
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 17 September 2018 commencing at 6.00pm.

Councillors attendance

Cr Jan Bonde (Mayor)
Cr John Bloomfield
Cr Amanda Diprose
Cr Rowen Tongs
Cr Philip Viney

Cr Kathleen Downie (Deputy Mayor)
Cr Garry Carpenter
Cr Gerry Howard
Cr Tony van Rooyen

Employees attendance

General Manager (Ms Sandra Ayton)
Director Community Services (Mr Cor Vander Vlist)
Director Infrastructure Services (Mr John Kersnovski)
Director Organisational Services (Mr Bill Hutcheson)
Executive Services Officer (Mrs Lou Brooke)

Media attendance

The media was not represented.

Public attendance

Thirty-one members of the public attended during the course of the meeting.

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

238/2018 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 20 August 2018 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

■ Cr Viney moved and Cr Downie seconded, “That the minutes of the previous ordinary meeting of the Council held on 20 August 2018 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

239/2018 Council workshops

The Executive Services Officer reported as follows:

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

- . 27.08.2018 – Strata Plan Policy; Social Media Policy
- . 10.09.2018 – Impact of shadowing on neighbouring properties; No-Smoking CBD.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

240/2018 Mayor's communications

The Mayor reported as follows:

"I will now briefly adjourn this meeting to present a Certificate of Appointment to Mr John Kersnovski as the Council's Municipal Emergency Management Coordinator for a period of two years, in accordance with s.23 of the *Emergency Management Act 2006*."

241/2018 Mayor's diary

The Mayor reported as follows:

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

- . Dementia-Friendly Central Coast – Connect Cafés
- . Ulverstone Rowing Club – annual general meeting
- . Council-community morning tea – Turners Beach district
- . Radio community reports
- . Rethink Waste Tasmania – Garage Sale Trail media event with Cradle Coast Mayors (Burnie)
- . Cradle Coast Authority – Representatives Group meeting (Burnie)
- . Cradle Coast Mayors – dinner-meeting (Burnie)
- . Ulverstone Rowing Club – performed official opening of Antiques and Collectables Fair 2018
- . Switch Tasmania (Cradle Coast Innovation) – Board meeting
- . Penguin Meals on Wheels Association – 2018 National Meals on Wheels Day delivery run
- . Dementia-Friendly Central Coast – Council Roundtable Working Group meeting
- . Living+Learning Devonport – Festival of Learning launch (Devonport)
- . Department of Health – meeting with Principal Project Officer re trialling new anticipatory care model
- . Shane Broad MP, Labor Member for Braddon – official opening of new Devonport office
- . Labor Tas Team tour of Braddon – breakfast-meeting (Ulverstone)
- . University of Tasmania – presentation evening for Science and Engineering Investigation Awards 2018 (Burnie)
- . Central Coast Chamber of Commerce and Industry – 2018 Business Awards, including Council presentation of Agricultural award

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- . Tasmanian Endurance Riders Club – Officiated commencement of race
 - . Ulverstone Poultry Club – meeting re Animal Control By-law
 - . Penguin District School – meeting with Principal re \$20m. redevelopment of School to include kindergarten to Year 12
 - . Mersey-Leven Emergency Management Committee – meeting (Sheffield)
 - . RAAF Association, North-West – Battle of Britain luncheon
 - . Lions Club of Ulverstone – meeting re Bale to Paddock Run.”

Cr Carpenter reported as follows:

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

- . North West Football League – Grand Final Luncheon (Latrobe).”

■ Cr Downie moved and Cr Viney seconded, “That the Mayor’s and Cr Carpenter’s reports be received.”

Carried unanimously

242/2018 Declarations of interest

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

Cr Diprose reported as follows:

“I will be declaring an interest in respect of Annual Tender 2018–2019 – Coastal and rural roadside mowing (Minute No. 260/2018).”

243/2018 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 2015* and the supporting procedures adopted by the Council on 20 June 2005 (Minute No. 166/2005).”

COUNCILLOR REPORTS

244/2018 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 Bloomfield reported on a recent meeting of the Central Coast Chamber of Commerce and Industry Inc.

Cr Howard reported on a recent meeting of the Western District Bush Watch Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

245/2018 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

246/2018 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

247/2018 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

248/2018 Councillors' questions without notice

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

'29 (1) A councillor at a meeting may ask a question without notice –

(a) of the chairperson; or

(b) through the chairperson, of –

-
- (i) another councillor; or
 - (ii) the general manager.
 - (2) In putting a question without notice at a meeting, 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 of a meeting 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 at a meeting may decline to answer the question.
 - (5) The chairperson of a meeting may refuse to accept a question without notice 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 of the meeting.
 - (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 at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
 - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
 - (b) the general manager has reported that the matter is urgent; and

-
- (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

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

The allocation of topics ensued.

249/2018 Councillors' questions on notice

The Executive Services Officer reported as follows:

"The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

- '30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, 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

GENERAL MANAGEMENT

250/2018 Central Coast Council's support of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Community

■ Cr Diprose moved and Cr Carpenter seconded, "That the Central Coast Council acknowledges that while in the past, not all members of our community have been included, today our Council supports equality for all and is inclusive of all members of our community – it is a place that values and cares for people, is welcoming and celebrates diversity, and that the Council would consider any request for participation or support from Tas Pride or any other organisation wishing to hold events within the Central Coast municipality."

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

"My motion is about promoting inclusion and acceptance for lesbian, gay, bisexual, intersex and transgender people and their family and friends.

The Central Coast Council has an explicit commitment inclusion. This is because an inclusive community is a safer and more prosperous community. It is particularly important the young people feel that their energy and talents are welcomed. We as a community cannot afford to lose the contributions of any of our young people, including our young LGBTI people and the children of same sex couples.

In years past, Central Coast was ridiculed as the most homophobic place in Australia. This was because of the awful anti-gay rallies that occurred here, and the shameful anti-LGBTI statements of some community leaders. The homophobia that was supported by leaders in our community was deeply damaging especially to young people, some of whom took their own lives.

We have come a long way since then. Last year's marriage equality survey showed that a majority of North West Coasters back equality for LGBTI people. I believe it is time for us to celebrate that transformation. It's time for us to tell the world that Central Coast is a place for everyone.

Actions:

My motion has four elements. These have been developed in consultation with the LGBTI community to ensure our support for LGBTI inclusion doesn't die away but has a lasting impact (letters of support are appended to this report).

A regular presence at Out in the Park:

Out in the Park is the premier LGBTI public event in the Central Coast municipality. It is part of the state wide Tas Pride festival. A range of community groups, including local churches, regularly attend Out in the Park. I would like Central Coast to have a tent at successive Out in the Park events to show our support for the LGBTI community.

Flying the rainbow flag:

Many council's around Australia fly the rainbow flag during LGBTI pride events to show their support for the LGBTI community. The Hobart and Glenorchy City Councils have done this on a number of occasions. It would be fitting for the Central Coast to be the first North West Council to do this.

I propose we fly the rainbow flag outside the Council Chambers during the week leading up to the annual Tas Pride Festival.

Lighting the Leven Bridge in rainbow colours:

A number of local council's light landmarks in rainbow colours during local LGBTI pride festivals. For example, the Hobart City Council has lit the Franklin Square fountain and the Railway Roundabout Fountain in rainbow colours during Tas Pride. The Brisbane City Council lights the Storey Bridge in rainbow colours. The Sydney City Council lights the Harbour Bridge the same way.

I would like to see us light the bridge over the Leven River in rainbow colours. This will not only show our support for LGBTI inclusion, it will also symbolise the bridge we as a council want to build between all our residents regardless of their sexual orientation or gender identity.

Tree planting and plaque:

Finally, I would like to see Central Coast Council plant a tree and lay a plaque to commemorate how far we have come. Precedents for this include the art work funded by the Hobart City Council in 2008 to commemorate the gay rights arrests at Salamanca Place in 1988, and the apology given by Premier Will Hodgman to all those people impacted by Tasmania's former anti-gay laws.

After consultation with the LGBTI community, I put the following draft wording:

'This tree was planted to mark the Central Coast and Tasmanian communities "Yes vote for marriage equality", to commemorate how far we have come towards being an

LGBTI inclusive community, to honour all those who took a stand for equality, and as a permanent reminder that our lives and contributions are all equally valuable.”

The General Manager reported as follows:

“BACKGROUND

The Council does not have a formal position or Policy relating to this matter, however over the years the Council has lent support to varied organisations such as a flag raising ceremony during NAIDOC Week and lighting of the Leven Bridge in association with Breast Cancer awareness, the Cancer Council, Mental Health Week, Earth Day, Leukemia Foundation and National Blood Donor Week.

DISCUSSION

The Council provides services and support to the community and is supportive of community events where possible. Council staff are mindful of upholding a consistent approach in how it supports community organisations and their events. The Council’s support for such events stems from initial enquiries for support or services.

As previously stated the Council has supported NAIDOC Week by hosting a flag raising ceremony at the Administration Centre which was arranged and facilitated by the Aboriginal Health Centre in Ulverstone, however this has not happened in more recent years.

Most recently the Council supported the Leukemia Foundation and National Blood Donor Week by lighting up the Leven Bridge. This was a result of the organisations utilising the Council’s facilities and approaching the Council for support through the Council’s advertising and social media avenues.

It is acknowledged that the Hobart City Council (HCC) has participated in various events that support the LGBTI community. These are initiatives/actions that form part of the HCC’s Social Inclusion Strategy, which has been in place since 2014.

No formal approach from the LGBTI Community seeking support of community events has been received by the Council.

CONSULTATION

No formal consultation process has been undertaken by Council previously in relation to this specific matter.

RESOURCE, FINANCIAL AND RISK IMPACTS

If adopted, the Council would need to review its Events Policy and budget to ensure a consistent approach to all organisations. Additional costs would be incurred through Council resources and property.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- . Connect the people with services
- . Improve community well-being.

CONCLUSION

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

Voting for the motion

(7)

Cr Bonde
Cr Carpenter
Cr Diprose
Cr Downie
Cr Howard
Cr Tongs
Cr Viney

Voting against the motion

(2)

Cr Bloomfield
Cr van Rooyen

Motion

Carried

251/2018 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- . Dial Park Management Committee – meeting held 10 July 2018
- . Central Coast Youth Engaged Steering Committee – meeting held 26 July 2018
- . Central Coast Community Shed Management Committee – meeting held 6 August 2018
- . Central Coast Council Audit Panel – meeting held 13 August 2018

- . Devonport city Council and Central Coast Council Shared Audit Panel – meeting held 13 August 2018
- . Cradle Coast Waste Management Group – meeting held 17 August 2018
- . Dial Park Management Committee – meeting held 22 August 2018
- . Cradle Coast Authority Representatives – meeting held 23 August 2018
- . Turners Beach Community Representatives Committee – meeting held 23 August 2018
- . Central Coast Community Safety Partnership Committee – meeting held 29 August 2018
- . Central Coast Youth Engaged Steering Committee – meeting held 30 August 2018.

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

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

Carried unanimously

252/2018 TasWater and State Government Memorandum of Understanding Implementation (134/2017 – 15.05.2017)

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to provide the Council with additional information relating to the Memorandum of Understanding (MOU) between the State Government, Owner Councils and TasWater and to assist with determining a response as a shareholder to the proposal by the State Government, to assume an ownership stake in TasWater.

BACKGROUND

The ownership of TasWater has seen a period of unrest (longer than two years), after the State Government announced its intention to assume ownership of the Corporation.

Prior to the 2018 State Election, Legislation was presented to the Tasmanian Parliament; however, it was defeated in the Legislative Council.

Following the State Election on 1 May 2018, the State Government, the Treasurer, Chairman of the Board of TasWater and the Chief Owners Representative reached a

compromise whereby the State Government would no longer pursue a 'takeover'. Instead it was agreed that an MOU would be entered into, which would see the State Government gain an ownership stake in TasWater going forward. The media release and MOU are appended to this report as Annexure 1.

The key principles of the agreement were:

- (a) The State Government to become a part owner of TasWater, involving revised governance arrangements, to enable Local Government and the State Government to work together to improve water and sewerage outcomes for the betterment of Tasmania;
- (b) TasWater will accelerate its water and sewerage infrastructure investment program;
- (c) Future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025; and
- (d) TasWater continues to be a sustainable and financially viable corporation that delivers water and sewerage services in Tasmania effectively and efficiently.

