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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 18 March 2019 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)  
Cr Amanda Diprose  
Cr Casey Hiscutt  
Cr Philip Viney

Cr John Beswick  
Cr Cheryl Fuller  
Cr Tony van Rooyen

**Councillors apologies**

Cr Garry Carpenter (Deputy Mayor)  
Cr Annette Overton

**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**

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

**Prayer**

The meeting opened in prayer.

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**65/2019      Condolence Motion – Christchurch Mosque killings**

I would like to introduce a condolence motion recording the Central Coast Council's deep regret at the deaths that occurred in Christchurch on Friday 15<sup>th</sup> March and to offer the Council's profound sympathy to the people of Christchurch, New Zealand.

On Friday the 15<sup>th</sup> March one or more shooters entered several Mosques in Christchurch, New Zealand, opening fire and indiscriminately killing a number of men women and children who were attending the religious services at that time.

For the people of Christchurch this is a time of intense sadness. It seems impossible to fathom the madness that led to this event and it is important that we, both as a Council, and as individuals, show our support and sincere sympathy to the people of Christchurch and New Zealand who have been the subject of this tragedy.

I recommended that the Council, at this time of mourning following the tragic events that occurred on Friday 15<sup>th</sup> March, offer its condolences to the people of Christchurch and New Zealand."

- Cr Fuller moved and Cr Viney seconded, "That the Council, at this time of mourning following the tragic events that occurred on Friday 15<sup>th</sup> March, offer its condolences to the people of Christchurch and New Zealand."

Carried unanimously

**CONFIRMATION OF MINUTES OF THE COUNCIL**

**66/2019      Confirmation of minutes**

The Executive Services Officer reported as follows:

"The minutes of the previous ordinary meeting of the Council held on 18 February 2019 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."

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■ Cr Hiscutt moved and Cr Beswick seconded, “That the minutes of the previous ordinary meeting of the Council held on 18 February 2019 be confirmed.”

Carried unanimously

## **COUNCIL WORKSHOPS**

### **67/2019 Council workshops**

The Executive Services Officer reported as follows:

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

- . 25.02.2019 – Perry Ling Gardens, Annual Plan Actions for 2019–2020.
- . 04.03.2019 – Dulverton Waste Management – site visit; UPC Renewables Electrical Conductor Corridor.
- . 12.03.2019 – Climate Change Action Plan; Rural Waste Management.

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

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

Carried unanimously

## **MAYOR’S COMMUNICATIONS**

### **68/2019 Mayor’s communications**

The Mayor reported as follows:

“I have no communications at this time.”

### **69/2019 Mayor’s diary**

The Mayor reported as follows:

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

- . Local Government Association of Tasmania – Appreciation Event (Hobart)

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- . Local Government Association of Tasmania – General Management Committee breakfast-meeting (Hobart)
  - . Radio community reports
  - . Council-community morning tea – Gunns Plains and Preston (Gunns Plains Community Centre)
  - . Switch Tasmania (Cradle Coast Innovation) – Board meeting
  - . ‘Tasmania Talks’ – radio interview
  - . Community Safety Partnership Committee – meeting
  - . Cradle Coast Authority – Representatives Group meeting (Burnie)
  - . Penguin Uniting Church – World Day of Prayer service
  - . Ulverstone Showground – tour
  - . Devonport City Council and Central Coast Council – Audit Panel combined meeting with independent member (Devonport)
  - . Dulverton Waste Management – landfill site visit (Latrobe)
  - . Penguin Uniting Church – flipped the first pancake for UnitingCare Pancake Day fundraising event to help people living in crisis
  - . Penguin Men's Shed/Axemen's Association – meeting re site facilities
  - . Central Coast Chamber of Commerce and Industry – International Women's Day breakfast
  - . Local Government Association of Tasmania – International Women's Day luncheon (Devonport)
  - . Ten Days on the Island – Exhibition opening (Burnie)
  - . Mersey-Leven Emergency Management Committee – meeting (Latrobe)
  - . 12th National Veteran Motorcycle Rally 2019 – welcome reception to Ulverstone
  - . Burnie City Council – cruise ship visit (Burnie)
  - . Ten Days on the Island – Here She Is exhibition.”

