



Minutes

of an Ordinary Meeting
held at 6.00pm

27 JANUARY 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
16 February 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, 27 January 2009 commencing at 6.04pm.

Councillors attendance

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

Councillors apologies

Cr John Deacon

Employees attendance

General Manager (Ms Sandra Ayton)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development Services (Mr Michael Stretton)
Strategic & Executive Services Manager (Mrs Sancia Noble)
Assets & Engineering Manager (Mr Paul Breden)
Land Use Planning Group Leader (Mrs Theresia Williams)

Guest of the Council

Mr Jack McLaren, Mr Patrick Smith, Mr Charlie Smith, Miss Sophie Nilssen, Miss Skye Luxmoore and Miss Gabbie Tregurtha.

Media attendance

The Advocate newspaper.

Public attendance

Five (5) members of the public attended during the course of the meeting.

Prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

4/2009 Confirmation of minutes

The Strategic & Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 December 2008 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 Fuller seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 December 2008 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

5/2009 Council workshops

The Strategic & Executive Services Manager reported as follows:

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

- . 12.01.2009 – Local Infrastructure Program;
 - General Managers quarterly performance review;
- . 19.01.2009 – Anti Discrimination Act training.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

6/2009 Mayor's communications

The Mayor reported as follows:

“An invitation has been accepted by Mr Jack McLaren, Central Coast Town Crier, to address the Council on his participation in the Australian Town Crier Championships in Parkes last year.

I will adjourn the meeting for 15 minutes so that Mr McLaren may address the Council.

An invitation has also been accepted by Mr Patrick Smith, Mr Charlie Smith, Miss Sophie Nilssen, Miss Skye Luxmoore and Miss Gabriella Tregurtha to attend the meeting to receive a Certificate of Appreciation from the Council in recognition of their contribution to the Youth Engaged Steering Committee.

I will extend the meeting adjournment for this purpose.”

At the conclusion of Mr McLaren’s address and the presentation of the Certificates of Appreciation, the Mayor resumed the ordinary meeting of the Council.

7/2009 Mayor’s diary

The Mayor reported as follows:

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

- . Ulverstone High School - presentation assembly and address to Year 10 leavers
- . Apex Club of Ulverstone and combined churches - Carols by Candlelight
- . Eliza Purton Home for the Aged - Auxiliary Christmas raffle draw and morning tea
- . Total Care Logistics - Devonport Cup Chairman’s Lunch (Devonport)
- . Cricket North West - Twenty/20 Night Final between Devonport and Ulverstone (Devonport)
- . Funeral for the Late Gerald Kramer
- . Uniting Church Congregations of Ulverstone and Sprent - Induction service for Reverend Devadosan Sugirtharaj
- . Australia Day celebration.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the St John’s Ambulance Presentation night.”

■ Cr Robertson moved and Cr McKenna seconded, “That the reports of the Mayor and Cr (J) Bonde be received.”

Carried unanimously

8/2009 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 Strategic & Executive Services Manager 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.

9/2009 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

10/2009 Councillor reports

The Strategic & Executive Services Manager 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 Haines reported on a presentation by the Kentish Regional Clinic Inc. on the CORES Suicide prevention program.

Cr McKenna reported on the inaugural meeting of Municipal Bowls Tasmania.

APPLICATIONS FOR LEAVE OF ABSENCE

11/2009 Leave of absence

The Strategic & Executive Services Manager 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

12/2009 Deputations

The Strategic & Executive Services Manager reported as follows:

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

PETITIONS

13/2009 Petitions

The Strategic & Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

14/2009 Councillors' questions without notice

The Strategic & Executive Services Manager reported as follows:

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

- '29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
 - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations –
- except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
- (7) The chairperson may require a councillor to put a question without notice in writing.'

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

- '8 (5) Subject to sub regulation (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.

15/2009 Councillors' questions on notice

The Strategic & Executive Services Manager reported as follows:

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

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

16/2009 Development Services Determinations

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of December 2008 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

17/2009 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 Services has submitted the following report:

‘If any such actions arise out of Minute No. 18/2009, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Strategic & Executive Services Manager 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 Dry seconded, “That the Mayor’s report be received.”

Carried unanimously

**18/2009 House Excision at 240 Purtons Road, North Motton
Application No. DEV2008.66**

The Director Development Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DEV2008.66
<i>APPLICANT:</i>	R & C Purton
<i>LOCATION:</i>	240 Purtons Road, North Motton
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	20 December 2008
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 January 2009 (extended advertising for Christmas period)
<i>REPRESENTATIONS RECEIVED:</i>	None
<i>42-DAY EXPIRY DATE:</i>	Extension granted until 27 January 2009
<i>DECISION DUE:</i>	27 January 2009

PURPOSE

The purpose of this report is to consider whether the proposal complies with the Scheme.

BACKGROUND

A detailed background is provided in the documents supporting the application (Annexure 1). In short, the land has two existing houses. There are no planning, building or plumbing permits on record for the applicants’ existing house, which has been on the site for some 32 years.

The land is approximately 38.2ha in area, and is zoned Rural Resource. Further description of the site is provided in the application documentation (pages 3, 4 and 6).

A location plan is provided as Annexure 2.

DISCUSSION

As per Section 4.9 of the Scheme, in determining an application for a permit, the Council must:

- (a) seek to further the objectives of the *Land Use Planning and Approvals Act 1993*;
- (b) act in accordance with the requirements of a State Policy;
- (c) give effect to any direction from the (Resource Planning and Development) Commission under s.28(1)(a) or s.41(a) of the Act in accordance with s.51(3)(b) and (c) of the Act; and
- (d) give effect to all relevant standards and any other requirements specified in the Scheme;

and must have regard to:

- (e) the objectives for planning as set out in Part A;
- (f) the purpose of the relevant zone;
- (g) the purpose of the relevant schedule;
- (h) any advice, information or recommendation with respect to the application that it seeks from a person who has the necessary qualifications or experience; and
- (i) any representations received as a result of notification under s.57 of the Act.

The Discussion below is divided into two sections: "Objectives of the Act" and the "Specifics of the Scheme". The Revised State PAL Policy May 2008 (PAL Policy) is also discussed in more detail in conjunction with the Scheme.

The proposal has been treated as Discretionary as the application documentation lists it as a House Excision under 15.4.1 P4 of the Scheme (Ref. Page 3 of the 4planning report). This is discussed in more detail below.

Objectives of the Act

This section provides the Objectives of the Resource Management and Planning System of Tasmania and an assessment of the proposal against these objectives:

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The use has been on the site for a number of years, albeit without formal planning, building or plumbing approval. The PAL Policy provides additional guidance on how to determine these impacts.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

Section 15.0 of the Scheme and the PAL Policy provide specifics on how to assess this Objective for this proposal.

- (c) *to encourage public involvement in resource management and planning;*

The proposal was advertised as required under the Act. No representations were received. Relevant public involvement also occurred at the time of the writing of the Scheme and the community consultation for State Policies.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

Guidance on how to assess this is provided by the detail in the Scheme, namely S15.0, and the PAL Policy, assessed later in this report.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State;*

In this case, the sharing of responsibility has occurred as part of the State Policy development, in the writing of the Scheme, the approval of the Scheme by a State Government body and the participation of the community throughout this process as provided for by the Act.

Given the framework of the planning system in Tasmania, much of the assessment in relation to the Objectives has been completed by the certification of the Scheme by the Resource Planning and Development Commission. The exception is that of the PAL Policy, which was brought into effect after the approval of the Scheme. The details of the certified Scheme and the PAL Policy are assessed later in this report.