DISCUSSION

TasWater issued a 'Notice to Shareholders' advising of a Special General Meeting (SGM) on 27 September 2018, to allow a vote on the implementation of the MOU with the State Government. The Information Memorandum dated 16 July 2018, includes three proposed resolutions. (The Notice of Meeting and Agenda is appended as Annexure 2 and the Information Memorandum – 16 July 2018 is appended as Annexure3).

The Information Memorandum provided by TasWater includes a number of Key Features within its proposal. The MOU between TasWater and the State Government will enable TasWater's customers to benefit from a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects of significance to Tasmania.

Under the proposal, the State Government will inject \$20 million of equity per year for the next 10 years into TasWater. In return, the State Government will become a 10 per cent shareholder of TasWater. The State Government will have a new class of shares which will reflect the State's decision to not receive any dividends from TasWater.

Owner Councils will retain majority ownership of TasWater, albeit individual Owner Council's equity entitlements will be marginally reduced as State Government equity

injections are received. New governance arrangements will facilitate State and Local Governments working on a collaborative basis.

The key features outlined in the Information Memorandum (Annexure 3) are set out below:

Ownership and governance

- Governance by an independent skills-based Board will continue;
- The State Government will contribute \$200 million over 10 years in new equity. For each \$20m contributed the State Government will receive 1% of the voting capital.
- The State Government shareholding will not receive dividends;
- The annual Corporate Plan will be jointly agreed between the Board, Owner Councils and the State Government, with defined arrangements in place in the event of a deadlock as specified in Appendix 2 – Part 8.4 of the Amended Shareholders' Letter of Expectation of the Information Memorandum;
- The State Government's representative will sit on the Board Selection Committee and will be consulted, along with the Chief Representative, on the appointment of the CEO. The State Government will not have the right to appoint a director;
- If the State Government does not meet its commitments to make equity injections, it will lose its rights in respect of:
 - the rights to jointly approve the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
 - its seat on the Board Selection Committee and
 - its right to be consulted in relation to the appointment of the CEO.

These rights will be reinstated on receipt of the overdue equity injection(s). Any decisions made by the Board Selection Committee, Owners' Representatives or the Board during such a period will continue to be valid and to remain effective.

- The State Government's commitment to contribute equity will be formalised through a Share Subscription and Implementation Agreement between TasWater and the State Government. This Agreement will also reinforce the

particular State Government rights referenced above, and the loss of those rights if contributions are not made;

- TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program (referenced below) may be suspended in the event that unforeseen events arise (e.g. significant interest rate and/or inflation increases beyond that reasonably projected) or if the Government does not meet its commitment to maintain equity injections.

Water and sewerage pricing

- Prices will be frozen in FY2019/20.
- Annual price increases will not exceed 3.5 per cent from FY2020/21 through FY2024/25;
- The price determination process, via the independent Tasmanian Economic Regulator (TER), will continue as it does now to review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability;
- If the Regulator determines a price increase lower than 3.5 per cent, the Regulator's price increase will apply;

Infrastructure investment

- The parties will seek to accelerate the infrastructure investment program by at least one year, with TasWater using best endeavours to achieve capital expenditure over the 10 year period from FY2016/17 through FY2025/26 of \$1.8 billion by 30 June 2026;
- The parties will work cooperatively to progress major projects of special economic or environmental importance to Tasmania.

Other matters

- TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed. The \$20 million distribution to Owner Councils (indexed from FY2026/27) will be paid as dividends;
- The introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded;

- Where the Board determines that, due to circumstances or events beyond TasWater's reasonable control, it cannot continue to maintain distributions, an accelerated capital program and annual price increases within the 3.5% cap while maintaining the financial sustainability of the business, TasWater will notify the Chief Owners' Representative and the State Government's Owner's Representative. TasWater must meet with the State Government's Owner's Representative to consider the impact of maintaining the accelerated capital program and price caps on the financial sustainability of the business. The State Government may, in its absolute discretion, provide additional financial support or comfort to TasWater in the form of grant funding, a pre-payment of equity, a guarantee or a letter of comfort. If the State Government decides not to provide adequate additional financial support or comfort to TasWater (as determined by the Board), the Board may amend the capital program or increase prices (within the regulator's determination);
- The parties will work together to monitor the effectiveness of recent announcements by TasWater on trade waste and to identify and implement any potential improvements;
- The State Government will introduce a bill into Parliament to give effect to the objectives set out in the MOU and to facilitate and support the proposed changes to TasWater's ownership and governance structure. The draft Bill is attached as Appendix 4 of the Information Memorandum. The proposed changes are not extensive, and the key matters are summarised as follows:
 - Changes to remove the current prohibition on ownership of shares in TasWater by anyone other than a Council – enabling the State Government to become a shareholder in return for its equity contributions;
 - Changes to the pricing determination process to clarify that the Tasmanian Economic Regulator can only set maximum prices for regulated services – enabling the Board to elect to pass through lower price increases to customers to meet its commitment to freeze prices in FY2019/20 and to cap subsequent annual price increases until 30 June 2025;
 - Changes to remove the current obligations to pay loan guarantee fees and tax equivalents – meaning that 'distributions' paid to Owner Councils will be solely in the form of dividends.

A Council Briefing summarising the Implementation of the MOU between TasWater and the State Government is appended as Annexure 4 – this summarises the detail contained within the Information Memorandum (Annexure 3).

CONSULTATION

The issue of TasWater and the proposed 'takeover' by the State Government has received significant public media attention. Whilst Community Consultation has not occurred at this stage, the MOU is designed to deliver better services for customers in Tasmania. A briefing session outlining the MOU's implementation was facilitated by TasWater on 8 August 2018 in Devonport for all elected members.

RESOURCE, FINANCIAL AND RISK IMPACTS

The outcomes outlined within the MOU aims to minimise health risk to the community and deliver quality infrastructure, waters and services at affordable prices now and into the future.

The SGM agenda provides details of the risk assessment undertaken by TasWater as well as financial implications of the State Governments proposal.

Risks identified within section four of the Information Memorandum include:

- Resourcing risk for capital program delivery
- Non-payment risk of the State Government's equity injection
- Risk of operational or performance impact if the resolution is not passed
- Inflation or interest rate risk impacting TasWater's ability to deliver on the MOU.

TasWater advises that the State Government has agreed to guarantee TasWater's debt and should it be requested, submit a letter of assurance to TasCorp. Furthermore, TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program may be suspended in the event that unforeseeable events arise that impact on the financial sustainability of the business.

Key risks identified by TasWater include:

RISK	CONTROL
Interest rates rise faster than expected, or other circumstances arise that threaten the financial sustainability of TasWater due to commitments in the MOU.	The Board can slow the capital program, increase prices and/or seek a letter of comfort from the State Government.
TasWater is lobbied to undertake a project that is not commercial.	The SLE allows for a shareholder to fund uncommercial projects. Any Corporate Plan amendments must be approved by shareholders.

The State Government seeks to alter TasWater's governance arrangements to suit their interest.	Changes to governance documents require certain thresholds to be met.
Sufficient resourcing is not available to deliver the capital program.	We are currently improving our capital delivery model to include an external partner that provides flexible resourcing.

Financial implications outlined in section two of the Information Memorandum include:

2.1 Key assumptions

The following key assumptions are common to all scenarios in the 20 Year Financial Model:

- Demand is assumed to grow at 0.7 per cent per annum in PSP3 (to FY2020/21), 0.6 per cent per annum in PSP4 (to FY2023/24) and 0.3 per cent per annum thereafter
- The average interest rate in each scenario is held constant at 4.1 per cent per annum through FY2022/23 and increases at 0.1 per cent per annum thereafter
- Inflation is assumed to be 2.5 per cent per annum
- Loan guarantee fees are set to zero from 1 January 2019 onwards and
- Distributions (paid as dividends) to Owner Councils are set at \$20 million per annum through FY2025/26 and are indexed to target tariff increases thereafter.

2.2 Financial model inputs and outputs

Two financial scenarios have been modelled for this Information Memorandum, namely a business as usual scenario and an MOU scenario, a table highlighting these scenarios is inserted below:

Parameter	Business as usual scenario	MOU scenario
Capital expenditure (\$M)		
FY2017 to FY2026	\$1,543	\$1,700 ⁴
FY2027 to FY2036 ³	\$1,379	\$1,222
Capex (20 year total)	\$2,922	\$2,922
Annual price increase		
PSP3 (FY19 / FY20 / FY21)	4.1% / 4.1% / 4.1%	4.1% / 0% / 3.5%
PSP4 (FY22 to FY24)	3.7%	3.5%
PSP5 (FY25 to FY27)	3.1%	3.5%
PSP6+ (FY28 to FY36)	2.2%	2.5%
Equity Injection (\$M)	\$0	\$200

The impact on the Council's entitlement to dividends does not change under the modelling provided. The Council's share for dividend purposes will be 5.46% of the total amount available for distribution. The dividend has been fixed at \$20M until the 2025/26 financial year, therefore Council's entitlement will be \$1.092M per year. Beyond 2025/26 the Board will determine the dividend distribution; however it has been indicated that profitability on current modelling should enable indexation beyond this time.

If unforeseen circumstances occur, and there is a risk to the amount available for distribution to owner councils, it has been identified that the Board has a number of levers to ensure distributions are maintained.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council support the proposed resolutions at the TasWater Special General Meeting on 27 September 2018:

Resolution 1 – Adoption of a new Constitution

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown."

The Executive Services Officer reported as follows:

"Copies of the associated annexures have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Howard seconded, "That the Council support the proposed resolutions at the TasWater Special General Meeting on 27 September 2018:

Resolution 1 – Adoption of a new Constitution

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and

- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 2 – Adoption of a new Shareholders’ Letter of Expectations

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners’ Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders’ Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders’ Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners’ Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown."

Continued after Minute No. 253/2018...

253/2018 Public question time

The Mayor introduced public question time at 6.41 pm.

Mr George Conkie – Turners Beach

Question 1 –

"Does the Council have a hierarchal organisational chart, and can I have a copy?"

Response:

The Mayor advised that the Council's Organisational Chart is located on the website.

Mr John Hallam – Forth

Question 1 –

"I'd like to thank Cor Vander Vlist (Director Community Services) for his recent letter which included the letter from the Environmental Protection Agency, the Environmental Service and Design report together with a report from Mendelssohn Contracting that relates to the old hospital site in Devonport. Would the Council be prepared to undertake sampling of the water up and downstream of the landfill site in Forth Road?"

Response:

The Mayor referred the matter to the Director Community Services who advised that sampling has been undertaken and no major issues have been identified. A Development Application has been received, this information along with subsequent requests for further information, will be considered as part of that application process which includes public notification.

Question 2 –

“Has there been an update on the footpath on Forth and Kindred Road in the past week?”

Response:

The Mayor referred the matter to the Director Infrastructure Services who advised that no allocation has been provided for in the 2018–2019 budget. Analysis of the municipal area’s footpaths is being undertaken as part of the 2019–2020 budget process. A letter advising this has been sent to the resident.

Mr Neil Maggs – Penguin

Question 1 –

“I have been made aware of the Council’s Advance Health Survey, which I believe is a damning report. As a ratepayer, I see my rates as shares and my dividend is what I see happening around the community. The Health Profile report highlights the overall health and I ask, how long will it take for this to be amended?”

Response:

The Mayor thanked Mr Maggs for raising the matter and advised that the report is an internal document. The report is a picture of the current state and forms only one part of a process. The Mayor acknowledged her pride of all the staff involved, particularly for identifying how they feel currently and their preparedness to undertake the remainder of the process. The Mayor referred to the General Manager who further noted that this process formed part of the continuous improvement program and was a way of identifying the status in order to make improvements.

Question 2 –

“What is the time frame for the next stage of the process?”

Response:

The Mayor referred the question to the General Manager who advised that the second stage would commence on Thursday, 20 September where a group of staff will start to put together positive changes for the organisation. This process is to be led by staff not management.

Question 3 –

“Are Councillors allowed to talk to staff?”

Response:

The Mayor responded to advise that we all live in the community and interact, however the Code of Conduct outlines that Councillors are not to influence, issue instructions or contact Council employees in relation to a Council matter unless authorised by the General Manager.

