

# Minutes

of an Ordinary Meeting  
held at 6.00pm

20 JULY 2009

**Note:**

Minutes subject to confirmation at  
a meeting of the Council to be held on  
17 August 2009

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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 20 July 2009 commencing at 6.03pm.**

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**Councillors attendance**

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

**Employees attendance**

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

**Media attendance**

The Advocate newspaper.

**Public attendance**

Five 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

### 205/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 June 2009 and the special meeting held on 29 June 2009 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 June 2009 and the special meeting of the Council held on 29 June 2009 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 206/2009 Council workshops

The Executive Services Officer reported as follows:

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

- . 22.06.2009 - Planning Scheme Amendments/Policy development on commercial use of community facilities
- . 06.07.2009 - General Manager’s quarterly performance review and discussion on Councillor’s professional development for 2009–2010
- . 13.07.2009 - Festival and Events Strategy and Framework/LGAT resident satisfaction survey

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 207/2009 Mayor's communications

"I wish to thank the Councillors and staff for their support and best wishes whilst I have been recovering from some recent health issues, in particular I would like to thank Deputy Mayor Robertson for attending functions on my behalf.

I advise that following the recent fire at the Cuprona Football Clubrooms, the Council was fully insured and Council officers have met with the insurance assessor and club representatives. The Cuprona Football Club will pay the excess on the insurance claim as per the lease agreement."

### 208/2009 Mayor's diary

The Mayor reported as follows:

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

- . Ulverstone Mens Probus Club - 25th anniversary celebration
- . The Tasmanian Skills Institute - trade celebration evening
- . Ulverstone Fire Brigade - centenary celebrations
- . Australian Council of Local Government - meeting (Canberra)
- . Farewell function for Council Water and Sewerage staff
- . Apex Club of Ulverstone - changeover dinner."

Cr Robertson reported as follows:

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

- . Ulverstone Municipal Band – Annual General Meeting
- . Pathways to Success – Charter signing, Ulverstone High School
- . Penguin Lions and Leo Clubs – changeover dinner
- . North West Coast Zone Marketing – tourism presentation
- . Ulverstone Senior Citizens Club – winter concert
- . North West Fisheries – Annual General Meeting
- . Penguin Anglers – 50<sup>th</sup> birthday dinner
- . Cradle Coast Authority – strategic planning day
- . Cradle Mountain Water – share certificate presentation
- . Devonport forum on services available to cancer sufferers
- . ACLS/Lifeline Suicide Support Group – launch of standby response
- . U16 National Basketball Titles – opening

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- . Enormity Santas – launch
  - . Keep Australia Working – launch.”

Cr Haines reported as follows:

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

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

Carried unanimously

## **209/2009 Pecuniary interest declarations**

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

## **210/2009 Public question time**

The Mayor reported as follows:

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

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

## **COUNCILLOR REPORTS**

### **211/2009 Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr McKenna reported on a meeting of Dulverton Representatives.

Cr Robertson reported on a meeting of the East Ulverstone Swimming Pool Management Committee and the actions arising from the minutes of that meeting.

Cr Deacon reported on a Chamber of Commerce breakfast which Cr Howard also attended.

Cr Fuller reported on the Annual General Meeting of the Penguin Surf Life Saving Club.

Cr Deacon reported on a recent band night held by the Lift Youth Council.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **212/2009 Leave of absence**

The Executive Services Officer reported as follows:

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

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

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There are no applications for consideration at this meeting.”

## DEPUTATIONS

### 213/2009 Deputations

The Executive Services Officer reported as follows:

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

## PETITIONS

### 214/2009 Petitions

The Executive Services Officer reported as follows:

“The following petition has been received:

‘Subject matter	Closure of footbridge to Ironcliffe Road, Penguin
Statement of subject matter and action requested	Penguin residents requesting the Central Coast Council restore the footbridge to working order. The footbridge provided access to essential services (local bus stop, Doctors surgery, Penguin Market and Eastern end of Penguin’s Main Street, Pharmacy, Hotels and other services) for many local people, including Housing Tas Units, EPU’s, and private residences.
Signatories	The number of signatures obtained in the 20 days from 10 <sup>th</sup> June 2009 to 30 <sup>th</sup> June, 2009 is 256.’

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.

It has been referred to the Engineering Services Department for preparation of a report and the Director has advised in preliminary terms as follows:



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'The footbridge over Penguin Creek between Carroo Court and Ironcliffe Road was recently closed for community safety reasons following an inspection which revealed structural defects. Investigations have commenced into replacement options and will not be concluded until the results of a resident survey are returned and assessed. A preliminary budget for replacement has been included for 2009–2010 subject to receipt of advanced Roads to Recovery funding.

A report on the findings will be prepared for consideration at the 17 August 2009 Council meeting.' ”

- Cr McKenna moved and Cr Howard seconded, “That the petition be received.”