Specifics of the Scheme and PAL Policy

REFERENCE	DETAIL AND COMMENT (WHERE REQUIRED)
2.1	<p>To achieve the purpose of this planning scheme the following objectives are most relevant:</p> <p><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas;</i></p> <p>The proposal is not within an existing urban area. The PAL Policy thus determines whether the proposal is suitable.</p> <p><i>(b) The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas;</i></p> <p>As for (a).</p> <p><i>(c) The development of a range of housing types is to be encouraged;</i></p> <p>The proposal is for a single dwelling on a relatively small rural lot, fitting the concept of a “rural lifestyle block”.</p> <p><i>(d) A safe vehicular and pedestrian network throughout the planning area is to be encouraged;</i></p> <p>Assets & Engineering staff have assessed vehicular access to and from the site. This is detailed in their comments, provided in response to 15.4.1 A2.</p> <p><i>(e) Infrastructure services are to be used and extended in an efficient manner;</i></p> <p>The development would be required to provide its’ own infrastructure. Comments in relation to this have been provided from staff and are reproduced in response to 15.4.1 A2.</p> <p><i>(f) Sufficient land and facilities for recreational and open space purposes are to be reserved for the community;</i></p>

	<p>The proposal has no impact on this Objective.</p> <p><i>(g) The physical and biological quality of surface and groundwater is to be maintained and enhanced;</i></p> <p>Clause 15.3.1 A1 is generally included as a standard condition on any permit issued for development in the Rural Resource zone. Other than that, the Environment & Health staff have provided standard conditions to be placed on any permit issued for such a development.</p> <p><i>(h) Important flora and fauna habitats are to be protected from inappropriate use and development;</i></p> <p>There is no known significant vegetation on the area (ref. page 9 of the 4planning report).</p> <p><i>(i) The environmental qualities of the coastal and river systems are to be protected;</i></p> <p>The proposal has little to no capacity to impact on the coastal and river systems, beyond that addressed by the comments for (g) above.</p> <p><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm;</i></p> <p>The site is zoned for Rural Resource use. For development of Residential use on rural land, the comments for (g) above are most applicable.</p> <p><i>(k) Rural land is to be primarily used for resource development and conservation purposes;</i></p> <p>The site is zoned Rural Resource and has been classified as having a Land Capability of Class 4 and 5 (Annexure 3). 15.4.3 and PAL provide detailed guidance on how to determine whether a site is suitable for the proposal. There are no known conservation implications.</p> <p><i>(l) Rural land is to be protected from inappropriate residential, industrial and commercial development;</i></p>
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	<p>15.4.3 of the Scheme and PAL provide guidance on what is appropriate.</p> <p><i>(m) Residential use or development in the rural areas is to be encouraged in the existing settlements of North Motton, South Riana and Sprent. The compact and limited growth of these settlements is to occur only within those areas that are zoned Mixed Use;</i></p> <p>This site is not within the existing settlement of North Motton.</p> <p><i>(n) Infill and consolidation of development within the Rural Living zone is to be encouraged;</i></p> <p>The proposal is not within the Rural Living zone.</p> <p><i>(o) The cultural heritage, including Aboriginal relics, protected site and objects and registered places are protected.</i></p> <p>No known Aboriginal relics or values are known of for this site.</p>
15.1	Purpose of Rural Resource Zone.
15.1.1	<p><i>To provide for the sustainable use or development of resources for agriculture, forestry, mining and other primary industries.</i></p> <p>15.4.1 of the Scheme provides specifics on how to apply Purpose 15.1.1 in this case, and is covered below in more detail.</p>
15.1.2	<p><i>To promote economic development compatible with agricultural activities and the landscape.</i></p> <p>This is best assessed by 15.4.1 and the PAL Policy.</p>
15.1.3	<p><i>To ensure that:</i></p> <p><i>(a) the agricultural potential of agricultural land is protected;</i></p>

	<p>(b) <i>the productive capacity of agricultural land and mining is given priority;</i></p> <p>(c) <i>houses and other non-agricultural use or development do not alienate agricultural land;</i></p> <p>(d) <i>the fragmentation of rural holdings is prevented;</i></p> <p>(e) <i>ecological, cultural and landscape values of rural land are protected; and</i></p> <p>(f) <i>water catchments and sub-surface waters are protected.</i></p> <p>In response:</p> <p>(a) the subject land been classified as “4-5” by a qualified agronomist. The applicant proposes that there is no significant adjoining agricultural land.</p> <p>(b) as per (a).</p> <p>(c) the application documentation includes a case for compliance with this Purpose.</p> <p>(d) the proposal will create a new, sub-minimum, rural lot.</p> <p>(e) the ecological values of the site are to be protected by condition if a permit is issued. The cultural values of the area should not be impacted by the proposal. There are no aboriginal cultural relics identified on the site as previously mentioned.</p> <p>(f) these are protected by 15.3.1 A1, addressed below.</p>
15.2.1	The proposal is for a House Excision, and relies upon assessment of Performance Criteria, thus it is Discretionary.
15.3.1	<p><i>Objective; To ensure that use does not adversely affect water quality.</i></p> <p>The Acceptable Solution reads as:</p> <p><i>Liquid pollutants must not be discharged:</i></p>

	<p>(a) <i>within 100m of a watercourse, wetland or other surface waters;</i></p> <p>(b) <i>within 250m of any bore or well which is the source of drinking water for humans or stock;</i></p> <p>(c) <i>within 40m of any private waters in other ownership; or</i></p> <p>(d) <i>into the ground at any place that may contaminate groundwater resources.</i></p> <p>This wording is used as a standard condition on any permit issued in the Rural Resource zone to ensure compliance. This proposal has demonstrated sufficiently that it is capable of complying with such a condition.</p>
<p>15.4.1</p>	<p><i>Subdivision</i></p> <p><i>Objective: To ensure that:</i></p> <p>(1) <i>agricultural use and the productive capacity of agricultural land is protected from fragmentation and fettering from subdivision for non-agricultural uses; and</i></p> <p>(2) <i>each lot has appropriate road, access, wastewater and stormwater provision.</i></p> <p>(1) is assessed under 15.4.1 P4 and the PAL Policy.</p> <p>(2) is assessed under 15.4.1 A2.</p>
<p>15.4.1 A1</p>	<p>N/A (as per response on p 9 of the 4planning report).</p> <p>The proposal is submitted as an excision, not a subdivision.</p>
<p>15.4.1 A2</p>	<p>Specifies which services are required for a new lot.</p> <p>Environment & Health staff have provided the following information:</p> <p>“There is sufficient area on the land proposed to be excised to enable further absorption trenches to be established if required in the future.</p>

