
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 September 2023 commencing at 6.00pm.

Councillors attendance

Cr Cheryl Fuller (Mayor)
Cr Casey Hiscutt
Cr Michael Smith
Cr Kate Wylie

Cr John Beswick (Deputy Mayor)
Cr Sophie Lehmann
Cr Philip Viney

Councillor apologies

Cr Garry Carpenter
Cr Amanda Diprose

Employees attendance

General Manager (Mr Barry Omundson)
Director Community Services (Mr Daryl Connelly)
Director Corporate Services (Mrs Samantha Searle)
Director Infrastructure Services (Mr Paul Breaden)
Executive Services Officer (Mr Ian Brunt)

Media attendance

The media was not represented.

Public attendance

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

Digital recording of Council meetings

At the commencement of the meeting, the Mayor notified those present that the meeting will be digitally recorded and made publicly available through the Council's website.

Digital recordings will be conducted in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council's Digital Recording Policy (109/2022 – 20.04.2022).

Acknowledgement of Country

The Deputy Mayor stated as follows:

“The Central Coast Council acknowledges and pays respect to the traditional owners of lutrawita (Tasmania), the palawa/pakana people.

We acknowledge the Punnilerpanner tribe of this Northern Country, and in doing so, we celebrate one of the world’s oldest continuing cultures.”

Statement of Values

The Deputy Mayor stated as follows:

“Guided by the diverse beliefs, experiences and backgrounds of the people we represent, we strive to make inspired and respectful decisions today that will build a better tomorrow.”

CONFIRMATION OF MINUTES OF THE COUNCIL

258/2023 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 21 August 2023 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 Hiscutt moved and Cr Viney seconded, “That the minutes of the ordinary meeting of the Council held on 21 August 2023 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

259/2023 Council workshops

The Executive Services Officer reported as follows:

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

- . 2 September 2023 – Councillor’s Vision Setting Workshop;
- . 4 September 2023 – Nuisance pigs; sale of public land; former Penguin Recreation Ground; South Nietta flooding;
- . 11 September 2023 – Civic Centre review scope; Property Assessment Framework; Dulverton Waste Management amended rules; Dial Regional Sports Complex; Cradle Coast Authority meeting agenda; and
- . 15 September 2023 – Councillor’s Our Term Workshop.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

260/2023 Mayor's communications

The Director Corporate Services presented two Central Coast Business Awards to the Mayor, recently won by the Council at the Central Coast Chamber of Commerce and Industry's (CCCCI) awards event.

Of the eleven award categories at the event, the Council received awards for Outstanding Customer Service – Tours and Attractions, for its Hive facility; and Innovation, for its recent rollout of the Antenno communication application.

The Mayor thanked the Director and the Council teams responsible for winning the two awards for their excellent work; and thanked the CCCCCI for hosting the awards.

261/2023 Mayor's diary

The Mayor reported as follows:

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

- . Local Government Review Board review presentation;
- . Central Coast Community Safety Partnership Committee Meeting;
- . Ulverstone Community Conversation;
- . Ulverstone Secondary College Assembly – National Wattle Day talk;
- . Kentish Council municipal tour;
- . Emergency Services Roundtable event;
- . Penguin in Pink Fashion Parade;
- . Ulverstone Men's Shed morning tea;
- . Central Coast Council Citizenship Ceremony;
- . Ulverstone Repertory Theatre Society – Heathers Performance;
- . Ulverstone Ladies Probus lunch;
- . 2023 Kings Birthday Honours and Service Awards;
- . Cradle Coast Mountain Bike Club Annual General Meeting;
- . Mental Health Service Providers Roundtable;
- . Hellyer College Relay for Life;
- . Central Coast Chamber of Commerce and Industry Awards Night;
- . South Riana Memorial Hall World War Two Honour Board unveiling; and
- . Volunteer Marine Rescue funding announcement.”

The Executive Services Officer reported as follows:

- Cr Beswick moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

262/2023 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 Lehmann reported as follows:

“I will be declaring an interest in respect of the matter relating to Minute No. 279/2023 – Land Use Planning and Approvals Act 1993 – s.40K & s.42 report on representations to LPS2022003 – combined Draft Amendment to the Central Coast Local Provisions Schedule to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin, with Visitor Accommodation Use Class to be a Discretionary Use Class with no qualification; and Development Application DA2022107 – Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins; Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager’s residence at 6 Johnsons Beach Road, Penguin.”

COUNCILLOR REPORTS

263/2023 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 Hiscutt reported that the Penguin Surf Life Saving Club has been awarded the hosting of the Senior State Championships, to be held in late March 2024.

APPLICATIONS FOR LEAVE OF ABSENCE

264/2023 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

265/2023 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

266/2023 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

267/2023 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.

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- (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."

No questions were asked at this time.

268/2023 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

269/2023 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 in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council in its Meeting Procedures – Public question time (Minute No. 133/2014). Some of these procedures include:

- No more than two questions may be asked by a member of the public.
- The meeting procedures do not allow for statements or debate, only questions.
- A questioner is to identify themselves before asking a question and direct their question/s to the Chairperson, who may invite another Councillor or Council employee to respond.
- To assist with the accurate recording of the minutes, a form has been provided for the questioner to record their question/s, name and contact details.
- If an item on the agenda has not been dealt with prior to public question time, questions about that item will not be taken for the reason that a response could compromise the Council’s subsequent consideration of that item.

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- If it is not possible for an answer to be provided to a question at the meeting, then a written answer will be provided subsequent to the meeting.
 - The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so.
 - Protection of parliamentary privilege does not apply to local government and any statements in the Council Chambers, or any document produced, are subject to the laws of defamation.
 - Public questions and their responses at the meeting will be recorded in the minutes, and via digital recording, which will be publicly available.”

270/2023 Public questions taken on notice

The Executive Services Officer reported as follows:

“At the 21 August 2023 ordinary Council meeting, Ms Adriana Gibson asked the following question without notice, which was responded to by the General Manager who advised that matter would be investigated, and a response provided.

In person – Adriana Gibson – Ulverstone

Question 1:

‘I respectfully invite a senior male voice, either Councillor Beswick or Councillor Hiscutt to answer my question this evening, as the Mayor Councillor, Cheryl Fuller, is under severe executive stress. I can feel it in her handshake.

Apart from raising revenue, and income streams, what is the role of the Central Coast Council? And how many apprenticeships and cadetships has the Council sponsored in the past 45 years, during which time I have been a ratepayer? How many young people will be able to say, they have come up through the ranks and have been employed by the Council for 45 years, like the recently retired General Manager Ms Sandra Ayton; is it a case of feathering one’s own nest?’

Response:

The General Manager responded that modern councils are much more than roads, rates, and rubbish – we deliver over 270 services throughout our operations. The role of Council is several-fold, including the provision of

essential services such as road maintenance, rubbish collection, public facilities, parks, and gardens – all from a rate revenue that covers only 55% of our budget.

Going forward, the Central Coast Council want to be better listeners to our community. We are developing our next 10-year Strategic Plan for adoption in June 2024 and are also working on a Term Plan, which will guide the Council over its next three and a half years in office – providing greater clarity and direction.

In regard to the number of cadetships and apprenticeships over the past 45 years, unfortunately there have been multiple record keeping systems over that time and it is not possible to provide an accurate answer to your question.

I can confirm that these recruitment and training practices have proven valuable to both the Council and those employed under them. I am informed that cadetships have been completed in environmental health, planning and engineering. A high number of traineeships have been completed at our childcare and recreation centres, and within works and information technology. Apprenticeships have been completed within our works department. We currently employ 14 staff through apprenticeships, cadetships or traineeships and intend to continue this practice into the future.”

■ Cr Hiscutt moved and Cr Wylie seconded, “That the response to the public question taken on notice at the 21 August 2023 ordinary Council meeting from Ms Adriana Gibson be received.”

Carried unanimously

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

271/2023 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:

- . Riana Community Centre Advisory Committee – General Meeting and Annual General Meeting held 17 May 2023;
- . Central Coast Youth Leaders Council – meeting held 3 August 2023;
- . Central Coast Community Shed Management Committee – meeting held 7 August 2023;
- . Central Coast Council Audit Panel (including Annual Report 2022–2023) – meeting held 17 August 2023;
- . Central Coast Community Safety Partnership Committee – meeting held 23 August 2023; and
- . Central Coast Community Shed Management Committee – meeting held 4 September 2023.

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

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

Carried unanimously

272/2023 Penguin Miniature Railway Management Committee – Review (85/93 – 10.05.1993)

The Executive Services Officer reported as follows:

“PURPOSE

This report is to provide for the review of the Penguin Miniature Railway Management Committee (the Committee) and to seek the Council’s endorsement to contact former members of the Committee to advise them of Council’s intention to dissolve the Committee.

Following consideration of any feedback from former members, a further report to Council will provide for the formal dissolution of the Committee.

BACKGROUND

The Penguin Miniature Railway (PMR) opened in 1990 and was able to carry twelve adults across two carriages. A driver and a ticket attendant were required for its operation.

The PMR most recently ceased to operate in 2016 due to the unavailability of volunteer drivers and the number of derailments of the train becoming a safety hazard. The track had experienced damage from a combination of cars driving over it, corrosion from the sea water and a change in the ground level, causing the track to drop in some areas.

