



Central Highlands Council

MINUTES – ORDINARY MEETING – April 20th 2010

Minutes of an Ordinary Meeting of Central Highlands Council held at the Council Chambers, Bothwell on Tuesday 20th April 2010, commencing at 11.00am.

1.0 OPENING

Mayor D E Flint opened the meeting at 11.00am.

2.0 PRESENT

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr I V McMichael, Clr L M Triffitt.

3.0 APOLOGIES

Moved Clr L M Triffitt Seconded Clr L A Burke

That an apology be received for Clr T H Jacka

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

4.0 IN ATTENDANCE

Mrs Lyn Eyles (General Manager), Mr Michael Williams (Works & Services Manager), Mr Graham Rogers (Manager of Development & Environmental Services), Miss Lisa Embrey (Minute Secretary).

5.0 PUBLIC QUESTION TIME

Mrs Phyl Smithurst, Mr Bob & Mrs Diane Lovell, Mrs Charlotte Pitt, Mrs Lana Benson, Mr David McMillan & Mr Mark Shelton (Mayor Meander Valley & newly elected Lyons member).

Mayor Flint presented to Mrs Diane Lovell her Tidy Towns Award.

Mr David McMillan asked Council why the Waste Committee haven't organised another meeting regarding the Wayatinah Waste Transfer Station. Clr A J Downie informed Mr David McMillan that Clr T H Jacka has been away so the Waste Committee will organise a meeting before the next Council meeting. The Wayatinah Waste Transfer Station will be a Budget item.



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6.0 MAYORAL COMMITMENTS

-
- | | |
|--|---|
| Tuesday 16 th March
2010 | <ul style="list-style-type: none">• Council meeting – Hamilton |
| Friday 19 th March
2010 | <ul style="list-style-type: none">• Opening Season – TSO
(Southern Mayors) |
| Tuesday 23 rd March
2010 | <ul style="list-style-type: none">• Attended Hydro Board
Luncheon – Tour of area
including caravan sites with
Hydro Board |
| Friday 26 th March
2010 | <ul style="list-style-type: none">• Mr Rob Twinning – Hobart
Legacy |
| Sunday 28 th March
2010 | <ul style="list-style-type: none">• Official Luncheon – Hamilton
Agricultural Show |
| Monday 29 th March
2010 | <ul style="list-style-type: none">• Independent Living Units –
terms of Reference/Criteria• Audit Committee |
| Tuesday 30 th March
2010 | <ul style="list-style-type: none">• Public meeting – Wind Farms |
| Wednesday 31 st
March 2010 | <ul style="list-style-type: none">• Special Council meeting |
| Thursday 1 st April
2010 | <ul style="list-style-type: none">• 2010 Tas Health Plan
Community Forum |
| Friday 2 nd April
2010 – Tuesday 6 th
April 2010 | <ul style="list-style-type: none">• Easter period |
| Thursday 8 th April
2010 | <ul style="list-style-type: none">• Great Lake Community Centre• Southern Water |
| Monday 12 th April
2010 | <ul style="list-style-type: none">• Meeting Golf Museum |
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- | | |
|---------------------------------------|--|
| Tuesday 13 th April 2010 | <ul style="list-style-type: none">• Meeting Ellendale Hall Committee – With General Manager in attendance• Health meeting – Peter Dodge & Peter Lorraine with General Manager in attendance |
| Wednesday 14 th April 2010 | <ul style="list-style-type: none">• NRM Planning meeting |
| Thursday 15 th April 2010 | <ul style="list-style-type: none">• Interview ABC Stateline – (Carp, Lake Sorell) |
| Friday 16 th April 2010 | <ul style="list-style-type: none">• Community Health Consultative Committee |
| Sunday 18 th April 2010 | <ul style="list-style-type: none">• Mens Shed BBQ |
| Monday 19 th April 2010 | <ul style="list-style-type: none">• Morning Tea to welcome five Medical Students – Ouse Country Club |
-

6.1 COUNCILLORS COMMITMENTS

Clr A J Downie

- | | |
|----------|--|
| 31/03/10 | Special Meeting of Council |
| 14/04/10 | NRM Workshop for Local Government at Bellerive |
| 19/04/10 | Welcome for medical students |

Clr I V McMichael

- | | |
|---------|---|
| 16/3/10 | Council Meeting - Hamilton |
| 29/3/10 | Council Audit Committee meeting
Central Highlands Independent Living Units
Committee meeting. |
| 16/4/10 | Rural Alive & Well Board Meeting. |

