitting a draft annual plan or budget to the *representatives* for approval;  
then the *chief representative* is to call a joint meeting of the *representatives* and the *Board* to resolve the issue.
- (4) The *chief representative* may call a joint meeting earlier than the time period referred to in subclause (3) if the *chief representative* and the *chair* agree to do so.
- (5) The *chief representative* is to:
- (a) call the joint meeting in the same manner as a *representatives' meeting*; and
  - (b) chair the joint meeting as if it were a *representatives' meeting*; and
  - (c) during that meeting give the *directors* the same rights to speak and vote as the *representatives* have.
- (6) If it appears to the *chief representative* that the *representatives* and the *Board* have reached agreement during the joint meeting, the *chief representative* may adjourn the joint meeting to enable separate meetings of the *representatives* and the *Board*.
- (7) The separate meetings of the *representatives* and the *Board* require no notice if they are held at the same place as the joint meeting and promptly after its adjournment.
- (8) When considering the provisions of the document in which they are not in agreement:
- (a) the *Board* is to take into account that the *representatives* represent the owners of the *Authority*; and
  - (b) the *representatives* are to take into account that the *Board* is charged with the conduct of the affairs of the *Authority*.
- (9) If within 30 days after the joint meeting the *Board* and the *representatives* are still unable to agree on the document, the *representatives* may by *special resolution* adopt the document.
- (10) A *special resolution* under subclause (9) may only be moved at a *representatives' meeting* the notice for which was issued after the period of 30 days.
- (11) The *representatives* and the *Board* may agree any other process for resolving a dispute between them as to the approval of a strategic plan, annual plan or budget.
- (12) The provisions of this clause 2.4 apply to any amendment of the strategic plan, annual plan or budget proposed by either the *representatives* or the *Board*.

**2.5 Exclusion of Processes of the Act**

The *Authority* is not required to follow any process provided in the *Act* that may otherwise be relevant to the preparation or adoption of any document referred to in this Schedule unless the *Act* specifically requires that process for that document for joint authorities generally or specifically for the *Authority*.

**2.6 Legal Effect of Strategic Plan, Annual Plan and Budget**

The validity of any act, transaction, agreement, resolution or other thing is not affected by:

- (a) the failure of the *representatives* or the *Board* to adopt any document that is required by this Schedule or to do anything in the process of that adoption; or
- (b) any inconsistency between any of those documents; or
- (c) any non compliance of any of those documents with any provision of this Schedule; or
- (d) any non compliance of that act, transaction, agreement, resolution or other thing with any of those documents; or
- (e) any other non compliance in those documents or the process of their adoption.

**2.7 Availability of Copies**

- (1) *Councillors* and *general managers* are entitled to copies of current strategic plans, annual plans and budgets of the *Authority*.
- (2) If the *Board* considers that public disclosure of any part of any of those documents is likely to disadvantage the *Authority*, it may determine that such part is to be kept confidential.
- (3) *Representatives, directors, councillors and general managers* are to keep confidential those parts of any document that the *Board* has determined are to be kept confidential.

## SCHEDULE 3

### PROCEEDINGS OF THE BOARD

**3.1 Convening of Board Meetings**

- (1) The *Board* may hold such meetings as are desirable to carry out its functions.
- (2) The *CEO* is to convene a *Board* meeting at the request of the *chairman* or any two *directors*, and may do so on his or her own authority.

**3.2 Notice of Board Meetings**

The *Board* may determine generally or specifically the requirements for notice of its meetings.

**3.3 Chairing of Board Meetings**

- (1) The *chair* is entitled to chair every *Board* meeting.
- (2) If the *chair* is absent, unwilling or unable to chair a meeting or part of a meeting, the *directors* are to choose a *director* to chair the meeting or that part of the meeting.

**3.4 Quorum at Board Meetings**

- (1) A quorum of the *Board* is a majority of the total number of *directors*.
- (2) The quorum is to be counted at the commencement of the meeting.
- (3) If a *director* is excluded from being present at a *Board* meeting in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of *directors* specified as constituting a quorum less the number of *directors* so excluded.
- (4) A quorum under subclause (3) is to be at least 2 of the *directors*.

**3.5 Voting at Board Meetings**

- (1) The *chair* has a deliberative vote only.
- (2) A question is decided:
  - (a) by a majority of votes of the *directors* present and voting; and
  - (b) in the negative if there is an equality of votes of the *directors* present and voting.

**3.6 Conduct of Meetings**

- (1) The *Board* may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) A *director* may participate in a meeting by telephone, television or video conference or any other means of communication approved by the *Board*.
- (3) A *director* who participates in a way referred to in sub-clause (2) is taken to be present at the meeting for all purposes, including the quorum.
- (4) The *Board* may allow or invite a person to attend a meeting for the purpose of advising or informing it on any matter.

**3.7 Resolutions Without Meetings**

The *Board* may make resolutions in a similar manner to that set out in rule 21.

**3.8 Validity of Proceedings**

An act or proceeding of the *Board* or of any person acting under any direction of the *Board* is:

- (a) not invalid by reason only that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the *Board*;
- (b) is valid, even if:
  - (i) the appointment of a *director* was defective; or

- (ii) any person appointed as a *director* was disqualified from acting as, or incapable of being, a *director*.

### 3.9 Confidentiality

All persons who attend a *Board* meeting are to keep confidential all information given and discussion made during that meeting except to the extent that the *chair* gives approval to the contrary or these Rules provide to the contrary.

## SCHEDULE 4

### DISPUTE RESOLUTION

#### 4.1 Outline of Resolution Process

The parties to which any dispute to which Rule 56 applies must use the following dispute resolution process:

- (a) negotiation in good faith;
- (b) if negotiation do not resolve the dispute, then mediation;
- (c) if mediation does not resolve the dispute, then arbitration if clause 4.6(2) applies.

#### 4.2 Other Parties May Join

Even though a dispute may be primarily between two of the parties referred to in rule 57, any other party may require that it be included in the dispute resolution process as a party to the dispute.

#### 4.3 Notice of Dispute

If a dispute as defined rule 57 arises, then any party to that dispute may give written notice to the other or others of that dispute. That notice is to specify the general nature of the dispute in such a way as to facilitate resolution of all issues relevant to the dispute.

#### 4.4 Notice of Mediation

If with 30 days of the giving of a notice of dispute under clause 4.3, any party to the dispute considers that it is unlikely that the dispute or any part of it will be resolved by negotiation, it may give written notice to the other or others requiring mediation.

#### 4.5 Mediation Rules

If within 14 days of the receipt of the notice requiring mediation, the parties to the dispute do not agree on:

- (a) the selection and compensation of an appropriate mediator; or
- (b) another dispute resolution technique and procedures; or
- (c) an actual resolution of the dispute;

then the parties to the dispute must mediate it in accordance with the mediation rules of the Law Society of Tasmania. The mediator is to be a person nominated

by the President of the Local Government Association of Tasmania who may also determine the mediator's remuneration.

#### 4.6 Arbitration

- (1) If the mediator appointed under clause 4.5 certifies that the mediation has been unable, and is unlikely, to resolve the dispute, or any part of it, then the dispute, or that part which is unresolved, is to be referred to arbitration under the Commercial Arbitration Act 1986. If the parties cannot agree on an arbitrator, the arbitrator is to be a person nominated by the President of the Local Government Association of Tasmania.
- (2) Subclause (1) only applies if the unresolved dispute is one in respect of which a party has a right enforceable in a Court of law and that party wishes to enforce that right.

#### 4.7 Other Processes

The parties to a dispute may agree on any other process for resolving a dispute or any part of it.

## SCHEDULE 5

### TRANSITIONAL PROVISIONS

#### 5.1 Definitions

5.1.1 For the purposes of this Schedule:

- (1) "the commencement date" means the date set out in clause 5.8; and
- (2) "the existing Board" means the members of the *Authority* in accordance with the Rules of the *Authority* immediately prior to the commencement date.

#### 5.2 The Board and Committee

- 5.2.1 On and from the commencement date and until the *representatives* appoint *directors* under rule 23, the existing Board is the *Board* and its members are the *directors* for the purposes of these rules.
- 5.2.2 Rules 24(3) and 25 do not apply to the *Board* and *directors* who continue in office under clause 5.2.1 until the *representatives* appoint new *directors* in accordance with rule 24.
- 5.2.3 The *representatives* are to appoint a new *Board* to replace the existing Board to commence office within 3 months of the commencement date.
- 5.2.4 Clause 3.8 of Schedule 3 applies to the *Board* that continues in office under clauses 5.2.1 and 5.2.2.
- 5.2.5 Until otherwise determined by the *Board* all committees or sub committees (however called) in existence immediately prior to the commencement date continue with the same rights and powers until the first meeting of the new *Board* referred to in clause 5.2.3.