In 2017 the Council engaged CSE Tasmania Pty Ltd to prepare a report to determine the scope of the repairs to the track to have it operational again.

The Council at its meeting in July 2018 supported allocating \$24,000 towards replacement of the track based on the CSE report.

Track replacement was put on hold to avoid any conflict with the planned Shared Pathway through the PMR area; and when track replacement was revisited following the completion of the Shared Pathway (which intersected the PMR area) in July 2022, the Council's Infrastructure Department estimated costs of approximately \$60,000, which did not include upgrades to engines, carriages, or other infrastructure.

The Penguin Miniature Railway Management Committee was established in May 1993 (Minute No. 85/93) as a 'special committee of both Councils' (Penguin Council and Ulverstone Council undergoing the process of amalgamation at that time), along with seven other advisory committees.

The establishment of these advisory committees was part of an initiative to develop 'an effective and ongoing community consultation and participation process', with the advisory committees providing a structure to utilise the skills, knowledge, experience, and interest of community members within discrete functional areas.

The other seven advisory committees are either no longer in operation or continue in an altered capacity, not formally associated with Council. The two exceptions to this are the Ulverstone Swim Centre Committee (now known as the Ulverstone Community

Swimming Centre Management Committee) and the Riana Community Centre Committee (now known as the Riana Community Centre Advisory Committee).

DISCUSSION

The last Committee appointments were made by the Council at its November 2018 meeting (Minute No. 316/2018), they being:

- . Mr Maurice Jones
- . Mr Cor Vander Vlist
- . Mr Matey Ray
- . Mr Brandon Richardson (as a junior member)
- . Mr Janzen Reynolds (as a junior member)
- . Mr Simon Hutchinson
- . Mr Chris Cripps
- . Cr Fuller is the Council's liaison person
- . Cr Hiscutt is the proxy appointment

It was noted in the Schedule of Appointments that 'The Committee is currently in abeyance.'

Despite this, one meeting of the Committee was held on 21 February 2019 with thirteen community representatives, one Councillor and one member of Council staff attending. No further Committee meetings were held.

The former General Manager confirmed the Committee was in abeyance in November 2022, when the most recent Schedule of Appointments was approved by the Council (Minute No. 330/2022). The Committee was not included in the schedule.

In November 2022, the former General Manager wrote to five contactable former Committee members to ascertain their views concerning the use of the Penguin Miniature Railway and their appetite for any future development. A meeting was held on 13 December 2022, with one former Committee member attending. No further actions were determined at the meeting.

As the Committee has been recorded as in abeyance for approximately five years, and ostensibly inactive for a similar period, it is recommended that the Committee be formally dissolved as a special committee of the Council.

This does not preclude any community groups and initiatives forming around the PMR, or the Council's future support for such.

However, considering the PMR has not operated since 2016, the significant estimated cost of repairs, and the inactivity of the Committee, good governance practices suggest that formally dissolving the Committee is appropriate at this time.

CONSULTATION

Following the Council's determination on their intent to dissolve the Committee, former Committee members will be contacted to advise them of this intent and to seek any feedback they wish to provide.

Following receipt and consideration of this feedback, the Council may formally dissolve the Committee at a subsequent meeting.

RESOURCE, FINANCIAL AND RISK IMPACTS

There are no financial implications as a result of this report.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Effective communication and engagement

CONCLUSION

It is recommended that the General Manager contact former members of the Penguin Miniature Railway Management Committee to advise them of the Council's intent to dissolve the special committee and seek their feedback for consideration by Council prior to formal dissolution of the Committee."

- Cr Hiscutt moved and Cr Lehmann seconded, "That the General Manager contact former members of the Penguin Miniature Railway Management Committee to advise them of the Council's intent to dissolve the special committee and seek their feedback for consideration by Council prior to formal dissolution of the Committee."

Carried unanimously

273/2023 Amendments to the Dulverton Regional Waste Management Authority Rules

The Executive Services Officer reported as follows:

"PURPOSE

This report outlines proposed amendments to the Dulverton Regional Waste Management Authority (DRWMA) Rules and seeks the Council's approval as a co-owner of the DRWMA to seek public input on the proposed changes. A copy of the amended DRWMA Rules is appended to this report.

BACKGROUND

The DRWMA, trading as Dulverton Waste Management (DWM), operates under sections 29–38 of the *Local Government Act 1993* as a Joint Authority of the Central Coast, Devonport, Kentish and Latrobe Councils for the management and disposal of waste.

The Chief Executive Officer of DWM has requested the following of the Council:

'At the Dulverton Waste Management (DWM) Owner Representatives meeting held on 29th June 2023, the DRWMA Rules Amendment Report was tabled which detailed proposed changes to the DRWMA Rules. It was resolved that:

That the report be received and the Owner Representatives request DWM to:

- a) Commence an amendment to the DRWMA Rules as shown in the Attachment June 2023 Rules (marked up); and*
- b) provide a draft report and copy of the proposed amended Rules to each Owner Council to include, for consideration in their next available Council agenda.*

To enable the Rules amendment process to proceed, each Participating Council must pass a motion to formally support the amended Rules as attached. Could you please arrange to do this at your next Council meeting and advise DWM once completed.'

A copy of the amended DRWMA Rules, outlining the proposed changes, are appended to this report.

DISCUSSION

At the DWM Board Meeting held on the 14 December 2022 it was resolved to seek approval from the Owner Representatives to establish a sub-committee to review and update the DRWMA Rules and prepare an amendment as required by the *Local Government Act 1993*. The decision to undertake a review arose following a growing awareness that as DRWMA matures as an entity, it will grow a substantial Aftercare reserve to manage and monitor the landfill site post closure.

Currently the Rules limit the use of DRWMA's own funds accumulated for Aftercare to landfill capital projects. Through the construction of the Dulverton Organics Transformation Project, it was realised this provision should be broadened to include other waste and resource recovery activities that support the improved treatment of waste and resource recovery. It should be noted that where DWM utilise its accumulated Aftercare funds for capital projects today, that these funds are repaid with interest equivalent to that applicable if the funds had been borrowed, ensuring that the arrangement is commercially comparable and that the value of money over time is not lost.

A Rules Review Committee was formed with the membership being the Chief Representative Cr Garry Carpenter of Central Coast Council, Councillor Don Thwaites Owner Representative from Kentish Council and Mr Matthew Atkins General Manager and Owner Representative from Devonport Council. The Committee considered a list of approximately 20 items and subsequently made recommendations to a lawyer who reviewed the amendments. The Committee then further reviewed the changes prior to them being endorsed at the Owner Representatives meeting.

Amending the Rules can only be undertaken in accordance with the *Local Government Act 1993* and is a protracted affair, with the amendment process not likely to be completed prior to 1 February 2024.

As well as expanding the capital projects beyond the landfill that the DRWMA can fund from its own resources, the proposed amendments address:

- . expanding the definition of waste;
- . broadening the DRWMA's principal function for service provision;
- . strengthening diversity considerations in the Director recruitment process;
- . clarifying the use of the Authority Seal; and

- . providing clarity for the Strategic Plan, Annual Plan and Budget development process.

CONSULTATION

Consultation has been undertaken with the DWM Board and Owner Representatives. If endorsed by each of the owner Councils, DWM will advertise the amended Rules, seeking submissions from the public.

Following receipt of any submissions from the public, the Owner Representatives will determine if the Rules can be finalised, and a legal practitioner will certify that the Rules are in accordance with the law.

The DWM Chief Executive Officer, following certification by a General Manager of one of the owner Councils, will then advise that the Rules have been finalised and request each of the owner Councils to pass a resolution to formally approve the amended Rules.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposed Rule amendments will have no direct financial impacts on Council resources. Legal drafting and advertising costs are met from the DWM budget.

All owner Councils must agree to the proposed amendments to the Rules for them to be changed. There is always the risk that one or more Councils may not agree with all the proposed changes, which would then require further consideration. If further information is required, the DWM Chair and CEO would be happy to meet with Council to provide such detail.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Effective communication and engagement

A Connected Central Coast

- . Connect the people with services

CONCLUSION

It is recommended that the Council approve the proposed amendments to the DRWMA Rules and authorise the DRWMA to advertise the amendments in accordance with the *Local Government Act 1993*."

■ Cr Beswick moved and Cr Wylie seconded, "That the Council:

- 1 Approve the proposed amendments to the Dulverton Regional Waste Management Authority Rules (a copy being appended to and forming part of the minutes) as endorsed by the Owner Representatives on 29 June 2023; and
- 2 Authorise the Dulverton Regional Waste Management Authority to advertise the amendments in accordance with the *Local Government Act 1993*."

Carried unanimously

274/2023 Common seal

The General Manager reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 22 August 2023 to 18 September 2023 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 Wylie 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

275/2023 Contracts and agreements

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 22 August 2023 to 18 September 2023 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 having been circulated to all Councillors.”

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

Carried unanimously

276/2023 Correspondence addressed to the Mayor and Councillors

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 22 August 2023 to 18 September 2023 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 Viney 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

COMMUNITY SERVICES

277/2023 Development application determinations

The Director Community Services reported as follows:

“A Schedule of Development Application Determinations made during the month of August 2023 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 Wylie seconded, “That the Schedule of Development Application Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

278/2023 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 General Manager has submitted the following report:

‘If any such actions arise out of Agenda Item 10.9, 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 Viney moved and Cr Wylie seconded, “That the Mayor’s report be received.”