Clr L M Triffitt

- | | |
|---------|-------------------------------------|
| 16/3/10 | Council meeting – Hamilton |
| 29/3/10 | Hamilton Show - Hamilton |
| 23/3/10 | Meeting – Mount Adelaide |
| 13/4/10 | Social Inclusion meeting – Hamilton |



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6.2 GENERAL MANAGER'S COMMITMENTS

Tuesday 16th March 2010

- Council Meeting

Wednesday 17th March 2010

- General Manager's Workshop

Thursday 18th March 2010

- Workers Compensation Conciliation Hearing

Wednesday 24th March 2010

- Managers Budget Workshop

Monday 29th March 2010

- Independent Living Units Committee Meeting
- Audit Committee Meeting

Wednesday 31st March 2010

- Special Council Meeting

Tuesday 13th April 2010

- Meeting Ellendale Hall Committee
- Meeting Re: DHHS Lease

Thursday 15th April 2010

- Audit Seminar Hobart

6.3 MAYORAL ANNOUNCEMENTS

6.4 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005, the Mayor requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

Clr L A Burke – Agenda Item 9.2 – Request for Remission Prospect House

6.5 APPLICATIONS FOR LEAVE OF ABSENCE



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7.0 MINUTES

7.1 RECEIVAL MINUTES ORDINARY MEETING

Moved **Clr L A Burke** Seconded **Clr L M Triffitt**

THAT the minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 16th March, 2010** be received.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

7.2 CONFIRMATION OF MINUTES ORDINARY MEETING

Moved **Clr A J Downie** Seconded **Clr L A Burke**

THAT the minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 16th March, 2010** be **confirmed**, subject to the following amendments.

Amendments

Agenda item 11.13

Moved **Clr G Herbert** Seconded **Clr I V McMichael**

THAT Council adopt the Reimbursement of Councillors Legal Expenses Policy.

Carried

For the motion

Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr L M Triffitt, Clr G Herbert, Clr I V McMichael

Against: Mayor D E Flint

Agenda item 16.1

Moved **Clr L M Triffitt** Seconded **Clr L A Burke**

THAT Council move into **Committee** to discuss confidential matters in accordance with Section 15 of the Local Government (Meeting Procedures) Regulations 2005.



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Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr L M Triffitt, Clr G Herbert, Clr I V McMichael

Agenda item 16.2

Moved **Clr L A Burke**

Seconded **Clr L M Triffitt**

THAT Council move out of **Committee** and resume the **Ordinary Meeting**.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr L M Triffitt, Clr G Herbert, Clr I V McMichael

Agenda item 10.5

For the motion

Mayor D E Flint, Clr A W Bailey, Clr L A Burke, Clr L M Triffitt, Clr G Herbert, Clr I V McMichael

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

**7.3 RECEIVAL MINUTES
INDEPENDENT LIVING
UNITS COMMITTEE
MEETING**

Moved **Clr G Herbert**

Seconded **Clr I V McMichael**

THAT the minutes of the **Independent Living Units Committee** Meeting held on **Monday 29th March, 2010** be **received**.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

7.4 RECEIVAL MINUTES

Moved **Clr I V McMichael**

Seconded **Clr A J Downie**



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AUDIT COMMITTEE MEETING

THAT the minutes of the **Audit Committee** Meeting held on **Monday 29th March, 2010** be received.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cllr A W Bailey, Cllr L A Burke, Cllr G Herbert, Cllr I V McMichael, Cllr L M Triffitt

7.5 BUSINESS ARISING

- Mayor Flint reported on the transfer of the Old Hamilton School House, the transfer is still in progress.
- Cemetery map will be circulated to Councillors before the May Council meeting.
- Economic Development Officer – General Manager to prepare a Position Description, for the May Council meeting.
- Ash Cottage Carpark – Agenda Item for May Council meeting.

8.0 WORKS & SERVICES

Moved **Cllr L M Triffitt**

Seconded **Cllr L A Burke**

THAT the **Works & Services Report** be received.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cllr A W Bailey, Cllr L A Burke, Cllr G Herbert, Cllr I V McMichael, Cllr L M Triffitt

8.1 OUSE LINE MARKING

Moved **Cllr L M Triffitt**

Seconded **Cllr L A Burke**

THAT the Works and Services Manager organise a quote for the Line Marking at Ouse.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cllr A W Bailey, Cllr L A Burke, Cllr G Herbert, Cllr I V McMichael, Cllr L M Triffitt

8.2 ELLENDALE ROAD

Moved **Cllr L A Burke**

Seconded **Cllr A W Bailey**



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LINE MARKING

THAT the Works & Services Manager contact DIER to organise the road line marking at Ellendale. Central Highlands Council will contribute \$18,500 and DIER will also contribute \$18,500.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

8.3 BULKY WASTE COLLECTIONS

The Works & Services Manager said there was very little take up of this service.