5.2.6 The existing Board is an advisory committee to the new *Board* for 3 months from the date of appointment of the new *Board*.

5.2.7 The advisory committee members:

- (1) are to be given notice of all *Board* meetings during that 3 months as if they were *directors*; and
- (2) are entitled to attend all *Board* meetings during that period, and to speak but not to vote.

### 5.3 The Representatives

5.3.1 On and from the commencement date the *representatives* are:

Council	Representatives
Central Coast	<ul style="list-style-type: none"> <li>▪ Clr Terence McKenna</li> <li>▪ Jeffrey Peter McNamara</li> </ul>
Devonport	<ul style="list-style-type: none"> <li>▪ Mayor Peter Hollister</li> <li>▪ David Sales</li> </ul>
Kentish	<ul style="list-style-type: none"> <li>▪ Mayor Ian Braid</li> <li>▪ Clr Mike Haberle</li> </ul>
Latrobe	<ul style="list-style-type: none"> <li>▪ Clr Mike McLaren</li> <li>▪ Stephen Onions</li> </ul>

5.3.2 A member of the existing Board may be a *representative* while a *director* under clause 5.2.1.

5.3.3 Rule 8 applies to the termination of the appointment of, or resignation by, the *representatives* listed in clause 5.3.1.

5.3.4 If prior to the commencement date the persons listed in clause 5.3.1 make any decisions or actions in their capacity as *representatives* and the *representatives* confirm those decisions and actions after the commencement date, then those actions and decisions are as fully valid and effective as if made or done immediately after the commencement date.

### 5.4 Strategic and Operational Plans and Budgets

5.4.1 On and from the commencement date until they are amended or replaced in accordance with Schedule 2 the documents declared by the Authority's *Board* prior to that date to be the Strategic Plan, Annual Plan and Budget are the Strategic Plan, Annual Plan and Budget for the purposes of these rules.

### 5.5 CEO

5.5.1 Until otherwise determined by the *Board*:

- (1) the *CEO* on the commencement date is the person who holds the position of Manager of the *Authority* immediately prior to the commencement date; and
- (2) all delegations made by the *Board* to the Manager and in existence immediately prior to the commencement date continue as delegations to the *CEO* on and from the commencement date; and
- (3) until otherwise determined by the *CEO* all sub delegations made by the Manager and in existence immediately prior to the commencement date

continue as sub delegations for the purpose of rule 36 on and from the commencement date.

**5.6 General Savings Provision**

All decisions, actions, matters or things done prior to the commencement date that were validly done under the rules of the Authority in existence at that time are valid for all purposes under these rules.

**5.7 Repeal**

5.7.1 The rules of the Authority immediately prior to commencement date are repealed and replaced with these rules.

**5.8 Commencement Date**

5.8.1 These rules are to be effective on and from the date on which the third *participating council* to do so passes a resolution which has the effect of approving them.

---

**Certification of Rules**

I certify in accordance with Section 32(2) Local Government Act that these Rules are in accordance with the law.

| Dated ~~19<sup>th</sup> July 2005~~.....2011

.....  
| ~~Brian Stace~~Geoffrey Tremayne  
Qualified legal practitioner, ~~Devonport~~Hobart

I certify in accordance with Section 32(2) Local Government Act that these Rules have been made in accordance with the Local Government Act.

| Dated     /     / ~~2005~~2011


.....

General Manager .....Council



CENTRAL COAST COUNCIL

**CENTRAL COAST COUNCIL**

I certify that this is the schedule referred to in  
Minute No. 188/2011... of a meeting of the  
Council held on 20.06.2011  
  
Executive Services Officer

**SCHEDULE OF CONTRACTS AND AGREEMENTS**  
(Other than those approved under the Common Seal)  
Period: 1 to 31 May 2011.

*Contracts*

- . Contract No. 26/2010-11  
VOS Construction & Joinery Pty Ltd  
Leven River Wharf Precinct Stage 1.1A - Demolition of existing sheds and construction of steel and timber frame, block, FC panel and glass clad building with associated civil works.  
\$2,280,630.00 incl. GST
- . Contract No. 27/2010-11  
BridgePro Engineering Pty Ltd  
Design and construction of bridge repairs and associated civil works (throughout the Central Coast municipal area).  
\$300,160.00 incl. GST

*Agreements*

- . Penguin Sports Centre Canteen - Lease Agreement  
Kerry Masters  
\$9.90 incl. GST per week
- . Ulverstone Tennis Club - Lease Agreement  
Land situated off Braddon Street, West Ulverstone  
\$50 excl. GST per annum
- . Leven Yacht Club Inc. - Lease Agreement  
Land containing 500m<sup>2</sup> situated at Dial Street, Ulverstone  
\$55 incl. GST per annum

Sandra Ayton  
GENERAL MANAGER

PO Box 220 / DX 70506  
19 King Edward Street  
Ulverstone Tasmania 7315  
Tel 03 6429 8900  
Fax 03 6425 1224  
admin@centralcoast.tas.gov.au  
www.centralcoast.tas.gov.au

SCHEDULE OF DOCUMENTS FOR AFFIXING OF  
THE COMMON SEAL

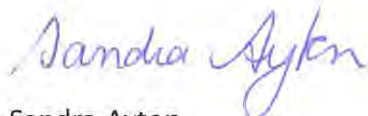
Period: 17 May to 20 June 2011

*Documents for affixing of the common seal*

- Discharge of Adhesion Order  
22-24 Kywong Crescent, Ulverstone  
Application No. DA210323
- Adhesion Order  
95 Main Road, Penguin  
Application No. DA210372

*Final plans of subdivision sealed under delegation*

- Final Plan  
78 Gawler Road, Gawler  
Application No. DA210213
- Final Plan  
977 Preston Road, North Motton  
Application No. DA210216
- Final Plan (staged)  
Explorer Drive, Turners Beach  
Application No. PLA2007.78
- Final Plan  
262 & 264 Ironcliffe Road, Penguin  
Application No. COM2009.2
- Final Plan (staged)  
1 Kilowatt Court, Ulverstone  
Application No. SUB2003.44



Sandra Ayton  
GENERAL MANAGER

**A SUMMARY OF RATES & FIRE SERVICE LEVIES  
FOR THE PERIOD ENDED 31 MAY 2011**

	2009/2010		2010/2011	
	\$	%	\$	%
Rates paid in Advance	-	-3.94	492,583.49	-4.15
Rates Receivable	315,622.42	2.80	290,344.45	2.45
Demanded	11,401,361.94	101.14	12,084,578.35	101.70
	11,272,397.68	100.00	11,882,339.31	100.00
Collected	10,055,089.28	89.20	10,687,747.29	89.95
Add Pensioners - Government	801,481.58	7.11	739,366.43	6.22
Pensioners - Council	29,120.00	0.26	30,835.00	0.26
	10,069,668.37	96.57	11,457,948.72	96.43
Remitted	4,353.39	0.04	3,975.82	0.03
Discount Allowed	453,318.75	4.02	470,387.61	3.96
Paid in advance	-	-3.88	481,505.77	-4.05
Outstanding	366,413.81	3.25	431,532.93	3.63
	11,272,397.68	100.00	11,882,339.31	100.00