	<p>The following conditions are to be applied to any approval:</p> <p>1 A separate application detailing the design and type of onsite wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environment & Health Group Leader.</p> <p>In addition the applicant is requested to note:</p> <p>A In regard to condition (1) - A report from a suitably qualified person that identifies and verifies the installation of the existing on-site wastewater management systems for both dwellings as complying with AS/NZS 1547:2000 On-site domestic wastewater management is required at the building application stage."</p> <p>Engineering staff have provided the following information:</p> <p>"A search of the titles revealed no Road Reserves or legal access arrangements exist to provide vehicle access to 241, 243 and 245 Purtons Road to the south and the land to the east (Forestry Tasmania and 242 Purtons Road). It is recommended the titles be registered with either Road Reserves or some other right of access over the titles.</p> <p>Conditions of approval:</p> <p>1 The sub-divider shall:</p> <ul style="list-style-type: none"> (a) provide a vehicular access to each lot in accordance with the Council's Standard Drawing No. SD-1009; (b) relocate (where necessary) house connection drains and services to within respective lot boundaries; (c) advise Telstra and Aurora in relation to the provision of services to the subdivision; <p>2 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets &</p>
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	<p>Engineering at the applicant's expense;</p> <p>Developer to note:</p> <p>A Any works undertaken within the Council Road Reserve requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Council's Assets & Engineering Department. A fee applies.</p> <p>B Contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure work requirements."</p> <p>It is noted that whilst the application documentation includes comments on compliance with 15.4.1 P2, these provisions are not relevant to the assessment.</p>
<p><i>15.4.1 P3</i></p>	<p>N/A. The proposal is not for one of the land uses listed under (a)–(d), thus 15.4.1 P3 is not relevant.</p>
<p><i>15.4.1 P4</i></p>	<p>The detail of the provision is listed on pages 10 to 15 of the 4planning report accompanying the application.</p> <p>The primary limiting factors for this development (without discounting the other provisions of 15.4.1 P4) are 15.4.1 P4 (b) and (c).</p> <p>Council has received legal advice that the proposal does not comply with 15.4.1 P4 (b): that is, that the house was not lawfully in existence as at 6 October 2000. This is in contrast to that provided to the applicant. The relevant extract from the Council's legal advice is provided as Annexure 4. In summary, advice from the Council's lawyer is:</p> <p>"the fact that the land and house may have been rated as a dwelling for 17 years does not impact upon the lawfulness of the use".</p> <p>In addition, the proposal does not comply with 15.4.1 P4 (c), in that there is no "balance lot" being created as the term is usually utilised, to be joined to an adjoining agricultural lot. Rather, the proposal is effectively for a two lot subdivision, and does not comply with the provisions of the Scheme for a</p>

	<p>house excision, or subdivision.</p> <p>The application documentation (page 12) includes a position that it is “impractical and unreasonable ... to require that the balance lot be joined to adjoining agricultural lot in the same ownership...”. Similarly, the legal opinion provided with the application documentation refers to the Council relaxing this performance criterion. Effectively, the Council is being asked to exert discretion on this matter, which there is no power to do under the Performance Based Scheme in place (i.e. a proposal should meet the Acceptable Solution; if it cannot, it <i>must</i> meet the applicable Performance Criteria).</p> <p>In this case, the Scheme can be overridden if it is inconsistent with the PAL Policy. The 4planning report comments on the Principles of the PAL Policy on pages 17–20.</p> <p>It is also relevant to consider the Model Provisions (Annexure 5) drafted to “provide a benchmark for reviewing existing planning schemes and preparing new ones. It is intended that they will be referenced by the RPDC in assessing draft planning schemes and amendments to existing schemes”. Thus, whilst these Model Provisions are not legislated, they do provide a guide for interpretation of a state government Interim Order and should be considered. The most relevant provision is as follows:</p> <p><i>18.4.1 Protection of Agricultural Land:</i></p> <p><i>A1 (a) All new lots will be at least 50ha in area with a minimum dimension of 200m (excluding access strips) and frontage of at least 12m;.....</i></p> <p>The proposal does not meet this Acceptable Solution, thus we refer to the Performance Criteria:</p> <p><i>P1 Subdivision.....of agricultural land must:</i></p> <p><i>(a) maintain or improve the productive agricultural capacity of the land in accordance with a property management plan prepared by a suitably qualified person; or</i></p> <p><i>(b) be for the excision of an existing or approved</i></p>
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	<p><i>non-agricultural use, provided that, except in the case of utilities, the balance lot is not less than 50ha or is adhered to adjoining agricultural land in the Rural Resource Zone.</i></p> <p>The proposal needs to meet either (a) or (b) to be considered as compliant with the Model Provisions. It does not meet (a) as it is not part of a property management plan to manage agricultural capacity, rather it is proposed to be maintained as a rural lifestyle lot. In addition, it does not meet (b) either, as there is no balance lot over 50ha, or being adhered to another agricultural lot.</p> <p>In short, there are some slight variations between the PAL Policy Model Provisions and the current Scheme. However, the proposal does not comply with either the Scheme, or the Model Provisions of the PAL Policy.</p>
15.4.1 A5	N/A
15.4.1 A6	N/A
15.4.2	N/A
15.4.3 A1	The proposal is not for any of the uses listed, thus 15.4.3 A1 is not applicable.
15.4.3 A2 to A6	<p>The application documents refer to including assessment of the house for approval. This is in conflict with the legal opinion provided with the application documentation, which states that the house lawfully exists.</p> <p>The legal advice obtained by the Council is to the effect that the house does not lawfully exist. As the advice in this report is that the land cannot be subdivided, and the Scheme does not provide for the two houses to exist on a single lot, the proposal does not comply with 15.4.3 A2 through to A6.</p>
15.4.4	N/A. As per 15.4.3 A2-A6.
15.4.5 A1	Refer to 15.4.1 A2.
15.4.6 A1	<i>A wetland or watercourse must not be filled, drained or adversely affected.</i>

	This is used as a standard condition on any permit issued in the zone.
15.4.6 A2	<i>The natural flow of water into or out of a wetland or watercourse must not be adversely affected.</i> As per 15.4.6 A1.
15.4.6 A3	<i>A wetland or watercourse must not be adversely affected by increased erosion or sedimentation.</i> As per 15.4.6 A1.
15.4.6 A4	<i>Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the Forest Practices Code 2000.</i> As per 15.4.6 A1.
15.4.7	<i>Plantations</i> (establishment of). N/A. No plantations proposed.
Schedules	<i>Schedule 1.0 Road and Rail Line Schedule</i> <i>Schedule 2.0 Attenuation Schedule</i> <i>Schedule 3.0 Bushfire Prone Areas Schedule</i> <i>Schedule 4.0 Contaminated Land Schedule</i> Not applicable (refer to comments for 15.4.3 A2–A6 for S3.0). <i>Schedule 5.0 Land Stability Schedule</i> <i>Schedule 6.0 Coastal and Riparian Schedule</i> <i>Schedule 7.0 Heritage Schedule</i> <i>Schedule 8.0 Multiple Dwellings Schedule</i> <i>Schedule 9.0 Home Occupation Schedule</i> Not Applicable

	<p><i>Schedule 10.0 Carparking Schedule</i></p> <p><i>Schedule 11.0 Signs Schedule</i></p> <p><i>Schedule 12.0 Telecommunications Schedule</i></p> <p><i>Schedule 13.0 Ulverstone Wharf Schedule</i></p> <p>Not Applicable (refer to comments for 15.4.3 A2-A6 for S10.0).</p>
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CONSULTATION

The application was open to public scrutiny for 14 days as required by s.57 of the *Land Use Planning and Approvals Act 1993*, and was extended to allow for the Christmas period. This requirement includes advertising of the development by a notice on the site and also by a notice placed once in the daily local newspaper. Adjoining landowners were notified by mail that they were invited to view the application.

The application was referred to the Council's Planning and Assessment Team as part of internal procedure. Comments from Environment & Health and Assets & Engineering staff are provided throughout this report. Building Staff advised that a Building Permit would be required for the proposal if approved.

Prior to the lodgement of the application, significant consultation was undertaken with the applicants and their representatives. Advice was consistently provided (prior to receipt by staff of the 4planning report and the associated legal advice) to the effect that the proposal was prohibited under the Scheme, and thus an application was not taken. The applicants and their representatives have persisted, providing the Council with information and advice (the 4planning report and legal interpretation) which contradicts the interpretations obtained by the Council. Thus staff determined that there was sufficient information to assess the proposal against the Scheme and took the application.

IMPACT ON RESOURCES

This report has the usual impact on resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal will not be known unless it occurs.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Meet our statutory and regulatory obligations;
- . Plan for and develop a sustainable community;
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

It is recommended that the proposed development at 240 Purtons Road, North Motton, Application No. DEV2008.66 be refused on the grounds that it does not comply with the Central Coast Planning Scheme 2005 provisions for the Protection of Agricultural Land 15.4.1, nor the State Policy on the Protection of Agricultural Land 2007 (Revised State PAL Policy May 2008).'