8.4 OUSE WETLANDS

Moved **Clr L M Triffitt**

Seconded **Clr L A Burke**

THAT Central Highlands Council approve in principal the Draft Plan for the Ouse Wetlands submitted by Go Highlands Inc.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

8.5 ANDREWS BRIDGE BOTHWELL

Moved **Clr L A Burke**

Seconded **Clr L M Triffitt**

THAT the Works and Services Manager make arrangements to repair Andrews Bridge, Bothwell.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

8.6 HAULAGE HILL ROAD

Moved **Clr L A Burke**

Seconded **Clr A W Bailey**



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THAT the Works and Services Manager investigates closing Haulage Hill Road on the Northern end and make an easy and safe access at the Southern end.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

9.0 FINANCE REPORT

Moved **Clr L M Triffitt**

Seconded **Clr A W Bailey**

THAT the Finance Report be received.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

9.1 DISCUSSION

Clr L A Burke left the room at 12.05pm.

9.2 REQUEST FOR REMISSION

Moved **Clr G Herbert**

Seconded **Clr L M Triffitt**

THAT Council remit Invoice SI02811 for \$209.00 as the function was held to raise funds for the Hamilton Park.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

Clr L A Burke returned to the room at 12.06pm.

10.0 DEVELOPMENT &

Moved **Clr G Herbert**

Seconded **Clr A W Bailey**



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ENVIRONMENTAL SERVICES

THAT the **Development & Environmental Services Report** be received.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cnr A W Bailey, Cnr L A Burke, Cnr G Herbert, Cnr I V McMichael, Cnr L M Triffitt

10.1 REMISSION OF FEES : HAMILTON SHOW

Moved **Cnr A J Downie** Seconded **Cnr G Herbert**

THAT That the following fees be remitted by Council:

Certificate of Likely Compliance - \$440.00
Temporary Occupancy Permit - \$100.00
Certificate of Suitability for Temporary Occupation - \$100.00

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cnr A W Bailey, Cnr L A Burke, Cnr G Herbert, Cnr I V McMichael, Cnr L M Triffitt

10.2 REMISSION OF FEES : DEMOLITION : 1084 ELLENDALE ROAD, ELLENDALE

Moved **Cnr L A Burke** Seconded **Cnr L M Triffitt**

THAT the application fees for BA 2010/21 for the demolition and clean up at 1084 Ellendale Road, Ellendale amounting to \$330.00 be remitted.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Cnr A W Bailey, Cnr L A Burke, Cnr G Herbert, Cnr I V McMichael, Cnr L M Triffitt

10.3 LAND ACQUISITION :

Moved **Cnr L A Burke** Seconded **Cnr A W Bailey**



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**LYELL HIGHWAY,
HAMILTON : CT 109878/2
(PID 5467961)**

THAT Council's Solicitors be instructed to commence proceedings for selling the property for non payment of rates, under Section 137 of the local Government Act.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael , Clr L M Triffitt

**10.4 DOG REGISTRATION
FEES 2010/2011**

Moved **Clr L A Burke**

Seconded **Clr A J Downie**

THAT Dog Registration fees for 2010/2011 remain the same as 2009/2010 and

THAT the DES Manger report back to the May Council meeting with an appraisal which includes Kennel Licence.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael , Clr L M Triffitt

**10.5 JOINT LAND USE
PLANNING INITIATIVE:
PHASE TWO:
CONSIDERATION OF
PUBLIC AND STATE
AGENCY SUBMISSIONS**

Moved **Clr A J Downie**

Seconded **Clr G Herbert**

THAT Council do not support the recommended response for reference point 6.3.13 and reference point 7 made by Heritage Tasmania on the Heritage Management Plan.

Carried

For the Motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr G Herbert, Clr I V McMichael

Against

Clr L A Burke, Clr L M Triffitt

Council adjourned for lunch at 12.27pm



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Clr R G Bowden arrived at 12.45pm

Council resumed at 1.15pm.

Mayor D E Flint congratulated Mr Michael Williams (Works & Services Manager) for completing a Diploma in Occupational Health and Safety and Certificate IV Training & Assessment..