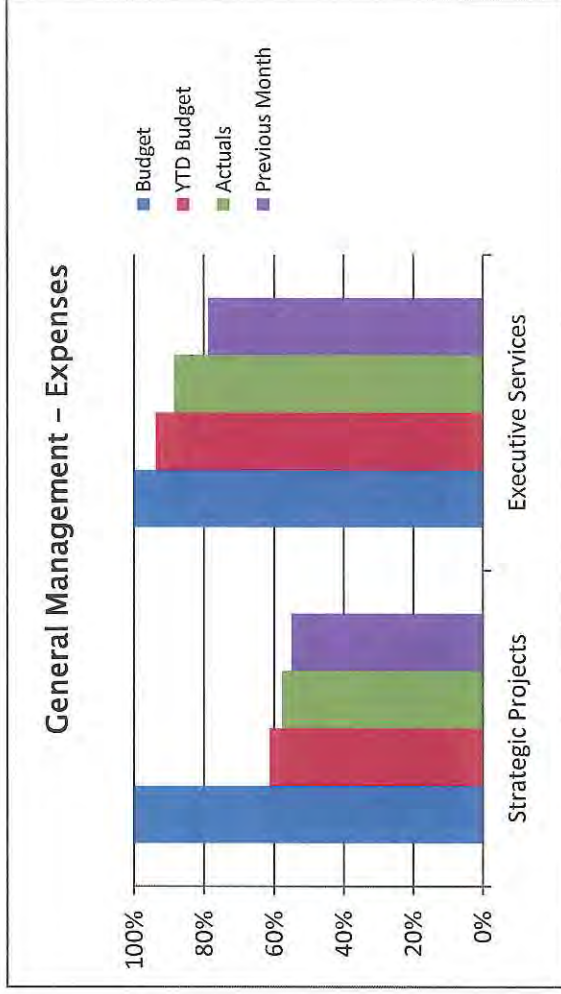
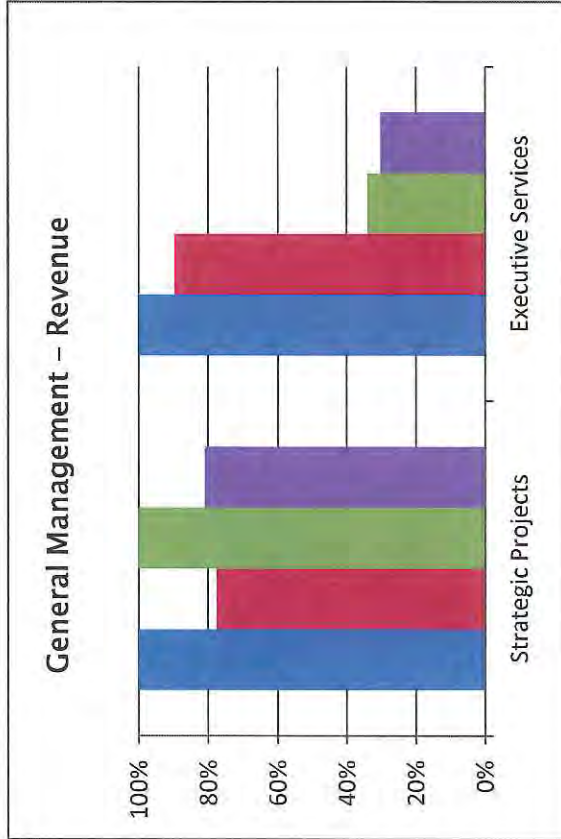
Andrea O'Rourke  
ASSISTANT ACCOUNTANT

1-Jun-2011

**CENTRAL COAST COUNCIL**  
I certify that this is *FINANCIAL*  
*STATEMENTS* referred to in  
Minute No. *19/2011* of a meeting of the  
Council held on *20/10/2011*  
*[Signature]*  
Executive Services Officer

Finance Report – 31 May 2011

GENERAL MANAGEMENT	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
<b>Revenue</b>							
Strategic Projects	(986,000)	(765,500)	(1,639,374)	(798,475)	873,874	653,374	166%
Executive Services	(24,000)	(21,490)	(8,160)	(7,242)	(13,330)	(15,840)	34%
<b>Expenses</b>							
Strategic Projects	102,000	62,490	58,877	56,145	3,613	43,123	58%
Executive Services	1,369,000	1,283,203	1,211,399	1,077,890	71,804	157,601	88%
<b>Total</b>	<b>\$ (1,010,000)</b>	<b>\$ (786,990)</b>	<b>\$ (1,647,534)</b>	<b>\$ (805,718)</b>	<b>\$ 860,544</b>	<b>\$ 637,534</b>	
<b>Total</b>	<b>\$ 1,471,000</b>	<b>\$ 1,345,693</b>	<b>\$ 1,270,276</b>	<b>\$ 1,134,035</b>	<b>\$ 75,417</b>	<b>\$ 200,724</b>	

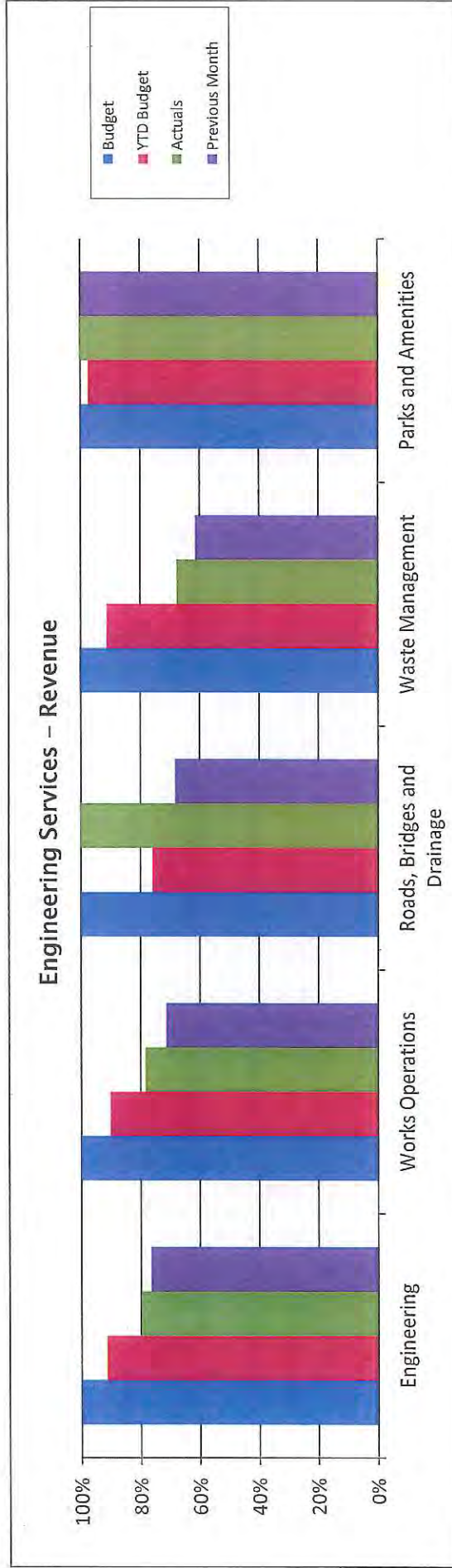


**Variance**

- Strategic Projects Revenue over YTD budget – Land sales Russell Avenue
- Executive Services Revenue under YTD budget – plant allocations
- Strategic Projects Expenditure under YTD budget – timing

Finance Report – 31 May 2011

ENGINEERING SERVICES Revenue	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
Engineering	(1,087,000)	(994,000)	(865,987)	(830,963)	(128,013)	(221,013)	80%
Works Operations	(1,083,000)	(976,890)	(848,206)	(769,110)	(128,684)	(234,794)	78%
Roads, Bridges and Drainage	(1,502,000)	(1,138,030)	(1,630,387)	(1,020,580)	492,357	128,387	109%
Waste Management	(681,000)	(621,200)	(458,621)	(417,873)	(162,579)	(222,379)	67%
Parks and Amenities	(303,000)	(295,253)	(326,393)	(302,191)	31,140	23,393	108%
	\$ (4,656,000)	\$ (4,025,373)	\$ (4,129,595)	\$ (3,340,717)	\$ 104,222	\$ (526,405)	

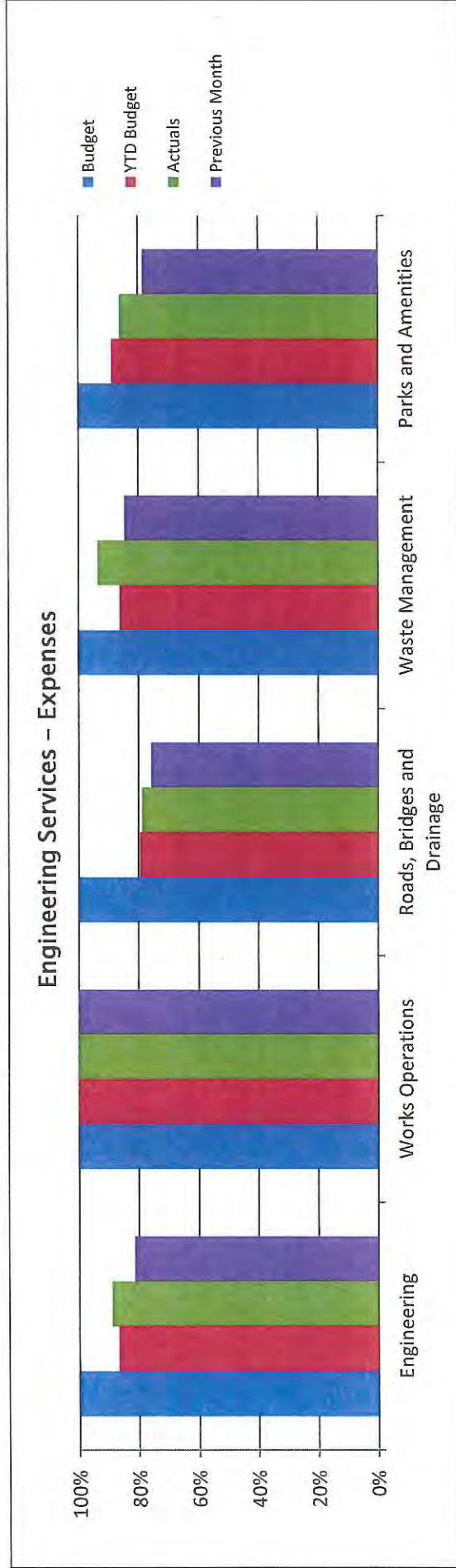


Variance	Description
Engineering	Revenue under YTD budget – Engineering allocations
Works Operations	Revenue under YTD budget – Private works and allocations
Waste Management	Revenue under YTD budget – Resource Recovery Centre entry fees and scrap metal recovery
Roads, Bridges and Drainage	Revenue over YTD budget – Roads to Recovery payment
Parks and Amenities	Revenue over YTD budget – Plant allocated