Questions and replies concluded at 6.54pm.

Minute No. 252/2018 continued...

Motion

Carried unanimously

254/2018 Social Media Acceptable Use Policy and Community Guidelines

The General Manager reported as follows:

“The Strategy & Policy Officer has prepared the following report:

‘PURPOSE

The purpose of this report is to consider the adoption by the Council of a Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018.

BACKGROUND

The Social Media Acceptable Use Policy and Social Media Community Guidelines are grounded in the Communications and Engagement Policy – January 2016. Social media covers a range of Web 2.0 Technology including Facebook. It is an open and dynamic environment that generally cannot be controlled.

The Council recognises that there are legitimate reasons for using social media at work or using corporate computing resources. To enable workplace participants to take advantage of the business value of these sites and to promote an open, trusting and collaborative workplace, the Social Media Acceptable Use Policy (the Policy) enables workplace participants to use social media within the specified guidelines.

The Social Media Community Guidelines (the Guidelines) set the ground rules by which the community may participate in online engagement initiatives on the Council’s digital platforms. The Guidelines and moderation aim to discourage and manage anti-social, irrelevant, offensive, spam and/or other inappropriate posts.

DISCUSSION

The purpose of the Policy is to ensure the effective service delivery of Council business through the use of social media communication channels, while ensuring protection and proper use of the Council's social media services. The Policy promotes a common-sense approach to using social media and does not intend to discourage or unduly limit personal expression or online activities. However, it is important to set the ground rules, so workplace participants have an understanding and point of reference for the standards and their obligations relating to social media use.

The Guidelines and moderation are designed to protect all users of the Council's social media and digital platforms. The Guidelines aim not to discourage two-way conversations between the community and the Council but stipulate that participation on the Council's social media platforms need to comply with certain standards in order to assist the Council facilitate a welcoming space for intelligent discussion.

No disruptive technologies have emerged on the market that impact content of the Policy or Guidelines. The Policy and Guidelines are relevant to Council operations and are a comprehensive resource.

CONSULTATION

The updated Policy and Guidelines were presented to the Council's Senior Leadership Team (SLT) in February 2018, the Operational Leadership Team in March 2018 and then finalised at an SLT meeting in August 2018. The Policy and Guidelines were presented at a Councillor Workshop in August 2018.

RESOURCE, FINANCIAL AND RISK IMPACTS

Policies and guides are needed to ensure the effective use of the social media tools and to maintain the associated risks on service delivery and daily business. No additional human resources are needed for implementation.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- Connect the people with services.

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 be adopted.'

The Strategy & Policy Officer's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 has been circulated to all Councillors."

■ Cr Downie moved and Cr van Rooyen seconded, "That the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 (copies being appended to and forming part of the minutes) be adopted."

Carried unanimously

COMMUNITY SERVICES

255/2018 Statutory determinations

The Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of August 2018 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 Carpenter moved and Cr Viney seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

256/2018 Council acting as a planning authority

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* 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 Community Services has submitted the following report:

‘If any such actions arise out of Minute No. 257/2018, 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 2015* 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 Howard moved and Cr Carpenter seconded, “That the Mayor’s report be received.”

Carried unanimously

257/2018 Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek – Application No. DA2018030

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:’</i>	DA2018030
<i>PROPOSAL:</i>	Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40%
<i>APPLICANT:</i>	Costa Exchange Pty Ltd
<i>LOCATION:</i>	279 Nine Mile Road, Sulphur Creek
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	25 August 2018
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 September 2018
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	10 October 2018
<i>DECISION DUE:</i>	17 September 2018

PURPOSE

The purpose of this report is to consider an application for the installation of two (2) water tanks and the construction of a pump shed, integral to the existing agricultural use of the land as a berry farm.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations; and
- . Annexure 4 – photographs.

BACKGROUND

Development description –

Application is made for infrastructure that would be ancillary to an existing berry producing operation located at 279 Nine Mile Road, Sulphur Creek.

The application comprises two (2) “Zincalume” water tanks, each with a diameter of 14m and a height of 2.27m; and a 91m² pump shed that would be clad in “Pale Eucalypt” Colorbond material. The development is to provide additional watering capacity for the existing poly-tunnel berry farm.

Site description and surrounding area –

The land has an area of 59.98ha and comprises prime agricultural soil that produces berries under an intensive production facility, managed by Costa Exchange Pty Ltd. The land is cleared of native vegetation and constitutes a highly modified rural landscape that accommodates a dwelling, silos and extensive poly-tunnels under which berries are produced.

The land is located within the Dial Blythe Irrigation District and comprises Class 2 and Class 3 prime agricultural land. Irrigation water is used by the berry cropping enterprise.

The land has frontages to both Zig Zag Road and Nine Mile Road, Sulphur Creek. Zig Zag Road is primarily utilised to access the development site.

Surrounding land is also zoned Rural Resource and is used for agricultural purposes.

History –

No history relevant to this application.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.1.2 Local Area Objectives	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against –</p> <p style="padding-left: 40px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 40px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <ul style="list-style-type: none"> (i) required by a primary industry or a resource based activity; or (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes. 	
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26.1.3 Desired Future Character Statements	
<p>Use or development on rural land –</p> <p>(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –</p> <ul style="list-style-type: none"> (i) expansive areas for agriculture and forestry; (ii) mining and extraction sites; (iii) utility and transport sites and extended corridors; and (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency <p>(b) may be interspersed with –</p> <ul style="list-style-type: none"> (i) small-scale residential settlement nodes; (ii) places of ecological, scientific, cultural, or aesthetic value; and 	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<p>(iii) pockets of remnant native vegetation</p> <p>(c) will seek to minimise disturbance to –</p> <p>(i) physical terrain;</p> <p>(ii) natural biodiversity and ecological systems;</p> <p>(iii) scenic attributes; and</p> <p>(iv) rural residential and visitor amenity;</p> <p>(d) may involve sites of varying size –</p> <p>(i) in accordance with the type, scale and intensity of primary industry; and</p> <p>(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;</p> <p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	
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26.3.1 Requirement for discretionary non-residential use to locate on rural resource land	
<p>26.3.1–(P1) Other than for residential use, discretionary permit use must:</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; and (c) be required to locate on rural resource land for operational efficiency: <ul style="list-style-type: none"> (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; 	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<p>(v) if required</p> <ul style="list-style-type: none"> a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose; <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p> <p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p>	
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<p>(d) minimise likelihood for:</p> <ul style="list-style-type: none"> (i) permanent loss of land for existing and potential primary industry use; (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and (iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development. 	
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2–(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; 	<p>Not applicable.</p> <p>Not a residential use.</p>

<ul style="list-style-type: none"> (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (h) there is no change in the title description of the site on which the residential use is located. 	
26.3.3 Residential use	
<p>26.3.3–(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; 	<p>Not applicable.</p> <p>Not a residential use.</p>

<p>(e) not create a new residential use through conversion of an existing building;</p> <p>(f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or</p> <p>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(h) there is no change in the title description of the site on which the residential use is located.</p>	
26.4 Development Standards	
26.4.1 Suitability of a site or lot on a plan of subdivision for use or development	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p> <p style="padding-left: 40px;">(i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</p>	<p>(a) Compliant. Land has an area of 59.98ha.</p> <p>(b)(i) Compliant. Total of proposed building area, including tanks, would be less than 2,000m². Pump shed would be 91m² and each water tank would have a diameter of 14m and a height of 2.27m.</p> <p>(b)(ii) Compliant. Development would be clear of applicable front, rear and side boundaries. The shed and water tanks would be sited approximately 600m from the front</p>

<ul style="list-style-type: none"> (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from frontage or access strip. 	<p>boundary and greater than 90m from side and rear boundaries.</p> <p>(b)(iii) Not applicable. No zone boundary setbacks apply.</p> <p>(b)(iv) Compliant. Clear of burdening easement.</p> <p>(b)(v) Not applicable. No right-of-way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Compliant. No access strip.</p> <p>(b)(viii) Compliant. Land has frontages to Zig Zag Road and Nine Mile Road.</p>
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road 	<p>(a) Compliant. The land has a 524m wide frontage to Nine Mile Road.</p> <p>(b) Not applicable. Not an internal lot. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. The land has a 524m wide frontage to Nine Mile Road and access to Zig Zag Road.</p> <p>(e) Compliant. Existing access to the land is in accordance with <i>Local Government (Highways) Act 1982</i>.</p>

<p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p>	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<p>(b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p>	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<ul style="list-style-type: none"> a. is for a single dwelling; or b. provides for an equivalent population of not more than 10 people per day; or (iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip. 	
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> (a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or (b) if stormwater cannot be drained to a stormwater system: <ul style="list-style-type: none"> (i) for discharge to a natural drainage line, water body or watercourse; or (ii) for disposal within the site if: 	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<ul style="list-style-type: none"> a. the site has an area of not less than 5,000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface. 	
26.4.2 Location and configuration of development	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be set back:</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage; or (b) not less than 50.0m if the development is for sensitive use on land that adjoins the Bass Highway; (c) not less than 10.0m from each side boundary; and (d) not less than 10.0m from the rear boundary; or; 	<ul style="list-style-type: none"> (a) Compliant. Development would be setback 600m from the frontage. (b) Not applicable. Satisfied by (a). (c) Compliant. Development would be greater than 90m to the nearest side boundary. (d) Compliant. Development would be greater than 90m to the rear boundary.

(e) in accordance with any applicable building area shown on a sealed plan.	Not applicable. No building area on a sealed plan.
26.4.2-(A2) Building height must be not more than 8.5m.	Compliant. Maximum building height would be 3.5m (pump shed).
<p>26.4.2-A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <ul style="list-style-type: none"> (a) not project above an elevation 15m below the closest ridgeline; (b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) be below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%. 	<p>A3.1</p> <ul style="list-style-type: none"> (a) Compliant. Tanks and pump shed would not project above the nearest ridgeline and would be lower than the surrounding crop protection structures. (b) Compliant. Proposed development would be setback greater than 30m from nearest watercourse. (c) Compliant. Proposed development would be below canopy level of nearest adjacent forest or woodland vegetation. (d) Non-compliant. Proposed water tanks would be constructed in “Zincalume” materials. The Building Code of Australia (BCA) CA colour on the basis of solar absorptance, which is deemed under the BCA to be the <i>inverse</i> of colour reflectivity.

<p>A3.2</p> <p>(e) Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>The BCA deems “Zincalume” to be a Medium colour, with absorptance <60%. This means reflectivity would be greater than 40%.</p> <p>A3.2</p> <p>(e) Not applicable. Not wind turbine or wind power pumps.</p>
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3–(A1) New development for sensitive uses must:</p> <p>(a) be located not less than:</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture, or controlled environment agriculture; (iii) 500m from extractive industry or intensive animal husbandry; (iv) 100m from land under a reserve management plan; (v) 100m from land designated for production forestry; 	<p>Not applicable.</p> <p>Not a sensitive use.</p>

<p>(vi) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(vii) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	
26.4.4 Subdivision	
<p>26.4.4-(A1)</p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) A lot required for public use by the State government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Councilor by a statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
26.4.5 Buildings for Controlled Environment Agriculture	
<p>26.4.5-(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>

<p>(a) rely on the soil as a growth medium into which plants are directly sown;</p> <p>(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.</p>	
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Code does not involve a subdivision or a vulnerable or hazardous use.
E2 Airport Impact Management Code	Not applicable. No code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No change in ground level proposed.
E5 Local Heritage Code	Not applicable. No places of local significance listed in code.
E6 Hazard Management Code	Not applicable. Site not known or suspected of contamination and is not subject to coastal erosion or inundation or landslip.
E7 Sign Code	Not applicable. No signs proposed.