Moved **Clr A W Bailey** Seconded **Clr G Herbert**

THAT Council reimburse Works & Services Manager the \$2,500 for Certificate IV Training & Assessment.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael , Clr L M Triffitt

11.0 ADMINISTRATION

11.1 CONTRACT FOR SALE OF OSTERLEY HALL

Moved **Clr L M Triffitt** Seconded **Clr I V McMichael**

THAT the General Manager be authorised to sign and seal the Contract of Sale for the Osterley War Memorial Hall and land.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael , Clr L M Triffitt

11.2 LGAT TRAINING FUNDS SUCCESS

The General Manager applied for eight training places for staff.



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11.3 GREтна RECREATION GROUND

Moved **Clr A J Downie** Seconded **Clr L A Burke**

THAT Council's Works & Services Manager liaise with Mr Robin Terry to supply at Council's cost, the necessary poly pipe, poly fittings, mesh and star posts for the tree guards for the donated and existing trees at the Gretna Recreation Ground.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

11.4 NOMINATIONS FOR THE GENERAL MANAGEMENT COMMITTEE OF LGAT

Moved **Clr A J Downie** Seconded **Clr I V McMichael**

THAT Council Vote for Deirdre FLINT as representative on the General Management Committee of Council for the South, population < 20,000 position.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

11.5 LOCAL GOVERNMENT ANNUAL CONFERENCE

Noted

11.6 PRINCIPLES FOR VOLUNTARY MERGERS REPORT

Noted

11.7 SURVEY OF OWNER COUNCILS OF SOUTHERN WATER

That Council responds to the STCA Questionnaire.

- Q1 – Yes
- Q2 – Southern Water
- Q3 – Prorate
- Q4 – No spill



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11.8 CONCRETE CRICKET PITCH – ELLENDALE (MAYOR FLINT REQUESTED THAT THIS BE AN AGENDA ITEM)

Moved **Clr G Herbert**

Seconded **Clr L A Burke**

THAT the Cricket Pitch at Ellendale be considered as a budget item.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

11.9 MIENA TOURISM GROUP

Moved **Clr L M Triffitt**

Seconded **Clr I V McMichael**

THAT the Miena Tourism Group be advised that their request for assistance towards the printing of a tourism brochure for the Miena area, will be considered during Councils 2010/2011 budget process.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

11.10 BOTHWELL LODGE – BOTHWELL HALL HIRE

Moved **Clr R G Bowden**

Seconded **Clr L A Burke**

THAT Council waive the fee for the hire of the Bothwell Hall.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt



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11.11 EDGELL TRUST – MOUNT ADELAIDE

Moved **Clr L M Triffitt**

Seconded **Clr G Herbert**

THAT Council's Works & Services Manager liaise with Mrs Barbara Fowler to organise a quote and plaque for the Stone Wall Entrance at Mount Adelaide, to be funded from the Edgell Trust Funds held by Council.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

11.12 GRACE NICHOLAS PARK, OUSE

Moved **Clr L A Burke**

Seconded **Clr A W Bailey**

THAT this Agenda item be deferred until May Council meeting.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

12.0 STATUS REPORT

12.1 RECEIVAL

Moved **Clr R G Bowden**

Seconded **Clr A W Bailey**

THAT the **Status Report** be **received**.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt



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12.2 STATUS REPORT DISCUSSIONS

Item 318 – Craig Ellis Seat

Moved **Clr L M Triffitt**

Seconded **Clr L A Burke**

THAT the Central Highlands Council spends an extra \$100.00 towards the Craig Ellis Seat.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

Add – Parks – Monitoring Basis

13.0 COMMITTEE REPORTS

14.0 ADDITIONAL AGENDA ITEMS

14.1 GRANT \$30,000 OUSE HALL FLOOR

Moved **Clr L A Burke**

Seconded **Clr I V McMichael**

THAT Council accept the quote of \$29,840 (GST Inclusive) from T & P Builders to replace the floor at the Ouse Hall.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt



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14.2 OUSE INDEPENDENT LIVING UNITS

Moved **Clr I V McMichael** Seconded **Clr L A Burke**

THAT the Terms of Reference and Eligibility Criteria for the lease be amended as discussed.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

14.3 LGAT ANNUAL GENERAL MEETING

Decisions sought:

Item 4 (Page 6) – AGAINST

That the President's and Vice President's allowance for the period 1 July 2010 to 30 June 2011 be adjusted in accordance with the movement in the Wages Price Index.

