

Minutes

of an Ordinary Meeting
held at 6.03pm

15 DECEMBER 2008

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
27 January 2008

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Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 15 December 2008 commencing at 6.03pm.

Councillors attendance

| | |
|------------------------|-----------------------------------|
| Cr Mike Downie (Mayor) | Cr Brian Robertson (Deputy Mayor) |
| Cr Warren Barker | Cr Jan Bonde |
| Cr Lionel Bonde | Cr John Deacon |
| Cr Cheryl Fuller | Cr Ken Haines |
| Cr Gerry Howard | Cr Terry McKenna |

Councillors apologies

Cr van Rooyen attended the meeting at 6.04pm

Cr Dry attended the meeting at 6.09pm

Employees attendance

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

Media attendance

The Advocate newspaper.

Public attendance

Fourteen (14) members of the public attended during the course of the meeting.

Prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

416/2008 Confirmation of minutes

The Strategic & Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 17 November 2008 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Robertson moved Cr Haines seconded, “That the minutes of the previous ordinary meeting of the Council held on 17 November 2008 be confirmed.”

Carried unanimously

Cr van Rooyen attended the meeting at this time.

COUNCIL WORKSHOPS

417/2008 Council workshops

The Strategic & Executive Services Manager reported as follows:

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

- . 24.11.2008 – Water and Sewerage Reform Update and Code of Conduct Review
- . 01.12.2008 – Simon Nell re chess board in Apex Park, Code of Conduct Review (cont.) and Review of the number of Councillors

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

418/2008 Mayor's communications

The Mayor as follows:

"I wish to report on the Summit on Local Government Constitutional Recognition that I attended in Melbourne last week along with Cr Haines."

Cr Dry attended the meeting at this time.

419/2008 Mayor's diary

The Mayor reported as follows:

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

- . Australian Council of Local Government – meeting (Canberra)
- . Western District, Tasmania Police – White Ribbon Day Breakfast (Burnie)
- . Ulverstone High School – Heartbeat art exhibition
- . Eliza Purton Home for the Aged – Christmas function
- . Ten Days on the Island – 2009 launch (Devonport)
- . Funeral for the Late Mrs Binns
- . Penguin Seventy and Over Christmas Dinner Committee – Annual Over 70's Christmas dinner
- . Telstra/Sea FM – Surf Life Saving Summer Launch Committee – Mayors Pollies Surf Boat Challenge (Burnie)
- . Ulverstone Primary School – show 'n' tell for nipper on Surf Boat Challenge
- . Ulverstone/Penguin Visitor Information Centres – Volunteers' Christmas luncheon
- . Devonport & Cradle Country – launch of new tourist brochure
- . Cradle Coast Councils – Water and Sewerage Reform meeting
- . Ulverstone Urban Design Guidelines forum
- . Ulverstone High School – Laura Courto art exhibition
- . Penguin Miniature Railway Committee – reunion BBQ
- . Tasmanian Athletic League Inc. – opening of Ulverstone Athletic Carnival
- . Official opening of Ulverstone Recreation Ground 'Changerooms and Kiosk'
- . Penguin High School – opening of Redevelopment of Centre for Performing Arts
- . Australian Local Government Association – Local Government Constitutional Summit (Melbourne)
- . Sprent Primary School – presentation assembly

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- . Penguin Primary School – presentation assembly
 - . Penguin Carols by Candlelight – welcome address.”

Cr Fuller reported as follows:

“On behalf of the Mayor I attended the Northwest Christian School Speech Night.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the following functions:

- . Enormity Inc. – Christmas Dash
- . Penguin High School presentation evening
- . Australian Technical College presentation evening.”

Cr Deacon reported as follows:

“On behalf of the Mayor I attended the Senior Citizens Luncheon.”

Cr Robertson reported as follows:

“On behalf of the Mayor I attended the ABC Radio Giving Tree Broadcast.”

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

Carried unanimously

420/2008 Pecuniary interest declarations

The Mayor reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be

noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

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

Cr McKenna reported as follows:

“I will be declaring an interest in respect of Application No. DEV2008.15 at Minute No. 430/2008 .”