The report is supported.”

The Strategic & Executive Services Manager reported as follows:

“A copy of the Annexure referred to in the Land Use Planning Group Leader’s report have been circulated to all Councillors.”

■ Cr Robertson moved and Cr van Rooyen seconded, “That the proposed development at 240 Purtons Road, North Motton, Application No. DEV2008.66 be approved on the grounds that:

- 1 The house was constructed prior to the introduction of the initial Penguin Planning Scheme in 1978 and for the purposes of the Central Coast Planning Scheme 2005 is deemed to have lawfully existed in residential use as at 6 October 2000;
- 2 The planning report prepared by 4planning Pty Ltd pages 9 to 15 adequately demonstrates compliance with the Central Coast Planning Scheme 2005 provisions for the Protection of Agricultural Land 15.4.1; and
- 3 There is no conversion of agricultural land or fettering of agricultural use, and the house has been used as a farm manager’s residence for the last 32 years. Therefore, the proposal complies with the Revised State Policy on the Protection of Agricultural Lands 2008;

and subject to the following conditions and restrictions:

DEVELOPMENT SERVICES

- A The development being substantially the same as the information and plans submitted;
- B The sub-divider shall:
 - i provide a vehicular access to each lot in accordance with the Council's Standard Drawing SD-1012 (copy enclosed);
 - ii relocate (where necessary) house connection drains and services to within respective lot boundaries;
 - iii advise Telstra and Aurora in relation to the provision of services to the subdivision;
- C Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering at the applicant's expense;
- D A separate application detailing the design and type of on-site wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Officer. It is recommended that the applicant contact the Council's Environmental Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system.
- E The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:200 - Onsite Domestic Wastewater Management;

You are requested to note:

- a In regard to Condition 2 and 3 - Any works undertaken within the Road Reserve requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies.
- b Contact the Council's Assets and Engineering Department if you wish to discuss or arrange any infrastructure work requirements.
- c A Building and Plumbing Permit is required for the proposed development. A copy of this Permit should be given to your Building Surveyor."

Continued after Minute No. 18/2009.

19/2009 Public question time

The time being 6.46pm, the Mayor introduced public question time.

There were no members of the public present at that time and therefore there were no questions from the public.

Minute No. 18/2009 continued...

Carried unanimously

GENERAL MANAGEMENT

20/2009 Amendments to the *Historic Cultural Heritage Act 1995*

Cr McKenna (having given notice), moved and Cr Haines seconded, "That the Council express serious concern at the lack of initiative by the State Government to amend the *Historic Cultural Heritage Act 1995*, despite promises by the Premier of the day and the Minister for Heritage that amending legislation would be dealt with no later than the 2008 autumn sitting of State Parliament."

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

"On entering into a Partnership Agreement with the State Government on 15 October 2006 the Government was advised of a Council decision to not include heritage strategy in the agreement until the *Historic Cultural Heritage Act 1995* is reviewed and amended, the then Premier indicating that the Act should be the subject of a review within the ensuing year.

Following the nomination of property in Penguin (130 items within the precinct of the town), and following a discussion with Minister Wriedt on matters affecting coastal tourism at Ulverstone, the matter of heritage listing was raised with the Minister by the Mayor and then General Manager. The Minister indicated that no ministerial action could be taken to prevent nomination of listing and the process for dealing with nominations was contained in the *Historic Cultural Heritage Act 1995*. The Minister also indicated at this time that new legislation on this important issue would be forthcoming within the next twelve months and looked forward to council input by way of a submission.

On 15 April 2007 Mayor Downie and Penguin residents Terry Burton and Parn Jones met with Minister Wriedt in Hobart. Discussion primarily generated by the resident representation centred on the current heritage legislation and the disadvantages placed on nominated property owners who desired to object to listing, the Minister taking strong exception to a suggestion by Mr Jones that she direct Heritage Tasmania not to list some nominated properties. The Minister was adamant that new legislation was in the pipeline and suggested that the residents make a submission when appropriate.

On 8 June 2007, a Penguin community organisation known as HAAG (Heritage Act Amendment Group), primarily consisting of property owners affected by nomination and tentative listing, provided a copy of a submission made to the Premier, the Minister and local Parliamentarians highlighting the areas of concern in the current *Historic Cultural Heritage Act 1995* and suggesting a series of amendments to the Act to confirm with like mainland legislation and giving landowners greater

protection against nomination and listing with a more democratic method of dealing with appeals. The Council resolved to note the contents of the document and in December 2007 the Council made a short submission on managing heritage using some information provided by HAAG, at the same time indicating concern that no draft legislation had been provided.

At a meeting with Premier Lennon and Heritage staff in Hobart on 21 August 2007, the Mayor and HAAG representatives were given to understand that action was forthcoming to introduce new legislation dealing with heritage matters and that the comments that had been made by HAAG to the Premier and the Minister would be given serious consideration when framing the legislation. The deputation was also advised that the precinct's nomination of property in Penguin would not materialise although listing of some nominated properties was very likely to occur.

In early September 2007 Heritage Tasmania released a position paper on the proposed reforms to the *Historic Cultural Heritage Act 1995*, the closing date for submissions being 31 October 2007. Heritage Tasmania staff hosted a forum in Burnie on 27 September 2007, Council attendance being Mayor Downie, the Director Development Services Jeff McNamara, and Town Planner Shane Warren. The Mayor pointed out imminent Council elections created problems for a Council desirous of making a constructive submission only to be told that submissions would need to be received by the date mentioned. At a Council meeting on 15 October 2007 the Council expressed dissatisfaction at the unrealistic timeframe given to local government to make a submission and indicated that this would be provided when the draft Bill was available.

On the afternoon of 27 September 2007, Chairman Gerry Howard and HAAG representatives met with the Heritage staff mentioned above in Penguin. The Heritage Tasmania staff discussed the documentation that HAAG had already presented and were most complimentary in regards to the material it contained, indicating that likelihood of some of that material being contained in new legislation to come before Parliament no later than autumn 2008.

In mid 2008 the Chairman of HAAG, Gerry Howard, and I understand through LGAT this Council, were advised that a Bill dealing with amendments and an altered government approach to heritage classification of property, primarily incorporating proposals by Councils, would be before Parliament prior to Christmas. As this Council is aware the promised undertaking did not materialise, although recent information in the LGAT periodical indicates that this matter will be dealt with early in 2009.

As a member of Central Coast Council anxious to see action to amend current heritage legislation, I am concerned at the apathy and obvious disinterest by the

State Government, and indeed by all members of both Houses of Parliament, to provide a *Historic Cultural Heritage Act* that is consistent with other Australian state legislation in the procedure to be adopted to nominate and list property for heritage classification and at least gives property owners an opportunity to oppose nomination and listing without considerable costs and have appeals dealt with by an independent tribunal, at the same time dispensing with the current autocratic heritage council.

I also have serious concerns that with some 5,500 local heritage listings in Tasmania, far in excess of any other Australian state, Councils will be required in the future to provide substantial funding to assist in maintaining the local listings with a resultant substantial increase in rates to the residents of our communities. A review of these listings is essential before local government accepts this as a local responsibility.”

The Acting General Manager reported as follows:

“Heritage Tasmania is an agency within the Department of Environment, Parks, Heritage and the Arts (the Department), and is responsible for the administration of the *Historic Cultural Heritage Act 1995* (the Act).

The Act has been under review for some time.

A Position Paper detailing proposed reforms to the Act was released for comment by the Department in September 2007 following a review of the Act by consultants Godden Mackay Logan in November 2005.