E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Compliant.</p> <p>E9 Traffic Generating Use and Parking Code requires as many spaces as is required by the use.</p> <p>The site is able to accommodate numerous car parking spaces.</p>
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for</p>	<p>Compliant by a Condition of a Permit.</p> <p>(a) Table requires provision of an on-site parking space for a small rigid truck. Such a space is not shown on the plan but there is sufficient land to accommodate this requirement.</p>

business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	(b) Not applicable.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater	<p>Compliant by condition to a Permit.</p> <p>That the collection, drainage and disposal of stormwater be required as a condition of a Permit.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p>	<p>(a) Compliant by condition to a Permit.</p> <p>(b)–(d) Compliant. The site has sufficient area to accommodate this requirement.</p> <p>(e) Each parking space would be separately accessed from the driveway.</p> <p>(f) Vehicle manoeuvring area provides for the forward movement and passing of all vehicles within the site.</p> <p>(g) Compliant by condition to a Permit. That vehicle parking and manoeuvring areas would be formed and constructed with compacted sub-base and an all-weather surface.</p>

COMMUNITY SERVICES

<p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space;</p> <p>(g) Be formed and constructed with compacted sub-base and an all weather surface.</p>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by condition to a Permit.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. Site not within 30m of a watercourse or waterbody.</p>

Issues –

1 Use of materials with reflectivity greater than 40% –

The Scheme's Acceptable Solution 26.4.2–(A3.1)(d) requires that all buildings (including structures) must be clad and roofed with materials with a light reflectance value of less than 40%.

The proposed water tanks, each with a diameter of 14m and a height of 2.27m would be of "Zincalume" materials and a 91m² pump shed that would be clad in "Pale Eucalypt" Colorbond material. The National Construction Code (NCC) deems "Zincalume" and "Pale Eucalypt" to be medium colours, with an absorptance rating of 60%. This means both colours on the cusp, with a reflectivity that would be greater than 40%.

The Scheme's Performance Criteria 26.4.2–(A3) states:

"The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –

- (a) minimising the visual impact on the skyline;*
- (b) minimising height above the adjacent vegetation canopy;*
- (c) minimising visual impact on the shoreline or marine or aquatic water body, water course, or wetland where possible; and*
- (d) minimising reflection of light from external surfaces".*

The Performance Criteria is addressed accordingly:

- (a) The site is on a small crest of a hill, below the highest elevation in this area. The height of the proposed water tanks would be 2.27m, located within a cluster of existing rural buildings and surrounded by poly-tunnel development. The pump shed would be 3.5m high. Both buildings satisfy the Scheme height requirements, where buildings can be up to 8.5m high. Tanks and the shed would both be of a much lesser height than existing silo development on the site. The proposed water tanks are unlikely to create any additional adverse visual impact on the skyline.

- (b) The land is cleared of native vegetation and constitutes a highly modified rural landscape that accommodates a dwelling, silos and extensive poly-tunnel development under which berries are produced. Native vegetation is located approximately 300m to the east, forming a buffer to a watercourse that runs through the property. The proposed water tanks would have no impact on any adjacent vegetation.
- (c) The development would be located over 300m from the watercourse that runs through the land. Development would not impede the visual appeal of the watercourse.
- (d) The NCC classifies roof colour on the basis of solar absorptance, which is deemed to be the *inverse* of colour reflectivity. The NCC deems “Zincalume” and “Pale Eucalypt” to be medium colours, with absorptance of 60%. This means that the reflectivity value would be greater than 40%. It is considered, given the location of the tanks would be within a cluster of other rural structures and poly-tunnels, and given the distance from Zig Zag Road, reflection or glare from the tanks is unlikely to cause any adverse effect on surrounding residents or road users.

Referral advice –

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.

Crown Land Services	No comment.
Other	Not applicable.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

Representations –

Three representations were received from the same representor. Copies of the representations are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Earthworks have begun on the site.	The developer rang and asked if the ground could be prepared to place the water tanks on the site. Works were to include placing gravel on an existing level surface. The works would not require any cut or fill and would not exceed 1m in depth and are works in the Rural Resource zone that would not require a Permit.
2 The representor is concerned that trucks accessing are using Zig Zag Road. The Council and the Federal Government jointly funded an upgrade of Nine Mile Road. Trucks should be using Nine Mile Road to access the site.	Zig Zag Road is a narrow and winding road, access from Hogarth Street, Sulphur Creek. Nevertheless, Zig Zag Road is a public road with no load limits imposed. Vehicles, other than B-double trucks are able to freely use the road without restriction.

<p>3 This is the first time the Council has formally advised residents of a planning application and it is welcome.</p>	<p>Notification in this instance, was required due to the reflectivity of materials used in the construction of the water tanks.</p> <p>Generally, the use and development of the land for berry production, and the erection of poly-tunnels, would not necessarily require public notification or even the issue of a Permit, providing all other standards articulated under the Scheme are able to be satisfied.</p>
<p>4 The applicant states that the tanks would be buffered by “existing vegetation and polytunnels”. The tank site is on a crest and line-of-sight from Zig Zag Road is not obscured.</p>	<p>The site is some distance from Zig Zag Road, approximately 1–1.2km to the west. As can be seen in the photographs taken from Zig Zag Road (refer to Annexure 4), the development site is rather insignificant when viewed from such a distance. It is considered, given the location of the tanks would be within a cluster of other rural structures and poly-tunnels, and given the distance from Zig Zag Road, reflection or glare from the tanks is unlikely to cause any adverse effect on surrounding residents or road users.</p>
<p>5 Would Council impose conditions on the development to minimise reflectivity, such as painting the tanks or a wood screen around the tanks?</p>	<p>Custom orb “Zincalume” is a vernacular rural material and is not considered to be offensive or highly reflective. Refer to Annexure 4 that shows existing tanks, also viewed from Zig Zag Road. It is considered unnecessary to require the applicant to paint or otherwise mask the tanks and pump shed with darker materials.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The representation does not contain sufficient merit to justify the addition of any restrictive condition to a Permit, or refusal of the proposed use and development of the land.

The proposal is considered to satisfy the Scheme's relevant Performance Criteria in that the development is to be within the curtilage of existing rural buildings on the site and the potential for visual impact on adjoining land or from the road network would be minimal.

Recommendation –

It is recommended that the application for Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by AK Consultants and plans by Heritage Water Tanks, Drawing No. 16045–CT80–001, Revision C, dated 19 September 2016 and Drawing Nos. CT80–5T–002, Revision A dated 26 October 2014 and shed plans as submitted, stamped 24 July 2018.
- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 3 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the “Unsealed Roads Manual – Guideline for Good Practice ARRB”.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.’

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Carpenter seconded, “That the application for Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by AK Consultants and plans by Heritage Water Tanks, Drawing No. 16045-CT80-001, Revision C, dated 19 September 2016 and Drawing Nos. CT80-5T-002, Revision A dated 26 October 2014 and shed plans as submitted, stamped 24 July 2018.
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Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 'Substantial commencement' is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required."

Carried unanimously

258/2018 Strata, Staged Development and Community Development Scheme Policy

The Director Community Services reported as follows:

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

'PURPOSE

The purpose of this report is to consider the adoption by the Council of the Strata, Staged Development and Community Development Scheme Policy. The Policy would assist in decision making when application is made for the division of land under the *Strata Titles Act 1998* (the Act) and articulate the development requirements that are to be in place for a Certificate for Strata Plan to be issued.

Accompanying the report are the following documents:

- . Annexure 1 – Strata, Staged Development and Community Development Scheme Policy – September 2018.
- . Annexure 2 – Procedure – Certificate of Approval for Strata Plan.

BACKGROUND

The Act was granted royal assent in 1998 and allows for the division of land, other than by subdivision under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The Council does not have a policy to guide decision making in relation to the various scenarios that are available under the Act. The subject Policy and Procedure would provide clarity and assist staff in this process.

DISCUSSION

The Policy would ensure that the Council signs off on Strata Plan development through a transparent process involving the issue of a Certificate of Approval that the Strata Plan is substantially in accordance with a Planning Permit issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013* and is compliant under the *Building Act 2016* and *Building Regulations 2017*.

CONSULTATION

The Policy has been reviewed by Council's Senior Leadership Team and Operational Leadership Team and presented to a workshop for elected members.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment of development applications and proceeding Strata Plans.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Shape of the Place

- Encourage a creative approach to new development

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision.

CONCLUSION

It is recommended that the Strata, Staged Development and Community Development Scheme Policy – September 2018 be adopted by the Council and be made known to the community.'

The Land Use Planning Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Strata, Staged Development and Community Development Scheme Policy dated September 2018 has been circulated to all Councillors."

■ Cr Howard moved and Cr Viney seconded, "That the Strata, Staged Development and Community Development Scheme Policy dated September 2018 be adopted by the Council and be made known to the community (a copy being appended to and forming part of the minutes)."

Carried unanimously

INFRASTRUCTURE SERVICES

259/2018 Infrastructure Services determinations

The Director Infrastructure Services reported as follows:

“A Schedule of Infrastructure Services Determinations made during the month of August 2018 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 Diprose moved and Cr Downie seconded, “That the Schedule of Infrastructure Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

260/2018 Annual Tender 2018–2019 – Coastal and rural roadside mowing

Cr Diprose, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Annual Tender 2018–2019 – Coastal and rural roadside mowing at 7.09pm.

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to consider the tenders for the coastal and rural roadside mowing contract from 1 October 2018 to 30 September 2019.

BACKGROUND

The Central Coast Council controls and maintains the coastal and rural roadside mowing areas within the Central Coast municipal area. The rural road network is made up of approximately 450kms of sealed and unsealed roads and the coastal road network is made up of approximately 65kms of sealed and unsealed roads totalling 515km of roads.

The coastal and rural roadside mowing program consists of a first cut to a width of 3.4m both sides of the road, followed by a second cut later in the season on all main arterials to 5m wide (where possible) and a 3.4m wide cut on all other roads.

DISCUSSION

Tenders were called on 28 July 2018 and closed at 2.00pm on 22 August 2018.

Tenders were received from the following companies:

- . Rodney Wright & Sons Contracting
- . Statewide Contracting (TAS) Pty Ltd
- . Mareeba Tas Pty Ltd.

The coastal and rural roadside mowing tender is a schedule of rates tender and tenderers were asked to provide an hourly rate along with a 3.4km wide cut per km (one side) rate and 5.0m wide cut per km (one side) rate in accordance with the coastal and rural roadside mowing manual.

The following rates (inclusive of GST) have been submitted by the tenderers.

TENDERER	HOURLY RATE (\$)	3.4M WIDE CUT RATE (\$)	5.0M WIDE CUT RATE (\$)
Mareeba Tas Pty Ltd	137.50	154.50	210.00
Rodney Wright & Sons Contracting	137.50	103.11	137.48
Statewide Contracting (TAS) Pty Ltd	148.87	148.87	148.87

In addition to the requested rates, Statewide Contracting (TAS) Pty Ltd provided a capped price of \$89,325 for mowing the entire Central Coast area (515km of road length both sides). Clarification was sought from Statewide Contracting (TAS) Pty Ltd with regards to the number of cuts per year for the capped price and the width of cut. Confirmation was received that the capped price amount accounted for the first cut of 515kms, for both sides. Additional discounts were offered; however, these were not considered due to not being part of the tender submission.

For the assessment, a 3.4m wide cut rate over the 515km network length has been used for Mareeba Tas Pty Ltd and Rodney Wright & Sons Contracting as

their first cut price. The capped price given by Statewide Contracting (TAS) Pty Ltd has been used as their first cut price.

Second cut totals for all tenders have been calculated based on their 3.4m and 5.0m wide cut rates for the relevant road lengths.

Below is a table showing these amounts:

INFRASTRUCTURE SERVICES

TENDERER	1ST CUT (\$) (515KM, BOTH SIDES) 3.4M	2ND CUT (\$) ARTERIAL ROADS (190KM, BOTH SIDES) 5.0M	2ND CUT (\$) OTHER ROADS (325KM, BOTH SIDES) 3.4M	TOTAL (\$)
Mareeba Tas Pty Ltd	159,135.00	79,800.00	100,425.00	339,360.00
Rodney Wright & Sons Contracting	106,203.30	52,242.40	67,021.50	225,467.20
Statewide Contracting (TAS) Pty Ltd	89,325.00	56,570.60	96,765.50	242,661.10
<i>BUDGET (INCLUSIVE OF GST)</i>				<i>244,200.00</i>

All submissions for coastal and rural roadside mowing meet the tender requirements and would be considered acceptable.

The Council uses a weighted tender assessment method based on:

- . value for money. compliance with tender documents;
- . experience;
- . personnel;
- . construction period;
- . design;
- . WHS system and record; and
- . tender price

Based on the evaluation, Rodney Wright & Sons Contracting was assessed as the preferred tenderer, based on this method.

CONSULTATION

This item has followed a public tendering process.