Cr Deacon reported a follows

“I will be declaring an interest in respect of Application No. DEV2008.15 at Minute No. 430/2008.”

Cr Barker reported as follows:

“I will be declaring an interest in respect of Application No. DEV2008.15 at Minute No. 430/2008.”

421/2008 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

422/2008 Councillor reports

The Strategic & Executive Services Manager reported as follows:

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

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

Cr McKenna reported on the Dulverton Waste Management Authority luncheon.

Cr Howard reported on the following:

- . A meeting of the Ulverstone Local History Museum.
- . The General meeting of the Cradle Coast Water Authority.
- . The Annual General Meeting of the Cradle Coast Water Authority.

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

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

Cr Deacon reported on the following:

- . A meeting of the Central Coast Chamber of Commerce and Industry Inc.
- . A meeting of the Central Coast Youth Council.

APPLICATIONS FOR LEAVE OF ABSENCE

423/2008 Leave of absence

The Strategic & Executive Services Manager reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

424/2008 Deputations

The Strategic & Executive Services Manager reported as follows:

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

PETITIONS

425/2008 Petitions

The Strategic & Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

426/2008 Councillors' questions without notice

The Strategic & Executive Services Manager reported as follows:

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

- '29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
 - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations –
- except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.

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- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
 - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
 - (7) The chairperson may require a councillor to put a question without notice in writing.'

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

- '8 (5) Subject to sub regulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority... may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –
 - (a) the reason it was not possible to include the matter on the agenda; and
 - (b) that the matter is urgent; and
 - (c) that (qualified) advice has been provided under section 65 of the Act.'

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

The allocation of topics ensued.

427/2008 Councillors' questions on notice

The Strategic & Executive Services Manager reported as follows:

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

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

(2) An answer to a question on notice must be in writing.’

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

428/2008 Development Services determinations

The Director Development Services reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

429/2008 Council acting as a planning authority

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development Services has submitted the following report:

‘If any such actions arise out of Agenda Item 9.3, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Strategic & Executive Services Manager reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

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

Carried unanimously

430/2008 Level 2 Activity – Manufacturing and Processing (the construction and operation of an asphalt plant), 34 Industrial Drive, Ulverstone Application No. DEV2008.15

Crs McKenna, Deacon and Barker having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2008.15

The Director Development Services reported as follows:

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

| | |
|-------------------------------------|---|
| <i>DEVELOPMENT APPLICATION NO.:</i> | DEV2008.15 |
| <i>APPLICANT:</i> | Asphalt Suppliers Pty Ltd |
| <i>LOCATION:</i> | 34 Industrial Drive, Ulverstone |
| <i>ZONING:</i> | Industrial |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 16 August 2008 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 12 September 2008 |
| <i>REPRESENTATIONS RECEIVED:</i> | Seven |
| <i>42-DAY EXPIRY DATE:</i> | 26 December 2008 |
| <i>DECISION DUE:</i> | 15 December 2008 |

PURPOSE

The purpose of this report is to consider:

- . the merits of the representations; and
- . whether the proposal complies with the Scheme.

BACKGROUND

The land is within the established industrial area of Industrial Drive. It is over 450m from any land zoned Residential. To the north, east and west are lots zoned Industrial and to the south is the road and the Bass Highway.

A location plan is appended as Annexure 1.

DISCUSSION

The Scheme provides that the proposal is for the following use:

“Manufacturing and Processing”, defined as “use of land for manufacturing, assembling or processing products. It does not include resource processing. Examples are boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication and textile manufacturing”.

The extensive application documentation is provided as Annexure 2.

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

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

and must have regard to:

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

As the proposal is a Level 2 activity, additional requirements exist. The proposal was referred to the Environmental Protection Authority (EPA), who has provided an extensive assessment document, which should be read in conjunction with this report.

An application for a planning permit requires that the above considerations be addressed. The Discussion is divided into two sections: "Objectives of the Act" and the "Specifics of the Scheme". The individual State Policies are not discussed in this report as these have been incorporated into the Scheme.

Objectives of the Act

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

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

The proposal includes extensive documentation detailing the impacts/management of impacts on such processes. The proposal complies with this objective, including conditions.