Item 5 (Page 7) – FOR

That the Rules of the Association be amended to allow for the conduct of future Annual General Meetings in July each year with the amendment applicable from July 2011.

That consequential amendments relating to the timing for the calling of motions and nominations for office bearers of the Association be adopted.

Item 6 (Page 9) – FOR

That the Rules of the Association be amended to reflect that subscriptions to be paid annually to the Association by councils be based on Total Assessed Revenue for each council as determined by the State Grants Commission, that the categories assigned to reflect the differentials between councils be adopted and that these categories be adjusted in line with the Council Cost Index on an annual basis.

Council's subs for 2009/10 was \$23,259 (2.5% of total subs). If the subscriptions were based on AAV for 2010.2011 Council would pay \$26,516 (2.85% of total subs). The subscription based on Assessed Revenue Category would be \$17,212 (1.85% of total subs).



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Item 7 (Page 10) – FOR

That subscriptions be maintained at the current level to meet the operating costs of the Association.

Subscriptions received from councils last year totalled \$930,375 – noted that levels of contributions from individual councils will be adjusted in accordance with the shift from adjusted AAV to total assessed revenue of councils.

14.4 LGAT GENERAL MEETING – 12TH MAY 2010

The Following Motions have been received:

18.1 (Page 21) Motion – FOR Compulsory Voting for Local Government Elections- West Tamar Council

Decision Sought:

That this Meeting support compulsory voting in Local Government elections and that LGAT request the State Government to implement the necessary legislative changes in time for compulsory voting to apply to the 2011 Local Government elections.

18.2 (Page 22) Motion – FOR Election Campaign Expenditure – West Tamar Council

Decision Sought:

That LGAT support the proposition that candidate spending on council election campaigns be tax deductible up to the limits of expenditure prescribed by the electoral laws and that LGAT's support be notified to ALGA, the Federal Government as well as to the Labor, Liberal, National and Green parties.

18.3 (Page 23) Motion – AGAINST Billboard Electoral Advertising – Hobart City Council

Decision Sought:

That an amendment to the Electoral Act 2004 be sought with the effect of overriding Planning Schemes to bring uniformity across Tasmania in terms of the timing of permitted billboard electoral advertising by or on behalf of candidates.



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18.4 (Page 24) Motion – AGAINST Electoral Advertising – Kingborough Council

Decision Sought:

That the Association lobby and encourages the Federal and Tasmanian State Governments to amend their respective electoral acts in relation to:

- A: physical electoral advertising on land and buildings to mirror, or be substantially the same as, the restrictions applying to candidates for Local Government elections, imposed by the Local Government Act 1993 and the Local Government (General) Regulations 2005 in relation to the size and quantity of temporary electoral signs within each municipal area, and
- B: the period of time that electoral signage can be displayed in the lead up to all elections, federal, state and local.

18.5 (Page 25) Motion – FOR Code of Conduct – Break O' Day Council

Decision Sought:

That the Local Government Association of Tasmania in conjunction with the Local Government Division be instructed to develop a common policy for "Code of Conduct" for all Councils.

18.6 (Page 27) Motion – AGAINST Submission of Council Motions – Break O' Day Council

Decision Sought:

That LGAT adopt as policy the resolution of the Break O' Day Council that Councillors be limited to submitting two (2) Notices of Motion for inclusion in the agenda of any one (1) Council meeting, and move to have this policy incorporated as an amendment to the Local Government (Meeting Procedures) Regulations 2005.



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**18.7 (Page 27) Motion – AGAINST
Local Government Act 1993 Review of S55 –
Burnie City Council**

Decision Sought:

That LGAT request that the Minister for Local Government review S55 of the Local Government Act 1993, with exempting the register of interest for employees and the general manager from the provisions of the Freedom of Information Act 1991.

**19.1 (Page 29) Motion – FOR
Local Government representation Sentencing Advisory
Council – Waratah Wynyard Council**

Decision Sought:

That the Local Government Association of Tasmania request the State Government to provide a seat for a Local Government Association of Tasmania representative on the new Sentencing Advisory Council.

**20.1 (Page 30) Motion – AGAINST
General Manager Employment Contracts – Burnie City Council**

Decision Sought:

That LGAT develop in consultation with LGMA a standard template for General Manager Employment Contracts for use by Councils.

**20.2 (Page 31) Motion – QUARTERLY
Communication with Water Corporations –
Northern Midland Council**

Decision Sought:

To bring accountability to the water authorities that Owners' Representatives and the Chief Executive Officers of each of the Regional Corporations meet monthly with councils (members of Regional Corporations).