The Council lodged a submission on the Position Paper in January 2008. According to the Department’s website ‘(the) feedback from local government, interested organisations and individuals ... are now being considered in plans to introduce new historic legislation in 2009’. In his speech delivered at the 'Tasmania: An Historic Environment' symposium in December 2008, the Secretary of the Department, Mr Scott Gadd stated ‘... It is anticipated that Cabinet will consider drafting instructions very soon, with the drafting of the new legislation to commence immediately afterwards. Proclamation of a new Act is expected 12 months after drafting commences’.

Heritage Tasmania staff have advised that they are unable to provide any further information on the proposed timelines for the reform process and instead referred the Council to the aforementioned speech by Mr Gadd.

The motion of Cr McKenna is submitted for consideration.”

Carried unanimously

21/2009 Minutes and notes of committees of the Council and other organisations

The Strategic & Executive Services Manager reported as follows:

“The following 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 11 December 2008.
- . Youth Engaged Steering Committee – meeting held on 17 December 2008.
- . Central Coast Community Safety Partnership Committee – meeting held on 17 December 2008.

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

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

Carried unanimously

CORPORATE & COMMUNITY SERVICES

22/2009 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of December 2008 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic and Executive Services Manager reported as follows:

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

■ Cr Haines moved and Cr Fuller seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

23/2009 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 December 2008 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic and Executive Services Manager reported as follows:

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

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

Carried unanimously

24/2009 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 December 2008 and which was addressed to the 'Mayor and Councillors'. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

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

- . 12 December 2008 - Letter from Dr Dan White (Director of Catholic Education Tasmania) regarding the transfer of responsibility of the Australian Technical College Northern Tasmania to Catholic Education Tasmania.

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

Carried unanimously

25/2009 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 16 December 2008 to 27 January 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 Strategic and Executive Services Manager reported as follows:

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

- Cr Robertson moved and Cr Haines 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

26/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended December 2008 are submitted for consideration:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

27/2009 Service charges payable on an unoccupied flat where the flat is contained within the curtilage of a dwelling (530/1995 – 30.10.1995)

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to review the Council’s current policy in relation to service charges payable on an unoccupied flat where the flat is contained within the curtilage of a dwelling.

BACKGROUND

At its meeting on 30 October 1995, the Council agreed as follows (Minute No. 530/95):

‘That:

- (i) the Council, with effect from 1 July 1995, approve the rating for services on a house and flat in which the flat is a part of the curtilage of the dwelling, as a single tenement upon the production by the owner each year of a statutory declaration to the effect that the flat is not being let and/or used as a single dwelling place separate to the

principal dwelling house and that any second power connection has been removed;

- (ii) such statutory declaration is to be lodged with the Council within the time approved for the granting of discount;
- (iii) any difficult decision as to whether a rating adjustment is granted is to rest with the Council.'

Where a dwelling and flat are contained within a single building and an owner wishes to use the flat as part of the principal residence and not as separate accommodation, then the Council, upon application, will rate the property as a single tenement provided that the owner removes all kitchen and laundry appliances, seals off all plumbing and electrical installations behind the wall lining and removes the second power connection. These modifications undergo a building inspection when completed. This system is not perfect, for an owner could reinstate the modifications some time later as the modifications are not subject to subsequent random inspections and the single dwelling concept remains unless the owner wishes to reinstate the flat for renting and advises the Council to that effect, or Council officers discover that the flat is being rented.

From time to time staff receive representations from owners who do not wish to modify the flat for personal reasons. As opposed to blocks of flats and/or units which are built for commercial purposes, a flat built within the curtilage of a dwelling is often built for family reasons, e.g. for elderly parents or for the use of the immediate family. Once the family moves on, then in many cases, the flat becomes part of the dwelling, i.e. it is not being let as a flat and used for commercial gain.

The Council was asked whether it would consider an alternative procedure for dealing with a flat when it becomes part of the residence outside of certain fixtures being removed and services disconnected from and within the flat.

An alternative policy that could be implemented with the least structural change to the existing residence was that a statutory declaration be completed indicating that the owner is not letting the flat, it being part of the principal dwelling, and does not intend to do so during the course of the balance of the rating year to which the rate applies, but will advise the Council immediately if there is a change in that position, and that any second power connection be removed – which could be confirmed by Aurora. The statutory declaration was to be completed annually.

The total remissions granted over the last five years are as follows:

CORPORATE & COMMUNITY SERVICES

YEAR	REMISSION \$
2004	0
2005	897.70
2006	2,189.97
2007	362.53
2008	2,351.17

CONSULTATION

There has been no community consultation.

IMPACT ON RESOURCES

Any change to the current position would have an impact on resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- Provide transparent accountable public policy and decision making;
- Plan for and develop a sustainable community.

CONCLUSION

It is recommended that the Council retain its current policy in relation to service charges payable on an unoccupied flat where the flat is contained within the cartilage of a dwelling.”

■ Cr Robertson moved and Cr Barker seconded, “That the Council retain its current policy in relation to service charges payable on an unoccupied flat where the flat is contained within the cartilage of a dwelling.”

Carried unanimously

28/2009 Rate remissions on unoccupied property (324/2001 – 13.08.2001)

The Director Corporate & Community Services reported as follows:

"PURPOSE

The purpose of this report is to review the Council's current policy in relation to the approving of rate remissions on unoccupied property.

BACKGROUND

At its meeting on 24 February 1995, the Council agreed as follows (Minute No. 68/97):

'That the policy established by Minute No. 628/93 at an ordinary meeting of the Council held on 13 December 1993 be revoked and that the following policy substitute therefore:

- . That upon any application for a rate remission because of unoccupied property or some such similar financial or economic reason, then the matter be placed before the Valuer-General for consideration of a reassessment of the assessed annual value in light of the ratepayer's submission.'

This policy was reaffirmed at the council meeting held on 13 August 2001 where the Council agreed (Minute No. 324/2001):

'That the Council in respect to rates payable on unoccupied properties continue to apply its current policy.'

DISCUSSION

The policy concerning a rate remission on unoccupied property originally came about because of the inability of some commercial property owners to obtain tenants for their shops.

If a property is vacant for a long-term period then the property owner could apply to the Valuer-General for a re-assessment of their assessed annual value on the grounds of the property being unoccupied and the inability to find tenants. If the Valuer-General revalued their assessed annual value then a remission of rates would then be granted.

It is not possible to identify which remissions have been granted over the last five years on the grounds of a property being unoccupied for long-term period.

CONSULTATION

There has been no community consultation.

IMPACT ON RESOURCES

Any change to the current position would have an impact on resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Provide transparent accountable public policy and decision making;
- . Plan for and develop a sustainable community.

RECOMMENDATION

It is recommended that the Council retain its current policy in relation to the approval of rate remissions on unoccupied property.”

- Cr Fuller moved, “That the Council rescind its current policy in relation to the approval of rate remissions on unoccupied property.”

The motion lapsed for want of a seconder.

- Cr Robertson moved and Cr McKenna seconded an amendment, “That the Council retain its current policy in relation to the approval of rate remissions on unoccupied property.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Dry

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr Fuller

Motion

Carried

ASSETS & ENGINEERING

29/2009 Maintaining Perry–Ling Gardens

Cr (L) Bonde (having given notice), moved and Cr Dry seconded “That the Council develop a Management Plan for the Perry–Ling Gardens and the Max Perry Reserve at Penguin to be maintained as it has in the past as a garden of flowers and shrubs.”

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

“There has been considerable discussion among the community and the media as to the future of the gardens and I think it is necessary for the Council to have a policy on the content of shrubs to be planted in future.

Care should be taken to keep the garden as near as possible to the image that has been presented by the gardeners of the past. There should not be any significant changes to the ratio of native plants or conventional shrubs as this could endanger the image of the gardens.