Cr Overton reported as follows:

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

- . Penguin Visitor Information Centre – morning tea to farewell and thank volunteers.”

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

Carried unanimously

## **70/2019      Declarations of interest**

The Mayor reported as follows:

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“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.”

No interests were declared at this time.

## **COUNCILLOR REPORTS**

### **71/2019      Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr Fuller reported on a recent meeting of the Penguin Miniature Railway.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **72/2019      Leave of absence**

The Executive Services Officer reported as follows:

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“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**

#### **73/2019      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**

#### **74/2019      Petitions**

The Executive Services Officer reported as follows:

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

### **COUNCILLORS' QUESTIONS**

#### **75/2019      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

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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.

#### **76/2019      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."

#### **PUBLIC QUESTION TIME**

#### **77/2019      Public question time**

The Mayor reported as follows:

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



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Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council on 19 May 2014 (Minute No. 133/2014)."

**78/2019      Public questions taken on notice**

The Executive Services Officer reported as follows:

"No public questions were taken on notice from the 18 February 2019 meeting."

**DEPARTMENTAL BUSINESS**

**GENERAL MANAGEMENT**

**79/2019 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:

- . Central Coast Community Shed Management Committee – meeting held 4 February 2019
- . Forth Community Representatives Committee – meeting held 7 February 2019
- . Cradle Coast Waste Management Committee – meeting held 13 February 2019
- . Central Coast Youth Engaged Steering Committee – meeting held 28 February 2019
- . Turners Beach Community Representatives Committee – meeting held 28 February 2019
- . Penguin Miniature Railway – meeting held 21 February 2019
- . Development Special Support Committee – meeting held 12 March 2019.

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

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

Carried unanimously

**80/2019 Audio Recording of Meetings Policy**

The General Manager reported as follows:

*“PURPOSE*

The purpose of this report is to consider the adoption by the Council of the Audio Recording of Meetings Policy (the Policy) A copy of the Policy is appended to this report.

#### *BACKGROUND*

Under Regulation 33(1) of the *Local Government (Meeting Procedures) Regulations 2015* (the Regulations), the Council ‘*may determine that an audio recording is to be made of any meeting or part of a meeting*’, and further under *Regulation 33 (2) (a) and (b)*, “...*that if the council so determines, the audio recording of a meeting or part of that of a meeting that is not closed to the public is to be;*

- a. retained by the council for at least 6 months; and*
- b. made available free of charge for listening on written request by any person.”*

The audio recording of Council and Development Support Special Committee meetings has been discussed over the past 12 months. Following the installation of microphones in the Council Chambers in 2017 the ability to audio record Council meetings has been significantly improved.

#### *DISCUSSION*

Whilst there is no current legislative requirement for Councils to audio record proceedings at a Council or committee meeting, it would be considered best practice in terms of conveying open and transparent public meetings. The implementation of the Policy would assist Council staff in the preparation of meeting minutes and enable members of the public, who are unable to attend a meeting, access to an audio file of the meeting.

Regulation 32 of the Meeting Regulations prescribes that the Council must meet certain criteria in relation to the taking minutes of meetings. These are subject to Regulation 34(1), which applies to Closed Council meetings. Accordingly, councils must ensure that they comply with this requirement to keep minutes in addition to any recording of meetings.

The Policy sets guidelines and direction in respect to a number of matters including compliance with legislative provisions, records management and retention and accessibility.

It is intended that the Policy will apply to all formal Council (including special meetings) and Development Support Special Committee meetings, including any matters discussed within Closed session of a meeting. Guidelines for the recording of open and closed session of meetings has been provided for within the Policy.

#### *CONSULTATION*

Discussions in relation to a Policy has been undertaken at Councillors Workshops’ (both the former and current councils).

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

There is no impact on Council resources.

As Council meetings are public events there does not appear to be any increased risk by digital recording. However, both the Council and individuals may be liable for things that are said that may be regarded as offensive or defamatory.

### *CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Effective communication and engagement.

### *CONCLUSION*

It is recommended that the Central Coast Council Audio Recording of Meetings Policy dated March 2019 be adopted.”

The Executive Services Officer reported as follows:

“A copy of the Central Coast Council Audio Recording of Meetings Policy dated March 2019, has been circulated to all Councillors.”