Finance Report – 31 May 2011

ENGINEERING SERVICES Expenses	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
Engineering	1,087,000	942,459	967,530	884,703	(25,071)	119,471	89%
Works Operations	1,147,000	1,534,120	1,476,183	1,319,750	57,937	(329,183)	129%
Roads, Bridges and Drainage	6,805,000	5,417,305	5,369,611	5,158,517	47,694	1,435,389	79%
Waste Management	2,886,000	2,489,390	2,702,083	2,440,147	(212,693)	183,917	94%
Parks and Amenities	2,087,000	1,852,468	1,798,114	1,638,319	54,354	288,886	86%
	\$ 14,012,000	\$ 12,235,742	\$ 12,313,521	\$ 11,441,436	\$ (77,779)	\$ 1,698,479	

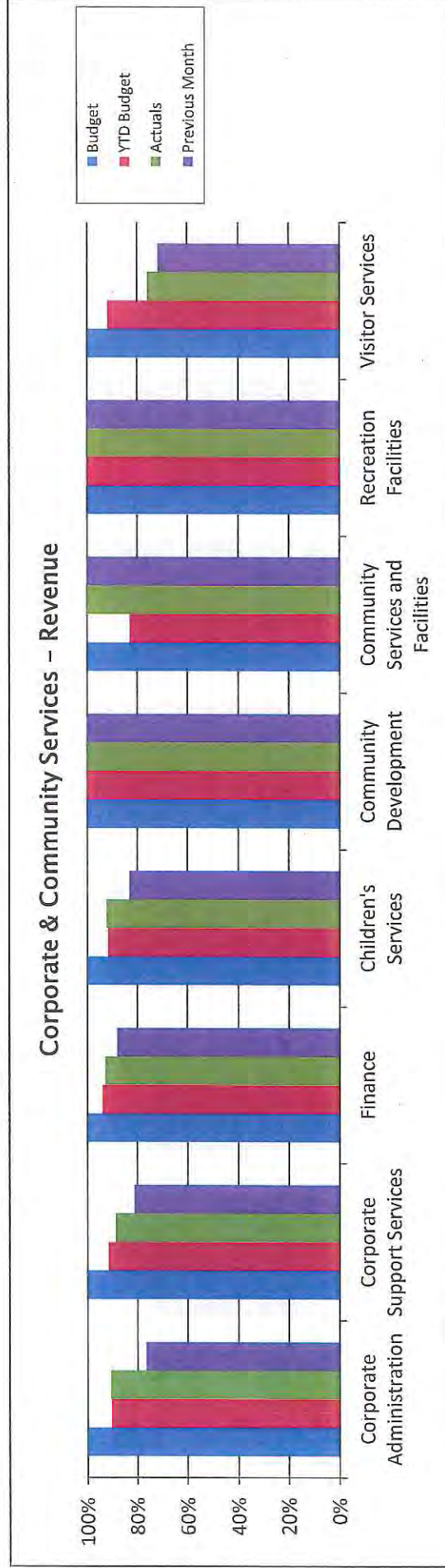


Variance

- Engineering Expenditure over YTD budget – Asset condition assessments ordered.
- Works Operations Expenditure under YTD budget – Staff Costs and Private Works
- Roads, Bridges and Drainage Expenditure under YTD budget – Timing (vegetation management, emergency works, shouldering, grading)
- Waste Management Expenditure over YTD budget – Central Coast Landfill Area, Garbage Collection and timing

Finance Report – 31 May 2011

CORPORATE & COMMUNITY SERVICES	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
Revenue							
Corporate Administration	(39,000)	(35,290)	(35,412)	(29,809)	122	(3,588)	91%
Corporate Support Services	(2,936,000)	(2,691,370)	(2,605,113)	(2,385,481)	(86,257)	(330,887)	89%
Finance	(16,781,732)	(15,769,852)	(15,585,779)	(14,782,548)	(184,073)	(1,195,953)	93%
Children's Services	(1,165,000)	(1,067,990)	(1,075,361)	(967,593)	7,371	(89,639)	92%
Community Development	(51,000)	(78,103)	(90,792)	(57,481)	12,689	39,792	178%
Community Services and Facilities	(807,000)	(668,992)	(1,036,312)	(887,365)	367,320	229,312	128%
Recreation Facilities	(416,000)	(451,150)	(451,285)	(420,705)	135	35,285	108%
Visitor Services	(100,000)	(91,850)	(75,700)	(71,546)	(16,150)	(24,300)	76%
	\$ (22,295,732)	\$ (20,854,597)	\$ (20,955,753)	\$ (19,602,527)	\$ 101,156	\$ (1,339,979)	

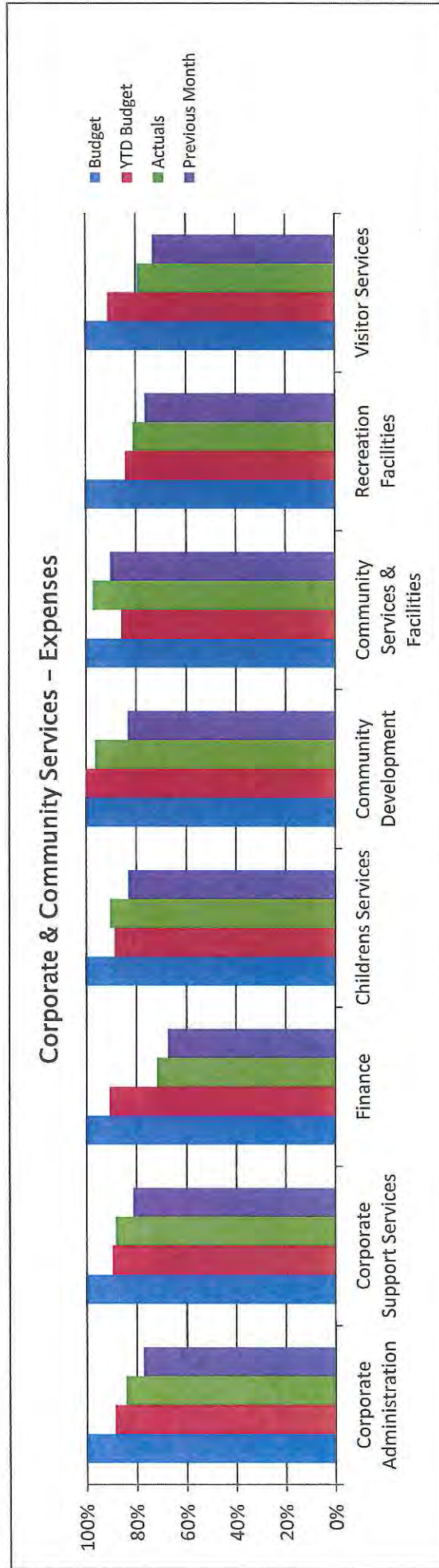


Variance

- Community Development Revenue greater than YTD budget – Community Shed grant monies received
- Community Services and Facilities Revenue greater than YTD budget – APH premiums and contributions received
- Finance Revenue less than YTD budget – Interest and dividend income
- Visitor Services Revenue less than YTD budget – Sales, bookings and consignment sales

Finance Report – 31 May 2011

CORPORATE & COMMUNITY SERVICES	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
Expenses							
Corporate Administration	765,000	677,193	645,193	591,099	32,000	119,807	84%
Corporate Support Services	3,622,000	3,242,840	3,200,156	2,948,122	42,684	421,844	88%
Finance	1,604,000	1,455,650	1,151,509	1,084,052	304,141	452,491	72%
Children's Services	1,173,000	1,039,118	1,060,178	975,062	(21,060)	112,822	90%
Community Development	504,000	513,573	485,098	419,869	28,475	18,902	96%
Community Services and Facilities	1,176,000	1,009,700	1,142,944	1,059,835	(133,244)	33,056	97%
Recreation Facilities	1,783,000	1,502,235	1,448,396	1,359,693	53,839	334,604	81%
Visitor Services	285,000	259,490	226,055	208,694	33,435	58,945	79%
	\$ 10,912,000	\$ 9,699,799	\$ 9,359,530	\$ 8,646,426	\$ 340,269	\$ 1,552,470	