In developing the management plan local residents could be consulted about conventional shrubs that they think will enhance the gardens to make them acceptable to the local community and tourists alike.

It should be noted that generally speaking, native shrubs are short lived and the flowering period is much shorter than other conventional shrubs and therefore not as spectacular. The alternative to the current flowering bonanza is dull grey green foliage that will not enhance the present town environs.

It should not be a situation where native plants are replacing conventional shrubs as there is a place for some natives but the majority of effort should be to retain the gardens as they are and that is a majority of conventional shrubs.

As a guide to Council staff the ratio of native plants should be minimal and conventional plants and shrubs should occupy first preference, to retain the status quo.

I am concerned about the impression given by a media report in *The Advocate* on Friday, 26 December 2008 that the Council does not have a plan in place regarding the content of the variety of shrubs to be replaced over time. I think the press release has caused considerable concern among the local community as to what is to happen with the gardens. Therefore I think it is urgently needed that the Council develop a management plan that will ensure that the gardens are maintained in the

future to give the community a bright flowering garden that continues to enhance the approach to Penguin as it has done so well for many years in the past.”

The Assets & Engineering Manager reported as follows:

“PURPOSE

This report considers a motion on notice from Cr (L) Bonde proposing that the Council develop a Management Plan for the Perry–Ling Gardens at Penguin to be maintained as it has in the past as a garden of flowers and shrubs.

The Environmental Engineering Group Leader reports as follows.

‘BACKGROUND

The Perry–Ling Gardens are located along Main Road, Penguin and are situated on road and rail reservations, and Crown land that is part of the Council’s foreshore lease. The gardens adjoin the Max Perry Reserve on the western boundary at approximately 142 Main Road and extend eastward along the coastal area in front of residential properties to 190 Main Road.

Mr Gordon Ling commenced the development of the garden on land in front of his home at 164 Main Road in the early 1980’s. The Council assumed maintenance responsibility for the Perry–Ling Gardens in 1997.

The Perry–Ling Gardens consist of mainly exotic species of vegetation that offers a vibrant and colourful display when in season, and is popular with tourists and local residents.

DISCUSSION

Formal documented Management Plans are progressively being developed for parks and reserves under Council control.

The development of a Management Plan for the Perry–Ling Gardens is considered appropriate. In this context the Management Plan should in fact encompass both the Max Perry Reserve and the Perry–Ling Gardens.

The Management Plan should be based on current Council practises and would be compiled in consultation with not only the community, but other significant stakeholders such as Crown Land Services, Pacific National and the Council’s own staff, who have been successfully involved in the management and maintenance of the gardens for a decade.

Some of the issues that will need to be addressed in the development of the Management Plan are:

- 1 extent of area under Council management;
- 2 land ownership/control and implications;
- 3 lease agreement conditions;
- 4 possible heritage listing;
- 5 weed management;
- 6 external strategies, policies and legislation;
- 7 compliance with current Council vegetation management policies.

Given the complexity of issues, the number of interested parties and available resources it is anticipated that the Management Plan would be completed by the end of the financial year.

On a related matter it should be noted that Pacific National has recently advised that in the near future sleepers will be replaced along the section of the track in the area and that some plants that have encroached into the rail reserve will be affected.

CONSULTATION

The Council will consult with stakeholders in the preparation of the Management Plan.

IMPACT ON RESOURCES

There will be no impact on current resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Provide effective management of recreation facilities and open space;
- . Promote best practice environmental management of the hinterland and coast;
- . Encourage sustainable land management;

- . Create a municipal area that is productive and socially and aesthetically attractive;
- . Improve visitor numbers to the municipal area.

CONCLUSION

It is recommended that a Management Plan be developed for the area known as Max Perry Reserve and the Perry–Ling Gardens.’

The Environmental Engineering Group Leader’s report is supported.

The motion of Cr (L) Bonde is submitted for consideration.”

Carried unanimously

30/2009 Central Coast Memorial Park (369/2008 – 20.10.2008)

The Assets & Engineering Manager reported as follows:

“PURPOSE

The purpose of this report is to provide further comment following the report to the October 2008 meeting (Minute No. 369/2008) of the Council in respect of Central Coast Memorial Park.

BACKGROUND

The Works Group Leader reports as follows.

‘At the Council meeting held on 20 October 2009 (Minute No. 369/2008), Cr McKenna submitted the following motion on notice:

“That the Council investigates the adoption of a practice relative to any interment in the Central Coast Memorial Park, requiring action to be taken by cemetery maintenance staff to ensure that any grave is lawned within three months of burial date.”

Extracts from the report presented to that meeting are reproduced as follows:

“PURPOSE

This report considers a motion on notice from Cr McKenna for the Council to investigate the adoption of a practice to any interment in

the Central Coast Memorial Park, requiring action to be taken by cemetery maintenance staff to ensure that any grave is lawned within three months of burial date.

BACKGROUND

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

Cr McKenna approached the Assets & Engineering Department on 9 September 2008 to request whether turf could be provided to cover grave sites at the Central Coast Memorial Park. Advice was sought from those involved in the rehabilitation of the surface following burials as to why the sites were taking this long to be reinstated and if turf could be considered. A reply memo was forwarded to Cr McKenna on 23 September 2008 indicating that due to the amount of funerals and weather conditions of late, employees have not been able to complete this work as quickly as they would have liked. The area concerned will be prepared and it is expected the turf will be laid within a fortnight.

Since forwarding the memo, the turf has been ordered and the work has been programmed to be undertaken on Wednesday, 15 October 2008.

DISCUSSION

In this instance, turf has been organised to rectify the current condition of this area. It should be noted that the new section of Memorial Park is situated on a very gravelly area of land and there is little topsoil available on site for reinstatement. Combined with the wet weather conditions and number of burials in recent months, it has been difficult to re-grass the sites.

In order to prevent the reoccurrence of this situation, a long-term solution is required. This may have cost and resource implications..."

Cr McKenna's motion was submitted for consideration and carried unanimously.

DISCUSSION

The concerns raised have been investigated with associated staff and on review of current operational practices and the situation pertaining to delays

with grave lawn reinstatement, the primary contributing factor is the changed ground/subsoil composition within the “new” area (Area D), as shown on the attached plan.

The graves within the original site west of Allens Road (Areas A, B and C) have all been dug by hand or backhoe since interments began in 1977 – as the subsoil is principally a clay/loam structure. This is in vast contrast to the quartz gravel and rock within the area east of Allens Road (Area D) that now requires the use of a 15 tonne excavator to pre-excavate graves. Given this major shift to heavy equipment for excavations, the resultant impact has been the inability to efficiently excavate single graves as required, and the detrimental impact this larger plant requirement has on the site in general.

The budget for grave digging will need to be increased to reflect the additional work involved and will be presented for consideration in the 2009–2010 Estimates process.

The complexities resulting from the varying ground structure within the “new” area (Area D) are difficult to summarise within this report, and to fully appreciate the difficulties experienced by those employees based at Memorial Park, an on-site inspection is recommended if further supporting evidence is required.

In summary, to ensure existing graves are not disturbed, newly installed concrete plinths are not damaged and annual grave totals are accommodated, the requirement is to continue utilisation of an excavator to excavate approximately 50 graves on each occasion. Ground strata tests indicate that this newly developed area of Memorial Park (Area D) will require the use of an excavator for some years to come.

Given the above, the following operational and infrastructure changes need to be implemented and operational procedures altered to reflect the changes:

- 1 two parallel continuous plinths will need to be installed at each scheduled time rather than the current single plinth;
- 2 graves will be required to be excavated in lots of approximately 50 with the use of an excavator until substrata composition changes back to clay/loam;
- 3 graves will be reinstated with lawn or instant lawn within a period not exceeding three months of burial.