■ Cr Fuller moved and Cr Diprose seconded, “That the Central Coast Council Audio Recording of Meetings Policy dated March 2019 (a copy being appended to and forming part of the minutes) be adopted.”

Voting for the motion

(6)

Cr Bonde

Cr Beswick

Cr Diprose

Cr Fuller

Cr Hiscutt

Cr Viney

Cr van Rooyen

Voting against the motion

(1)

Cr van Rooyen

Motion

Carried

**81/2019      Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups – Emergency Management (71/2017 – 20.03.2017)**

The General Manager reported as follows:

*“PURPOSE*

This report considers emergency management of the Council and the region and seeks the endorsement of the Council in respect to the appointment of a Deputy Municipal Coordinator.

*BACKGROUND*

The current statutory appointment of the Deputy Municipal Emergency Management Coordinator will expire on 11 August 2019.

The Director Infrastructure Services has prepared the following report:

*‘DISCUSSION*

Paul Breaden, Engineering Group Leader was reappointed as the Council’s Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) in August 2017. This appointment is for a two-year term and the incumbent is available for a further term.

Under s.23(8) of the *Emergency Management Act 2006*:

“A council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.”

It is important that the Deputy Municipal Coordinator has the authority in the absence of the Municipal Coordinator to undertake the role with the responsibilities as defined earlier in the report. The Engineering Group Leader is best suited to fulfil the role of Deputy Municipal Management Coordinator in this organisation.

*CONSULTATION*

Consultation has been undertaken with the respective nominee.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

Administrative funding is allocated in the Estimates.

### *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

#### The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Contribute to the preservation of the natural environment

#### Council Sustainability and Governance

- Effective communication and engagement
- Strengthen local–regional connections.

### *CONCLUSION*

It is recommended that the Council nominate Paul Breden, Engineering Group Leader for appointment by the Minister, as the Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) for a further period of two years commencing in August 2019.'

The report is supported."

■ Cr Diprose moved and Cr Beswick seconded, "That the Council nominate Paul Breden, Engineering Group Leader for appointment by the Minister, as the Deputy Municipal Emergency Management Coordinator (Deputy Municipal Coordinator) for a further period of two years commencing in August 2019."

Carried unanimously

## **82/2019      Late agenda item – Delegation of powers and functions of the General Manager – Use of the Common Seal**

■ Cr Viney moved and Cr Hiscutt seconded, "That the Council agree to discuss the following matter of importance, the matter not having been listed on the agenda for this meeting:

- Delegation of powers and functions of the General Manager – use of the Common Seal."

The General Manager reported as follows:

“In accordance with s.8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, the following information is provided:

- (a) this matter was not listed on the agenda due to issue arising after the agenda was circulated; and
- (b) the matter is urgent.”

Carried unanimously and by absolute majority

**83/2019      Delegation of powers and functions of the General Manager – Use of the Common Seal**

The General Manager reported as follows:

“The Executive Services Officer has prepared the following report:

*‘PURPOSE*

This report is provided to allow the Council to update its delegation of functions and powers, namely the use of the Common Seal, provided by the Council to the General Manager.

*BACKGROUND*

At its Ordinary Council meeting in 19 March 2018, the General Manager’s Schedule of Delegations was adopted. From that meeting it has been identified that a review of the use of the Common Seal is required to ensure efficient and effective management of the Councils operations.

*DISCUSSION*

In accordance with Section 22 of the *Local Government Act 1993* (the Act) the Council may delegate its functions and powers to the General Manager, in order to ensure that operational requirements and strategic developments are met.

The current delegation to the General Manager in relation to the common seal states

*“S.19 Corporation of Councils – Delegation from the Council to General Manager:*

*(3) The common seal is to be kept and used as authorised by the Council; and*

*(5) The execution of a document sealed by a Council is to be attested by such persons as the Council determines."*

The delegation is silent on what the General Manager is authorised by the Council to execute.

It is prudent for the Council to authorise the General Manager to sign documents that require the affixing of the Common Seal and furthermore, that all use of the Seal must be reported to the Council at its next Ordinary Meeting.

Please note that contracts and agreements, which require the affixing of the Common Seal will also form part of that Report.