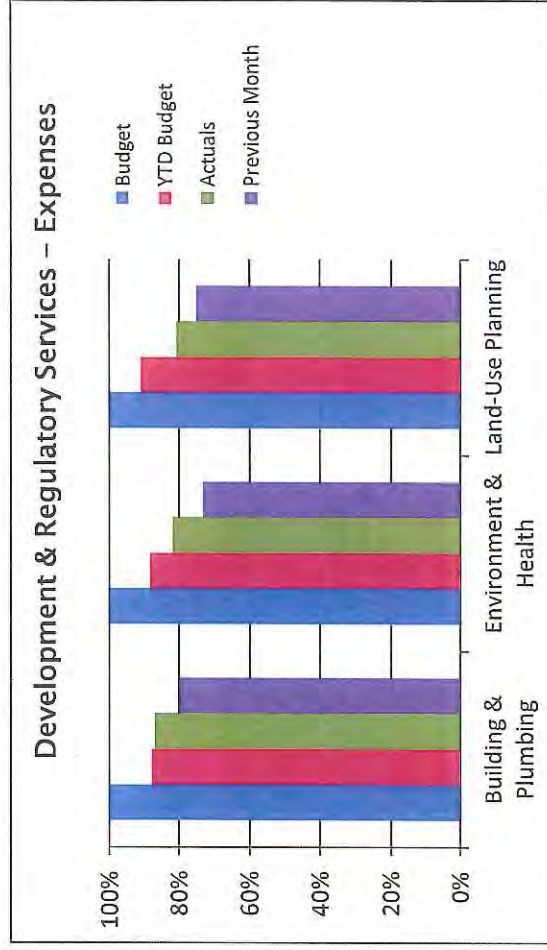
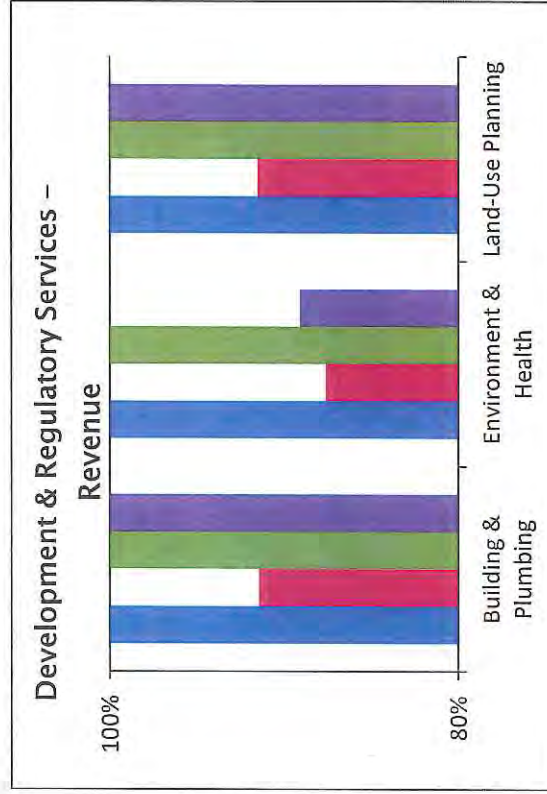


**Variance**

- Corporate Administration: Actuals less than YTD budget – Timing
- Corporate Support Services: Actuals less than YTD budget – Timing
- Finance: Actuals less than YTD budget – Land Tax savings and timing
- Children's Services: Actuals greater than YTD budget – Training and maintenance
- Community Development: Actuals less than YTD budget – Timing

Finance Report – 31 May 2011

DEVELOPMENT & REGULATORY SERVICES	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
<b>Revenue</b>							
Building and Plumbing	(295,000)	(269,730)	(321,902)	(306,978)	52,172	26,902	109%
Environment and Health	(82,000)	(71,830)	(84,437)	(73,070)	12,607	2,437	103%
Land-Use Planning	(151,000)	(138,170)	(188,369)	(176,645)	50,199	37,369	125%
<b>Expenses</b>	<b>\$ (528,000)</b>	<b>\$ (479,730)</b>	<b>\$ (594,709)</b>	<b>\$ (556,693)</b>	<b>\$ 114,979</b>	<b>\$ 66,709</b>	
Building and Plumbing	579,000	508,570	503,665	461,838	4,905	75,335	87%
Environment and Health	397,000	351,000	324,427	290,328	26,573	72,573	82%
Land-Use Planning	580,000	527,770	468,043	435,413	59,727	111,957	81%
	<b>\$ 1,556,000</b>	<b>\$ 1,387,340</b>	<b>\$ 1,296,135</b>	<b>\$ 1,187,579</b>	<b>\$ 91,205</b>	<b>\$ 259,865</b>	



**Variance**

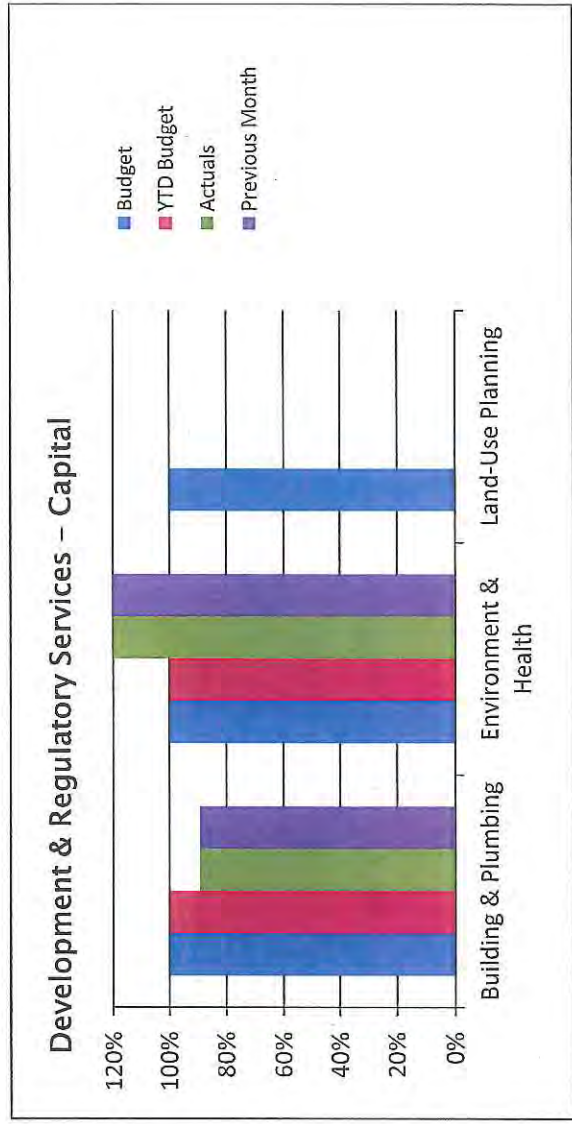
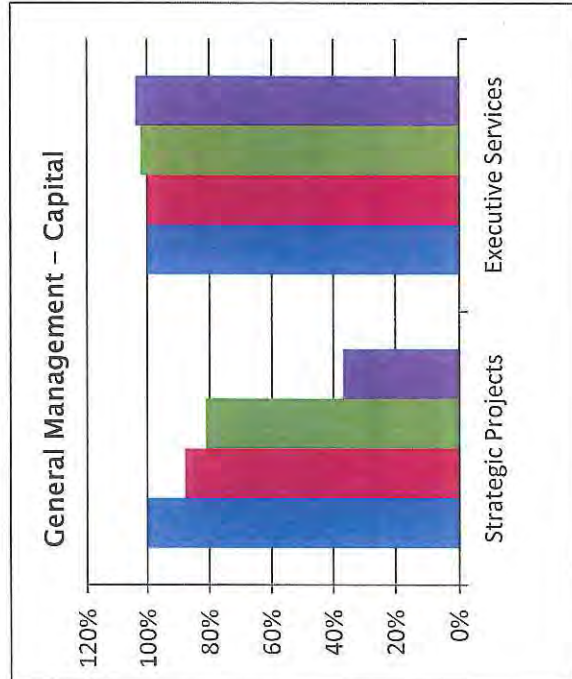
Building and Plumbing Revenue greater than YTD budget – Inspection and connection fees and levies

Environment and Health Expenditure less than YTD budget – Timing

Land-Use Planning Revenue greater than YTD budget – Valuation fee and planning fee income