Carried unanimously

## **COUNCILLORS' QUESTIONS**

### **215/2009 Councillors' questions without notice**

The Executive Services Officer reported as follows:

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

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

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- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
  - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
  - (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority... may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –
  - (a) the reason it was not possible to include the matter on the agenda; and
  - (b) that the matter is urgent; and
  - (c) that (qualified) advice has been provided under section 65 of the Act.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda.”

The allocation of topics ensued.

## **216/2009 Councillors' questions on notice**

The Executive Services Officer reported as follows:

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

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

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

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

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

A question on notice has been received from Cr Fuller and is listed at Minute No. 231/2009.”

**DEPARTMENTAL BUSINESS**

DEVELOPMENT & REGULATORY SERVICES

**217/2009 Development & Regulatory Services determinations**

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of June 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**218/2009 Energy efficient demonstration home forum**

■ Cr Barker (having given notice, and now with amended wording) moved and Cr Deacon seconded, “That the Council facilitates a forum with interested persons within the building industry with a view to promoting situations in homes in Central Coast using energy conservation products available on today’s market.”

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

“This project would be an opportunity for industry along with the Council to demonstrate in a practical way energy saving products that are available on today’s market.

In light of recent and foreshadowed increases in the cost of power, it is becoming more important to become more efficient and cost effective in the use of energy.

The Council is in an ideal position to participate in such a demonstration of energy saving exercise by providing some components along with industry, such as land, the Council recouping any cost on the sale of any properties involved.”

The Director Development & Regulatory Services reported as follows:

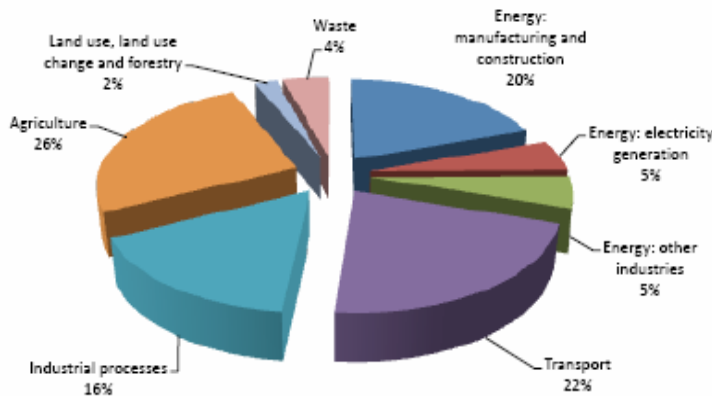
*"PURPOSE*

This report considers a motion on notice from Cr Barker proposing that the Council facilitates a forum with interested persons within the building industry with a view to building a demonstration home in Central Coast using energy conservation products available on today's market.

*BACKGROUND*

Greenhouse gas mitigation has become an important part of local government activity over the last decade. Councils are increasingly assisting residents and local business to reduce community emissions from energy, transport and waste through a wide variety of projects that focus on implementation, education and behavioural change.

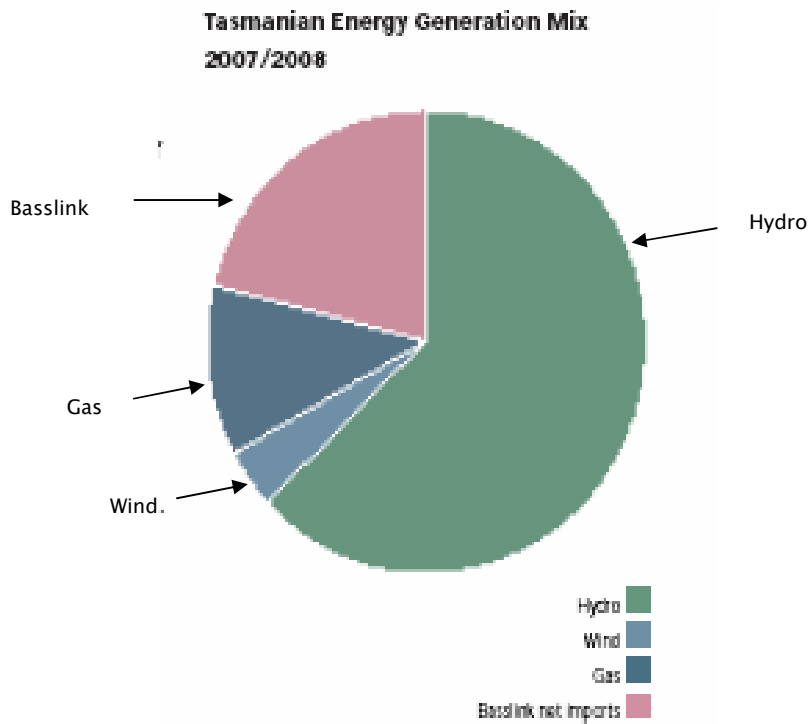
The last year for which official emission figures are available in Australia is 2006, when Tasmania emitted about 8.5 megatonnes (MT) of carbon dioxide and equivalent gases into the atmosphere. The combustion of fossil fuels by the manufacturing and construction sector released 1.7MT of greenhouse gases, energy use by other sectors released 0.4MT, the generation of electricity released 0.4MT, the use of fossil fuel in the transport sector (by air, road, rail and shipping) released 1.8MT, industrial processes released 1.4MT, the agricultural sector (releasing methane and nitrous oxide from livestock, crops and soils) released 2.2MT (see chart below).