Carried unanimously

279/2023 *Land Use Planning and Approvals Act 1993 – s.40K & s.42 report on representations to LPS2022003 – combined Draft Amendment to the **Central Coast Local Provisions Schedule** to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin, with Visitor Accommodation Use Class to be a Discretionary Use Class with no qualification; and Development Application DA2022107 – Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins; Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager’s residence at 6 Johnsons Beach Road, Penguin.*

Cr Lehmann, having declared an interest, left the meeting at 6.16pm for consideration and voting on the matter of LPS2022003 – combined Draft Amendment to the Central Coast Local Provisions Schedule and Application No. DA2022107 at 6 Johnsons Beach Road, Penguin (Minute No. 279/2023).

The Director Community Services reported as follows:

“The Manager Land Use Planning (Acting) has prepared the following report:

<i>‘PLANNING INSTRUMENT:</i>	<i>Land Use Planning and Approvals Act 1993 (the Act).</i>
<i>REPRESENTATIONS RECEIVED:</i>	42 – including 11 signatures to a single representation.
<i>PUBLIC EXHIBITION PERIOD:</i>	24 June 2023 to 24 July 2023.
<i>ADVERTISED:</i>	24 June 2023 and 8 July 2023.
<i>ANNEXURE 1</i>	Copies of representations received.
<i>ANNEXURE 2</i>	Summary of each representation received and Planning Authority’s statement on each.
<i>ANNEXURE 3</i>	Copy of draft permit DA2022107 approved by the Planning Authority 19 June 2023.
<i>ANNEXURE 4</i>	Copy of revised draft permit DA2022107 with recommended amendments and renumbering of the conditions.

PURPOSE

The purpose of this report is to consider, under s.40K and s.42 of the Act, representations received from the community and agencies to a combined

draft Amendment to the Central Coast Local Provisions Schedule (LPS) and development application for the demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager's residence.

BACKGROUND

Following a request by the applicant, the Council, in its role as the Planning Authority, resolved to initiate and certify a combined draft Amendment and development application at its meeting held 19 June 2023.

A detailed assessment of the combined draft Amendment against the requirements of the Act and the Open Space Zone, was prepared for the 19 June 2023 Council Meeting and remains available on the Council website: <https://www.centralcoast.tas.gov.au/council-agenda-minutes/>

The draft LPS Amendment seeks to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin. The amendment would make Visitor Accommodation Use Class in the Open Space Zone a "Discretionary" Use with no qualifications. Currently, Visitor Accommodation Use Class in the Zone is Discretionary but has a qualification that states "*if for camping and caravan park or overnight camping area*". Hence, a Site Specific Qualification is proposed to allow for a broader range of accommodation types.

The development application includes the following use classes:

- (a) demolition of buildings;
- (b) Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins);
- (c) Food Services comprising of a cafe/restaurant; and
- (d) Community Meeting and Entertainment use for development of a function centre with ancillary tennis court, car parking and manager's residence.

Entry to and egress from the site would utilise an existing access over a parcel of Crown land, off Johnsons Beach Road, Penguin.

The site is able to be serviced with reticulated sewer, water and stormwater infrastructure.

DISCUSSION

Following the public exhibition of the draft LPS amendment and development application, s.40K and s.42 of the Act require the Planning Authority to prepare a report containing:

- a copy of each representation made;
- a statement of the Planning Authority's opinion as to the merit of each representation made and whether the draft Amendment and/or permit should be modified; and
- any recommendations of the Planning Authority to the Commission in relation to the draft Amendment and/or permit.

Following submission of this report to the Commission, the Commission will hold a public hearing to examine the merits of the proposal. The Commission will make the final determination on the application.

CONSULTATION AND REPRESENTATIONS

The draft Amendment and development application were placed on public exhibition from 24 June 2023 to 24 July 2023. Site notices were erected (one on each public boundary) and an advertisement was placed in The Advocate newspaper twice, once on 24 June 2023 and again on 8 July 2023.

Application documents and reports were made available for viewing at the Central Coast Council offices in Ulverstone and Penguin and were available for viewing and downloading from the Council's website.

During the public exhibition period, 42 representations were received, including 11 signatories to a single submission and comments from agencies.

Under s.40K and s.42 of the Act, a report to the Commission is to contain a statement to each representation received of the Planning Authority's opinion as to the merit of each representation, in particular as to:

- (a) whether the Planning Authority is of the opinion that the draft Amendment and/or permit ought to be modified to take into account the representation;
- (b) the effect of the representation on the draft Amendment, and the LPS to which it relates, as a whole;

- (c) a statement as to whether the Planning Authority is satisfied the draft Amendment meets the LPS criteria; and
- (d) any recommendations in relation to the draft Amendment and Permit that the Planning Authority thinks fit.

Refer to Annexure 1 to view a copy of the representations received.

Refer to Annexure 2 for a summary of each of the representations received and statements by the Planning Authority.

RESOURCE, FINANCIAL AND RISK IMPACTS

The receipt and summarisation of representations received has no significant impact on Council resources, outside those associated with attendance at a public hearing by the Commission on the matters raised.

CORPORATE COMPLIANCE

The *Central Coast Strategic Plan 2014–2024* (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment

Recommendation –

It is recommended that the Planning Authority:

- 1 Not make any changes to draft LPS Amendment LPS2022003.
- 2 Amend the conditions to draft Permit DA2022107, as reflected in the revised draft Permit attached at Annexure 4.
- 3 Endorse this report and send a copy to the Tasmanian Planning Commission, pursuant to s.40K and s.42 of the *Land Use Planning and Approvals Act 1993*.
- 4 Delegate to the Director Community Services its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the Manager Land Use Planning (Acting)’s report has been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr Wylie seconded, “That the Planning Authority:

- 1 Not make any changes to the draft LPS Amendment LPS2022003.
- 2 Amend the conditions to draft Permit DA2022107, as reflected in the revised draft Permit attached at Annexure 4.
- 3 Endorse this report and send a copy to the Tasmanian Planning Commission, pursuant to s.40K and s.42 of the *Land Use Planning and Approvals Act 1993*.
- 4 Delegate to the Director Community Services its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.”

Carried unanimously

Cr Lehmann returned to the meeting at this time (6.23pm).

CORPORATE SERVICES

280/2023 Statutory determinations

The Director Corporate Services reported as follows:

“A Schedule of Statutory Determinations made during the month of August 2023 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

281/2023 Public question time

The Mayor introduced public question time at 6.24pm.

Via email – Garry Hearps – Ulverstone

Question 1 –

“In the last 12 month period, with respect to applications for development in the Residential Zone, what percentage of applications were approved “as of right” (ie. No dispensations from the normal planning requirements) as opposed to applications requiring dispensations from the normal planning requirements?”

Response –

The General Manager responded that there is no “as of right” category in the Tasmanian Planning Scheme. Rather, use and development which is not exempt, falls into one of four categories; No Permit Required, Permitted, Discretionary or Prohibited.

In the 2022–23 financial year, Council issued 31 Permitted permits and 130 Discretionary Permits. A further 103 applications were deemed No Permit Required. Only two applications were refused, and no appeals were initiated against the Council.

Discretionary applications involve a public notification period, and are required when the type of use being applied for is listed as Discretionary in the relevant Zone and / or where a feature of the use or development (e.g. building height, setbacks or hours of operation) does not meet all of the relevant Acceptable Solutions defined in the Tasmanian Planning Scheme.

Question 2 –

“Could I also ask why the Council does not operate an annual hard rubbish collection service?”

Response –

The General Manager responded that an annual hard rubbish collection is not currently covered by the waste fees levied by Council. However, a hard rubbish collection service is being considered as part of the Council’s current review of its strategic priorities and actions.

Mr Hearps then arrived at the meeting and provided a verbal background to his questions, to which the Director Community Services responded with an overview of the Council’s role in relation to the *Tasmanian Planning Scheme – Central Coast Council* – with particular reference to discretionary applications – and offered to subsequently meet with Mr Hearps to discuss these matters further.

Questions and responses concluded at 6.36pm.

CLOSURE OF MEETING TO THE PUBLIC

282/2023 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
Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021)	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

■ Cr Beswick moved and Cr Wylie 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

Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021)	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”
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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 meeting moved into closed session at 6.37pm.

CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

“In accordance with Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council is to provide an overview of matters considered during Closed Session for the public.”

Matter	Description of matter discussed
283A/2023 Confirmation of Closed Session Minutes	The Closed session minutes of the ordinary meeting of the Council held on 21 August 2023 had been circulated. The minutes are required to be confirmed for their accuracy.
284A/2023 Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021)	A report was provided to allow for the appropriate stages of resolution by the Council.”

CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.39pm.

CONFIRMED THIS 16th DAY OF OCTOBER 2023.