CONSULTATION

Consultation with relevant staff has been undertaken.

IMPACT ON RESOURCES

The additional installation of a second plinth during the 2008–2009 financial year is estimated at \$14,000.00. This is not currently budgeted for within respective Capital allocations, but could be accommodated with the following budget rearrangement:

- 1 Defer Central Coast Memorial Park landscape entrance (\$9,000) and reallocate funds to Central Coast Memorial Park new plinth;
- 2 Defer Central Coast Memorial Park watering system (\$5,000) and reallocate funds to Central Coast Memorial Park new plinth.

It is determined that the deferral of the water system can be accommodated with minimal impact, but the deferral of the landscape entrance project will result in a basic treatment for parking concerns on Allens Road until the 2009–2010 allocations are available.

The unforeseen need for the use of the excavator to pre-dig graves has also increased operational grave digging expenditures that may result in an estimated \$5,000 over-expenditure for 2008–2009 – this is subject to the varying ground structure.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Meet our statutory and regulatory obligations;
- . Develop and manage sustainable infrastructure.

CONCLUSION

By implementing the change in operational procedures, it is perceived that graves can be reinstated with lawn or instant lawn within a period not exceeding three months of burial – thus providing a service level consistent with the original area (Areas A, B and C).

The current Memorial Park operational allocations will accommodate the costs associated with the use of instant lawn on graves rather than seeding,

but this will require further consideration for an increase during the Estimate process for 2009–2010.

The budget for grave digging will need to be increased to reflect the additional work involved and will be presented for consideration in the 2009–2010 Estimates process.’

The Works Group Leader’s report is supported.”

The Strategic & Executive Services Manager reported as follows:

“A copy of a plan of the Central Coast Memorial Park has been circulated to all Councillors.”

■ Cr McKenna moved and Cr van Rooyen seconded, “That Capital funding of \$14,000 be reallocated from the current Central Coast Memorial Park landscape entrance (\$9,000) and Central Coast Memorial Park watering system (\$5,000) budgets to the Central Coast Memorial Park new plinths budget to allow two plinths instead of the current single plinth when excavating new graves, and further, it be noted that this will require further consideration for an increase during the Estimate process for 2009–2010, along with the budget for grave digging.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

31/2009 Tobruk Park – After-hours management

The Assets & Engineering Manager reported as follows:

"PURPOSE

The purpose of this report is to consider the after hours management of Tobruk Park.

BACKGROUND

The Natural Resource Management Officer provides the following report.

'Tobruk Park is subject to frequent vandalism and residents are being directly affected by the behaviour of people congregating in the area after hours.

Vandalism has included damage to the grassed area, newly planted trees, park furniture and the dumping of household rubbish.

Residents have been subjected to all night congregation in the area, loud music, verbal and mild physical abuse. Tasmania Police has been co-operative in attending the scene when needed.

Residents in the vicinity of Tobruk Park are concerned about the late night activities and have requested that the Park be closed overnight.

DISCUSSION

Tobruk Park is a popular park enjoyed by many members of the community for passive recreation such as picnics, fishing, walking, running and launching craft for water sports.

Tobruk Park has a number of characteristics that are different to the Council's other parklands. It allows vehicles onto the grassed area; it is a remote area away from the public eye and is directly adjacent to residential properties.

Recent installation of a similar barrier at the Ulverstone Yacht Club to keep vehicles off the grassed area has proven successful.

The options considered for the future after-hours management of Tobruk Park are:

1 No changes and encourage residents to contact Police –

This option has had limited success to date as a Police presence has not deterred the undesirable behaviour. Also, some residents do not feel comfortable contacting the Police for fear of retribution.

2 *Relocate the bollards and reduce the size of the parking area -*

This option will protect more of the grassed area from vandalism by vehicles but will still allow people to congregate in the area after hours. This option will also limit vehicular access to the “waters edge” during daylight hours.

3 *Installation of a boom gate and appropriate signage -*

The closure would include installation of a boom gate at the park end of the Helen Street entrance to prevent vehicle access and appropriate signage detailing opening and closing hours.

The boom gate could be closed between the hours of 9.00pm and 7.00am during daylight savings and between 6.00pm and 7.00am during the rest of the year. The closing of the gate could be undertaken by a local security company and the opening could be undertaken by Council staff.

The closing of this park area will not have a negative impact on members of the community who use the facilities appropriately.

CONSULTATION

In late August 2008, Cr (L) Bonde raised the matter after being contacted by residents requesting that the area be chained off at night. A letter was sent to residents in the area in September 2008 requesting information on the extent of the vandalism and undesirable behaviour. A “petition” was then received from the residents of Helen Street adjacent to the Park, strongly suggesting that a boom gate be installed. Numerous phone calls were also received after the letter was sent, from residents wanting an end to the night-time activities and wanting to feel safer.

IMPACT ON RESOURCES

ITEM	CAPITAL \$	OPERATIONAL \$
Option 1: No change and encourage residents to contact Police	0.00	0.00
Option 2: Relocate bollards and reduce the size of the parking area	7,000.00	0.00
Option 3: Installation of boom gate and appropriate signage	15,000.00	3,000.00

The annual operational cost in Option 3 would be for the closing of the gate of an evening and will be an ongoing cost.

As there are no current funds available this financial year to undertake the works, they would not be able to be undertaken until 2009–2010 subject to funding approval.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Improve community safety;
- . Provide effective management of recreation facilities and open space;
- . Encourage sustainable land management;
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

Due to the damage to the Park and the undesirable behaviour affecting the adjacent residents, it is recommended that a boom gate be installed subject to funding being allocated in the 2009–2010 Budget to prevent after hours vehicular access.'

The Natural Resource Management Officer's report is supported."

■ Cr (L) Bonde moved and Cr Dry seconded, "That the Council:

- 1 approve the installation of a boom gate and appropriate signage at Tobruk Park to prevent after hours vehicular access, subject to funding being allocated in the 2009–2010 Budget;
- 2 encourage the residents to contact Tasmania Police and report any undesirable behaviour in the interim."

Carried unanimously

32/2009 Tenders for backhoe - F901

The Assets & Engineering Manager reported as follows:

ASSETS & ENGINEERING

PURPOSE

The purpose of this report is to consider tenders received for backhoe number F901.

BACKGROUND

The Fleet Management Officer provides the following report.

Tenders were called on 15 November 2008 and closed on 3 December 2008. Tenders were received as follows:

<i>TENDERER</i>	<i>MAKE</i>	<i>GROSS PRICE</i> \$ <i>(EXC. GST)</i>	<i>TRADE-IN</i> <i>PRICE</i> \$ <i>(EXC. GST)</i>	<i>NETT PRICE</i> \$ <i>(EXC. GST)</i>
J F Machinery P/L	JCB 3CX 60 th Anniversary	137,383.00	42,000.00	95,383.00
D L Morrison Machinery Spares P/L	New Holland B90B	151,559.30	52,000.00	99,559.30
Farm Machinery Tasmania	Case 580 Super R Series 3	151,400.00	50,000.00	101,400.00
D L Morrison Machinery Spares P/L	New Holland 110B	165,875.85	52,000.00	113,875.85
Semco Equipment Sales	Terex 880 Pilot	157,841.82	40,000.00	117,841.82
Hitachi Construction Machinery P/L	John Deere 315SJ	173,470.00	32,000.00	125,700.00
William Adams P/L	Caterpillar 432E	166,000.00	30,000.00	136,000.00
Komatsu Australia P/L	Komatsu WB97R- 5 EO	182,000.00	27,000.00	155,000.00
<i>ESTIMATE</i>		<i>130,000.00</i>	<i>40,000.00</i>	<i>90,000.00</i>

DISCUSSION

The Council fleet currently operates four JCB units and one Caterpillar unit. The Caterpillar unit is the one being used as a trade-in on the unit under

consideration. All of the JCB units have a good operating history and none have exhibited any significant performance or safety related issues. After inspections of those units offered and considered suitable, and consultation with the Works section and the current unit operator it was concluded that the JCB 3CX offered the options and specifications required and was confirmed as being the most suitable of those units for the intended pipeworks and drainage duties in the Capital Works section. While several other units had comparable features, the additional expense of those units could not be justified at this point in time.