RESOURCE, FINANCIAL AND RISK IMPACTS

The tender from Rodney Wright & Sons Contracting can be accommodated within the budget (\$244,200.00 inc. GST).

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the tender from Rodney Wright & Sons Contracting for the coastal and rural roadside mowing program be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the confidential tender assessment has been circulated to all Councillors."

■ Cr Carpenter moved and Cr Viney seconded, "That the conforming tender from Rodney Wright & Sons Contracting for the coastal and rural roadside mowing program be accepted and approved by the Council."

Carried unanimously

Cr Diprose returned to the meeting at 7.12pm.

ORGANISATIONAL SERVICES

261/2018 Creation of a non-smoking precinct within the Ulverstone CBD

The Director Organisational Services reported as follows:

“PURPOSE

The purpose of this report is to create a smoke-free precinct in the CBD of Ulverstone.

BACKGROUND

The consequences of passive cigarette smoking have for some time been an issue discussed in the media. The general community expect to be able to go about their business without being exposed to cigarette smoke. The *Public Health Act 1997* (the Act) stipulates areas that are designated smoke-free areas. Some of these areas such as playgrounds and outdoor eating venues have been widely promoted through the media, but other areas are not as well known.

The Council has received public complaints regarding cigarette smoking in public areas. Some areas commented on are already covered by legislation, however, the Council in some instances has the ability under the Act to designate additional areas as smoke-free precincts.

DISCUSSION

The Council surveyed business operators in Reibey Street, Ulverstone regarding smoking in the CBD. Business owners, on the whole, expressed the view that cigarette smoking should be discouraged in the CBD area.

The Act states the following are smoke-free areas:

S.67B. Smoke-free areas

- (1) *A smoke-free area is any of the following:*
 - (a) *an enclosed public place;*
 - (b) *an enclosed workplace;*
 - (c) *any area, including, but not limited to including, a public street, that is not within private premises and is designated by the occupier of the area as a smoke-free area;*

- (d) *at an outdoor sporting venue during an organised sporting event being held at that venue, anywhere within 20 metres of –*

 - (i) *any permanently or temporarily erected public seating; or*
 - (ii) *any seating, marshall area, warm-up area, podium or other part of the venue reserved for the use of competitors or officials; or*
 - (iii) *any part of the venue used to conduct the actual organised sporting event;*
- (e) *anywhere within 3 metres of an entrance to or exit from any non-domestic building or multiple-use building;*
- (f) *anywhere within 10 metres of any air intake for ventilation equipment on or in a multiple-use building or a non-domestic building;*
- (g) *anywhere within 10 metres of any play equipment erected at a children's playground in a public place;*
- (h) *on a beach at which a surf-lifesaving organisation has temporarily erected a pair of red and yellow flags for the safety of beach users, the area "between the flags" (being the rectangular area bordered by the flags, the water's edge and the landward fringe of the beach);*
- (i) *anywhere at a public swimming pool, including the curtilage of the public swimming pool;*
- (j) *anywhere that the Director, by public notice, designates as a smoke-free area in connection with a public event or class of public events specified in that public notice;*
- (k) *anywhere in an outdoor dining area;*
- (l) *anywhere within 3 metres of an outdoor dining area that is not surrounded by a screen, or other barrier, that is at least 2.1 metres high and impervious to smoke;*

- (m) a public street that the regulations declare to be a pedestrian mall;*
- (n) a public street that the regulations declare to be a bus mall;*
- (o) anywhere within 3 metres of a bus shelter on a public street.*

Taking into account S.67B parts (e), (g), (k) and (l), this means many parts of the commercial area of Ulverstone, including Apex Park are smoke-free areas.

If only these areas were to be considered smoke-free, then confusion could arise regarding where cigarette smoking would be allowed. To remove this confusion and to create a consistent approach, the Council as the occupier can use its powers under the Act [S.67B (1)(c)] to designate an area as being smoke-free. This area could be Reibey Street in its entirety, King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road) (a copy of the proposed smoke-free precinct map is appended to this report).

Once designated, appropriate signage must be displayed within the area to advise people of the area being designated as smoke-free. This is in accordance with S67E of the Act.

67E. Signs

- (1) The occupier of a smoke-free area must display within that area any sign approved by the Director or containing wording or images approved by the Director for display in a smoke-free area or class of smoke-free area.*

Once the area has been designated, the following will apply with regards to penalties for smoking in a smoke-free area.

67C. Smoking in smoke-free areas prohibited

- (1) A person must not smoke in a smoke-free area.*

Penalty: Fine not exceeding 20 penalty units.

- (2) It is a defence in proceedings for an offence under subsection (1) for a person to prove that he or she –*

- (a) *did not know, and could not reasonably be expected to have known, that the place where the person was smoking was a smoke-free area; or*
 - (b)
 - (c) *in the case of a smoke-free area referred to in section 67B(1)(e), was unable to comply because there were less than 6 metres between entrances or exits of the building.*
- (3) *A nominated officer may require a person who is smoking in a smoke-free area to stop smoking.*
 - (4) *A person must not fail or refuse to comply with a requirement of the nominated officer under subsection (3) .*

Penalty: Fine not exceeding 5 penalty units.

As part of a community awareness program it will be important that the Council conducts a media program in both print and electronic media. It is also important that in its initial phase that the Council's nominated officer be proactive in educating smokers. All properties which fall within this district will also be notified of the change and when it will take effect.

Existing smoking infrastructure such as cigarette butt containers will also be removed as part of the process to creating a smoke-free precinct.

The new smoke-free precinct will apply from 1 November 2018 to allow adequate communication and for signage to be put in place.

CONSULTATION

Three Councillors' Workshops have been held in relation to this matter over a period of 12 months. Following the creation of the smoke-free precinct, there will be a media campaign using both print and electronic media to advise of the smoke-free status of the area. The campaign will have an education-based focus. All property owners and occupiers will be notified.

RESOURCE, FINANCIAL AND RISK IMPACTS

The signage and advertising will be carried out as part of the Council's operational budget. No further resources will be required.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- Improve community wellbeing.

CONCLUSION

This report recommends that the Council creates a smoke-free precinct in Ulverstone in the areas of Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), in accordance with S.67B (1)(c) of the *Public Health Act 1997*."

The Executive Services Officer reported as follows:

"A copy of the map outlining the proposed smoke-free precinct has been provided to all Councillors."

- Cr Carpenter moved and Cr Howard seconded, "That the Council creates a smoke-free precinct in Ulverstone in the areas of Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), in accordance with S.67B (1)(c) of the *Public Health Act 1997*, from 1 November 2018 (a copy of the smoke-free precinct map being appended to and forming part of the minutes)."

Carried unanimously

262/2018 Contracts and agreements

The Director Organisational Services reported as follows:

"A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of August 2018 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 Downie moved and Cr Tongs seconded, "That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received."

Carried unanimously

263/2018 Correspondence addressed to the Mayor and Councillors

The Director Organisational Services reported as follows:

"PURPOSE

This report is to inform the meeting of any correspondence received during the month of August 2018 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:

- . A letter listing concerns that relate to the Devonport Hospital demolition, walkways and footpaths in Forth and Turners Beach, water in Furner's Hotel/ Coles entrance, Penguin football oval, Ulverstone Showground rental on show day and a suggestion of hosting evening community meetings.
- . An email providing feedback in relation to the changes made to Apex Park.
- . A letter outlining concerns in relation to the Penguin miniature railway and seeking clarification of what role the Council wish the Engineering Society and its miniature railway to play in the community attraction area.

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."

The Executive Services Officer reported as follows:

- Cr Diprose moved and Cr van Rooyen seconded, "That the Director's report be received."

Carried unanimously

264/2018 Common seal

The Director Organisational Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 21 August to 17 September 2018 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

265/2018 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

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:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

■ Cr Downie moved and Cr Tongs seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2015* 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, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.

- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 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.

- 4 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.”

The Council moved into Closed session at 7.24pm

266/2018 Confirmation of Closed session minutes

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 20 August 2018 have already been circulated. The minutes are required to be confirmed for their accuracy.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

(i) the fact that the matter was discussed at the closed meeting; and

(ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

(c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public 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.”

There being no further business, the Mayor declared the meeting closed at 7.25pm.

CONFIRMED THIS 15TH DAY OF OCTOBER, 2018.

Chairperson

(lb:Imm)

Appendices

- Minute No. 254/2018 – Social Media Acceptable Use Policy and Community Guidelines
- Minute No. 255/2018 – Schedule of Statutory Determinations
- Minute No. 258/2018 – Strata, Staged Development and Community Development Scheme Policy
- Minute No. 259/2018 – Schedule of Infrastructure Services Determinations
- Minute No. 261/2018 – Smoke-free precinct map – Ulverstone CBD
- Minute No. 262/2018 – Schedule of Contracts & Agreements
- Minute No. 264/2018 – Schedule of Documents for Affixing of the Common Seal

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

Appendices

Social Media Acceptable Use

Policy

SEPTEMBER 2018



CENTRAL COAST COUNCIL

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POLICY

The Central Coast Council (the Council) recognises that there are legitimate business reasons for using social media. To enable workplace participants to take advantage of the business value of these sites and to promote an open, trusting and collaborative workplace, the Social Media Acceptable Use Policy (the Policy) allows workplace participants to use social media within the specified guidelines.

PURPOSE

The purpose of the Policy is to ensure the effective service delivery of Council business through the use of social media and provide guidelines to ensure the protection and proper use of the Council's social media services and corporate computing resources. Direct Reports and the General Manager are responsible for workplace participants awareness of and observance to the Policy.

APPLICATION

This Policy applies to all workplace participants, which include:

- Casual, fixed-term and otherwise temporary employees, employees on probation, part-time employees, managers, Councillors, employees working from home as well as full-time employees;
- People providing services to the Council on a contract basis or on secondment from or to another Council, even if they are only working on a temporary basis; and
- Students, graduates and others on work experience or undertaking voluntary work.

SCOPE

Social media (sometimes referred to as social networking or Web 2.0 technologies) are online services and tools used for publishing, sharing and discussing information. They can include forums, blogs, wikis, social networking websites, and any other websites that allow individual users to upload and share content. All forms of social media, including emerging platforms are within the scope of this Policy and must be compliant.

Social media services and tools can involve a combination of technology, telecommunications and social interaction. They can use a variety of different formats, for example text, pictures, video and audio.

Social media can provide unique opportunities for users to communicate and share information, and to build networks locally, nationally, and internationally. Information shared may include (but is not limited to) personal information, opinions, research, commentary, or business information.

Blogs – A blog is a ‘web log’. Many blogs provide commentary or news on a particular subject; others function as more personal online diaries. Usually, viewers can comment, ask questions, share information and subscribe. A typical blog combines text, images, and links.

Forums/boards – An internet forum, or message board, is an online discussion site. Users can post messages and comment on other messages. Other types of social media often incorporate forums, sometimes with their own social conventions and etiquette (or ‘netiquette’).

Micro-blogs – A micro-blog has a similar purpose to a blog, except that entries are smaller - usually limited to a certain number of characters (e.g. 140). A popular example is Twitter™. It allows users to ‘follow’ one another so that they are notified when a new update is posted. Users can connect quickly and through many different tools such as their mobile phone.

Photo sharing sites – A photo sharing site, such as Instagram®, allows users to upload images and is useful for categorising and organising pictures. They allow other users to comment on them, or re-use them with permission.

Social bookmarking – Social bookmarking is used for saving the address of a website or item of content and adding a tag to allow other users to easily find research. It is useful for organising and sharing links, and for keeping track of links recommended by others. Pinterest™ is an example.

Social networking websites – Social networking websites focus on building online communities of people who share interests. Popular examples include Facebook® and LinkedIn®. Users can build their own profile page, join groups, share photos and videos, post messages, and run other applications.

Video sharing sites – A video sharing site allows users to upload video clips to be stored on the server, allowing other users to view them. YouTube™ is a popular example.

Wikis – A wiki is a website using ‘wiki software’ that allows web pages to be created, interlinked, and edited by any user. The most well-known wiki is Wikipedia® – an online encyclopaedia.