Chairperson

(ib:dgk)

Appendices

Minute No. 273/2023	Amendments to the Dulverton Regional Waste Management Authority Rules
Minute No. 274/2023	– Schedule of Documents for affixing of the Common Seal
Minute No. 275/2023	– Schedule of Contracts and Agreements
Minute No. 276/2023	– Schedule of Correspondence Addressed to Mayor and Councillors
Minute No. 277/2023	– Schedule of Development Application Determinations
Minute No. 280/2023	– Schedule of Statutory Determinations

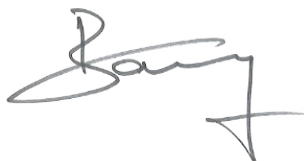
QUALIFIED PERSON'S ADVICE

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.



Barry Omundson
GENERAL MANAGER

Associated Reports And Documents

DULVERTON REGIONAL WASTE

MANAGEMENT AUTHORITY

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

RULES

As adopted on ***29 June 2023

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AUTHORITY RULES

PART 1 - PRELIMINARY

1. Title

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

2. Name

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

3. Interpretation

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

- **‘Act’** means the *Local Government Act 1993 (Tas)*;
- **‘aftercare fund’** means a fund for long term aftercare management of a landfill site;
- **‘aftercare funding plan’** means a financial plan accounting for all known assets and liabilities relating to the landfill at the current date and at the estimated landfill closure date articulating the proposed financial path and addressing any gap between assets and liabilities;
- **‘aftercare management’** is the management of a *Site* that has been used for landfill to avoid environmental harm after that *Site* has been closed as an active landfill and until such time as that *Site* is deemed to pose no further potential environmental harm;
- **‘AGM’** means an annual general meeting of the *Representatives* held in accordance with Rule 12;
- **‘Authority’** means the Dulverton Regional Waste Management Authority;
- **‘Board’** means the *Board of directors* appointed by the *representatives*;
- **‘chair’** means the chair of the *Board*;
- **‘chief representative’** means the chair of the *representatives* and where the context permits, refers to the person chairing the relevant *Representatives’ meeting*;
- **‘CEO’** means the chief executive officer of the *Authority*;

Commented [MP1]: Question for Rae & Partners:
Do we need to allow for rehab and aftercare in the rules for the DOT composting facility?

If so the reference to landfill under the following definitions requires amending:

- aftercare fund
- aftercare funding plan
- aftercare management
- rehabilitation
- Clause 38(3)c

Commented [CB2R1]: Removing the word landfill should correct this issue.

- **‘closure date’** is the date when ~~the any landfill Site~~ is closed such that waste is no longer deposited at ~~the that~~ Site;
- **‘Corporations Law’** means the Corporations Law of Tasmania and the Commonwealth;
- **‘Council’** means a council established under section 18 of the *Local Government Act, 1993*;
- **‘councillor’** means an elected member of a *participating council*;
- **‘deputy chief representative’** means the deputy chair of the *representatives*;
- **‘director’** means a member of the *Board* and includes the *chair*;
- **‘DWM Policies and Procedures’** means the Dulverton Waste Management policies and procedures that are adopted from time to time;
- **‘environmental harm’** has the same meaning it does in section 5 of the *EMPCA*
- **‘EMPCA’** means the *Environmental Management and Pollution Control Act 1994 (Tas)* as amended from time to time;
- **‘financial ratio’** means the following equity ratio:

Owner Council	Equity Share
Devonport City Council	43.45%
Central Coast Council	36.82%
Latrobe Council	11.25%
Kentish Council	8.48%

- **‘general manager’** means a general manager of the *participating council*;
- **‘Mersey-Leven Region’** means the municipal areas of the *participating councils*;
- **‘participating council’** means a council which is a member of the *Authority*;
- **‘rehabilitation’** is the capping and vegetation of landfill *waste* cells as they are filled;
- **‘rehabilitation fund’** means a fund for *rehabilitation*;

Commented [CB3]: These changes relates to the definition of Site (see further below). This will separate the definition so that it may refer to parcels of land rather than all land as a whole

- **‘representative’** means a person appointed by a *participating council* to represent it on the *Authority* and includes a substitute appointed under Rule 9(4);
- **‘representatives’** means the *representatives* acting together at a *Representatives’ meeting*;
- **‘Representatives’ meeting’** means a meeting of *representatives*;
- **‘Rules’** means these rules as amended from time to time;
- **‘Treasurer’** means the Treasurer for the State of Tasmania;
- **‘special resolution’** means a resolution of the *representatives* complying with Rule 22;
- **‘Site’** is ~~an~~ any land owned by the *Authority* for the purpose of landfilling, composting, leasing to other entities or any other like use;
- **‘Statute’** means an Act, Regulation or By-law whether made by the State of Tasmania or the Commonwealth of Australia or by any *participating council*;
- **‘waste’** ~~means~~ includes any –
 - a) discarded, rejected, unwanted, surplus or abandoned matter, whether of any value or not; or
 - b) discarded, rejected, unwanted, surplus or abandoned matter, whether of any value or not, intended –
 - i. for recycling, reprocessing, recovery, reuse or purification by a separate operation from that which produced the matter; or
 - ii. for sale.
- ~~includes any product or material allowed by the current landfill and compost Environmental Protection Notice as amended from time to time.~~

Commented [CB4]: This allows greater flexibility to include further or remove any of the existing waste definitions

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- (2) These Rules are to be interpreted in accordance with the Acts Interpretation Act unless the contrary intention appears.

PART 2 - FUNCTIONS AND POWERS

4. Function

- (1) The principal function of the *Authority* is to manage *waste*.
- (2) The principal function includes:
 - (a) collecting, purchasing and otherwise acquiring *waste* (whether or not the *waste* is generated within the *Mersey-Leven Region*; and
 - (b) storing (whether temporarily or permanently), treating and disposing of *waste*; and
 - (c) reconstituting, refurbishing, recycling, cleansing, composting and otherwise treating *waste* and any product or by-product of *waste* or of any of those processes; and
 - (d) trading or dealing in any product or by-product of any of the activities referred to in any of the preceding subclauses; and
 - (e) anything which any *participating council* may do under any *Statute* with respect to any function expressly set out in these Rules; and
 - (f) anything which the *Authority* may in its own right do under any *Statute* with respect to any function expressly set out in these Rules; and
 - (g) formulating, implementing, researching and monitoring policies and programs for reducing, managing or recycling *waste*, whether for itself, its *participating councils* or any other council;
 - (h) undertaking any function, power, duty or requirement (however expressed) of any *waste* management policy or guideline (however named) issued in any way by any State or Federal body with respect to *waste* reduction, management or recycling; and
 - (i) managing and/or owning ~~a council~~ waste transfer station(s) or undertaking other waste services ~~on behalf of a council.~~
- (3) The *Authority* may formulate, implement and monitor policies and programs for the development and use of land owned by it for purposes compatible with a licensed waste disposal land-fill, including for industrial uses of a heavy industrial or regional nature (whether or not the region so considered is limited to the *Mersey-Leven Region*).

- (4) The *Authority* may do anything reasonably incidental to the performance of its functions including, as incidental activities, undertaking projects or activities for the purpose of raising revenue even if they are not directly authorised by its other functions but remains limited by Rule 38(1).
- (5) Whether or not the *Authority* exercises a function a *participating council* may exercise that function itself or obtain the benefit of that from any other source.
- (6) If, for any reason, the functions described in any part of this Rule 4 exceed the functions that the *Authority* can legally perform, those functions are to be read down so as to be those that the *Authority* can legally perform, but no further.

5. Powers of the Authority

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

6. Core Activities

- (1) The provisions of Rules 4 and 5 are enabling provisions. Nothing in those Rules requires the *Authority* to undertake or perform any of those functions or powers.
- (2) The core activities of the *Authority* are the management of *waste*.
- (3) Until determined to the contrary under Rule 6(4) the *Board* may only perform the functions and exercise the powers of the *Authority* with respect to the core activities of the *Authority*.

- (4) The *Board* may perform such functions and exercise such powers of the *Authority* that are not core activities if:
- (a) the *representatives* authorise that specifically or generally by special resolution; or
 - (b) the strategic plan or annual plan clearly includes it.
- (5) Any act, transaction, agreement or resolution of the *Board* or any other thing which is within the *Authority's* functions or powers under Rules 4 and 5 is not rendered invalid because it is outside the functions or powers of the *Board* specified by or in accordance with Rule 6(2) to 6(4).

PART 3 – MEMBERSHIP AND FINANCIAL CONTRIBUTIONS

7. Members and Contributions

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

8. Withdrawal

- (1) Subject to any requirements of the *Act*, a *participating council* may only withdraw from membership of the *Authority* if it gives notice to the *CEO* of its intention to withdraw at least 3 months prior to the commencement of the financial year at the end of which it wishes to withdraw.
- (2) If a *participating council* has given notice under subrule (1), it may cancel that notice by further notice to the *CEO* at any time before its withdrawal becomes effective.

- (3) A withdrawal from membership becomes effective on the expiration of a notice given under subrule (1).
- (4) A council which has withdrawn from the *Authority*:
 - (a) remains liable to pay all amounts due by it to the *Authority*; and
 - (b) remains bound by Rules 54(5) and (6) and 55(5).
 - (c) is not entitled to any payment with respect to any interest it may have in the *Authority's* assets.
- (5) All property and assets owned or controlled by the *Authority* including those located within the municipal area of a council which has withdrawn from the *Authority* remain the property of or under control of the *Authority* unless they are purchased from or otherwise transferred by the *Authority* to that council.