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

The Scheme provides specifics on how to assess this Objective for this proposal.

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

The proposal is subject to advertising required under the legislative requirements, and has received seven representations. Relevant public involvement also occurred at the time of the writing of the Scheme.

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

Guidance on how to assess this is provided by the detail in the Scheme, assessed later in this report.

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

In this case, the sharing of responsibility has occurred in the writing of the Scheme, the approval of the Scheme by a State Government

body and the participation of the community throughout this process as provided for by the Act.

Given the framework of the planning system in Tasmania, much of the assessment in relation to the Objectives has been completed by the certification of the Scheme by the Resource Planning and Development Commission. The detail of the certified Scheme is assessed later in this report.

Specifics of the Scheme

| REFERENCE | DETAIL AND COMMENT (WHERE REQUIRED) |
|-----------|--|
| 2.7 | <p>To achieve the purpose of this planning scheme the following objectives apply:</p> <p><i>(e) Infrastructure services are to be used and extended in an efficient manner;</i></p> <p>The developer will be required to upgrade the services as necessary. Refer to Engineering Memo for more detail.</p> <p><i>(g) The physical and biological quality of surface and groundwater is to be maintained and enhanced;</i></p> <p>This is addressed via condition.</p> <p><i>(i) The environmental qualities of the coastal and river systems are to be protected;</i></p> <p>Refer to comments in (g) above.</p> <p><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm;</i></p> <p>The site is zoned for Industrial use and the proposal has been assessed in detail by the EPA.</p> <p><i>(o) The cultural heritage, including Aboriginal relics, protected site and objects and registered places are protected.</i></p> <p>No known Aboriginal relics or values exist for this site.</p> |
| 10.1 | Purpose of Industrial Zone. |

| | |
|-----------|--|
| 10.1.1 | <i>To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.</i> |
| 10.1.2. | <i>To focus industrial activity within the established industrial areas at:...</i> <i>(c) East Ulverstone Industrial Estate.</i> |
| 10.1.3 | <i>To ensure that development is attractively designed and presented.</i> |
| 10.1.4 | <i>To minimise off-site impacts.</i> |
| 10.2.1 | The defined use is a Discretionary use within the zone. |
| 10.3.1 A1 | <i>The applicant demonstrates that the use will not cause the emission of a pollutant that would cause environmental harm.</i> Refer to EPA assessment. |
| 10.3.2 A1 | <i>On a lot within 100m of a Residential zone a use must not operate before 7am or after 9pm daily.</i> N/A |
| 10.4.1 | N/A |
| 10.4.2 | N/A |
| 10.4.3 A1 | <i>A Building must not exceed a maximum building height of 15m.</i> Complies. Refer to p. 56 of the application documentation for confirmation that the maximum height will be 14.3m. |
| 10.4.3 A2 | <i>A building must be setback at least:</i> <i>(a) 10m from the frontage;</i> <i>(b) N/A;</i> <i>(c) 4m from all other boundaries.</i> Complies. Note that whilst the application documentation is |

| | |
|-----------|--|
| | dated for July 2008, the information provided in it refers to the old planning scheme. |
| 10.4.3 A3 | <p><i>A building façade must:</i></p> <p>(a) <i>be masonry, concrete, timber or colour-bonded pressed steel; and</i></p> <p>(b) <i>have at least 30% glass or feature panel.</i></p> <p>Complies.</p> |
| 10.4.4 | Complies via information provided and conditions required. |
| 10.4.5 A1 | N/A. |
| 10.4.5 A2 | <p><i>Fences higher than 1m must not be erected within 10m of the frontage.</i></p> <p>Standard condition.</p> |
| 10.4.6 | <p><i>An area for the loading and unloading of goods must:</i></p> <p>(a) <i>be provided on-site;</i></p> <p>(b) <i>be paved with concrete, masonry blocks or bituminous seal if within 10m of the frontage; and</i></p> <p>(c) <i>not encroach on landscape areas.</i></p> <p>Complies.</p> |
| 10.4.7 | <p><i>Provision must be made for on-site storage of refuse which must not be:</i></p> <p>(a) <i>located within 10m of the frontage; and</i></p> <p>(b) <i>visible from public areas.</i></p> <p>Complies.</p> |
| Schedules | Complies. |

CONSULTATION

The proposal was forwarded to the EPA as required by legislation. Their response is provided as Annexure 3.