These documents would include but are not limited to:

- . Lease and licence documents;
- . Grant Deeds;
- . To affix the Common Seal following the Sale of Land;
- . Planning (e.g. Final Plan of Survey, Agreements; Adhesion Order);
- . Contracts and Agreements.

### *CONSULTATION*

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

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

Delegation and authorisation are tools that assists in risk management practices and other than staff time has no impact on Council resources.

### *CORPORATE COMPLIANCE*

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

#### Council Sustainability and Governance

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



*CONCLUSION*

It is recommended that the Council authorises the General Manager to sign documents that require the affixing of the Common Seal and furthermore, that all use of the Seal must be reported to the Council at its next Ordinary Meeting.'

The Executive Services Officers report is supported."

- Cr Viney moved and Cr Hiscutt seconded, "That the Council authorises the General Manager to sign documents that require the affixing of the Common Seal and furthermore, that all use of the Seal must be reported to the Council at its next Ordinary Meeting."

Carried unanimously

COMMUNITY SERVICES

**84/2019      Statutory determinations**

The Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of February 2019 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 Beswick moved and Cr Hiscutt seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

## INFRASTRUCTURE SERVICES

**85/2019      Tenders for Penguin Recreation Ground – Infrastructure Demolition**

The Director Infrastructure Services reported as follows:

“The Assets & Facilities Group Leader has prepared the following report:

*‘PURPOSE*

The purpose of this report is to make recommendation on tenders received for demolition of infrastructure at the Penguin Recreation Ground, Penguin.

*BACKGROUND*

During the development of Dial Park, the Council undertook a Master Planning process for the future development of the Penguin Recreation Ground.

In June 2017, the Council adopted the Penguin Recreation Ground Master Plan.

With the relocation of the Penguin Football and Penguin Cricket clubs to Dial Park stage 1 of the Penguin Recreation Ground Master Plan could begin.

Stage 1 of the implementation plan was to facilitate the de-commissioning and removal of existing structures and infrastructure from the site to provide a green fields site for the remaining stages of the Master Plan to be implemented.

*DISCUSSION*

Tenders were called for the demolition of infrastructure on 26 January 2019 and closed at 2.00pm on 26 February 2019.

Submissions from two tenderers were received as follows (including GST and \$10,000 contingency):

Tenders were received as follows (including GST):

TENDERER	PRICE \$
Demolition Tasmania	157,686.00
Civilscape Contracting Tasmania	342,200.00
<i>ESTIMATE</i>	<i>0</i>

The Council uses a weighted tender assessment method based on

- . compliance with tender documents;
- . previous experience;
- . proposed construction period;
- . WHS system and record; and
- . tender price/value for money.

Based on the evaluation, Demolition Tasmania was assessed as the preferred tender (a copy of the confidential Tender Assessment is appended to this report).

### *CONSULTATION*

This project was part of the stakeholder and community engagement for the development of the Master Plan for the Penguin Recreation Ground.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The 2018–2019 budget for this project was set at \$25,000. This amount was expended removing the asbestos from the site, prior to calling tenders.

The tender from Demolition Tasmania will be accommodated from within the Property Management Capital account and will be reimbursed through the proceeds from the development of the site.

### *CORPORATE COMPLIANCE*

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

#### A Connected Central Coast

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

#### The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

#### Council Sustainability and Governance

- . Improve service provision.

*CONCLUSION*

It is recommended that the tender from Demolition Tasmania in the amount of \$157,686.00 (including GST) for the demolition of infrastructure at the Penguin Recreation Ground be accepted and approved by the Council.'

The Assets and Facilities Group Leader's report is supported."

■ Cr van Rooyen moved and Cr Viney seconded, "That the tender from Demolition Tasmania in the amount of \$157,686.00 (including GST) for the demolition of infrastructure at the Penguin Recreation Ground, be accepted."

Carried unanimously

ORGANISATIONAL SERVICES

**86/2019      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 February 2019 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 Hiscutt moved and Cr Fuller seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**87/2019      Correspondence addressed to the Mayor and Councillors**

The Director Organisational Services reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 19 February and 18 March 2019 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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:

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

■ Cr Beswick moved and Cr Fuller seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**88/2019 Common seal**

The Director Organisational Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 19 February to 18 March 2019 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 Diprose moved and Cr Viney 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

**89/2019 Public question time**

The Mayor introduced public question time at 6.31 pm.