9. Representatives

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

PART 4 - MEETINGS AND POWERS OF REPRESENTATIVES

10. Convening of Representatives' Meetings

- (1) The *Authority* may hold such *Representatives' meetings* as are desirable to carry out its functions.
- (2) The *CEO* is to convene a *Representatives' meeting* at the request of the *chief representative*, the *Board* or 2 or more *representatives*.

11. Notice of Representatives' Meeting

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

12. AGM

- (1) An *AGM* must be held in every year before the end of November.
- (2) The *AGM* is to:
 - (a) receive and consider the accounts and reports of the *Board*; and
 - (b) Bi-annually elect the *chief representative* and deputy *chief representative* which representatives shall hold such position as determined in accordance with Rules 18(4) and 18(5).
- (3) The *AGM* may transact any other business specified in the notice of the meeting.

- (4) *Councillors* and the employees of a *participating council* and *directors* and employees of the *Authority* may attend any *AGM* but are not entitled to vote.
- (5) The *chief representative* is to provide a “question time” during which persons entitled to be present may ask questions of the *representatives*, the *Board* or the *CEO*.

13. Representatives’ Powers and Duties

The *representatives* have powers and duties:

- (a) with respect to the matters which require a *special resolution*; and
- (b) to review the performance of the *Board* and the individual *directors* at least once in each 2 years and not less than 3 months prior to commencing any *director* recruitment process; and
- (c) in accordance with Part 6 of these Rules with respect to:
 - (i) the appointment of *directors*; and
 - (ii) the setting of terms of office of *directors*; and
 - (iii) the setting of remuneration of *directors*; and
 - (iv) the suspension and dismissal of *directors*; and
- (d) to approve the *Authority*’s strategic plan, annual plan and budget under Schedule 2; and
- (e) to appoint the auditor in accordance with Rule 43 and with respect to all matters reasonably incidental to that appointment; and
- (f) to set their requirements for reporting to them by the *Board*; and
- (g) The *representatives* may consider the admission of other Councils as members of the *Authority* and hold discussions with such other Councils concerning such membership and make a recommendation to the *participating councils* as to another Council or Councils becoming a member of the *Authority*.

14. Policies and Guidelines

- (1) The *representatives* may by special resolution establish any policy for any process or other matter with respect to their exercise of any of their powers and duties listed in Rule 13.

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

PART 5 - PROCEEDINGS OF REPRESENTATIVES' MEETINGS

15. Attendance at Representatives' Meetings

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

16. Quorum of Representatives

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

17. Quorum Not Present

- (1) If a *Representatives' meeting* lacks a quorum, either at the beginning or during a meeting, the *chief representative* must adjourn the meeting.
- (2) The *chief representative* may:
 - (a) resume the meeting that day when a quorum is present; or
 - (b) adjourn the meeting until a date, time and place acceptable to a majority of the *representatives* present.
- (3) Only business left unfinished at the adjourned meeting may be transacted at the rescheduled meeting.
- (4) If at the rescheduled meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be abandoned.

18. Chair of Representatives' Meeting

- (1) The *chief representative* is entitled to chair every *Representatives' meeting*.
- (2) The deputy *chief representative* may chair any *Representatives' meeting* or part of it if:
 - (a) the *chief representative* is not present at the specified time for holding the meeting; or
 - (b) the *chief representative* is present but is unwilling to chair the meeting or part of the meeting.
- (3) If both the *chief representative* and deputy *chief representative* are absent or unwilling to chair a *Representatives' meeting* or part of a meeting, the *representatives* are to choose a *representative* to chair the *Representatives' meeting* or that part of it.
- (4) The *chief representative* and deputy *chief representative* hold office until the end of the second annual *AGM* after their appointment unless the *representatives* by *special resolution* terminate either or both appointments.
- (5) Despite Rule 18(4), the *representatives* may by *special resolution* dismiss a *chief representative* or deputy *chief representative* from office if the *representatives* consider it in the best interests of the *Authority* or the *participating councils* to do so.

19. Voting at Representatives' Meetings

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

20. Declaration of Vote at Representatives' Meetings

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

21. Resolution in Writing

- (1) A resolution in writing signed by all *representatives* is as valid as if it had been passed at a *Representatives' meeting* duly called and constituted.
- (2) The resolution may consist of several documents in the same form, each signed by one or more *representatives* or bearing a copy of those signatures transmitted in accordance with Rule 51(2).

22. Special Resolution of Representatives

- (1) A *special resolution* is passed if:
 - (a) notice of the matter has been given in accordance with Rule 11; and
 - (b) it is passed by a majority of the *representatives* (whether or not they are all present and vote) which majority of *representatives* between them represent a majority of the *participating councils* and at least one representative from each Council represented at the *Representatives' meeting* (whether or not all the *participating councils* are represented at that *Representatives' meeting* by a *representative* who is present).
- (2) A *special resolution* is required for the:
 - (a) appointment of the *chair* and other *directors* (Rule 24(2)); or
 - (b) termination, suspension or other changes to the terms of appointment of a *director* prior to the end of their term of appointment (Rules 26 & 27); or

- (c) approval of the *Authority's* strategic plan, annual plan or budget when there is a dispute with the *Board* (Schedule 2 Clause 2.4); or
- (d) appointment of a person to wind up the *Authority* (Rule 54); or
- (e) termination of office of *chief representative* or deputy *chief representative* (Rule 18(4)); or
- (f) deletion or variation of the requirements of the annual report (Rule 44(3)); or
- (g) any other Rule which requires a *special resolution*.

23. Validity of Proceedings of Representatives' Meetings

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

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

PART 6 - THE BOARD

24. Appointment of Directors

- (1) The *Board* consists of at least 3 and no more than 7 *directors*, one of whom is the *chair*.
- (2) The *representatives* are by *special resolution* to appoint the *chair* and other *directors* of the *Board*.
- (3) When appointing the *chair* and other *directors*, the *representatives* are to:
 - (a) take into account the functions and powers of the *Board* and appoint persons who collectively have the skills and experience to carry out those functions and powers; and
 - (b) specify in the terms of each appointment a term of office no longer than five years, which term may be different for any *director*; and
 - (c) consider the desirability of establishing arrangements for the retirement of no more than half the *Board* at a time so as to preserve continuity of corporate knowledge and skills at *Board* level; and
 - (d) specify the continuing eligibility (if any) on which the *directors*' term of office is a condition so that the *directors*' term of office will automatically cease if the director ceases to comply with that continuing eligibility; and
 - (e) determine the size of the *Board* within the limits required by subrule (1); and
 - (f) take into account the likely conflict or perceived conflict of interests arising from employment or association with other organisations; and
 - (g) consult with the *Board chair* and CEO regarding skills/diversity required in the recruitment process and refer to relevant Authority policies, including the ~~(i.e.~~ Equal Opportunity and Discrimination Policy and the Harassment and Bullying Policy).
- (4) A *director* whose term has just expired is eligible for appointment for another term.

Commented [MP5]: Question for Rae & Partners:
Assistance with adding some words in here around considering diversity within the recruitment process (without locking in the requirement for picking a 'diverse' person over someone suitable for the role'.

I did add reference to our policies under G but I am not sure whether that's strong enough?

Commented [CB6R5]: See amendments at (g) below. I think this is sufficient for the Authority's purposes

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25. Eligibility for Appointment as Director

- (1) A person must not be both a *representative* and a *director*. If a *representative* is appointed as a *director* that *representative* must resign their appointment as a *representative* before accepting appointment as a *director*.

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

26. Suspension of Directors

- (1) Subject to Rule 27A, the *representatives* may by *special resolution* suspend a *director* from office for a period of no more than 3 months.
- (2) If the *representatives* suspend the *chair*, they may suspend him or her from that office only, or as a *director* as well.

27. Dismissal of Directors

- (1)
 - (a) Subject to Rule 27A, the *representatives* may by *special resolution* dismiss a *director* from office if the *representatives* consider it in the best interests of the *Authority* or the *participating councils* to do so.
 - (b) If the *representatives* dismiss the *chair*, they may dismiss him or her from that office only, or as a *director* as well.
 - (c) The *representatives* may dismiss a *director* from office at any time without prior notice if the *director* is guilty of grave misconduct or wilful neglect in the discharge of his or her duties, becomes bankrupt, loses legal capacity or makes any arrangement or composition with his or her creditors.
 - (d) In circumstances other than those set out in clause 27(1)(c) any *director* that is dismissed shall be given 6 months' notice but the *representatives* may decide to pay the *director* the equivalent of the notice period and not require that he or she serve the notice period.