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21.1 (Page 32) Motion – FOR Mining Royalties – Waratah Wynyard Council

Decision Sought:

That the Local Government Association of Tasmania support the concept of 25% of mining royalties being directed to the Local Government area from which the minerals are generated.

21.2 (Page 33) Motion – FOR Land Tax – Southern Midlands Council

Decision Sought:

That the Local Government Association of Tasmania seek a guarantee from the State Government that any future review of the Land Tax system will not result in an expanded property based taxation system that would further erode Local Government's revenue raising capacity.

22.1 (Page 34) Motion – FOR Bus Stop Shelters – Kingborough Council

Decision Sought:

That the Association supports the development of a protocol (plus any associated guidelines) that will provide for an improved understanding of the respective responsibilities that relate to the erection of roadside bus stop shelter facilities.

This protocol to be developed in conjunction with the Department of Infrastructure Energy and Resources and Metro Tasmania, plus any other relevant stakeholder organizations.

23.1 (Page 36) Motion – AGAINST Canal Estates – Hobart City Council

Decision Sought:

That LGAT be requested to formulate a position on the development of canal estates.



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23.2 (Page 37) Motion – AGAINST Planning System Regulation – Launceston City Council

Decision Sought:

That due to the potential and actual impacts of forestry activities in listed town water supplies and water catchment areas, on both water quantity and water quality, LGAT requests that the next State Government agrees to make such changes as are necessary to the Planning System and/or Forest Practices System, to bring forestry activities back under the umbrella of the Resource Management and Planning System and Land Use Planning and Approvals Act, to give Local Government greater discretion in the serious planning issues that are arising.

23.3 (Page 39) Motion – FOR Heritage Legislation – Launceston City Council

Decision Sought:

That LGAT:

1. Canvas member Councils directly on this matter so as to arrive at a whole of industry stance on the Heritage Legislation changes.
2. Lobby the three political parties to give in principle commitment to fund any new Heritage Legislation to ensure there is no cost shifting to Local Government.

23.4 (Page 40) Motion – AGAINST Historic Heritage Bill 2010 – Southern Midlands Council

Decision Sought:

That the Local Government Association of Tasmania lobby the State Government in relation to the Historic Heritage Bill 2010 to ensure that:

1. Local Councils are adequately resourced to shoulder the significant additional responsibilities in regard to cultural heritage management that the Bill will move to them from the State,



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2. All places currently registered on the Tasmanian Heritage Register or on local planning scheme heritage schedules, that are of local significance, are mandatorily transferred to the new “local lists”, and
3. Ensure that local Council decisions pertaining to places of local significance are informed by appropriate advice and that any departure from such advice is justifiable and testable.

23.5 (Page 41) Motion – AGAINST Bushfire Prone Areas – Burnie City Council

Decision Sought:

That LGAT request that the State Government:

- a. Undertakes a program to map bushfire-prone areas across Tasmania.
- b. Develop guidelines to protect existing dwellings from the risk that a change of use of surrounding land subsequently creates an unacceptable fire risk.

24.1 (Page 43) Motion – FOR Weed and Fire Management Practices – Waratah Wynyard Council

Decision Sought:

That the Forestry Consultative Committee of the Local Government Association of Tasmania be reconvened to investigate and make detailed recommendations on Weed Management and Fire Management practices in relation to plantation development and being cognizant of municipal weed management strategy plans.

24.2 (Page 44) Motion – FOR Weed Management Officer – Northern Midlands Council

Decision Sought:

That a second Weed Management Officer for the region be financed by the State Government.



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24.3 (Page 45) Motion – FOR Integrated Approach to Environmental Management – Northern Midlands Council

Decision Sought:

That LGAT lobby the State Government to review the current approach to environmental management and sustainable use of resources in Tasmania, with a view to developing an integrated approach with reference to overall natural systems.

That water management plans take into account other water use (such as plantations); and that there should be coordination of usage (including plantations) within a catchment.

25.1 (Page 47) Motion – FOR Smoking Legislation Amendment – Hobart City Council

Decision Sought:

That LGAT request the State Government to introduce no smoking legislation for alfresco dining areas including consideration of entire designated city streets.

27.1 (Page 48) Motion – FOR Skills Shortages – Central Coast Council

Decision Sought:

That the LGAT vigorously pursue State and Federal Governments in relation to the significant skills shortage being faced by the Local Government sector in Tasmania, with a view to securing increased funding assistance for traineeships to assist the sector; and

That the LGAT continue to actively explore ways in which councils can encourage Tasmanian students to undertake studies in fields identified as crucial to maintaining a well resourced and sustainable sector.