INAPPROPRIATE CONTENT

Social media may contain legitimate business and personal content, but it must not include content that is fraudulent, offensive, obscene, pornographic, sexually suggestive, abusive or discriminatory, defamatory, threatening, harassing, bullying, hateful, racist, sexist, that infringes copyright, or is otherwise unlawful. This Policy should be read in conjunction with a number of Council policies, including the Information and Communication Technology Acceptable Use Policy – April 2014, which applies to the broader web and email and also applies to content found within social media.

Inappropriate content must not be accessed by workplace participants while at work, or while using the Council’s resources. Likewise, workplace participants must not post inappropriate material using Council’s resources. Workplace participants are expected to use common sense, and consideration for others, when deciding on content appropriate for the workplace.

PRODUCTIVITY

The Council recognises that workplace participants may have a need (at times) to conduct business within social media while at work or using the Council's resources. The Council allows limited access to social media content. For example, workplace participants are allowed access to social media reasonably within the functions of their role at the Council as agreed by their Direct Report or the General Manager. It is the responsibility of the employee to ensure that personal use of social media is consistent with the Council's Information and Communication Technology Acceptable Use Policy – April 2014.

GUIDELINES

The following are guidelines regarding what workplace participants should and should not do when publishing content in social media. Workplace participants are responsible for content they publish in social media and can be held personally liable for content published. Workplace participants can also be subject to disciplinary action by the Council for publishing inappropriate or classified content. These guidelines only cover a sample of all possible content publishing scenarios and are not a substitute for good judgment. It is important to note that these guidelines apply to all social media publishing, whether personal or Council sponsored.

When accessing social media via the Council website and/or intranet systems, workplace participants must do so in accordance with the Council's Information and Communication Technology Acceptable Use Policy – April 2014, which requires workplace participants to use these resources 'reasonably', in a manner that does not interfere with work, and is not inappropriate or excessively accessed.

1. PERSONAL USE OF SOCIAL MEDIA

The Council recognises that workplace participants may wish to use social media in their personal life outside of work time. This Policy does not intend to discourage nor unduly limit personal expression or online activities. However, workplace participants should recognise the potential for damage to be caused (either directly or indirectly) to the Council in certain circumstances via personal use of social media when they can be identified as a member of Council.

In accordance with the Council's Employee Code of Conduct – November 2012 and Councillors Code of Conduct – June 2016, workplace participants are not to make public Council statements without the consent of the General Manager. Do not disclose information that would otherwise not be disclosed, speculate on policy or possible policy, or indicate possible future decisions of the Council. Workplace participants should comply with this Policy to ensure that risk of damage to the Council is minimised.

Workplace participants are personally responsible for the content they publish in a personal capacity on any form of social media platform. When in doubt, workplace participants should seek guidance from their Direct Report or General Manager on how to comply with their obligations.

2. PERSONAL POSTS

Personal posts are those made via a private social media account in an individual's name, or a name of their choosing. Personal accounts should not identify workplace participants as working for the Council, however it is noted that in the cyber-sphere it can be relatively easy to connect separate pieces of information to largely identify users.

Use of personal posts should follow similar considerations as the use of other Council ICT communication resources such as email; not disclose confidential or highly sensitive information that would otherwise not be disclosed; speculate on policy or possible policy; or indicate possible future decisions of the Council.

Personal social media accounts should not be linked to the Council's email accounts except where authorisation is gained. If workplace members feel that they could be easily identified as affiliated with the Council, it is recommended a disclaimer for the account/post be used such as, "the views expressed on this site/post are my own, and don't necessarily represent those of the Council".

3. AFFILIATION WITH COUNCIL

Where workplace participants can be identified as an employee of the Council or otherwise affiliated with Council, the following obligations apply for all social media content:

- . Include in all postings an identification of the position or affiliation with Council;
- . Express that the stated views are personal (not those of the Council) and do not imply an authorisation to speak on behalf of the Council;
- . Do not disclose information that would otherwise not be disclosed, speculate on policy or possible policy, or indicate possible future decisions of the Council;
- . Ensure that all content published is accurate and not misleading;
- . Maintain the standard of professionalism expected in the position held at Council;
- . Do not publish material that could harm the reputation of the Council (including elected Councillors, elected Mayor, or Council employees), stakeholders or customers.
- . Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- . Do not use the Council email address or Council logos/identifiers unless authorised to do so;
- . Do not use or disclose any confidential information, or highly confidential information;
- . Do not post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another member of the Council, or towards customers, stakeholders or third parties; and

- Do not post images or footage of colleagues, customers or stakeholders without their permission.

4. OFFICIAL POSTS

The Council reserves the right to make official posts on social media sites, as it does in the traditional media, to address queries, discussion and misinformation. Any official posts will identify the information provided as attributable to the Council as an official comment, for example, with use of the Council logo. Official posts will be executed by a fully authorised representative of the Council.

As with any public statements, any official posts must be developed in conjunction with relevant subject matter area(s) and approved by the General Manager. Care should be taken when considering official posts, as social media is an open and dynamic environment that can generally not be controlled - consider the potential implications of any proposed posts, the likely audience, and whether it will assist in delivering positive outcomes for the Council.

If at any time the Council chooses to make official comment via social media this will be managed by the Office of the General Manager in conjunction with the relevant subject matter area(s) and approved by the General Manager. Official posts are also required to follow guidelines of the Council Information and Communication Technology Acceptable Use Policy – April 2014.

5. AUTHORISATION TO REPRESENT THE COUNCIL

Before engaging in social media as a representative of the Council, workplace participants must be formally authorised to comment by the General Manager. Workplace participants may not comment as a representative of the Council unless authorised to do so. If authorised workplace participants engage in advocacy for the Council on social media, they should clearly identify their affiliation or position in the Council.

Authorisation to represent the Council in social media or create a new social media account must follow the guidelines of the Social Media Systems Management Policy – September 2018. Request Forms can be submitted to the Office of the General Manager that updates and maintains the Council's register of official social media accounts.

Personal accounts should not be used to post official Council statements unless authorised by the General Manager to do so. Workplace participants should take due care that the use of social media (as agreed with their Direct Report or the General Manager) does not impinge on performing their work or be used excessively.

MONITORING AND MODERATION

Content posted on the Council's social media platforms is monitored and moderated during business days and hours, except public holidays. The Council will make reasonable efforts to monitor content to ensure social media postings are courteous and non-offensive.

The Council reserves the right to delete or block any comments that are deemed inappropriate. It is the responsibility of the workplace participant to ensure that personal use is consistent with the Council's Social Media Community Guidelines – September 2018. Content including (but not limited to) the following may be deleted:

- . Abusive, hurtful or inappropriate language or statements;
- . That violates privacy;
- . That breaches copyright laws;
- . That is considered spam;
- . That is not suitable to all ages;
- . That is overtly political; and
- . Unsolicited advertising.

MALWARE AND ONLINE CRIME PREVENTION

Social media is commonly used by the online criminal community to deliver malware and carry out schemes designed to damage property or steal classified information. While these guidelines help to reduce risk, they do not cover all possible threats and are not a substitute for good judgment.

Security settings, applications and common sense should be used when using social media. For tips see Appendix 1, Social Media Do's and Don'ts or contact the Council's Corporate Services Group Leader or the General Manager.

RECORDS MANAGEMENT

The Tasmanian Archive and Heritage Office (TAHO) has record keeping requirements for social media posts that relate to business. The Council need only keep social media content considered to be business records under its existing record keeping policies and procedures.

For low risk forms of Council business, the social media information generated generally has limited ongoing value and content can be safely left in the application. These policies and procedures will be reviewed periodically in light of changes to requirements of TAHO. A social media folder is located within the Council's digital records system for storing social media related communications that are not held within the corresponding digital platform.

POLICY BREACHES AND NON-COMPLIANCE

Non-compliance and breaches of this Policy will be dealt with in accordance with the employment agreement, Employees Code of Conduct – November 2012, Code of Conduct of Councillors – June 2016, Human Resource Workforce Behaviour Policy and Guidelines – April 2018 and Information and Communication Technology Acceptable Use Policy – April 2014. Allegations of misconduct will be investigated according to established procedures. Sanctions for non-compliance or violations of this policy may include the following:

1. Temporary or permanent revocation of access to some, or all, computing and networking resources and facilities;
2. Disciplinary action including possible termination of employment or contract; and/or
3. Where inappropriate use constitutes a breach of any law, legal action may be taken in accordance with that law by the Council or concerned third parties.

RELATED POLICIES

This policy should be read in conjunction with existing corporate policies including:

- . Employees Code of Conduct - November 2012
- . Code of Conduct of Councillors – June 2016
- . Information and Communication Technology Acceptable Use Policy – April 2014
- . Human Resource Workforce Behaviour Policy and Guidelines – April 2018
- . Records and Records Management Policy – April 2017
- . Social Media Community Guidelines – September 2018
- . Social Media Systems Management Policy – September 2018.

EVALUATION PROCESS

This Policy is reviewed when any of the following occur:

- . The related information is amended or replaced;
- . Changes to device or access technology which significantly increase the associated risk;
- . Evidence that the Policy no longer meets the needs of Council; or
- . Other circumstances as determined from time to time by the General Manager.

Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

RESPONSIBILITIES

Policy Owner	General Manager
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CHANGES TO POLICY

This Policy is to remain in force until otherwise determined by the General Manager.

Sandra Ayton
GENERAL MANAGER

ACKNOWLEDGEMENT FORM

I have read and understood the contents and agree to abide by the Central Coast Council Social Media Acceptable Use Policy.

Workplace Participant Name:

Workplace Participant Signature:

Date:

Please return this acknowledgement to the Council Payroll Officer or General Manager.

APPENDIX 1 – SOCIAL MEDIA “DO’S AND DON’TS”

DO	DO NOT
DO make it clear you are speaking for yourself, and not on behalf of the Council or other organisation. Communicate in the first person (I, me) when engaging in personal social media communications.	DO NOT comment on: <ul style="list-style-type: none"> · Council or government business; · Future or current decisions or decision making; or · Council or government policy. DO NOT share confidential information.
DO gain authorisation or approval from the General Manager to represent the Council in your current position on social media.	DO NOT use ethnic slurs, personal insults, obscenity or engage in any conduct that would be considered unacceptable in a workplace. You should also show proper consideration for others privacy and for topics that may be considered objectionable or inflammatory.
DO use a disclaimer. If you publish personal social media communications and it has something to do with the work you do, or subjects associated with the Council, use a disclaimer such as, “ the views expressed on this site/post are my own, and don’t necessarily represent those of the Council ”.	DO NOT conduct classified Council business with a stakeholder, customer or third party through your personal (or other) social media.
DO follow the policies. Make yourself aware of and follow all the Council’s guidelines, as well as laws such as copyright, fair use, and disclosure laws that apply to social media. Ensure you have read and understood any Terms of Use for the social media platform you intend to use.	DO NOT register accounts using the Council’s brand name, or any other unregistered or registered trademarks.
DO ask permission to publish or report on conversations that are meant to be private or internal to the Council. When in doubt, always ask permission from your Direct Report or the General Manager.	DO NOT use Council email addresses or the same passwords for social media that you use to access Council’s computing resources.
DO acknowledge the stakeholder/source if you make a reference (approved in writing) to a stakeholder, customer, or third party.	DO NOT follow links on social media pages posted by individuals or organisations that you do not know.
DO be aware of your association with social media. If you identify yourself as a Council workplace participant on a personal account, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and customers.	DO NOT cite or reference stakeholders, customers or third parties without their written approval.
DO be aware that the Council’s employs technical and regulatory controls to enforce these guidelines.	DO NOT download software posted or recommended by individuals or organisations that you do not know.

Social Media Community Guidelines

PURPOSE

The purpose of the Social Media Community Guidelines (the Guidelines) is to set the ground rules by which the community may participate in online engagement initiatives of the Central Coast Council (the Council). The Guidelines and moderation aim to discourage and manage anti-social, irrelevant, offensive, spam and/or other inappropriate posts.

The Guidelines and moderation are designed to protect all users of the Council's social media and digital platforms. The Guidelines aim not to discourage two-way conversations between the community and the Council, but participation on the Council's social media platforms needs to comply.