27A. Process for Discipline of Director

- (1) The *representatives* may not make a resolution under Rule 26(1) or 27(1) unless they have first complied with Rules 27A(2) and 27A(3).
- (2) Where the *representatives* consider that there is prima facie evidence of conduct by a director that requires the action considered in Rule 26(1) or Rule 27(1), the *representatives* shall, as soon as practicable, cause a notice to be given to the *director*:
 - (a) setting out the substance of that evidence and breach constituted by it;
 - (b) stating that the *director* may address the representatives with reference to the notice and its contents at a meeting;
 - (c) stating the date, place and time of that meeting being not earlier than two (2) days and not later than seven (7) days after the giving of the notice; and
 - (d) informing the *director* that the director may do either of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the representatives at or prior to the date of the meeting written representations relating to the resolution.
- (5) Where the *representatives* make a resolution under Rule 26(1) or Rule 27(1) the *representatives* shall, within seven (7) days thereof, by written notice, inform that *director* of that resolution and of the *director's* right of appeal under Rule 27A(7).
- (6) A resolution by the *representatives* under Rule 26(1) or Rule 27(1) does not take effect:
 - (i) until the expiration of the period in which the *director* is entitled to appeal against the resolution where the *director* does not exercise the right of appeal within that period; or
 - (ii) where within that period the *director* exercises the right of appeal, unless and until the *representatives* confirms the resolution in accordance with Rule 27A(11).
- (7) A director may appeal to the representatives against a resolution under Rule 26(1) or Rule 27(1) within seven (7) days after the notice of the resolution is given to the director by lodging with the chief representative a notice to that effect.

- (8) The available grounds of appeal are:
- (i) where a decision is wrong having regard to the application of the relevant rule, regulation, policy or laws or where new evidence becomes available; or
 - (ii) where natural justice has been denied.
- (9) On receipt of the notice under rule 27A(7) the chief representative shall convene a representatives' meeting to be held within 21 days after the date on which the chief representative received the notice or as soon as possible after that date.
- (10) At the representatives meeting held in accordance with rule 27A(9):
- (i) no business other than the question of the appeal shall be transacted;
 - (ii) the representatives and the director shall have the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (iii) after receiving the representations made under Rule 27A(10)(ii), the representatives shall vote on the question that the resolution made under Rule 26(1) or Rule 27(1) be confirmed.
- (11) The resolution made under Rule 26(1) or Rule 27(1) is revoked unless confirmed by Rule 27A(10)(iii).
- (12) Where there is any inconsistency or conflict between this Rule 27A and the *Act*, the *Act* prevails to the extent of the inconsistency or conflict.

28. Vacation of Office of Director

The office of a *director* becomes vacant:

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

29. Remuneration of Directors

- (1) The *directors* are to be paid the remuneration the *representatives* determine in accordance with the voting procedure at Rule 19.
- (2) That remuneration may be different for different *directors* and may include incentives based on performance.

30. Travel and Other Expenses of Directors

A *director* is to be paid all reasonable travel, accommodation and other expenses incurred by the *director* while engaged on the business of the *Authority* in accordance with its normal procedures and policies.

31. Functions and Powers of the Board

Subject to Rule 6(1) the *Board* may perform all the functions and exercise all of the powers of the *Authority* except those functions and powers which these Rules expressly require to be performed by the *representatives* or the *participating councils* only.

32. The Duties of the Board and Directors

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

33. Notifying Representatives of Adverse Developments

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

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

34. Board Proceedings

Schedule 3 applies to meetings of the *Board*.

35. Board Committees

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

PART 7 - CEO AND EMPLOYEES

36. CEO

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

37. Delegations of Power by the CEO

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

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

- (1) The expenses incurred by the *Authority* are to be met or defrayed out of the *Authority's* funds raised as follows:
 - (a) fees charged by the *Authority* for any service or facility provided by the *Authority*, including those fees charged to the *participating councils*; and
 - (b) revenue of any other nature received by the *Authority*; and
 - (c) loans made by the *participating councils* to the *Authority* with the prior written consent of all the *participating councils* which loans must be contributed by the *participating councils* in proportion to the *financial ratios*; and
 - (d) the financial contributions as the *participating councils* from time to time unanimously agree to contribute in proportion to the *financial ratios*;
 - (e) loans taken by the *Authority* from any financial institution with the authorisation of the *representatives*; and
 - (f) any other method of raising funds that is permitted to councils under section 73(b) to (i) of the *Act*.
- (2) The *Authority* shall not require any *participating council* to return to the *Authority*:
 - (a) any dividend paid by the *Authority* to the *participating council*; and
 - (b) the net amount of any income tax equivalent or guarantee fee paid to the *participating council* by the *Treasurer* or comptroller in accordance with section 39C of the *Act*.
- (3) The Board is to make full provision for *aftercare management*. To do so:
 - (a) Each year the *Board* must determine an amount that it reasonably believes is necessary in accordance with the *aftercare funding plan*;
 - (b) The amount determined in Rule 38(3)(a) is to be paid into the *aftercare fund*;
 - (c) The *Board* is to determine the closure date at least ten (10) years prior to the landfill *Site* ceasing to be an active landfill and upon doing so, develop a

- closure plan to the satisfaction of the *representatives* for the discharge of funds from the *aftercare fund*;
- (d) The *Authority* may borrow against the *aftercare fund* at the then Tascorp borrowing rate for ~~landfill~~ capital projects provided that:
- (i) The *Authority* is solvent;
 - (ii) The total funds being loaned from the accumulated *aftercare fund* are approved by the *representatives*; and
 - (iii) All borrowings, including all accumulated interest, are repaid not later than two (2) years before the planned *closure date*.
- (e) The *Authority* may lend to any *participating council* funds from the *aftercare fund* provided that:
- A. The *participating council* is solvent;
 - B. The total funds being loaned from the accumulated *aftercare fund* are approved by the *representatives*; and
 - C. All loaned funds, including interest, are to be repaid not later than two (2) years before the planned closure date.
- (4) If the *Board* determines that the *Authority's* budget will not otherwise be sufficient to ensure proper and sufficient reserves as required by subclause (3), it is to give written notice to all *participating councils* requiring them to pay to the *Authority* the amount so required in proportion to their *financial ratio*.
- (5) The *participating councils* must promptly pay to the *Authority* any amount required under subclause (4).
- (6) The *Authority* is to place all amounts it receives for the *aftercare fund* into the *aftercare fund* in accordance with the *aftercare management plan*.
- (7) The *Board* is to make full provision for *rehabilitation*. To do so:
- (a) Each year the *Board* must determine an amount that it reasonably believes is necessary for *rehabilitation*;
 - (b) The amount determined in Rule 38(7)(a) is to be paid into the *rehabilitation fund*.

39. Investments

The *Authority* may only invest money in a manner in which a trustee is authorised by law to invest trust funds.

40. Borrowing

- (1) The *Board*, for the purpose of raising a loan or obtaining any form of financial accommodation, may decide to provide any of the following forms of security:
 - (a) debentures;
 - (b) bills of sale, mortgages or other charges;
 - (c) inscribed stock;
 - (d) guarantees;
 - (e) any other document evidencing indebtedness other than bearer instruments.
- (2) The *Authority* may not raise a loan in any financial year exceeding any amount the *Treasurer* determines for that financial year.
- (3) In this Rule, ‘loan’ includes any financing arrangement as determined by the *Treasurer*.

Commented [MP7]: Question for Rae & Partners:
Is there any point to listing the different forms of securities (a to e)?
Are they even relevant anymore?

Commented [CB8R7]: The Rules of Conduct of Business must be included in the Rules per s38(i)(e) of the LGA. As giving security may fall into usual business affairs, they should be kept.

41. Accounting Records

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

- (a) allows true and fair accounts of the *Authority* to be prepared from time to time; and
- (b) allows the accounts of the *Authority* to be conveniently and properly audited or reviewed; and
- (c) complies with generally accepted Australian accounting practices.

42. Financial Statements

Within the time prescribed by the Tasmanian Audit Office, the *Board* is to prepare the financial statements of the *Authority* relating to that financial year including:

- (a) a statement of financial performance for the financial year; and
- (b) a statement of financial position as at the end of the financial year; and

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

43. Audit

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

44. Annual Report

- (1) Before the end of November in each year the *Board* is to prepare an annual report for the last financial year.
- (2) The annual report is to include the following information and documents:
 - (a) the current statement of the contents of the strategic plan referred to in Schedule 2 clause 2.1(4) and the achieved outcomes; and
 - (b) the financial statements of the *Authority* for the financial year to which the annual report relates; and
 - (c) a copy of the opinion of the auditor in respect of the financial statements; and
 - (d) reports of the *chief representative* and the *chair*; and
 - (e) performance targets achieved; and
 - (f) any other matter required by the *Act*; and
 - (g) any other matter as directed by the *representatives*.
- (3) The *representatives* may by *special resolution* delete all or any part of the requirements of subrule (2)(a) and (e), unless that is contrary to the *Act*.
- (4) The Annual Report must be submitted to the participating councils in accordance with Section 36A of the Local Government Act. The Participating Councils may

Commented [MP9]: Question for Rae & Partners:
Is there a benefit to having this rule? Why might it have come about?

Commented [CB10R9]: Section 36A(2) of the LGA lists all of those matters that MUST be included in the Report. Other than (b) and (c) above, the points from (a)-(e) are not required. Therefore, this Rule allows them to be excluded if they are not wanted or needed in a particular report.

determine that the Annual Report be considered in a closed section of a council meeting in accordance with Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2015 (Tas) as amended from time to time.

45. Quarterly Report

- (1) The *Authority* must submit to the *participating councils* a report as soon as practicable after the end of March, June, September and December in each year.
- (2) The quarterly report of the *Authority* is to include:
 - (a) a statement of its general performance; and
 - (b) a statement of its financial performance.