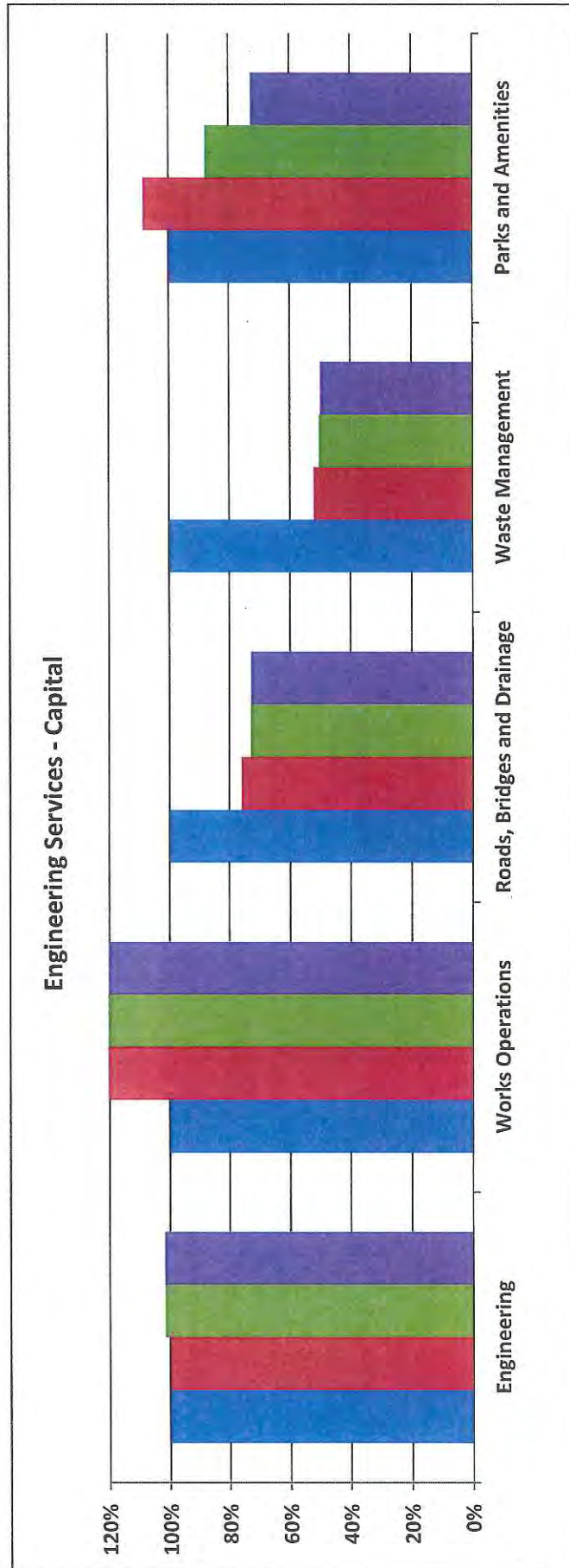
Finance Report – 31 May 2011

	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
<b>GENERAL MANAGEMENT</b>							
Strategic Projects	5,028,000	4,421,660	4,078,245	1,854,248	343,415	949,755	81%
Executive Services	38,000	38,000	38,741	39,431	(741)	(741)	102%
	<b>\$ 5,066,000</b>	<b>\$ 4,459,660</b>	<b>\$ 4,116,986</b>	<b>\$ 1,893,679</b>	<b>\$ 342,674</b>	<b>\$ 949,014</b>	
<b>DEVELOPMENT &amp; REGULATORY SERVICES</b>							
Building & Plumbing	30,000	30,000	26,760	26,760	3,240	3,240	89%
Environment & Health	33,000	33,000	61,955	61,955	(28,955)	(28,955)	188%
Land-Use Planning	-	-	-	-	-	-	0%
	<b>\$ 63,000</b>	<b>\$ 63,000</b>	<b>\$ 88,715</b>	<b>\$ 88,715</b>	<b>\$ (25,715)</b>	<b>\$ (25,715)</b>	



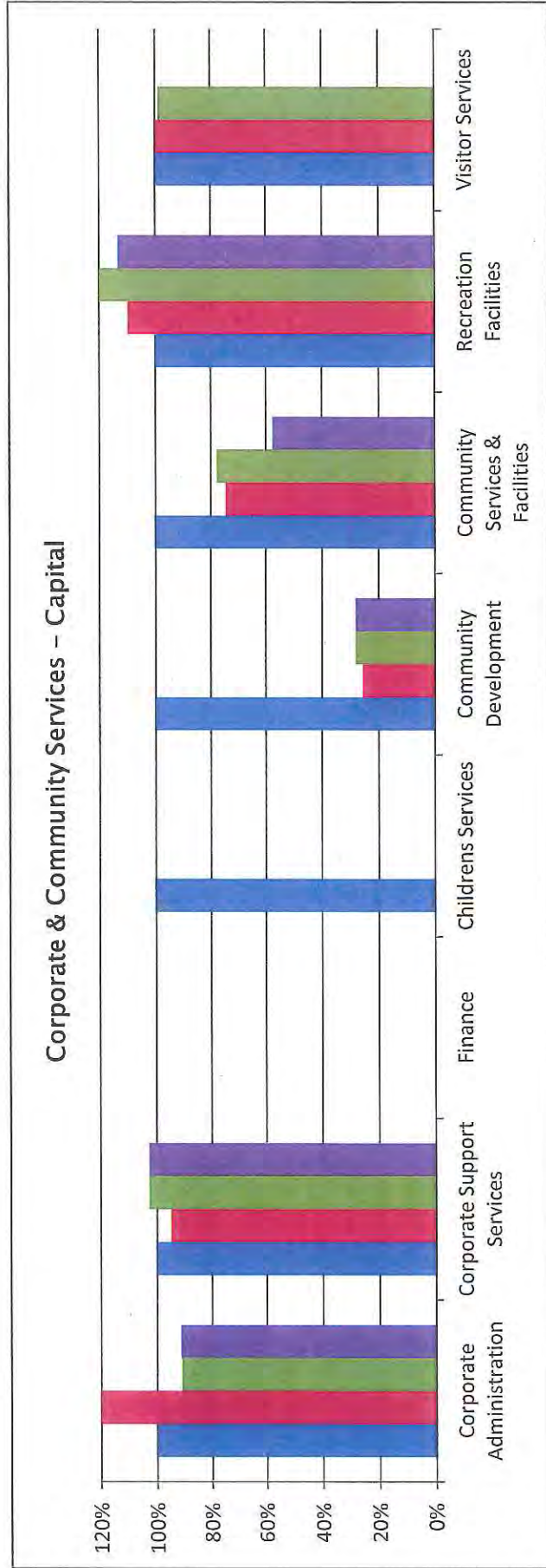
Finance Report – 31 May 2011

	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
<b>ENGINEERING SERVICES</b>							
Engineering	86,000	86,000	87,475	87,475	(1,475)	(1,475)	102%
Works Operations	137,000	312,000	2,708,465	2,354,123	(2,396,465)	(2,571,465)	1977%
Roads, Bridges and Drainage	4,042,000	3,068,667	2,945,085	2,937,500	123,582	1,096,915	73%
Waste Management	521,000	270,833	262,155	259,200	8,678	258,845	50%
Parks and Amenities	836,000	906,145	735,209	606,424	170,936	100,791	88%
	<b>\$ 5,622,000</b>	<b>\$ 4,643,645</b>	<b>\$ 6,738,389</b>	<b>\$ 6,244,723</b>	<b>\$ (2,094,744)</b>	<b>\$ (1,116,389)</b>	



Finance Report – 31 May 2011

	Budget	YTD Budget	Actuals	Previous Month	YTD Variance	Remaining	% of Budget
<b>CORPORATE &amp; COMMUNITY SERVICES</b>							
Corporate Administration	13,000	18,958	11,809	11,868	7,149	1,191	91%
Corporate Support Services	156,000	148,000	160,242	160,242	(12,242)	(4,242)	103%
Finance	-	-	-	-	-	-	0%
Childrens Services	-	3,000	2,428	2,428	572	(2,428)	0%
Community Development	59,000	15,000	16,438	16,438	(1,438)	42,562	28%
Community Services & Faciliti	215,000	160,400	166,869	123,150	(6,469)	48,131	78%
Recreation Facilities	434,000	475,958	529,571	491,377	(53,613)	(95,571)	122%
Visitor Services	3,000	3,000	2,965	-	35	35	99%
	\$ 880,000	\$ 824,316	\$ 890,322	\$ 805,504	\$ (66,006)	\$ (10,322)	