Mr Phillip Moorhouse– Ulverstone

Question 1 –

“About a year ago the Council was undertaking a street light replacement program, what does that involve?”

Response:

The Mayor referred the matter to the Director Infrastructure Services who advised that the Council had entered into an agreement with other Councils to replace and upgrade residential street lighting to LED, as it would reduce electricity costs by 80%, the project has not progressed to installation as it still in negotiation with TasNetworks at this time.

Questions and replies concluded at 6.33pm.

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## CLOSURE OF MEETING TO THE PUBLIC

**90/2019      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:

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015</i> reference</b>
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
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"><li>. Dulverton Waste Management Board –20 February 2019</li><li>. Dulverton Waste Management Audit and Risk Committee –20 February 2019</li><li>. Dulverton Waste Management Representatives –21 February 2019</li><li>. Cradle Coast Authority Board – meeting held 21 February 2019.</li></ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

■ Cr Hiscutt moved and Cr Diprose 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
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> <li>. Dulverton Waste Management Board –20 February 2019</li> <li>. Dulverton Waste Management Audit and Risk Committee – 20 February 2019</li> <li>. Dulverton Waste Management Representatives – 21 February 2019</li> <li>. Cradle Coast Authority Board – meeting held 21 February 2019.</li> </ul>	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.

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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 meeting moved into Closed session at 6.34pm.

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**91/2019      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 18 February 2019 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.”

GENERAL MANAGEMENT

**92/2019      Minutes and notes of other organisations and committees of the Council**

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

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

- .      Dulverton Waste Management Board – meeting held 20 February 2019
- .      Dulverton Waste Management Audit and Risk Committee – meeting held 20 February 2019
- .      Dulverton Waste Management Representatives – meeting held 21 February 2019
- .      Cradle Coast Authority Board – meeting held 21 February 2019.”

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.”

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 6.45pm.

CONFIRMED THIS 15TH DAY OF APRIL, 2019.

### **Chairperson**

(lb:dil)

### **Appendices**

- Minute No. 80/2019 – Audio Recording of Meetings Policy
- Minute No. 84/2019 – Schedule of Statutory Determinations
- Minute No. 86/2019 – Schedule of Contracts & Agreements
- Minute No. 87/2019 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No.88 /2019 – Schedule of Documents for Affixing of the Common Seal

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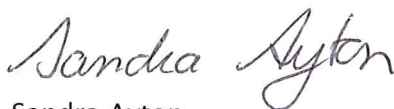
#### *QUALIFIED PERSON'S ADVICE*

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
  - (a) the general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within the Council minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.



Sandra Ayton  
GENERAL MANAGER

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# Associated Reports And Documents

# Audio Recording of Meetings

## Policy

March 2019



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## PURPOSE

The purpose of this Policy is to provide guidelines to the Council for the transparent management of the audio recording of Council and Council Committee meetings.

## SCOPE

This Policy applies to:

- . All formal Council Meetings (including Special and Annual General) meetings; and
- . All formal meetings of the Development Support Special Committee (DSSC).

## STANDARDS (INCLUDING RELEVANT LEGISLATION)

This Policy was developed in accordance with:

### *RELEVANT LEGISLATION*

- . *Local Government (Meeting Procedures) Regulations 2015.*

## POLICY STATEMENT

In accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*, all meetings of the Council and DSSC shall be recorded.

At the commencement of each meeting, the Mayor or Chairperson shall notify those present, including members of the public, that an audio recording will last the length of the open meeting unless terminated in accordance with this policy.

At the commencement of each closed session at a meeting of Council, the Mayor or Chairperson shall notify those present that an audio recording of the closed meeting will be made. It must be announced that the audio recording will last the length of the closed meeting unless terminated in accordance with this Policy.

A Council Officer will be responsible for the operation of the audio recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson.

The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the audio recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the audio recording).

The audio file of the open session meeting of the Council or DSSC meeting will be made available on Council's website within two business days following the meeting.