PART 9 - DIVIDENDS AND OTHER PAYMENTS**456. Comptroller**

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

Commented [MP11]: Question for Rae & Partners:
Can/should this rule be added to Section 13?

Commented [CB12R11]: I would prefer that this Rule remain where it is. It appears to be more in line with the payment requirements that is addressed by this section.

476. Dividends

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

Commented [MP13]: Question for Rae & Partners:
There is confusion over the interpretation of this clause.... Some understand it as meaning that dividends can only be paid after the Authority meets its debts and obligations first. The other interpretation has confusion over the reference of financial guarantees and why they're needed in this sentence.

Can you please reword to provide clarity to the reader?

Commented [CB14R13]: This simply means that dividends can only be paid following determination of actual profits. The actual profits mean the amount excluding any guarantee or tax obligation.

487. Distribution of Other Payments

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

PART 10 - MISCELLANEOUS

49. Participating Councils' Domestic Waste Collection

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

5049. Indemnity for Representatives, Directors and Employees

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

501. Minutes and Confidentiality

- (1) The *Board* and the *representatives* are to ensure that minutes of their respective meetings and of any committees are duly recorded in any manner they respectively think fit.
- (2) The minutes are to include the names of the:
 - (a) *representatives* present at *Representatives' meetings*; and
 - (b) *directors* present at each *Board* meeting; and
 - (c) persons present at any committee meeting.
- (3) The minutes are to include a record of the resolutions and proceedings of:
 - (a) *Representatives' meetings*; and
 - (b) meetings of the *Board*; and
 - (c) meetings of any committee.
- (4) The minutes of any meeting, if purported to be signed (in writing or by email or otherwise allows by law) by the *chair* of the meeting or by the *chair* of the next

succeeding meeting of the *representatives*, the *Board* or the committee (as the case may be), are evidence of the matters stated in the minutes.

- (5) The *CEO* is to ensure that within 14 days of each meeting copies of the minutes of the meeting (even if they are not yet confirmed) are forwarded as follows:
- (a) of *Board* meetings to each:
 - (i) *director*; and
 - (ii) *representative*.
 - (b) of *Representatives' meetings* to each:
 - (i) *representative*; and
 - (ii) *director*; and
 - (iii) *general manager*.
 - (c) of committee meetings, to each:
 - (i) *director*; and
 - (ii) member of that committee.
- (6) *Representatives, directors, CEO, general managers and councillors* are to ensure that the minutes (whether confirmed or unconfirmed) of all *Board* and committee meetings are kept confidential unless the *chair* gives written approval to the contrary.
- (7)
- (a) Minutes of *Representatives' meetings* are confidential unless the *representatives* determine to the contrary, either generally or specifically with respect to all or any part of those minutes.
 - (b) If any part of the minutes of a *Representatives' meeting* are specified to be confidential, the *general managers* may only publish those confidential sections of the minutes in the confidential papers of the council.
 - (c) Except as provided in subrule (b), all persons who receive confidential minutes of any part of a *Representatives' meeting* are to keep those minutes confidential.
 - (d) *Representatives* are to keep confidential all information given, and discussions made during, that part of a *Representatives' meeting* for which the minutes are specified to be confidential.

521. Notices

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

532. Common Seal and Execution of Documents

- (1) The common seal of the *Authority* is to be kept and used as authorised by the *Board*.
- (2) The common seal must be affixed to documents requiring execution under seal.
- ~~(1)~~(3) The seal must not be affixed to a document except to give effect to a resolution of the *Board*.
- (2) The common seal to any document is to be attested by:
 - (a) the *chair* and the *CEO*; or
 - (b) any two *directors*.
- (3) The *Board* may determine the method of the signing or execution of any document on behalf of the *Authority* which does not require the affixing of the common seal.

Commented [MP15]: Question for Rae & Partners:
Please add into this section guidance on if and when the use of the Common Seal is required.

Commented [CB16R15]: Please see amended. Is this sufficient?

534. Amendment of Rules

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

545. Insolvency

- (1) If the *Board* considers it is likely that the *Authority* will be unable to meet its financial obligations as and when they fall due, it may levy the *participating councils* for contributions to meet those obligations.

- (2) The contributions payable are to be calculated according to the *financial ratios*.

- (3) The *participating councils* must pay the amount so levied within 60 days of receiving written notice from the *Board* of that levy, whether or not they have given notice of withdrawal under Rule 8(1) before or after the *Board* makes the levy.

- (4) Any such levies are to be repaid to the *participating councils* from subsequent surpluses prior to any dividends being declared.

- (5) If:

- (a) the *Board* resolves to make a levy under subrule (1); and
- (b) a council has withdrawn from the *Authority* under Rule 8(1) within 2 years prior to the *Board* making that resolution; and
- (c) in the *representatives'* opinion at least a major cause of the *Authority's* inability to meet its financial obligations occurred while that council was a member of the *Authority*;

then the *Board* may levy that council as if it were a *participating council* and subrule (3) binds that council.

- (6) If the *Board* makes a levy under subrule (5), the proportions under subrule (2) are to be calculated as if the council that has withdrawn is a *participating council* and in accordance with the *financial ratios* that applied immediately before it withdrew from the *Authority*.

Commented [MP17]: Question for Rae & Partners:
Is aftercare requirements in the case of Insolvency adequately addressed in the rules. Does there need to be a consideration for rehab?

Commented [CB18R17]: Yes, it is my opinion that it does adequately address the aftercare requirements. The Rule relates to all financial obligations of the Authority - this includes those related to Aftercare.

565. Winding Up

- (1) The *Authority* may only be wound up under section 37 of the *Act*.
- (2) On the winding up of the *Authority* its net assets are to be distributed between the *participating councils* in proportion to their *financial ratio*.

- (3) The *participating councils* may unanimously approve a different formula for distribution for the purposes of subrule (2).
- (4) If on its winding up the *Authority* is insolvent then the *participating councils* are responsible for the net liabilities of the *Authority* in proportion to their *financial ratios*.
- (5) If subrule (4) applies and any former *participating council* withdrew within 2 years before the decision was made to wind up or at any time after the decision to wind up, then the *participating councils* including that former *participating council* are responsible for the net liabilities of the *Authority* in proportion to the *financial ratios* that applied immediately before the withdrawal of that former *participating council*.

576. Dispute Resolution

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

SCHEDULE 1

PARTICIPATING COUNCILS

Central Coast Council
Devonport City Council
Kentish Council
Latrobe Council

Draft

SCHEDULE 2

STRATEGIC & ANNUAL PLANS & BUDGETS

2.1 The Strategic Plan

- (1) The *Board* is to ensure that the *Authority* has a strategic plan for ~~the next~~ 3 to 5 years the contents of which and the approval of which complies with the provisions of this Schedule.
- (2) The strategic plan is to contain such information as the *Act* requires for the strategic plans of councils as is relevant to the *Authority's* functions.
- (3) Subject to subrule (2) the content of the strategic plan is to be consistent with the requirements of the corporatisation model for government business enterprises referred to in the Competition Principles Agreement made between the Commonwealth, the States and the Territories as amended from time to time.
- (4) The strategic plan is to specify the broad policy expectations of the *participating councils* for the *Authority* and the means by which the performance of the business activities of the *Authority* are to be measured.
- (5) The strategic plan is to cover such matters as the representatives determine.
- (6) Until the *representatives* determine by *special resolution* to the contrary the strategic plan is to cover the following:
 - a) the objectives of the *Authority's* activities; and
 - b) the identification of and objectives of any community service activities of the *Authority*; and
 - c) broad policy statements such as:
 - (i) compliance with environmentally sound and sustainable principles; and
 - (i) regard to the obligations of the *Authority* and the *participating councils* in relation to the Competition Principles Agreement as amended from time to time and their impact on future policies, procedures and practices concerning the *waste* management industry; and
 - d) include reference to key strategic business documents including the 20 Year Financial Plan and the Aftercare/Rehabilitation Plans, key financial parameters and performance indicators; and

Commented [CB19]: Amended to flow with the preceding subclauses.

~~e) — financial and service performance targets; and~~

~~f) — the participating councils dividend expectations; and~~

- (7) Either the *representatives* or the *Board* may propose to the other an amendment or replacement of the strategic plan for adoption in accordance with clause 2.3 of this Schedule.
- (8) At least once in each year the *representatives* and the *Board* are to review the strategic plan.

2.2 The Annual Plan and Budget

- (1) In each financial year the *Board* is to prepare and submit to the *representatives* a draft annual plan for the *Authority* for the next financial year and the following four years.
- (2) The annual plan is to:
- (a) be consistent with the strategic plan; and
 - (b) cover such matters as s72(2) of the *Act* requires for the operational plans of councils as are relevant to the *Authority's* functions; and
 - (c) include such other matters as the *Board* or the *representatives* determine;
- ~~g)e)~~ cover key financial parameters and performance indicators; and
- ~~h)f)~~ cover financial and service performance targets
- ~~i)g)~~ cover the *participating councils* dividend expectations.
- (3) The *Board* and the *representatives* are to use their best endeavours to approve the annual plan for a financial year in sufficient time to enable the *CEO* to prepare the annual budget with respect to that annual plan by the time required by clause 2.3(6).
- (4) In each financial year the the *CEO* is to prepare a budget for the *Authority's* revenue and expenditure for each financial year.
- (5) The *annual* budget is to include:
- (a) matters similar to those required of councils by section 82(2) of the *Act*; and
 - (b) any other matters required by the *Board* or the *representatives*.
- (6) The budget is to be consistent with the annual plan for that financial year.