In Tasmania, Aurora Energy hedges the bulk of the State's electricity with Hydro Tasmania, which generates electricity from hydro, gas and wind farm sources. In

2007–08 Tasmania’s electricity supply was supplemented by net import over Basslink of 2,300GWh of electricity from interstate generators. This compared to 1,400GWh in 2006–07. There are also some small privately–owned generation units which are connected directly to the distribution network. These include municipal gas plants at the Hobart and Glenorchy landfill disposal sites, mini hydro generators associated with two northern irrigation schemes and a single wind turbine in the north–west.

Because of this extensive use of renewable energy, Tasmania’s greenhouse gas emissions from electricity are minimal. In years of normal rainfall, up to 90% of Tasmania’s electricity comes from renewable resources (see chart below).

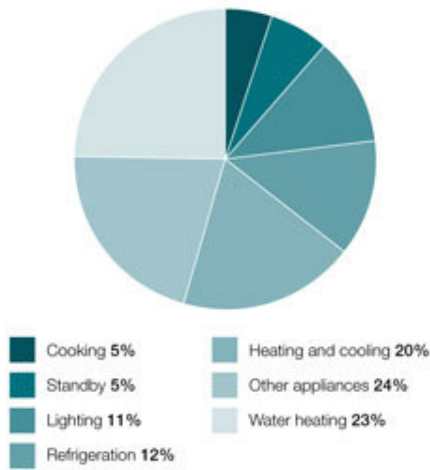


In July 2008 the Tasmanian Government released its ‘Framework for Action on Climate Change’ which includes eight priority areas. One of these priority areas is ‘becoming energy smart.’ The Government believes that there is significant potential for many energy efficiency measures to be cost–neutral or cost–positive. It is stated that not only will greater energy efficiency enable Tasmania to export its clean electricity to the mainland, but it will ease the transitional and ongoing impacts on households and business from the national emissions trading scheme and from future climate change. Additionally, investing in energy efficiency from

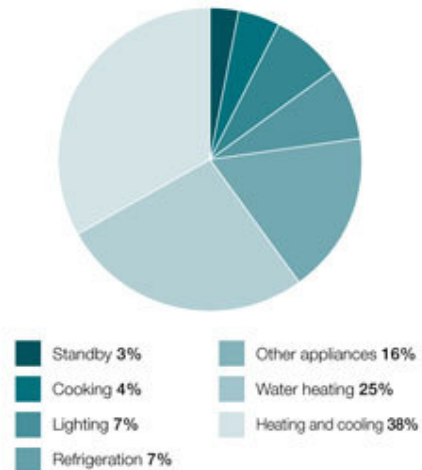
lower income households can provide them with houses that are more comfortable, affordable to operate and less susceptible to future electricity price rises.

It is well established that greenhouse gas emissions from household energy use can be significantly reduced through use of more efficient appliances and energy conservation measures. Indeed, minimising demand for energy through conservation and efficiency is the most cost effective means of reducing operational and environmental costs for all home owners and tenants. The following charts provide an estimate of the breakdown of greenhouse gas emissions from homes, together with home energy use to illustrate areas in which reductions in energy use can be readily achieved.

Greenhouse gas emissions from home energy use (Baseline Energy Estimates, 2008)



Home energy use (Baseline Energy Estimates, 2008)



In the 2007/08 Measures Evaluation Report for the Cities for Climate Protection Program in Australia, it was reported that over 20% of councils undertook actions to raise residents awareness of climate change and what they can do about it. Actions included distributing information, holding community expos, promoting Greenpower and government renewable-energy rebates, running courses and workshops, and promoting local businesses that provide sustainability services. Additionally, more than 15% of councils reported providing residents with free or subsidised equipment such as energy-efficient light globes and water-efficient showerheads. Many of these actions were in partnership with private companies. Several councils, such as the Hobart City Council, now offer rebates for installing solar hot water, while some councils have also been encouraging residents to build more sustainable homes. Actions in this area include sustainable demonstration homes, requiring residents to assess the energy efficiency of projects when applying for building or planning

permits, and lobbying state government to increase the minimum energy-efficiency requirements for housing.

The idea of establishing energy efficient demonstration homes is not new to local government. Indeed, recently the Randwick City Council, Woollahra Municipal Council and Waverly Council in eastern Sydney joined forces to develop a sustainable demonstration house to provide residents, visitors and students with the opportunity to see working examples of sustainability measures that they can take in their own homes. The home, which was developed with the assistance of an Urban Sustainability Grant from the NSW Environmental Trust, was designed to demonstrate how an inner city home can be made sustainable for less than \$15,000. With limited new development in the three local government areas, a focus on retrofitting homes rather than building new homes was chosen. As well as providing a demonstration home, the site is being used as a community resource, currently providing a meeting place for community groups including climate change, permaculture and food co-op groups.