**14.5 HISTORIC HERITAGE
BILL**

Noted

**15.0 COUNCILLOR
FUTURE AGENDA ITEMS**



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16.0 COMMITTEE

Regulation 15 of the Local Government (Meeting Procedures) regulations 2005 provides that Council may consider certain sensitive matters in Closed Agenda which relate to:

- Personnel matters, including complaints against an employee of the Council;
- Industrial matters relating to a person;
- Contracts for the supply and purchase of goods and services;
- The security of property of the Council

- Proposals for the Council to acquire land or an interest in the land or for the disposal of land;
- Information provided to the Council on the condition it is kept confidential;
- Trade secrets of private bodies;
- Matters relating to actual or possible litigations taken by or involving the Council or an employee of the Council;
- Applications by Councillors for leave of absence;
- The personal affairs of any person.

The decision to move in Closed Council requires an absolute majority of Council.

16.1 MOTION INTO COMMITTEE

Moved **Clr I V McMichael** Seconded **Clr L A Burke**

THAT Council move into **Committee** to discuss confidential matters in accordance with Section 15 of the Local Government (Meeting Procedures) Regulations 2005

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

16.2 MATTERS DISCUSSED IN COMMITTEE

Confirmation of In Committee Minutes
Code of Conduct Complaint
Legal Opinions
Contracting Services for Planning & Environmental Health
Staff Issues
Accounts Paid
STCA Confidential Report



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16.3 MOTION OUT OF COMMITTEE

Moved **Clr L A Burke**

Seconded **Clr A W Bailey**

THAT Council move out of **Committee** and resume the **Ordinary Meeting**.

Carried

For the motion

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr R G Bowden, Clr L A Burke, Clr G Herbert, Clr I V McMichael, Clr L M Triffitt

16.4 CENTRAL HIGHLANDS CODE OF CONDUCT COMPLAINT BY MRS STRAVROULA JACKA AGAINST MAYOR DEIRDRE FLINT

Deputy Mayor Clr Andrew Downie advised that under Regulation 22K (3) of the Local Government (General) Regulations that he is to make the following information available to the open Council Meeting:

1.Summary of Complaint and Name of Respondent Councillor (Reg 22k(3)(b)(i) and (iv)

- 1.1 The Complaint alleges that the Respondent Councillor, Mayor Flint, had as Chairperson of the Council meeting, held on 20 October 2009, breached the Council's Code of Conduct in respect of two agenda items-

Item 8.0 Works and Services Report – Newspaper Articles

Mayor Flint allowed a Council officer to give a verbal report on an article published in a local Newspaper in April 2009, related to changes to waste management collection in the Central Highlands municipal area

The Complainant argued that waste management collection was an election issue and the Mayor should not have permitted the issue to be discussed during the Local Government election process.

Item 11.22Police checks of Councillors

A Councillor, who appeared as a witness at the hearing, asked that the item be placed on the agenda. A candidate for Councillor was at that time facing charges in relation to a logging protest.



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The Complainant interpreted the purpose of the Item as an attempt to damage the efforts of the said candidate to be elected to the Council and argued the Mayor should not have permitted the issue to be discussed during the Local Government election process.

- 1.2 The breaches of the Council's Code of Conduct outlined in the Complaint and applying in relation to the 2 items were-

Clause 5(e)

A general statement at the beginning of Clause 5 of the Code of Conduct states that *Council resources, property, services and facilities must be managed in such a way as to maximize benefit to the community*. Clause 5 further states in paragraph (e) *Councillors will not use Council resources for political gain or purposes*.

Clause 6(d)

A general statement at the beginning of Clause 6 of the Code of Conduct states that *Councillors will make informed and impartial decisions in the best interest of the community*. Clause 6 further states in paragraph (d) *Councillors must not use information or confidential information to gain improper advantage for themselves or for any other person or body, or cause harm or detriment to any person, body or Council*.

Clause 8 (b)

Clause 8 (b) states that *Councillors must not undertake or promise to undertake any activity that may influence, or be perceived to influence voting outcomes in any elections*.

2. Determination (reg 22K(3)(b)(ii))

- 2.1 The Standards Panel determined in respect of Item 8.0 "Works and Services Report – Newspaper Articles", that although Mayor Flint had not breached Clauses 5(e), 6(d), she had breached Clause 8(b) of the Code of Conduct in respect of that matter.
- 2.2 The Standards Panel determined that Mayor Flint had not breached Clauses 5(e), 6(d) and 8(b) in respect of Item 11.22 "Police checks of Councillors".