- (7) The *Authority* is not bound by any of the other provisions of section 82 of the *Act*.
- (8) Once the *Board* has approved the annual budget for a financial year it must submit that budget to the *representatives* for adoption.
- (9) Unless the *representatives* determine by *special resolution* to the contrary, the timetable for adoption of the annual budget is:
 - (a) approval by the *Board* of the draft budget prepared by the *CEO* by the end of April preceding the financial year of the budget; and
 - (b) adoption by the *representatives* of the budget approved by the *Board* by the end of June preceding the financial year of the budget.

2.3 Adoption of Strategic Plan, Annual Plan and Budget

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

then the *chief representative* is to call a joint meeting of the *representatives* and the *Board* to resolve the issue.

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

2.4 Exclusion of Processes of the Act

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

2.5 Legal Effect of Strategic Plan, Annual Plan and Budget

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

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

2.6 Availability of Copies

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

SCHEDULE 3**PROCEEDINGS OF THE BOARD****3.1 Convening of Board Meetings**

- (1) The *Board* may hold such meetings as are desirable to carry out its functions.
- (2) The *CEO* is to convene a *Board* meeting at the request of the *chairman* or any two *directors*.

3.2 Notice of Board Meetings

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

3.3 Chairing of Board Meetings

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

3.4 Quorum at Board Meetings

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

3.5 Voting at Board Meetings

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

3.6 Conduct of Meetings

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

3.7 Resolutions Without Meetings

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

3.8 Validity of Proceedings

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

- (a) not invalid by reason only that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the *Board*;
- (b) is valid, even if:
 - (i) the appointment of a *director* was defective; or
 - (ii) any person appointed as a *director* was disqualified from acting as, or incapable of being, a *director*.

3.9 Confidentiality

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

SCHEDULE 4**DISPUTE RESOLUTION****4.1 Outline of Resolution Process**

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

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

4.2 Other Parties May Join

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

4.3 Notice of Dispute

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

4.4 Notice of Mediation

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

4.5 Mediation Rules

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

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

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

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

4.6 Arbitration

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

4.7 Other Processes

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

Certification of Rules

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

Dated / /2016

.....
Cassandra Amie Blair
Qualified legal practitioner, Launceston

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

Dated / /2016

.....
General Manager Council



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

Period: 22 August to 18 September 2023

- . Final Plan of Survey and Schedule of Easements
13 Revell Lane, Penguin
DA2022139 – Subdivision – 2 Residential lots
- . Final Plan of Survey and Schedule of Easements
1 Locket Street, Ulverstone
DA2023175 – Subdivision – consolidation of 2 lots
- . Final Plan of Survey and Schedule of Easements
14 Henslowes Road, Ulverstone
DA216073 – Subdivision – 2 Residential lots

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
GENERAL MANAGER



SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the common seal)

Period: 22 August to 18 September 2023

Agreements

- . Tenancy Agreement – Unit 3, Banyandah, 19 Helen Street, Ulverstone
The Central Coast Council and the Resident
Commencing date: 25 August 2023
- . Lease Agreement – Hive Café, 50 Main Street, Ulverstone
The Central Coast Council and Food and Wine Tasmania Pty Ltd
Starting date: 29 September 2023

Contracts

- . Contract No. 2/2023–2024 – dated 28 August 2023
Bridgepro Engineering Pty Ltd
Rectification of Forth River Bridge, Forth Road
Contract amount: \$155,980.00 (inc. GST)

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
GENERAL MANAGER

SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO MAYOR AND COUNCILLORS

Period: 22 August to 18 September 2023

- . An email from a ratepayer regarding new housing estates and conservation – received 22 August 2023.
- . An email from a ratepayer congratulating the Council for their recycling initiatives – received 29 August 2023.
- . A letter from a ratepayer concerning the caravan park in Turners Beach – received 29 August 2023.
- . An invitation to Councillors to attend an upcoming art exhibition – received 30 August 2023.
- . A request to Council for a donation from a participant in an upcoming Legacy Australia fundraiser – received 13 September 2023.



Barry Omundson
GENERAL MANAGER

Central Coast Council
List of Development Applications Determined
Period from 1 August 2023 to 31 August 2023

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2022031 - 1	444 Allison Road NORTH MOTTON,TAS,7315	Minor amendment of a Permit.	Residential - single dwelling and outbuilding	11/08/2023	17/08/2023	3	\$0.00
DA2023008 - 1	24 Kywong Crescent WEST ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Residential - single dwelling and retrospective retaining walls	25/07/2023	4/08/2023	2	\$1,000.00
DA2023101	14 Hearps Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential - multiple dwellings x 2	21/04/2023	7/08/2023	25	\$550,000.00
DA2023107	224 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential - dwelling and outbuilding extensions	27/04/2023	11/08/2023	24	\$90,000.00
DA2023140	Motts Road (CT76225/1) GAWLER,TAS,7315	Discretionary	Residential (retrospective) single dwelling and shed (shipping container)	29/05/2023	21/08/2023	74	\$45,000.00
DA2023166	2 View Street ULVERSTONE,TAS,7315	Discretionary	Retrospective retaining walls	21/06/2023	23/08/2023	30	\$4,000.00
DA2023183	117 Castra Road ULVERSTONE,TAS,7315	Discretionary	Residential - single dwelling and shed	5/07/2023	18/08/2023	23	\$300,000.00
DA2023184	70 Linton Avenue HEYBRIDGE,TAS,7316	Discretionary	Residential - single dwelling extension	5/07/2023	4/08/2023	22	\$60,000.00
DA2023202	26 Maud Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential - carport	25/07/2023	17/08/2023	22	\$5,000.00



BUILDING & PLUMBING – SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 August 2023 to 31 August 2023

Building Permits and Certificates

Building Permits – Category 4	Number Issued	Cost of Works
Additions / Alterations	1	\$55,000
Demolition Permits	0	\$0
New Dwellings	0	\$0
Outbuildings	0	\$0
Units	0	\$0
Other	0	\$0
Permit of Substantial Compliance		
Notifiable Works – Category 3	Number Issued	Combined Amount
Additions / Alterations	2	\$140,000
Demolition Permits	2	\$50,000
New Dwellings	6	\$3,235,000
Outbuildings	7	\$553,000
Units	3	\$900,000
Other	4	\$1,222,944

Plumbing Permits and Certificates

Plumbing Permits – Category 4	Number Issued
Plumbing Permit	4
Notifiable Works – Category 3	
Certificate of Likely Compliance	7

MADE UNDER DELEGATION

Period: 1 August 2023 to 31 August 2023

Fire Abatement Notices

Fire Abatement Notices Issued	Property Cleared by Contractor
0	0

COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES

Period: 1 August 2023 to 31 August 2023

Dogs Impounded by Central Coast Council

Number of Dogs Impounded	Dogs Claimed	Dogs Surrendered
8	8	0

Animal Licences, Offences, Permits

Licence, Offence, Permits	Number Issued
Barking dog complaints	3
Declaration of dangerous dogs	0
Dog attacks on other dogs / cats	0
Dog attacks on persons	0
Dog attacks on livestock / wildlife	1
Kennel licences issued	2
Kennel licences renewed	Number not available
Permits under <i>Animal Control By-law No.1 of 2018</i>	0
Unregistered dogs located by Compliance	16
Wandering livestock	0

Dog Infringement Notices Issued

Off-lead in On-Lead Locations	Cautions Issued	Infringements Issued
Buttons Beach	0	0
Midway Beach	0	0
Penguin Beach	1	0
Turners Beach	1	0
Other Public locations:		
Penguin Beach foreshore	2	0
Nature Strip / Park Area	0	0
Other Dog Offences:		
Dog barking Nuisance	1	2
Dog at large	5	0
Dog unregistered	0	3

COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES

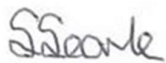
Period: 1 August 2023 to 31 August 2023

Patrols of Free Camping Areas

Camping Area	Patrols Conducted	Cautions Issued
Bannons Park	6	0
Battons Park	3	0
Forth Recreation Ground	10	0
Halls Point [Closed Area]	10	0
Nicholson Point	10	0
Penguin Surf Life Saving Precinct	10	0
Midway Point	10	0

Traffic Infringement Notices for Parking Offences

Traffic Infringement Location	Number Issued	Percentage
Alexandra Road	0	–
Bannons Carpark	7	10.00%
Coles/Furner's Carpark	15	21.43%
Crescent Street, Ulverstone	0	–
King Edward Street, Ulverstone	11	15.70%
Main Road, Penguin	5	7.14%
North Reibey Street Carpark	18	25.74%
Reibey Street	11	15.70%
Victoria Street	3	4.29%
Wongi Lane	0	–
Others:	0	–



Samantha Searle
DIRECTOR CORPORATE SERVICES