### *DISCUSSION*

The Central Coast Council Strategic Plan 2009–2014 includes a strategic direction to ‘contribute to a safe and healthy environment.’ To assist in achieving this, the Council has included a strategic action to, ‘Investigate and plan for the effects of climate change on the local area.’ This action will be carried out over the life of the Strategic Plan, commencing in the 2009–10 financial year.

In undertaking this strategic action it is first necessary to complete a broad review of the issues and opportunities for the Council to work towards addressing the issue of climate change in Central Coast. The purpose of this review is to develop a Climate Change Action Plan for achieving the above-mentioned strategic action. This work will be carried out in coming months.

The idea of facilitating a forum for interested persons within the building industry with a view to building a demonstration home using energy conservation products has merit, and should certainly be investigated as part of the Council’s Climate Change Action Plan. Other actions which could be considered for inclusion in the Action Plan to assist the community to reduce energy use and greenhouse gas emissions include:

- . distributing energy efficient information;
- . holding community expos;
- . promoting Greenpower and government renewable-energy rebates;
- . running courses and workshops;
- . promoting local businesses that provide sustainability services;



- . providing residents with free or subsidised equipment such as energy-efficient light globes and water-efficient showerheads;
- . offering rebates for installing solar hot water;
- . requiring residents to assess the energy efficiency of projects when applying for building or planning permits; and
- . undertaking household energy efficiency audits and providing advice on how to retrofit homes for sustainable energy solutions.

The Climate Change Action Plan also needs to reflect the outcomes of the Council's Climate Change Risk Assessment and Adaptation Plan which has been developed in conjunction with the Cradle Coast Authority. Potential actions may include:

- . auditing the Council's corporate greenhouse gas emissions;
- . reviewing the vehicle fleet;
- . reviewing waste management practices;
- . implementing additional land use planning controls;
- . assessing and prioritising works to mitigate potential threats to infrastructure, assets or coastal open space from the effects of climate change.

There is a great deal of work which needs to be undertaken in planning and preparing the Council's response to climate change. At this stage it may be premature to commit to facilitating an energy efficient demonstration home forum, prior to developing the Council's Climate Change Action Plan. It is suggested that a decision on the forum be deferred until the development of the Action Plan. It is intended that the Action Plan will be developed in draft form and will then be workshopped with Councillors prior to adoption and implementation.

#### *CONSULTATION*

Consultation was not required in preparing this report.

#### *IMPACT ON RESOURCES*

Subject to further investigation as part of the development of the Council's Climate Change Action Plan.

#### *CORPORATE COMPLIANCE*

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

##### The Shape of the Place

- . Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

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

*CONCLUSION*

Cr Barker's motion is submitted for consideration."

Continued after Minute No. 219/2009.

**219/2009 Public question time**

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

There were no questions from the public at this time.

**Minute No. 218/2009 continued...**

Motion

Carried unanimously

**220/2009 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. 221/2009 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 McKenna moved and Cr Haines seconded, "That the Mayor's report be received."

Carried unanimously

**221/2009 Penguin Urban Design Guidelines Schedule (248/2008 – 21.07.2008 and 321/2008 – 15.09.2008)**

The Director Development & Regulatory Services reported as follows:

*“PURPOSE*

The purpose of this report is to present the amended Penguin Urban Design Guideline Schedule to the Council for endorsement prior to it being forwarded to the Resource Planning and Development Commission (RPDC) for certification as part of Draft Amendment 1/2008.

*BACKGROUND*

At its meeting on 21 July 2008 (Minute No. 248/2008) the Council certified a draft amendment (No. 1/2008) to the *Central Coast Planning Scheme 2005* (the Scheme) to include the Penguin Urban Design Guidelines Schedule 14 (Schedule 14).

On Friday, 27 February 2009, the RPDC held a hearing to consider the draft amendment. The hearing involved Council staff and those people who made representations in relation to the draft amendment. At the hearing it was determined that due to a procedural error, the proposed Schedule 14 did not form part of the draft amendment. The Council was directed to forward the Schedule 14 to the RPDC for certification, after which the amended schedule will be publicly advertised. Following the advertising period the Council will make comments to the RPDC on any submissions received, the RPDC will hold a further hearing and will then make its determination on the draft amendment.

*DISCUSSION*

Prior to conducting the February hearing, the RPDC raised some issues with the Council concerning the structure of the proposed Schedule 14. These issues related specifically to the Acceptable Solutions proposed in the Schedule. Since the hearing, the Council’s Land Use Planning staff have taken the opportunity to re-engage with the consultants responsible for drafting the Schedule, Parsons Brinkerhoff Pty Ltd, to address the identified structural issues. Additionally, staff have consulted with RPDC planning staff and received legal advice to ensure that the structural issues have been addressed.

The amended Schedule 14 is included as Annexure 1.

### *CONSULTATION*

Council staff have consulted with Parsons Brinkerhoff Pty Ltd staff and RPDC planning staff in amending the proposed Schedule 14.