The audio file of the closed session meeting of the Council will remain confidential and be kept in a secure location at the Council's Administration Centre where access is strictly limited to authorised person/s on a case by case basis. (refer Guidelines in this policy).

The original recordings of meetings are to remain unmodified and stored for a period of not less than 6 months from the date of the recording. A compressed version of the original audio recording shall be created (preserving adequate voice quality) and made available for download from the Council's website and also archived in Council's Records Management system as the authoritative published version.

There may be situations where due to technical difficulties, audio recording will not be available. If such circumstances occur, the Mayor or Chairperson will advise those present that audio recording is not available. In the event that an audio recording file becomes corrupt for any reason and is therefore not available in Council's archives, this information will be displayed on the website.

## GUIDELINES

- 1 The audio recording of a meeting may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor/Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed.
- 2 The audio recording of the previous meeting should be accessible at the meeting where the minutes will be confirmed.
- 3 The audio recording of a meeting does not supersede the written minutes therefore a direct transcript (text version) of the recording will not be prepared.
- 4 Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a closed session meeting of Council must be provided in writing to the General Manager detailing the basis for the request.
- 5 Access to recordings of closed session meetings of Council requested under Section 4 may be granted by the General Manager for the following reasons:
  - (i) Where a Councillor wishes to review a recording of a closed meeting of Council for which they were absent.
    - a. Access to a recording under Section 5(i) is not permitted where the absence from the meeting was due to a declaration of interest at that meeting or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons.
  - (ii) Where a Councillor wishes to review a recording of a closed meeting of Council for which they were present.

- (iii) Where a report author or endorser wishes to review the debate leading to a decision/s made about that report.
  - (iv) Where the General Manager is required to undertake the initial assessment of a Code of Conduct complaint under s.28Y of the *Local Government Act 1993*.
  - (v) In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission, Code of Conduct Panel) providing such requests are permissible under the laws of the State of Tasmania.
- 6 The General Manager may access the recordings of closed session Council meetings for any other purpose deemed necessary in the performance of their duties.
- (i) Access to a recording under Section 6 by the General Manager is not permitted where a recording is about a matter where the General Manager was excluded from a closed session meeting under s15 6(b) of the *Local Government (Meeting Procedures) Regulations 2015*, or was absent due to a declared interest.
- 7 The General Manager must ensure that any access undertaken under Section 5 and 6 is recorded in the register of requests (outlined in Sections 8 and 9).
- 8 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of closed session meetings of Council.
- 9 The register must contain the following details: Name and signature of the person requesting access, Position, Reason for access, Access approved (yes/no), Reason if no access provided, Date/time of access, the recording/meeting or item ID accessed, Name and signature of authorising officer.
- 10 In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, s15 (9), the recordings of closed session Council meetings are to remain confidential and not be released to the public unless Council resolves to do so.
- 11 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), archived audio recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.
- 12 Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.
- 13 Access to recordings of a closed session meetings of Council by authorised persons will be by appointment at the Council's Administration Centre, Ulverstone.

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 to 28 February 2019**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018124	4B Charles Street ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling, garage with upper level storage and ancillary dwelling <60m2)	22/10/2018	27/02/2019	27	\$340,000.00
DA2018133 –1	3 Sue Napier Drive ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Multiple dwellings x 2	18/10/2018	6/02/2019	2	\$0.00
DA2018173	1 Fieldings Way ULVERSTONE,TAS,7315	Discretionary	Bulky goods sales (car sales yard with shed, office and staff facilities)	7/12/2018	5/02/2019	47	\$70,000.00
DA2018174 –1	360 Masters Road SOUTH RIANA,TAS,7316	Minor amendment of a Permit.	Resource development (shed – farm storage)	19/02/2019	27/02/2019	2	\$0.00
DA2018182	52 Main Road PENGUIN,TAS,7316	Discretionary	Visitor accommodation (realignment of building roofline, new roof and side wall to existing balconies)	2/01/2019	1/02/2019	21	\$50,000.00
DA2018187	22 Queen Street WEST ULVERSTONE,TAS,7315	Discretionary	Bulky goods sales (extension to shed)	9/01/2019	13/02/2019	27	\$50,000.00
DA2018193	8 Southern Cross Drive ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling and retaining walls)	21/01/2019	21/02/2019	20	\$490,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 to 28 February 2019**