The application was advertised as required for a Level 2 development. Correspondence to the adjoining owners inviting them to view the application was also undertaken.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included as Annexure 4.

Representation

Seven representations were received within the prescribed time.

The representations are appended as Annexure 5.

The issues raised in the representation have, in the majority, been addressed by the EPA report. The issues listed in the EPA report (final pages) as "Council/planning issues" are addressed in the table below:

| ISSUE# | CONCERN (FROM EPA REPORT) | COMMENT |
|--------|--|--|
| (a) | Light Industrial zoning is not suitable for this type of operation. | There is no Light Industrial zoning in the Scheme. The land is zoned Industrial. |
| (b) | Such an activity should not be within 500m of residential areas nor close enough to cause impacts on industry. | The nearest Residential zoned land is over 450m. There is land zoned Low Density Residential across the Bass Highway, approximately 250m away from the proposed development. The main reasons for removing industrial activity from close proximity are based around conflicts of use (amenity/environmental/health) and are adequately addressed in the EPA assessment. |
| (c) | Suggests location in Lloyd's North Quarry. | The proposal has been assessed as applied for. |

| | | |
|-----|---|--|
| (d) | No guaranteed vehicular access. | Proposal intends to access through 28-30 Industrial Drive. This can be addressed via condition. |
| (e) | Incompatibility with nearby residential zone. | Refer to comments for (b). |
| (f) | The potential for sea level rise/flooding of the site. | This was considered in the writing of the Scheme by the Council and the RPDC. The Scheme refers only to development with a habitable room, which by definition is limited to "any room of a dwelling". The proposal contains no dwellings. |
| (g) | Geotechnical design; area prone to shifting, subsidence and earthquake; no consideration of impact of deep/large footings. | The site is not located in a risk area. |
| (h) | Trucks should negotiate right-angled corner (near 10 Industrial Drive) at slow speed as there is poor visibility at this point. | Noted. The speed limit is set to accommodate industrial development. |
| (i) | No Traffic Impact Assessment. | None required. |

In summary, the development complies with the all aspects of the planning scheme.

IMPACT ON RESOURCES

This report has no impact on resources notwithstanding the usual resources utilised in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal is unknown.

CORPORATE COMPLIANCE

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

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

CONCLUSION

The proposal has been recommended for approval, subject to conditions, by the EPA and meets the requirements of the planning scheme.

Recommendation

It is recommended that the representations are deemed to have insufficient merit in this particular application to warrant refusal and that Application No. DEV2008.15 be approved subject to the following conditions and restrictions:

General:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The access to the plant via 28–30 Industrial Drive must be reinforced for the life of the development through the title documents (eg by consolidation of the lots or rights of way) prior to the lodgement of a Building Application;
- 3 Fences higher than 1m must not be erected within 10m of the frontage;

Environment:

- 4 The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B (copy enclosed), which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the Environmental Management and Pollution Control Act 1994;

Engineering:

- 5 The developer shall:
 - (a) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;

- (b) upgrade or provide where necessary, an appropriately sized water connection point to the property;
- (c) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
- (d) upgrade the downstream stormwater drainage system where necessary to accommodate the proposed development;
- (e) provide an appropriately sized Gross Pollutant Trap at the outlet of the stormwater system prior to discharging into the Council stormwater system;
- (f) replace manholes subject to vehicle loadings with heavy duty covers and surrounds as required;
- (g) design and construct the internal road network geometry to enable vehicles and other foreseeable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and AS 2890.2 as required;
- (h) ensure that all solid/inert waste material generated from any demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Access fees apply;
- (i) ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from any demolition work is appropriately packaged, transported and disposed of at a secure landfill. The Dulverton Regional Landfill is an example of such a site;
- (j) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure to be constructed as part of the development that is to become an asset of the Council;
- (k) not commence construction until the design drawings for the associated council infrastructure are approved by the Council's Director Assets & Engineering;