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3. Sanctions Imposed on the Respondent Councillor (Reg 22K(3)(b)(iii))

3.1 The Panel imposed the following sanction-

A reprimand of the Mayor, who contrary to Clause 8(b) of the Council's Code of Conduct, failed to prevent or stop a verbal report from a council officer being delivered at a Council meeting, knowing that the substance of that report, waste management collection in the Central Highlands municipal area, had been an important election issue during the Local Government election period.

Deputy Mayor A J Downie noted the following:

- (a) That the Panel referred to a caretaker period during an election period and that he can find no reference in either the Local Government Act or Regulations referring to a caretaker period.
- (b) That both Mayor Flint and the Complainant had a 28 day appeal period
- (c) That a press article appeared in the Mercury before the expiration of the 28 day appeal period
- (d) That the press article described LGAT as saying Council were naïve and ignorant, which was refuted by a letter to the editor from the CEO of LGAT
- (e) That Councillors are bound by the Code of Conduct but complainants are not.

Moved **Clr A J Downie**

Seconded **Clr R G Bowden**

THAT in light of the determination against Mayor Flint, Council write to the Local Government Office stating:

- (1) This Council believes that the whole section of the Code of Conduct under the Local Government (General) Regulations 2005 needs reviewing as the determination is based on statements not in the Regulations; and



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- (2) The determination of the Code of Conduct Panel in reprimanding Mayor Flint errs in fact and not relevant to the Regulations.

Carried

For the Motion:

Mayor D E Flint, Deputy Mayor A J Downie, Cllr A W Bailey, Cllr R G Bowden, Cllr L A Burke, Cllr G Herbert, Cllr I V McMichael, Cllr L M Triffitt

Mayor Flint responded to the determination

Moved **Cllr A J Downie** Seconded **Cllr A W Bailey**

THAT the following response provided by Mayor Flint be included in the minutes:

“The decision of the Standards Panel concerning a complaint against me as Mayor of this Council has now been tabled.

The complaint which was the subject of the Panel's determination alleged that I as Mayor and Chairperson of the Council meeting had on 20 October 2009 breached the Council's Code of Conduct in respect of two agenda items. The complaint alleged three clauses of the Code of Conduct had been breached.

In its findings the Panel concluded that clause 8(b) was the only provision of the Code that was relevant to my role of chairing the meeting on 20 October. Clause 4.15 of the Panel's determination sets out the only relevant finding which was that the Panel has concluded that I, as Mayor, breached clause 8(b) of the Code by allowing Council to consider and debate Item 8.11.

Concerning the balance of the complaint the Panel made no other relevant finding in respect of Item 8.0.

It is important to note that the Standards Panel determined that I as Mayor had not breached clauses 5(e), 6(d) and 8(b) in respect of Item 11.22 of the agenda “Police checks of Councillors”. It is unfortunate however that the panel chose to use what I consider to be offensive and inappropriate language in describing the Council's actions concerning this issue as “naive” and “ignorant”.



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As a Mayor and Councillor of significant experience in Local Government I reject these assertions insofar as they have or may be attributed to my understanding of the conduct of meeting procedures and Local Government matters pertaining to my duties generally.

The fact that these observations of the Panel found their way into an article published in the Mercury Newspaper when:

- (i) They were comments that were attributable to that part of the complaint which alleged breaches of the Code which were rejected by the Panel;
- (ii) They would be perceived by the public as being a commentary on my own personal knowledge and behaviour in Local Government are deeply offensive and distressing to me. Quite frankly I find such statements of naivety and ignorance of the Panel attributable to my conduct and knowledge as a Local Government Councillor, is outrageous and I strongly reject them.

The determination in my case referred to “caretaker mode” during council elections. There is no provision in the local government legislation that refers to this.

In response generally to the finding of the Panel I say this. You can be assured that I will continue at all times to conduct meetings of this Council in accordance with appropriate practices and procedures, and you can be assured that I shall continue at all times to carry out my Chairmanship of such meetings with strength, conviction and I will endeavour to ensure that the highest standards are maintained”.

Mayor Deirdre Flint

Carried

For the Motion:

Mayor D E Flint, Deputy Mayor A J Downie, Clr A W Bailey, Clr L A Burke, Clr G Herbert, Clr I V McMichael , Clr L M Triffitt

17.0 CLOSURE

The Meeting closed at 5.03 pm.