### *IMPACT ON RESOURCES*

Other than the impacts on staff time and the administrative costs associated with the statutory process involved in the Scheme amendment process, no other impacts are anticipated.

### *CORPORATE COMPLIANCE*

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

#### The Shape of the Place

- Encourage a creative approach to new development

#### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

### *CONCLUSION*

It is recommended that the Council endorse the amended Penguin Urban Design Guideline Schedule prior to it being forwarded to the Resource Planning and Development Commission for Certification as part of Draft Amendment 1/2008.”

The Executive Services Officer reported as follows:

“A copy of the Penguin Urban Design Guidelines amended Schedule 14 has been circulated to all Councillors.”

- Cr Barker moved and Cr Dry seconded, “That the Council endorse the amended Penguin Urban Design Guideline Schedule 14 prior to it being forwarded to the Resource Planning and Development Commission for Certification as part of Draft Amendment 1/2008.”

Carried unanimously

GENERAL MANAGEMENT

**222/2009 Minutes and notes of committees of the Council and other organisations**

The Executive Services Officer reported as follows:

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

- . East Ulverstone Swimming Pool Management Committee – meeting held on 26 March 2009;
- . Penguin Miniature Railway Committee – meetings held on 21 April and 26 May 2009;
- . Cradle Coast Authority – meeting of Representatives held on 28 May 2009;
- . Forth Community Representative Committee – meeting held on 11 June 2009;
- . Dulverton Regional Waste Management Authority – meeting held on 16 June 2009;
- . Ulverstone Local History Museum Committee – meeting held on 16 June 2009;
- . Youth Engaged Steering Committee – meeting held on 18 June 2009.

Copies of the (non-confidential) minutes and notes have been circulated to all Councillors.”

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

Carried unanimously

**223/2009 Payment of allowances and expenses to the Mayor, Deputy Mayor and Councillors (405/2007 – 06.11.2007)**

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

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

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

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

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

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

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

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

The General Manager reported as follows:

*PURPOSE*

This report considers a motion on notice from Cr Fuller.

*BACKGROUND*

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

*DISCUSSION*

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

*CONSULTATION*

No consultation is required.

*IMPACT ON RESOURCES*

Any reimbursement will be funded through the Councillors Expenses budget.

*CORPORATE COMPLIANCE*

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

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

*CONCLUSION*

Cr Fuller's motion is submitted for consideration."

- Cr Haines moved and Cr Deacon seconded, "That the motion lay on the table until further qualified advice has been received."

Procedural motion

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**224/2009 Contracts and agreements**

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of June 2009 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**225/2009 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

This report is to inform the meeting of any correspondence received during the month of June 2009 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

*CORRESPONDENCE RECEIVED*

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

- . 3 June 2009 – Letter from concerned residents requesting that the Council support an application for the Beach House at 16 Beach Road, Ulverstone, to be included on the Tasmanian Heritage Register.
- . 4 June 2009 – Letter from ALGA advising that the 2009 National General Assembly of Local Government is to be held on 21–24 June 2009 in Canberra.



- . 5 June 2009 – Letter from the Chairman of the Families and Young Children Reference Group seeking Council support for the establishment of a Child and Family Centre in Ulverstone.
- . 16 June 2009 – Letter from Tasmanian Weed Society Inc advising that they area asking Council to complete a questionnaire to assist with building a picture of weed management across the municipal area.
- . 16 June 2009 – Letter from residents in Penguin seeking a donation from Council to support a young local athlete who has made Australian Team to compete at the Junior World Cycling Event to be held in Moscow in August 2009.
- . 24 June 2009 – Letter from the Tasmanian Athletic League Inc requesting Council support for the Ulverstone Athletic Carnival to be held on 28 November 2009.

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

Cr Fuller left the meeting at this stage.

Carried unanimously

#### **226/2009 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 16 June to 20 July 2009 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**227/2009 Financial statements**

The Director Corporate & Community Services reported as follows:

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

- Summary of Rates and Fire Service Levies.”

The Executive Services Officer reported as follows:

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

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

Cr Fuller returned to the meeting at this stage.

Carried unanimously

**228/2009 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>	302440.0120
<i>PROPERTY ADDRESS</i>	Hopkins Street, Leith
<i>REMISSION</i>	\$345.00
<i>REASON</i>	Incorrectly charged water rate – property located more than 30 metres from water reticulation scheme and not connected.

<i>PROPERTY NO.</i>	403055.002
<i>PROPERTY ADDRESS</i>	1 Boathouse Lane, Heybridge
<i>REMISSION</i>	\$653.50
<i>REASON</i>	Property revalued following objection to general revaluation.

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 (J) Bonde moved and Cr Deacon seconded, “That the following remissions be approved:

- . Property No. 302440.0120 – \$345.00
- . Property No. 403055.0020 – \$653.50.”

Cr Deacon left the meeting at this stage (7.14pm).