DA2018195	CT 55095/1 Preston Road NORTH MOTTON, TAS,7315	Permitted	Residential (dwelling)	29/01/2019	11/02/2019	7	\$300,000.00
DA2018197 -1	1A Main Road Penguin,TAS,7316	Minor amendment of a Permit.	Subdivision	29/01/2019	27/02/2019	19	\$0.00
DA2018198	146 Main Street ULVERSTONE,TAS,7315	Discretionary	Residential (subdivision – two lots)	29/01/2019	28/02/2019	21	\$10,000.00

**SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS  
MADE UNDER DELEGATION**

Period: February 2019

**Abatement notices issued**

ADDRESS	PROPERTY ID
1 Southwood Avenue, Penguin	403580.0002

**Kennel Licence issued**

ADDRESS	OWNER
16 Sylvan Rise, Penguin	Alison Hamlett
8 Dudley Crescent, Ulverstone	Andrea Walsh

**Permits issued under Animal By-law 1 -2018**

ADDRESS	PERMIT ISSUED FOR
Nil	



Cor Vander Vlist  
DIRECTOR COMMUNITY SERVICES

**SCHEDULE OF STATUTORY DETERMINATIONS  
MADE UNDER DELEGATION**

Period: 1 February 2019 to 28 February 2019

Building Permits – 5

• New dwellings	1	\$265,000
• Additions/Alterations	2	\$65,000
• Other	1	\$500,000
• Outbuildings	1	116,000

Permit of Substantial Compliance – Building – 1

Notifiable Work – Building – 5

• New dwellings	1	\$285,000
• Outbuildings	0	\$0.00
• Additions/Alterations	2	\$379,500
• Other	2	\$21,081

Building Low Risk Work – 3

Plumbing Permits – 2

Certificate of Likely Compliance – Plumbing – 6

Notifiable Work – Plumbing – 0

Plumbing Low Risk Work – 1

Food Business registrations (renewals) – 17

Food Business registrations – 2

Temporary Food Business registrations – 3

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 – 1



Cor Vander Vlist  
DIRECTOR COMMUNITY SERVICES



## SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 1 to 28 February 2019

### *Contracts*

- Contract No. 8/2018-2019  
GHD  
Provision of Geotechnical Investigation and engineering design for landslip and road reconstruction including drawings for Isandula Road, Gawler  
Net Price \$57,147.20 (Incl. GST)

### *Agreements*

- Grant Agreement  
Department of Communities Tasmania and Central Coast Council  
Major Grants program 2018-2019  
Inground watering system – Ulverstone Recreation Ground  
Grant amount - \$47,083.00 (excl. GST)
- Grant Agreement  
The Crown Right of Tasmania and Central Coast Council  
Tasmanian Community Fund Board – Round 37  
Dementia Friendly Central Coast – Connect Café and Inclusion Training  
Grant amount - \$19,973.92 (excl. GST)
- Lease Agreement  
Foot SP Podiatry and Central Coast Council  
Lease of part of building situated at 19 Ironcliffe Road, Penguin



Sandra Ayton  
GENERAL MANAGER



**SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO  
MAYOR AND COUNCILLORS**

Period: 19 February to 18 March 2019

- Letter of appreciation to the Council for tree maintenance between Amherst Street, Ulverstone and the railway line. Further notes the work undertaken by the Council of cleaning up the bush area between Leven River and River Road and indicates areas that still require attention.
- Letter advising Council of a meeting between the logging company stakeholders and locals in relation to bus accident caused by trucks coming from the Warringa Road, Preston area.

Bill Hutcheson  
DIRECTOR ORGANISATIONAL SERVICES



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

Period: 19 February to 18 March 2019

*Documents for affixing of the common seal*

Nil

*Final plans of subdivision sealed under delegation*

- . Final Plan of Survey  
170 Main Road, Penguin – Boundary adjustment.  
Application No. DA2018184
  
- . Final Plan of Survey  
Pengana Heights, Penguin – Lot 9  
SUB2003.20
  
- . Final Plan of Survey  
Explorer Drive, Turners Beach – Lots 9,10,13 and 37  
SUB2007.29

Sandra Ayton  
GENERAL MANAGER