**BANK RECONCILIATION**  
**FOR THE PERIOD 1 MAY TO 31 MAY 2011**

Balance Brought Forward (30/4/2011)	4,004,573.75
Add, Revenue for month	2,904,259.97
	-----
	6,908,833.72
	-----
Less, Payments for month	1,950,251.84
	-----
Balance as at 31 May 2011	4,958,581.88
	-----
Balance as at Bank Account as at 31 May 2011	201,872.48
Less, Unpresented Payments	- 6,740.11
	-----
	195,132.37
Add, Cash on Hand	3,333.86
	-----
Operating Account	198,466.23
Interest Bearing Term Deposits	4,760,115.65
	-----
	4,958,581.88
	-----

Andrea O'Rourke  
ASSISTANT ACCOUNTANT

02-June-2011



Works Programme 2010-2011

(Schedule indicates site construction only)

July 2010 August 2010 September 2010 October 2010 November 2010 December 2010 January 2011 February 2011 March 2011 April 2011 May 2011 June 2011

Task Name	Budget	Notes
<b>CAPITAL WORKS PROGRAMME 2010-11</b>	<b>\$12,286,264</b>	
Strategic Projects	\$3,232,264	
Leven River Bridge features - stage 1 Contribution	\$344,000	Contribution.
Uversone Wharf - land purchase	\$609,000	Payment
Uversone Wharf Redevelopment	\$2,280,000	Wharf Building and surrounds
Property Management	\$1,827,000	
East Uversone Industrial Estate - Export Drive	\$300,000	Construct culverts and ramps
East Uversone Industrial Estate - stage 2	\$440,000	Drainage and roadworks
Fanner Pugin depot - remediation	\$50,000	Finalise contamination rectification
Kingfisher Road Rec.	\$416,000	Roadworks and services - Subst'n
Russell Avenue	\$221,000	Roadworks and services - Subst'n
Works Depot	\$17,000	Electrical switch board upgrade
Uversone Depot - office upgrade	\$10,000	Minor improvements
Wash Down Bay - SWV Interceptor	\$0	Deferred, flood...
Emergency Services	\$2,627,000	
SES - Alarm System	\$5,000	Alarm for main building
SES - Renew hard stand area	\$7,000	Concrete western part of site
SES - Roller door controller	\$3,000	Remote control to open doors
Bridge Replacement - Bannons Rd, Leven River (Pralm.)	\$182,000	Replace with concrete structure
Bridge Replacement - Pultons Rd, Leven River (Pralm.)	\$270,000	Replace with concrete structure
Bridge Replacement - Balchamars Rd, Gawler River	\$350,000	Replace with concrete structure.
Bannons Road, Leven River - Bailey Bridge	\$155,000	Temporary Access
Marshall's Bridge Rd, Leven River - Bridge Repairs	\$20,000	Replace pile, handrails, walls and b/c
Johnsons Brook Rd, Pugin Creek - Bridge Repairs	\$150,000	Assess substructure
Spaldhams Rd, Wined River - Bridge Repairs	\$50,000	Repair guardrail & retaining wall
Islandia Rd, West Gawler River - Bridge Repairs	\$25,000	Repair wingwalls
Goat Club Rd, Leven River - Bridge Repairs	\$40,000	
Islandia Rd, Gawler River - Bridge Repairs	\$40,000	
Miscellaneous Bridge Repairs	\$20,000	
Pultons Falls Access Road	\$60,000	Emergency access from Ironville Rd
Bannons Road Access Road	\$60,000	Emergency access from Fabers Rd
Islandia Rd - Reconstruction	\$50,000	Repair washed road at sections
Gunn's Plains Rd - Reconstruction	\$20,000	Repair washed road sections
Jamieson Rd - Reconstruction & Slip Repair	\$40,000	Repair washed sections and slips
Marshall's Bridge Rd - Reconstruction	\$10,000	Repair washed sections
Raymond Rd - Reconstruction	\$90,000	Repair washed sections
Central Castle Rd - Landslip Repair	\$150,000	Re-inslate road shoulder
Gunn's Plains Rd - Landslip Repair	\$40,000	The Signpost
Gunn's Plains Rd - Landslip Repair	\$40,000	Bottom Guardrail
Gunn's Plains Rd - Landslip Repair	\$50,000	Reno Mattress
Gunn's Plains Rd - Landslip Repair	\$40,000	100m east of Reno Mattress
Gunn's Plains Rd - Landslip Repair	\$50,000	21m from Preston Road
Islandia Rd - Landslip Repair	\$50,000	North of Cox's Rd
Locher's Creek Rd - Landslip Repair	\$40,000	Sections against Leven River
Raymond Rd - Landslip Repair	\$120,000	11m from Preston Rd
Raymond Rd - Landslip Repair	\$40,000	31m from Preston Rd
Raymond Rd - Culvert Replacement	\$20,000	Near Raymond Rd
Raymond Rd - Culvert Replacements	\$40,000	Upgrade culverts to box culverts
Environment & Parks - Repairs	\$50,000	Repairs washed creek sections
Roads - Urban Sealed	\$1,137,000	
Alexander Road (Paving)	\$0	Deferred, funding transfer to Alex. Rd...
Alexander Road (SIS/SUS)	\$416,000	Traffic calming in shared environment
Blackburn Drive	\$0	Deferred, funding transfer to Alex. Rd
Cuan Crescent/Neil Crescent	\$50,000	Reconstruct kerb & p/ment failures
Crosser/Fram Ramp Improvements	\$20,000	Carried out as per priority list...
Intersecting Lighting	\$7,000	Annual Programme Improvements
King Edward Street/Main Street (Black spot)	\$100,000	Upgrade junction to improve safety
Leighlands Avenue	\$45,000	Reconstruct kerb & p/ment failures
Leven River Bridge Landscaping	\$60,000	Groundwork and plantings
Leven Street	\$0	Deferred...
Queen Street Crossing	\$0	Deferred, funding transfer to Alex. Rd...
Railway Crossings	\$20,000	Upgrades and improvements
Sale Cycling Routes	\$5,000	Super Tuesday
Sports Complex Avenue	\$0	Deferred, Flood...
Steel rescaling	\$243,000	Annual programme
Street rescaling preparation	\$0	
Traffic Management/Visibility Improvements	\$10,000	Minor improvements from requests
Wesalea Drive Safety Fencing (Black spot)	\$100,000	Guardrail west of Clayton Rivulet
William Street (RTTR)	\$0	Deferred, Flood...
<b>Roads - Rural Sealed</b>	<b>\$992,000</b>	

Works Programme 2010-2011

(Schedule indicates site construction only)