Carried unanimously

### **229/2009 Debtor remissions**

The Director Corporate & Community Services reported as follows:

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

*DEBTOR NO.* 3538  
*PROPERTY ADDRESS* 11 James Street, Forth  
*REMISSION* \$88.35  
*REASON* Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

*DEBTOR NO.* 5379  
*PROPERTY ADDRESS* 14 Martin Road, Forth  
*REMISSION* \$131.13  
*REASON* Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

*DEBTOR NO.* 5481  
*PROPERTY ADDRESS* 154 Westella Drive, Ulverstone  
*REMISSION* \$288.30  
*REASON* Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003).”

■ Cr McKenna moved and Cr Fuller seconded, “That the following remission be approved:

- . Debtor No. 3538 – \$88.35
- . Debtor No. 5379 – \$131.13
- . Debtor No. 5481 – \$288.30.”

Carried unanimously

### **230/2009 Policy on the commercial use of public reserves and buildings (132/2009 – 20.04.2009)**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

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

*BACKGROUND*

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

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

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

*DISCUSSION*

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

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

Within the current framework of clubs, caravan parks and other public buildings there exists a range of commercial activity relating to liquor licenses and multi-purpose function rooms that are, in most cases, run and managed by the relevant club as part of its own fundraising activities. The draft Policy on the Commercial Use

of Public Reserves and Buildings/Facilities provides an assessment process that allows the Council to assess applications for extensions or variations to such activity, including fully commercial activities, whilst ensuring that issues of fairness, equity and transparency, both for the applicant and the community who own the property, are addressed.

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

*CONSULTATION*

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

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

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

The Shape of the Place

- . Improve the value and use of open space
- . Encourage a creative approach to new development

Community Capacity and Creativity

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

The Environment and Sustainable Infrastructure

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

*CONCLUSION*

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

The Executive Services Officer reported as follows:

“A copy of the draft Policy on the Management of Commercial Use of Public Reserves and Buildings/Facilities has been circulated to all Councillors.”

Cr Deacon returned to the meeting at this stage.

■ Cr McKenna moved and Cr Howard seconded, “That the motion lay on the table until further information is provided.”

Voting for the procedural motion

(8)

Cr Downie

Cr Robertson

Cr Deacon

Cr Dry

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the procedural motion

(4)

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Fuller

Procedural motion

Carried

## ENGINEERING SERVICES

**231/2009 Councillor's questions on notice**

The General Manager reported as follows:

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

‘Please provide an explanation of the Council’s involvement in discussions with the upgrade of the Penguin boat ramp, over recent years, including discussions with stakeholders, MAST and members of State Parliament.’

The following answer is provided by the Director Engineering Services.

‘Officers from the Engineering Services Department have only become involved in this issue after the Penguin Boat Owners Association (PBOA) applied to Marine and Safety Tasmania (MAST) for funding. The Council officers’ role has been one of assistance to facilitate the process of investigating the PBOA proposal.

Timelines are as follows:

7 April 2008	MAST called for applications under the Recreational Boating Fund for 2008–09.
26 June 2008	The Mayor handed a copy of an application by the PBOA regarding the low tide ramp to Council officers. Council officers were not aware of the application prior to it being submitted.
10 July 2008	Council officer met with MAST and PBOA onsite to discuss the application. PBOA were advised that the Council may be able to assist with some preliminary investigation work.
14 July 2008	The Council was advised in a formal letter from MAST (dated 10 July 2008) that two applications had been received in our municipal area, one of which was the PBOA for the low tide ramp and requesting information on Council support for the projects.

1 August 2008	Council officers forwarded a response to MAST to confirm there was no funding in current budgets for the projects and that prior to allocating funds to any project a review of boat ramps and Management Plan would need to be carried out.
14 August 2008	Council officers were asked by Councillors to provide a preliminary estimate for the PBOA application. This was not formally carried out due to inadequate design information and lack of experience with marine structures.
15 September 2008	The Council received a letter of support for the project from Bryan Green MP following a meeting with the PBOA.
22 September 2008	PBOA meeting. By this stage the estimate for works from MAST was \$250,000. Councillors may have attended this meeting.
8 October 2008	Council officers discussed the status of the project with MAST and agreed to meet onsite to progress the project.
16 October 2008	Council officers met onsite with MAST and PBOA to discuss responsibilities for producing estimates, designs, funding etc. MAST officers advised they would organise survey, design and cost estimates.
16 March 2009	Council officers, having had no further notice, questioned MAST as to what stage the project was at.
30 March 2009	Council officers received verbal advice from MAST that price could be in the order of \$700,000 and unlikely to be funded. Council officers advised no current Council budget and also unlikely in the future for the large amount.
18 May 2009	Cr Howard asked for a status report on the ramp (Council meeting).



22 June 2009 Council officers contacted MAST to obtain a copy of design drawings and estimate as nothing official had been received from MAST.

22 June 2009 An email was received from MAST with a copy of plans and estimate (\$550,000) advising cost was out of MAST's reach, even on a 50-50 basis.

Please note that the above responses are for Council officer involvement. Councillors may have had further discussions with PBOA members. Members of the PBOA may have had contact with members of parliament.