On delivery of the new F901 unit it will be transferred from its current location at the Resource Recovery Centre to the Capital Works section for drainage and maintenance duties.

The unit currently used for those duties (F908) will be transferred to the Resource Recovery Centre to cover the duties of the old F901 unit. F908 is still in good condition and will see out a further period at that location until another second-hand unit is available as part of the replacement process.

CONSULTATION

This item has followed a public tendering process and consultation has been undertaken with the tenderers and operators in respect to options and safety aspects.

IMPACT ON RESOURCES

The preferred option can be accommodated within the Plant Replacement estimates.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Meet our statutory and regulatory obligations;
- . Develop and manage sustainable infrastructure;
- . Foster an integrated transport and planning system.

CONCLUSION

It is recommended that the Council:

ASSETS & ENGINEERING

- 1 accept the tender from J F Machinery Pty Ltd for plant item F901, being a JCB 3CX 60th Anniversary model in the amount of \$151,121.30 (including GST); and
- 2 accept the trade-in offer from J F Machinery Pty Ltd for plant item F901, being a Caterpillar 438C, in the amount of \$46,200.00 (inc. GST).'

The Fleet Management Officer's report is supported."

■ Cr Robertson moved and Cr Haines seconded, "That the Council:

- 1 accept the tender from J F Machinery Pty Ltd for plant item F901, being a JCB 3CX 60th Anniversary model in the amount of \$151,121.30 (including GST); and
- 2 accept the trade-in offer from J F Machinery Pty Ltd for plant item F901, being a Caterpillar 438C, in the amount of \$46,200.00 (inc. GST)."

Carried unanimously

33/2009 Tenders for backhoe - F902

The Assets & Engineering Manager reported as follows:

"PURPOSE

The purpose of this report is to consider tenders received for backhoe number F902.

BACKGROUND

The Fleet Management Officer provides the following report.

'Tenders were called on 15 November 2008 and closed on 3 December 2008.

No trade-in unit has been offered. Tenders were received as follows:

<i>TENDERER</i>	<i>MAKE</i>	<i>NETT PRICE</i> \$ <i>(Exc. GST)</i>
J F Machinery P/L	JCB 3CX 60 th Anniversary	145,164.82
Farm Machinery Tasmania	Case 580 Super R Series 3	147,448.00

<i>TENDERER</i>	<i>MAKE</i>	<i>NETT PRICE \$ (Exc. GST)</i>
D L Morrison Machinery Spares P/L	New Holland B90B	151,559.30
Semco Equipment Sales	Terex 880 Pilot	152,652.73
Hitachi Construction Machinery P/L	John Deere 315SJ	157,700.00
D L Morrison Machinery Spares P/L	New Holland B110B	165,875.85
William Adams P/L	Caterpillar 432E	166,000.00
Komatsu Australia P/L	Komatsu WB97R-5 EO	183,909.00
<i>ESTIMATE</i>		<i>130,000.00</i>

DISCUSSION

The Council fleet currently operates four JCB units and one Caterpillar unit. All of the JCB units have a good operating history and none have exhibited any significant performance or safety related issues. After inspections of those units offered and considered suitable and consultation with the Works section and the current unit operator it was concluded that the JCB 3CX offered the options and specifications required and was confirmed as being the most suitable of those units for the intended general road maintenance and construction duties. While some other units were comparable, the additional expense could not be justified.

On delivery of the new F902 unit it will be used in the Capital Works section for general construction and maintenance duties. The unit currently used for those duties (F910) will be made available for usage by the Water/Sewerage/Drainage section. F910 is in good condition and will be transferred to the new Water & Sewerage Corporation in due course.

CONSULTATION

This item has followed a public tendering process and consultation has been undertaken with the tenderers and operators in respect to options and safety aspects.

IMPACT ON RESOURCES

The preferred option can be accommodated within the Plant Replacement estimates.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Meet our statutory and regulatory obligations;
- . Develop and manage sustainable infrastructure;
- . Foster an integrated transport and planning system.

CONCLUSION

It is recommended that the Council accept the tender for J F Machinery Pty Ltd for plant item F902, being a JCB 3CX 60th Anniversary model in the amount of \$159,681.30 (inc. GST).’

The Fleet Management Officer’s report is supported.”

- Cr Robertson moved and Cr (J) Bonde seconded, “That the Council accept the tender from J F Machinery Pty Ltd for plant item F902, being a JCB 3CX 60th Anniversary model in the amount of \$159,681.30 (inc. GST).”

Carried unanimously

34/2009 Vegetation Management Policy and Strategy

The Assets & Engineering Manager reported as follows:

“PURPOSE

This report considers the adoption by the Council of a Vegetation Management Policy and Strategy.

BACKGROUND

The Environmental Engineering Group Leader reports as follows:

‘The internal 2001 Vegetation Management Strategy needed to be reviewed and updated so as to provide Council staff and the community with a consistent platform for the consideration of vegetation management issues.

DISCUSSION

The attached Vegetation Management Policy (the Policy) and the Vegetation Management Strategy (the Strategy) has been prepared for adoption.

The purpose of the Policy and Strategy is to ensure that a high standard of vegetation management is achieved for all land under the Council's jurisdiction.

A key element of the Policy and Strategy is to demonstrate a consistent and structured approach to vegetation management.

They are intended to be working documents, to be reviewed periodically. If any significant changes are required to the Policy or Strategy, they will be referred back to the Council.

CONSULTATION

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

The Environmental Engineering Group Leader's report is supported.

IMPACT ON RESOURCES

There should be no additional costs or resources required to implement the Vegetation Management Policy and Strategy.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Provide effective management of recreation facilities and open space;
- . Encourage sustainable land management;
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

It is recommended that the Vegetation Management Policy and Strategy be adopted."

The Strategic & Executive Services Manager reported as follows:

"Copies of the Vegetation Management Policy and Strategy – January 2009 have been circulated to all Councillors."

ASSETS & ENGINEERING

- Cr Fuller moved and Cr Haines seconded, “That the Vegetation Management Policy and Vegetation Management Strategy – January 2009 be adopted.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

35/2009 Meeting closed to the public

The Strategic & Executive Services Manager reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council.

This is a matter relating to:

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

■ Cr Robertson moved and Cr Dry seconded, “That the Council close the meeting to the public to consider the following matter, it being a matter 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.

Carried unanimously

The Strategic & Executive Services Manager 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

36/2009 Minutes and notes of other organisations and committees of the Council

The Strategic & Executive Services 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 the details of the outcome unless the council or council committee determines otherwise.’

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

Closure

There being no further business, the Mayor declared the meeting closed at 9.29pm.

CONFIRMED THIS 16TH DAY OF FEBRUARY, 2008.

Chairperson

(sn:dil)

Appendices

- Minute No. 16/2009 – Schedule of Development Services Determinations
- Minute No. 22/2009 – Schedule of Corporate & Community Services
Determinations Made Under Delegation
- Minute No. 23/2009 – Schedule of Contracts & Agreements
- Minute No. 25/2009 – Schedule of Documents for Affixing of the
Common Seal
- Minute No. 26/2009 – Financial statements

QUALIFIED PERSON'S ADVICE

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

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

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

I therefore certify that with respect to all advice, information or 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