Station/Task Name	Budget	Notes	July 2010	August 2010	September 2010	October 2010	November 2010	December 2010	January 2011	February 2011	March 2011	April 2011	May 2011	June 2011
Guma Plains Road	\$0	Deferred, Flood...												
Loblar Creek Road	\$5,000	Deferred, Flood...												
Manning Jetty Road	\$0	Deferred, Flood...												
Penguin Road - Lonah Jendip	\$50,000	DIER funded T reg'd												
Pickster/Fop Gawler Road Junction	\$10,000	Sip rectification												
Pine Road (R2R3)	\$10,000	Pavement reconstruction												
Raymond Road - landslip	\$10,000	Annual rectification as req'd												
Raymond Road (R2R3)	\$0	Deferred, Flood...												
Road resaling	\$293,000	Annual programme												
Road resaling preparation	\$75,000	Upgrade west of Lowana Rd												
South Riana Road	\$129,000	Deferred, Flood...												
Traffic Management	\$0	Establish emergency access route												
Wilford Road - realignment	\$20,000	Deferred, Flood...												
Roads - Rural Unsealed	\$31,000	Deferred, Flood...												
Leatherwood Drive - survey/relocation	\$23,000	Seal re-aligned road												
Footpaths	\$246,000	Deferred, Flood...												
Any Street (no. 9)	\$0	Deferred, funding transfer to Alex Rd...												
Dial Road	\$15,000	Missing section at Sports Comp. Av												
Forth Road	\$0	Deferred, funding transfer to Alex. Rd...												
Ironcliffe Road	\$25,000	Upgrade section north of Gblin St.												
Johnson Beach Road	\$22,000	Rail crossing												
Lavon River Bridge - between bridge and wharf	\$49,000													
Sunset Lane/South Road	\$17,000	Missing section north of Sumast Ln												
Tumera Beach Road	\$140,000	Westalla Dr to Forth Rd												
Bridges	\$398,000													
Cresford Creek - Freon Caster Road	\$220,000	Replace with concrete structure												
East Brook - Smiths Plains Road (R2R3)	\$179,000	Replace with concrete structure												
Capriotes	\$143,000													
Arnold Street No.4	\$0	Site Clean Up and Footpath Rehabilitation												
Tumera Beach Recreation Premises	\$125,000	Deferred, Flood...												
Uiverstone Boat Ramp Carpark	\$267,000	Upgrade of boat ramp area												
Drainage	\$0													
Any Street Outfall - Uiverstone	\$0	Deferred - reallocation of funds...												
Buttons Creek - Uiverstone	\$19,000	Creek improvements												
Fulton Street	\$76,000	Upgrade existing line												
Linton Avenue	\$27,000	Pipe open drain												
Miscellaneous drainage	\$0	To be confirmed												
Extensions - Walker Street	\$2,500	Deferred												
Extensions - 87 South Road Uiverstone	\$0	Maintenance budget used instead												
Extensions - Hagarth Road, Sulphur Creek	\$25,000													
Extensions - Westalla Drive, Tumera Beach	\$4,000													
Extensions - Maxwell Street, Uiverstone	\$105,000	Replace existing line												
Richard Pines	\$5,000	Annual programme												
Side Entry Pits	\$0	Deferred, Flood...												
Trevor Street	\$0	Deferred, Flood...												
Water Street - Uiverstone	\$1,500													
Household Garbage	\$474,000	Signage, platform upgrade												
Castra Transfer Station - Site Development & Rehabilitation	\$10,000	Signage, platform upgrade												
Penguin Refuse Disposal Site - site rehabilitation	\$270,000	Site closure works												
Preston Transfer Station - Site Development & Rehabilitation	\$0	Signage, platform upgrade												
Resource Recovery Centre - Enhance traffic improvements	\$4,000	Site improvements, landscaping...												
Resource Recovery Centre - site development	\$8,000	Site improvements, landscaping...												
Resource Recovery Centre - Fire fighting facility	\$4,000	Installation of pumps and shed												
Resource Recovery Centre - Landscaping	\$4,000	Improve site aesthetics/veg.												
Resource Recovery Centre - Leachate Improvements	\$21,000	Leachate containment facility												
Resource Recovery Centre - Off-shore storage facility	\$14,000	Storage compliance												
Resource Recovery Centre - Power supply extension	\$0	Power supply to washdown facility												
Resource Recovery Centre - Washdown Facility	\$5,000	For vehicle hygiene and maintenance												
Resource Recovery Centre (RRC) - Site office/cafeteria	\$1,000	General Improvements												
South Riana Refuse Disposal Site - development	\$25,000	Relocate transfer station from quarry												
Parks	\$512,500													
Anzac Park - concrete entry renewal (steps assessment)	\$3,000													
Anzac Park - Pocket Reestablishment	\$10,000	Reestablish 2010/11 and reinstate 2011/12												
Bicentennial Park - pathway	\$0	Deferred...												
Bicentennial Pond	\$32,000	Rehabilitation and drainage to mouth of												
Community Coasteaks Project - Tumera Beach (CFOC)	\$16,000	Pool Barriers												
Community Coasteaks Project - site clearance & setup	\$3,000													
Community Coasteaks Project - gravel topsoil	\$12,000													
Fairway Park - Beach Road	\$55,000	Installation of playground equipment												

Works Programme 2010-2011

(Schedule indicates site construction only)

Sluic/Task Name	Budget	Notes	July 2010	August 2010	September 2010	October 2010	November 2010	December 2010	January 2011	February 2011	March 2011	April 2011	May 2011	June 2011
Fairway Park - skate park	\$5,000	CMP suit works												
Johnsons Beach Road - skate park	\$22,000	Complete lookout												
Leven Gully - edge track bollard	\$50,000	Deferred. Flood...												
Leven River Walls Assessment	\$0													
Park Signage Upgrade	\$20,000	New signage / upgrade of existing												
Playground equipment	\$40,000	Equipment in various locations												
Turners Beach (OC Ling Caravan Park Beach Access)	\$15,000	Access upgrade - sorting / funding require												
West Uverstone - Penguin Road beach access	\$26,000	Upgrade and new beach access												
Solar light trial (Parks)	\$8,500													
Public Amenities	\$218,000													
Bus shelters	\$15,000	Bus shelters as required												
Carport lane - Door Replacements	\$15,000	Replace existing doors												
Merv Wight Memorial Fountain - upgrade	\$29,000	Refilling of fountain...												
Public Convenience signage upgrade	\$10,000	New style signage in various locations												
Signs of Remembrance - clock face (mechanism refurbishment)	\$15,000	Upgrade analogue clock mechanism												
Toilet Furniture Upgrade	\$10,000	Replace porcelain toilets with stainless steel												
Turners Beach - Esplanade East - Demolish Toilets	\$8,000	Demolish toilets												
Uiv Surf Liasing Club - change rooms	\$120,000	Deferred - some funds re-allocated...												
Cemeteries	\$186,000													
Memorial Park - new pillars	\$13,000	Provision for new graves												
Memorial Park - utility shed	\$163,000	New storage / admin building to replace existing												
Memorial Park - watering system	\$10,000	Provision for new graves												
Administration Centre	\$19,000													
Penguin Service Centre	\$10,000	Minor office renovation												
Admin Centre - office alterations	\$9,000													
Cultural Activities	\$16,000	Refurbish artwork on facade												
Uiv - History Museum - repair/upgrade facade	\$15,000													
Control of Animals	\$5,000	Weather proof section of building												
Cover ground walking area	\$3,000	Fence at River Park if required												
Dog exercise areas - fencing	\$2,000													
Housing	\$117,700													
External rehabilitation	\$47,500	General external maintenance												
Gateway - carpet	\$12,000	Deferred...												
HRG Renewal	\$12,000	Hot water cylinder renewal												
Internal rehabilitation	\$46,200	General internal maintenance												
Chic Centre	\$94,000													
Heat Pump Gwiler Room	\$3,000	Heat / cooling for Gwiler Room												
Replace oven in Gwiler Room	\$0	Deferred...												
Toilet System Upgrade	\$11,000	Upgrade toilets												
Public Halls and Buildings	\$44,000													
Judo Hall Demolition	\$20,000	Funds transferred from swimming pool access												
Uverstone Senior Citizens - rear door	\$15,000	Deferred - alternatives being investigated												
Penguin Railway Station - platform upgrade	\$6,000													
Caravan Parks	\$20,000													
Replace oil burner with electrical heating	\$20,000	Replace oil burner with electrical heating												
Swimming Pool and Waterslide	\$0													
Disabled access learn to swim pool	\$0	Deferred - Education dept will not provide												
Active Recreation	\$206,000													
Penguin Athletic Track Power upgrade	\$17,000	Provision for power extension												
Shared Pathway - Turners beach to Uverstone	\$90,000	Access upgrade												
Uverstone Recreation Ground - lighting upgrade design	\$5,000	Provide extra lights where required												
Uverstone showground - landscaping existing carpark	\$34,000	Landscaping between buildings and river												
Uverstone showground - perimeter & dog fencing	\$10,000	Repair Alice steel fence												
Uverstone showground - scuba fencing	\$30,000	Fencing behind home plate												
Recreation Centres	\$165,000													
Uverstone Sports Centre - dormitory float	\$24,000	Dormitory float												
Uverstone Sports Centre - kitchen bar equipment	\$39,000	Kitchen bar equipment												
Uverstone Sports Centre - office admin refurb	\$15,000	Office refurbishment												
Uverstone Sports Centre - security upgrade	\$10,000	Security upgrade												
Visitor Information Centres	\$3,000													
Penguin Visitor Information Centre - brochure racks	\$3,000	Supply and install brochure racks												
Child Care	\$5,000													
Install Fence Around Fire Exit (Grant)	\$5,000	Install Fence Around Fire Exit												
Child Care	\$0													
LEGEND	\$0													
Not Started	\$0													
Commenced (Construction or Preliminaries)	\$0													
Complete	\$0													
Deferred	\$0													



CENTRAL COAST COUNCIL

CENTRAL COAST COUNCIL

I certify that this is the schedule referred to in  
Minute No. 194/2011 of a meeting of the  
Council held on 20/06/2011

  
Executive Services Officer

## SCHEDULE OF ENGINEERING SERVICES DETERMINATIONS

Period: 1 May 2011 – 31 May 2011

### *Approval of Roadworks and Services*

Developer: S L Kaine  
Location: 158 South Road, Penguin  
No. of Lots: 4  
Engineer: Neil Wainman - Peacock Darcey and Anderson Pty Ltd

Developer: DA Boyles, GWV Braid and SD Napier  
Location: Henslowes Road, Ulverstone  
No. of Lots: 21 (Stages 7A and 9)  
Engineer: Dean Panton/Neil Wainman  
Peacock Darcey and Anderson Pty Ltd



Bevin Eberhardt  
DIRECTOR ENGINEERING SERVICES