It is noted that the Council became involved with the Penguin boat ramp and jetty back in 2001 when the Council funded the jetty replacement at a cost of \$35,000 with a further \$8,000 expended on improvements to the low tide ramp.

The ongoing future commitment by the Council to this facility needs to be seriously assessed as part of asset management in line with other similar facilities in the Central Coast municipal area.' "

**232/2009 Pedestrian crossing at Main Road, Penguin**

■ Cr McKenna (having given notice) moved and Cr (L) Bonde seconded, "That the Council request the Traffic Management Committee to investigate a proposal to provide a pedestrian road crossing at the eastern end of Main Road, Penguin, to overcome problems associated by residents who use walkers or are physically disabled and have need to cross Main Road in this area."

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

- “1 The proposer of the motion is aware that a pedestrian crossing (previously known as a ‘zebra crossing’) cannot be provided at Main Road, Penguin with the Department of Infrastructure, Energy and Resources (DIER) having indicated that vehicle and pedestrian traffic is inadequate in volume to meet DIER's requirements, thus preventing the Council from providing such a crossing.
- 2 A number of complaints have been received from Metro bus users that to cross Main Road at mid-morning or afternoon to use the bus service, or to unload as a passenger is dangerous to aged and disabled bus travellers, due

to the volume of traffic on Main Road and their inability to move swiftly across the same.

- 3 Local business in the area has expressed concern that a large percentage of elderly and disabled people need a pedestrian crossing at Main Road, Penguin, indicating several residents have defective eyesight and need to be assisted to cross Main Road after attending their business (see attachment).
- 4 The alternative to a major pedestrian crossing could be a kerb realignment similar to that existing between the Penguin Visitor Information Centre and the Memorial Library.”

The Director Engineering Services reported as follows:

*“PURPOSE*

This report considers a motion on notice from Cr McKenna.

*BACKGROUND*

The Engineering Services Department has previously investigated provision of a formal pedestrian crossing for Main Road, Penguin.

*DISCUSSION*

Providing safer crossing for pedestrians in the shopping zone on Main Road is very much supported. Several treatments are available, each have certain warrants that need to be met before they can be considered for approval by DIER.

Due to a very poor accident history in Tasmania, the use of ‘zebra crossings’ has been phased out.

The issue of pedestrian safety was clearly identified in the Penguin Urban Design Guidelines, with the following objectives and resultant actions included:

- . provide safe pedestrian movement across the existing railway line;
- . to provide safe and efficient road networks that promote appropriate car parking management and improved pedestrian access; and
- . ensure the safe and efficient movement of pedestrians across existing transport infrastructure and throughout the Penguin Township.

These objectives and actions will be considered in investigating appropriate options to address pedestrian safety issues.

The most likely option to meet the warrants at this location would be some form of traffic/pedestrian control measures such as kerb outstands or refuge islands. These options would need to be presented to the Traffic Management Committee and DIER for discussion and approval.

*CONSULTATION*

Consultation is not required at this stage.

*IMPACT ON RESOURCES*

There is limited impact on resources for the Traffic Management Committee to investigate this issue. There would be a funding implication if kerb outstands and refuge islands are to be provided.

*CORPORATE COMPLIANCE*

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

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

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

*CONCLUSION*

The motion of Cr McKenna is submitted for consideration.”

Motion

Carried unanimously

**233/2009 Tenders for replacement of Leven River Bridge, Golf Club Road, Ulverstone**

The Director Engineering Services reported as follows:

*"PURPOSE*

The purpose of this report is to make a recommendation on tenders received for the replacement of the existing bridge over the Leven River on Golf Club Road, Ulverstone.

*BACKGROUND*

The Engineering Group Leader reports as follows.

'Design and construct tenders were called for the above bridge replacement on 6 June 2009, closing at 2.00pm on 1 July 2009. A minimum conforming standard was outlined, along with general evaluation criteria for improved structures subject to available funding within the overall Bridge capital works budget.

*DISCUSSION*

Tenders were received as follows (including GST and \$100,000 contingency):

TENDERER	PRICE \$
VEC Civil Engineering Pty Ltd	
Conforming tender	979,848.20
Alternative option (300m upstream)	754,000.00
Tas Span Pty Ltd	
Conforming tender	1,195,599.56
Alternative option 1 (parallel to existing bridge)	1,172,549.50
Alternative option 2 (timber bridge)	601,766.10
<i>ESTIMATE</i>	1,290,000.00

*VEC Civil Engineering Pty Ltd –*

Conforming Tender

- . Three span, 62.0m overall.
- . Upstream side to existing bridge with less skew.
- . Single lane – 4.2m between barriers.
- . Superstructure – Precast Super Tee-beams with in-situ concrete deck.
- . Substructure – Steel pile and concrete construction.

- . Thrie-beam guardrail on bridge with w-beam guardrail on approaches.
- . Roadworks at both ends to match into existing.
- . Lifespan 100 years.