STANDARDS

People using any of Council's social media platforms should not post any material that may be considered:

- . Abusive, obscene, indecent or offensive language;
- . Defamatory, abusive, harassing or hateful or capable of damaging the reputation of a person or organisation;
- . As invading anyone's privacy or impersonating anyone;
- . Off-topic, as irrelevant posts lower the value of the debate for everyone;
- . To be spam, repetitive, unauthorised advertising or solicits;
- . As encouraging conduct that may or would constitute a criminal offence or give rise to civil liability, or that otherwise violates any law;
- . To include your or anyone else's personal information;
- . To include inappropriate, vulgar or offensive user names; and
- . Comply with legal obligations including intellectual property rights and copyright law.

MODERATION

- . The Council regularly reviews content on social media platforms;
- . If a post breaches the Guidelines, it will be removed. The Council will not edit posts to remove objectionable content;
- . Posts will not be moderated before they appear. If the Council becomes aware of a published post that breaches the Guidelines, the post will be removed by the moderator;
- . The Council will not contact you directly if you post a comment that is removed by the moderator. Comments posted on the Council's moderation will be removed. The Council will not enter into dialogue about moderation;
- . The Council reserves the right to remove any overtly political posts or URL links to political websites or other social media platforms;
- . Posts in languages other than English will be removed. Content of posts should be accessible to as many people as possible; and
- . Posts that are irrelevant to the subject, overly long (in excess of 1000 words), contains irrelevant or long URL links or appear to contain code will be removed.

PARTICIPATION

- . The Council's social media platforms have been created to engage the community in communication on matters of mutual interest. The Council encourages people to post polite and relevant comments on social media platforms. Please be pleasant and respectful of the opinions and beliefs of others;
- . The Council's social media platforms do not provide a forum for customer service or delivery complaints. Customer service or delivery complaints should be made by contacting the Council in person, by email, telephone or mail;
- . Workplace members of the Council may contribute to the conversations on social media platforms under their own names or use pseudonyms. Their posts, comments or opinions do not represent the official position of the Council and should be considered the product of each individual as member of the public;
- . Representatives of the Council will identify themselves and the information they post is current at the time of publication. The Council's workplace members should be aware of the Council's Social Media Acceptable Use Policy – September 2018;
- . All posts made by members of the public on Council's social media platforms express the views and opinions of the author and not the Council. The Council does not endorse, approve or promote any comments by the public appearing on its social media platforms; and

- . The Council will not be held legally responsible for the comments posted on its social media platforms. With the exception of material posted by third parties, the Council owns or has the rights to the intellectual property of social media posts.

The Guidelines assist the Council to create a welcoming space for intelligent discussion, and participants are encouraged to assist by notifying us of potential problems and helping each other to keep conversations inviting and appropriate. If you spot something problematic on our social media platforms, please report it. If you wish to report a breach of the Guidelines or wish to reproduce an entire post, a picture or a logo please email admin@centralcoast.tas.gov.au.

From time to time, the Council will update the Guidelines. If this document is a printed copy, please download the electronic version available from the Council's website to ensure it is the current issue.

Central Coast Council

List of Development Applications Determined

Application Number	Address	DA Type	Proposed use	Period from: 01 - August 2018 To 31-August 2018		
				Application Date	Decision Date	Day determined
DA2018001	9 Shorehaven Drive TURNERS BEACH,TAS,7315	Permitted	Residential (dwelling alteration)	25/06/2018	1/08/2018	19
DA2018005	5 Explorer Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding)	25/06/2018	1/08/2018	27
DA2018009	811 Pine Road RIANA,TAS,7316	Discretionary	Residential (replacement of a required residential use - dwelling)	29/06/2018	15/08/2018	33
DA2018010	91 River Avenue HEYBRIDGE,TAS,7316	Discretionary	Residential (outbuilding)	31/07/2018	29/08/2018	22
DA2018011	14 Mission Hill Road PENGUIN,TAS,7316	Discretionary	Residential (deck and replacement of an ancillary dwelling)	5/07/2018	24/08/2018	36
DA2018014	333 South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling building area and outbuilding)	5/07/2018	15/08/2018	30
DA2018018	65 Walkers Road NORTH MOTTON,TAS,7315	Discretionary	Residential (replacement of required dwelling and conversion of existing dwelling to agricultural shed)	22/06/2018	15/08/2018	22
DA2018019	14 Racecourse Crescent TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding)	6/07/2018	24/08/2018	29
DA2018021	16 Lyndale Road PENGUIN,TAS,7316	Discretionary	Resource development (agricultural shed)	13/07/2018	17/08/2018	25
DA2018025	7 Sandhaven Crescent SULPHUR CREEK,TAS,7316	Discretionary	Residential (outbuilding)	19/07/2018	24/08/2018	24
DA2018027	609 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential (outbuilding)	23/07/2018	29/08/2018	22

DA2018032 - 1	141 Albert Road HOWTH,TAS,7316	Subdivision	minor amendment - Subdivision - reconfiguration of property boundaries	26/07/2018	1/08/2018	6
DA2018033	56 Alexandra Road ULVERSTONE,TAS,7315	Discretionary	General retail and hire (shop)	24/07/2018	24/08/2018	18
DA2018034	831 Pine Road RIANA,TAS,7316	Permitted	Residential (outbuilding)	3/08/2018	17/08/2018	4
DA2018035	67 Leith Road LEITH,TAS,7315	Discretionary	Residential (dwelling)	26/07/2018	28/08/2018	25
DA2018041 - 1	4 Crawford Road PENGUIN,TAS,7316	Subdivision	Minor Amendment - Subdivision - 2 Lots	6/08/2018	8/08/2018	1
DA217198	3 Shorehaven Drive Turners Beach,TAS,7315	Discretionary	Residential (dwelling and outbuilding)	30/04/2018	2/08/2018	33
DA217208	902 Forth Road TURNERS BEACH,TAS,7315	Discretionary	Resource development (landfill)	17/04/2018	17/08/2018	30
DA217246	70 Deviation Road PENGUIN,TAS,7316	Discretionary Permit Area <80m2	Residential - outbuilding	15/06/2018	7/08/2018	26

**SCHEDULE OF STATUTORY DETERMINATIONS
MADE UNDER DELEGATION**

Period: 1 August 2018 to 31 August 2018

Building Permits –

• New dwellings	5	\$1,525,000.00
• Outbuildings		\$.00
• Additions/Alterations	1	\$60,000.00
• Other		\$.00
• Units		\$.00

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building –

• New dwellings	3	\$1,024,000.00
• Outbuildings	5	\$110,484.00
• Additions/Alterations	2	\$45,000.00
• Other		\$.00

Building Low Risk Work – 0

Certificate of Likely Compliance – Plumbing – 16

No Permit Required – Plumbing – 8

Food Business registrations (renewals) – 23

Food Business registrations – 2

Temporary Food Business registrations – 2

Temporary 12 month Statewide Food Business Registrations – 0

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0



Cor Vander Vlist
DIRECTOR COMMUNITY SERVICES

Strata, Staged Development and Community Development Scheme Policy

September 2018

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POLICY

This Policy provides direction for the Council in respect of the approval of a Strata Scheme, Staged Development Scheme or Community Development Scheme under the *Strata Titles Act 1998*.

RELEVANT LEGISLATION

This Policy was developed with reference to:

- . *Strata Titles Act 1993*
- . *Land Use Planning and Approvals Act 1993*
- . *Central Coast Interim Planning Scheme 2013*
- . *Building Act 2016*

PURPOSE

Certificates of Approval, issued by the Council, are required for registration of Strata Plans, Amendments to Strata Plans, consolidation of Strata Plans, Staged Development and Community Schemes and the cancellation of Strata Plans.

The purpose of this Policy is to ensure that the Council's requirements for a Strata, Staged Development or a Community Development Scheme are implemented with consistency through the registration of a Plan with the Recorder of Titles under the *Strata Titles Act 1998*.

Land and buildings may be divided, vertically and horizontally, into private lots and common property and must consist of a full quota of lots upon which the development is sited.

Where development involves two or more lots, registration of a Plan has the effect of automatically amalgamating those lots, i.e. there is no need to amalgamate the lots under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Note: – Where an application for the strata of land is reasonably considered by Council to be the division of land by subdivision, as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, all documents submitted are to be returned to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

DEFINITIONS

Common property means –

- (a) all land and property within a Scheme that is not within the boundaries of a lot;
and

- (b) all other infrastructure administered by the body corporate for the relevant Scheme, excluding land that is designated for future development in an approved Master Plan.

Community development scheme means –

The development and registration of land under an approved Master Plan. The Scheme typically allows for the establishment of community-based developments, such as a retirement village or a residential marina.

Plan means –

- (a) a Strata Plan;
- (b) the master plan for a Staged Development; or
- (c) the master plan for a Community Development Scheme.

Scheme means –

- (a) a Strata Scheme;
- (b) a Staged Development Scheme; or
- (c) a Community Development Scheme.

Strata Scheme means –

The complex of lots and common property (together with the system of administration and management) created through the registration of a Strata Plan.

Staged Development Scheme means –

The Scheme for the development of land by the registration of a series of Strata Plans.

ELEMENTS OF THE POLICY

- 1 Applicability
- 2 Approval of Registration of a Plan for Strata Scheme
- 3 Approval of Registration of a Plan for Staged Development Scheme
- 4 Approval of Registration of a Plan for Community Development Scheme
- 5 Roles and Responsibilities
- 6 Procedures
- 7 Review of Policy

1 *APPLICABILITY*

Application for Certificate of Approval of a Plan would ordinarily be preceded by a development application and the issue of a Planning Permit under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*, and issue of any associated Building and Plumbing Permits, notifications or certificates for the development of the land.

Following completion of a development, application would be made to the Council for a Certificate of Approval so that a Plan may be registered under the *Strata Titles Act 1998*. Multiple Plans may be registered over a period of time if the development is approved to be a Staged Development Scheme.

2 *APPROVAL OF REGISTRATION OF A PLAN FOR STRATA SCHEME*

A Strata Scheme over multiple dwellings and common land, or exiting buildings, must have a Planning Permit issued for the use and development of the land and be over lawfully constructed buildings with common land.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Strata Plan may be issued for:

- (a) new multiple dwellings with common property;
- (a) a new dwelling with an existing building on the site, with no vacant land, but with common property;
- (b) multi-storey development; or
- (c) the separation of “old” buildings, or rooms within existing “old” buildings, where no recent Permits have been issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*. Common property must also be identified.

3 APPROVAL OF REGISTRATION OF A PLAN FOR A STAGED DEVELOPMENT SCHEME

A Staged Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development of the land and the various stages of development.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Staged Development Scheme may comprise the following forms of development:

- (d) new multiple dwellings in stages with common property;
- (e) the construction of new multiple dwellings in stages with common property and the creation of lots that may be vacant until construction begins on such lots; and there may be existing buildings on the site;
- (f) multi-storey staged development with common property (such as common car parks, waste storage areas, landscaping, shared buildings etc); or
- (g) the construction of a new dwelling behind an existing building with vacant land. Common property must be identified.

4 APPROVAL OF REGISTRATION OF A PLAN FOR A COMMUNITY DEVELOPMENT SCHEME

A Community Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development and any staging of the Scheme.

A Community Development Scheme may comprise the following forms of development:

- (a) the construction of buildings and infrastructure in stages. Stage 1 is to include, at a minimum, the development of all community infrastructure on common land, one building, and may include vacant lots prior to the construction of buildings on such lots;
- (h) Multi-storey Staged Development whereby ground level common property land is completed with approved buildings and infrastructure (such as car parks, recreational facilities, landscaping etc) and each floor level must be absolutely completed prior to registration of a Plan for that stage.

5 ROLES AND RESPONSIBILITIES

The Director Community Services or Land Use Planning Group Leader, or Land Use Planning Officers are responsible for undertaking assessments of applications for the use and development of land and determination that any

proposal is not deemed to be a subdivision of land and is substantially in accordance with any Planning Permit issued.

The Regulatory Services Group Leader or Building Compliance Officer is responsible to ensure buildings are compliant under the Building Act 2016 and Building Regulations 2017.

The Asset & Facilities Group Leader, Engineering Group Leader or Environmental Engineer is responsible for determining that all matters outlined in a Statement of Compliance issued by the Council, in its capacity as the Road Authority and Stormwater Authority, have been satisfied.

6 PROCEDURES

Workflow procedures have been developed for assessment of use and development applications under the Land Use Planning & Approvals Act 1993 and the Central Coast Interim Planning Scheme 2013. Refer to Planning Procedures LUP004 and LUP005.