Alternative option

- . Two span, 41.0m overall.
- . Approximately 300m upstream from existing bridge.
- . Single lane – 4.2m between barriers.
- . Superstructure – Precast Super Tee-beams with in-situ concrete deck.
- . Substructure – Steel pile and concrete construction.
- . Thrie-beam guardrail on bridge with w-beam guardrail on approaches.
- . Construction access only. Roadworks to connect to existing road not included in tender price.
- . Lifespan 100 years.

*Tas Span Pty Ltd –*

Conforming Tender

- . Three span, 62.0m overall.
- . Upstream side to existing bridge with less skew.
- . Single lane – 4.2m between barriers.
- . Superstructure – Precast, prestressed concrete beams.
- . Substructure – Steel pile and concrete construction.
- . Thrie-beam guardrail on bridge with w-beam guardrail on approaches.
- . Roadworks at both ends to match into existing.
- . Lifespan 100 years.

Alternative option 1

- . Three span, 58.0m overall.
- . Upstream side and parallel to existing bridge.
- . Single lane – 4.2m between barriers.
- . Superstructure – Precast, prestressed concrete beams.
- . Substructure – Steel pile and concrete construction.
- . Thrie-beam guardrail on bridge with w-beam guardrail on approaches.
- . Roadworks at both ends to match into existing.
- . Lifespan 100 years.

Alternative option 2

- . Six span, 62.4m overall.
- . Upstream side and parallel to existing bridge.
- . Single lane – 4.2m between barriers.
- . Superstructure – Four timber beams per span with in-situ reinforced concrete deck.
- . Substructure – CCA timber piled piers and abutments with hardwood sheeting.
- . Hardwood timber kerb and barrier.
- . Roadworks at both ends to match into existing.
- . Lifespan 40 years.

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . experience;
- . personnel;
- . construction period;
- . quality systems;
- . OHWS system and record;
- . tender price/value for money.

The two tenderers are recognised as being competent to perform the works and their structures conform to relevant standards with minor design differences. Both tenderers provided concrete permanent options.

The preferred option for any bridge replacement is with a permanent concrete structure if it falls within budget as there are low lifecycle and maintenance costs. The alternative option 2 from Tas Span Pty Ltd which is for a timber bridge will therefore not be considered any further.

The conforming tender and alternate option from Tas Span Pty Ltd are \$215,751.36 and \$192,701.30 respectively above the conforming tender of VEC Civil Engineering Pty Ltd. Based on the tender assessment method, the two concrete tenders from Tas Span Pty Ltd can be eliminated from further considerations.

The alternative option submitted by VEC Civil Engineering Pty Ltd is for a concrete bridge located some 300m upstream of the existing bridge. At this location a shorter two span bridge is suitable, however, this introduces issues such as additional roadworks to link back into the existing road, property ownership and possible acquisition, poor alignment of bridge

approaches and sight distance along Lobster Creek Road. The tender price for this option is \$225,848.20 less than VEC's conforming tender. Whilst initially this may look to be an attractive option, no distinct saving is likely once the issues above are considered.

*CONSULTATION*

This item has followed a public tendering process.

Local consultation and public notice will be provided at the time of construction.

*IMPACT ON RESOURCES*

All tenders are below the budget estimate.

*CORPORATE COMPLIANCE*

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

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

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

The Engineering Group Leader's report is supported.

*CONCLUSION*

It is recommended that the tender from VEC Civil Engineering Pty Ltd for the replacement of the Leven River Bridge at Golf Club Road, Ulverstone in the sum of \$979,848.20 (including GST) be accepted and approved by the Council."

## ENGINEERING SERVICES

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- Cr van Rooyen moved and Cr Fuller seconded, "That the tender from VEC Civil Engineering Pty Ltd for the replacement of the Leven River bridge at Golf Club Road, Ulverstone in the sum of \$979,848.20 (including GST) be accepted."

Carried unanimously



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## CLOSURE OF MEETING TO THE PUBLIC

### 234/2009 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Draft Cradle Mountain Water 2009–2010 Corporate Plan; and
- . General Manager’s performance review.

These are matters relating to:

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

■ Cr Robertson moved and Cr Dry 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
- . personnel

and the Council being of the opinion that it is lawful and proper to close the meeting to the public:

- . Minutes and notes of other organisations and committees of the Council;
- . Draft Cradle Mountain Water 2009–2010 Corporate Plan; 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 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

**235/2009 Minutes and notes of other organisations and committees of the Council**

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

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

...

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

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

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

**236/2009 Draft Cradle Mountain Water 2009–2010 Corporate Plan**

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

“The following report is to present the draft Cradle Mountain 2009–2010 Corporate Plan for noting by Councillors:

...

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

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

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

**237/2009 General Manager's performance review**

The Mayor reported (reproduced in part) as follows:

““The General Manager's annual performance review has been undertaken...”

...

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

- (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 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.”

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 10.45pm.

CONFIRMED THIS 17TH DAY OF AUGUST, 2009.

### **Chairperson**

(Imm:vjl)

### **Appendices**

- Minute No. 217/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 224/2009 – Schedule of Contracts & Agreements
- Minute No. 226/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 227/2009 – Financial statements

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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