Workflow procedures have been developed for assessment and determination of application for a Certificate of Approval and registration of a Plan under the Strata Act 1998. Refer to Planning Procedure LUP012.

7 REVIEW OF POLICY

The Strata, Staged Development and Community Development Scheme Policy will be reviewed every three years.

Date of approval:/...../.....

Approved by:

.....

Sandra Ayton
GENERAL MANAGER

Activity: *Certificate of Approval for Strata Plan*

Procedure: *LUP012*

WORK METHOD REQUIREMENTS

- . To ensure that the Council signs-off on Strata Plan development through a transparent process involving the issue of a Certificate of Approval that the Strata Plan is substantially in accordance with a Planning Permit issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013* and compliant under the *Building Act 2016 and Building Regulations 2017*.
- . To ensure the Strata Plan and associated documents are properly executed, prior to submission to the Recorder of Titles for registration.

References

Central Coast Council's "Strata Scheme, Staged Development Scheme & Community Development Scheme Policy"
Strata Titles Act 1998

Preamble

The purpose of this procedure is to ensure that the issue of a Certificate of Approval for a Strata Plan is substantially in accordance with the Planning Permit issued.

Ordinarily, an application for a Planning Permit (Procedures LUP004 & LUP005) would precede the submission of a Strata Plan for certification by the Council.

1 General Process upon receipt of a Strata Plan for Approval

- ☐ The Planner is to undertake a preliminary assessment of the application for the Strata of land to initially determine if the proposal can be reasonably considered to be the division of land by subdivision (not Strata) as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Where the proposal is deemed to be a subdivision, the planner is to record a file note and send all documents back to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

- ☐ Where an application is for a Strata Plan, an invoice is to be produced for the Strata fee and sent to the applicant.
- ☐ Refer electronic copy of the plan to other Departments and request other Departments advise if any works or Certificates are outstanding. Other

Departments are to endorse “referral from” or advise if there are any outstanding matters. Do NOT refer to TasWater.

- ☐ Check Strata Fee has been paid.
- ☐ Refer to the Planning Permit file. Check the proposal is substantially in accordance with the Permit issued (e.g. visitor car parking is located on common land, letter box location, waste bin location, private areas and building footprints are as approved).
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Where Permit conditions have been completed and the development is in accordance with the relevant procedure outlined in this document, the Land Use Planning Group Leader, Town Planner or Planning Officer is to request the General Manager (or delegated officer) sign the Certificate of Approval and Strata Plan. Do NOT Seal the Plan.
- ☐ The Plan is returned to the applicable legal office or forwarded to the Recorder of Titles, as requested. The Recorder of Titles will, in due course, forward to the Council notification of the registered Strata Plan.
- ☐ The Recorder of Titles notification is received by the Council's Records Officer who registers the document in InfoXpert and forwards to Planning Services, Rates and GIS staff. The process for dealing with the Recorder of Titles notification by the relevant staff is as follows:
 - 1 Planner checks in “Spectrum” the new lots are correctly zoned.
 - 2 Planning Administration checks the zone is correctly noted in “Property”, locates the relevant Development Application file and files the Notification document on the relevant Development Application file.

2 Certificate of Approval for Strata Scheme over completed new multiple dwellings

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Check that all common land and associated infrastructure has been completed, including waste storage area, visitor car parking, roadways and maneuvering area, letterboxes, landscaping and other shared infrastructure.
- ☐ Check that all Final Certificates have been issued, including building and plumbing.
- ☐ Check on site for compliance with Planning Permit conditions (e.g. landscaping, car parking etc).
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

3 Certificate of Approval for Staged Development and Community Development Scheme

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to the Development Application file. Check the proposal was approved as a Staged Development and/or Community Development Scheme and is substantially in accordance with the Planning Permit issued (e.g. visitor car parking is on common land, location of community infrastructure and buildings is as approved, lot sizes and locations are as approved). If not approved as a staged development, then the applicant must seek to have the Permit amended to include a staged development schedule.
- ☐ Stage 1 MUST be as approved in Planning Permit, including the completion of all common land (shared roads, visitor car parking and manoeuvring areas, landscaping, letterboxes etc). Common buildings need not necessarily be completed at Stage 1, however the staging schedule must reflect the Planning Permit issued.
- ☐ Stage 1 MUST demonstrate that all proposed lots are fully serviced (other than balance land for Community Development Scheme, i.e. land that is included in the Planning Permit issued but is approved as balance land).
- ☐ Stage 1 MUST include the completion of at least one (1) dwelling on the site and all Final Certificates must be issued.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

4 Certificate of Approval for multiple dwellings with an existing “old” building on site.

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to the Development Application file. Check that the proposal is substantially in accordance with the Permit issued, e.g. visitor car parking is on common land, private areas and building footprints are as approved.
- ☐ The Plan MUST be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building on the site is in compliance with all necessary Acts and Regulations.
- ☐ Check that all common land and associated infrastructure has been completed (waste storage area, visitor car parking, roadways and manoeuvring areas, letterboxes, landscaping, shared infrastructure etc).

- ☐ Check that all Final Certificates have been issued.
- ☐ Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

5 **Certificate of Approval for Strata of “old” existing buildings and rooms in “old” buildings**

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to any relevant Development Application file. Check the proposal is substantially in accordance with the Permit issued (if required).
- ☐ The Plan **MUST** be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building(s) on the site are in compliance with all necessary Acts and Regulations. **Note:** If a Building Surveyor’s report requires works to existing “old” buildings to make buildings compliant with current legislation, then a Certificate issued by the Building Surveyor following completion of all works on the site is required.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

6 **Certificate of Approval for Multi–Storey Staged Development Schemes**

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to Development Application file. Check the proposal is substantially in accordance with the Permit issued (e.g. common land infrastructure and apartment layouts).
- ☐ Ground level common land and associated infrastructure **MUST** be completed (including waste storage area, visitor car parking, roadways and manoeuvring area, letterboxes, landscaping, communal buildings and shared infrastructure).
- ☐ Each floor level **MUST** be complete with all relevant Certificates issued for that level, including common rooms/areas and infrastructure for that level, before a Certificate of Approval is issued for that stage.
- ☐ Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.

- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 "General Process upon receipt of a Strata Plan for Approval" above for issue of Certificate of Approval and Notification by Recorder of Titles.

SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 August 2018 to 31 August 2018

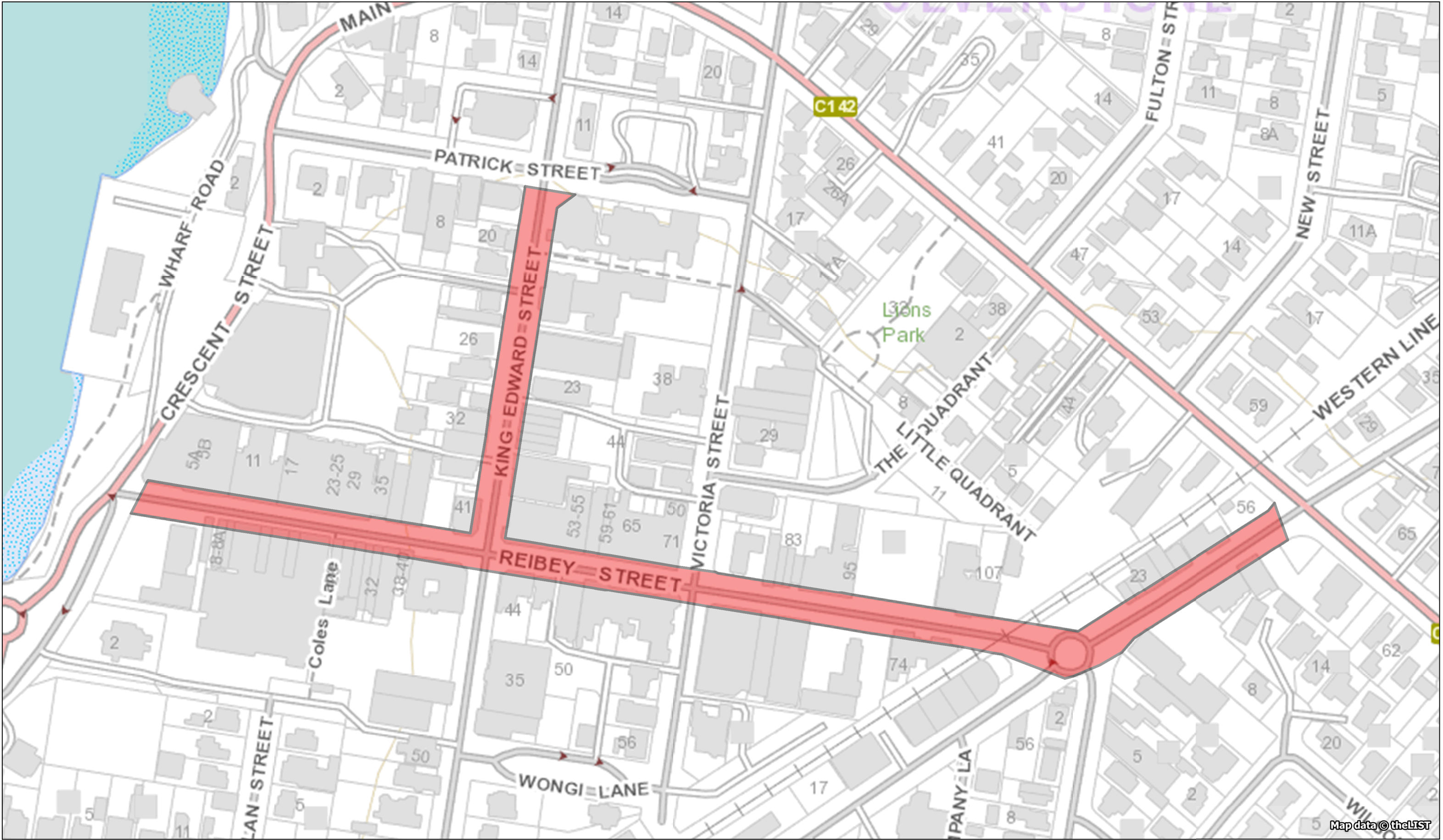
Approval of Roadworks and Services

Developer: S V Heazlewood
Location: 2 Scurrah Street, Ulverstone
No. of Lots: 2
Engineer: Dean Panton (PDA Surveyors)

Developer: L J & B M Thomas
Location: 15 Scurrah Street, Ulverstone
No. of Lots: 3
Engineer: Chris Martin – CSE Tasmania Pty Ltd



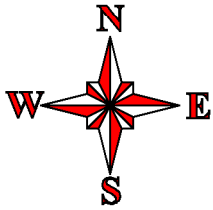
John Kersnovski
DIRECTOR INFRASTRUCTURE SERVICES



Map data © theLIST


Disclaimer
This map is not a precise survey document
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Important
This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.



Contour Interval:
Projection: GDA94
Date: 11/09/2018
Drawn By: GIS

PROPOSED SMOKE FREE PRECINCT

Scale 1: 2,000




SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 1 to 31 August 2018

Contracts

- Contract No. 1/2018-2019
PDA Surveyors
Provision of detailed engineering surveying services
Net Price \$13,000.00 (incl. GST)

Agreements

- Licence of Crown land
831 Wilmot Road, Kindred (PID 3521549) - 1.925ha
Slalom course facilities including ropes, wires and mad-made river features
on the Licensed Area as owned by the Licensee or Approved Sublicensee as
applicable
Licence period 1 August 2017 to 31 July 2027

Sandra Ayton
GENERAL MANAGER

**SCHEDULE OF DOCUMENTS FOR AFFIXING OF
THE COMMON SEAL**

Period: 21 August 2018 – 17 September 2018

Documents for affixing of the common seal

Nil

Final plans of subdivision sealed under delegation

- . Final Plan of Survey
Explorer Drive, Turners Beach – Lot 41
Application No. SUB2007.29
- . Part 5 Agreement under s.71 of Land Use Planning and Approvals Act 1993
3 & 4 Midway Lane, Sulphur Creek
Application No. DA217049
- . Part 5 Agreement under s.71 of Land Use Planning and Approvals Act 1993
12C Seaside Crescent, Penguin
Application No. DA215116
- . Final Plan of Survey
4 Crawford Street, Penguin
Application No. DA217148



Sandra Ayton
GENERAL MANAGER