- 6 The provision, upgrading, re-routing or extension of water, sewer and drainage services as required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
- 7 Maintain a minimum clearance of 1m from the nearest edge of any building footing to the edge of a Council Main in accordance with Council's Standard Drawing No. SD-5004;
- 8 Footings located in the zone of influence of a Council Main will need to be designed by a practising Accredited Structural Engineer and founded to a depth at least 300mm below the line of influence or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
 - (a) the potential effects of a future failure of the Council Main; and,
 - (b) a potential requirement to physically access the Council Main for the purpose of repair or replacement activity which may involve excavation;
- 9 The proposed buildings are to be at least 1.5m clear of the Council manholes on the property.

and that the applicant be further requested to note:

- A The Permit expires two years from the date of advice of this decision is received unless the development has been substantially commenced. An extension of time to this period may be considered once only but only if the request is received prior to the expiry of the specified time.
- B Building, Plumbing and other permits may be required for the proposed development.
- C In relation to condition 5(c) – The Council will also consider the use of suitable Water Sensitive Urban Design principles or detention type systems to assist in minimising the run-off generated from the development.
- D In relation to condition 5(e) – This work will be undertaken by the Council at the applicants cost. Also, if the manhole needs to be

- raised or lowered to suit any revised Finished Surface Level, this work will be completed by the Council at the applicants cost.
- E A Council DN225 Gravity Sewer and a DN225 Stormwater Main exist on the property. Further details about the Council mains can be obtained by contacting the Council's Assets & Engineering Department.
- F In reference to the Local Government (Building and Miscellaneous Provisions) Act 1993, Section 248, (1) A person must not –
- (i) erect or construct a building, wall, bridge, fence, mound, embankment, excavation, tunnel or other work in, upon, over or under a sewer or drain of a council or a sewer or drain connected to a sewer or drain of a council without the council's consent in writing; or
 - (ii) obstruct, fill in or divert a sewer or drain of a council without its consent in writing.
- G If you wish to undertake any works over the Council mains, consent will need to be obtained by the Council and the issuing of the Planning Permit does not provide such consent.
- H Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- I Any works associated with existing kerb & channel, footpath or roads will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- J Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Council's Assets & Engineering Department. A fee applies.
- K Contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure work requirements.'

The report is supported.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr (J) Bonde and Cr Howard seconded, “That the representations are deemed to have insufficient merit in this particular application to warrant refusal and that Application No. DEV2008.15 be approved subject to the following conditions and restrictions:

General:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The access to the plant via 28–30 Industrial Drive must be reinforced for the life of the development through the title documents (eg by consolidation of the lots or rights of way) prior to the lodgement of a Building Application;
- 3 Fences higher than 1m must not be erected within 10m of the frontage;

Environment:

- 3 The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B (copy enclosed), which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the Environmental Management and Pollution Control Act 1994;

Engineering:

- 5 The developer shall:
 - (a) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;
 - (b) upgrade or provide where necessary, an appropriately sized water connection point to the property;
 - (c) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
 - (d) upgrade the downstream stormwater drainage system where necessary to accommodate the proposed development;
 - (e) provide an appropriately sized Gross Pollutant Trap at the outlet of the stormwater system prior to discharging into the Council stormwater system;

- (f) replace manholes subject to vehicle loadings with heavy duty covers and surrounds as required;
 - (g) design and construct the internal road network geometry to enable vehicles and other foreseeable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and AS 2890.2 as required;
 - (h) ensure that all solid/inert waste material generated from any demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Access fees apply;
 - (i) ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from any demolition work is appropriately packaged, transported and disposed of at a secure landfill. The Dulverton Regional Landfill is an example of such a site;
 - (j) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure to be constructed as part of the development that is to become an asset of the Council;
 - (k) not commence construction until the design drawings for the associated council infrastructure are approved by the Council's Director Assets & Engineering;
- 6 The provision, upgrading, re-routing or extension of water, sewer and drainage services as required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
- 7 Maintain a minimum clearance of 1m from the nearest edge of any building footing to the edge of a Council Main in accordance with Council's Standard Drawing No. SD-5004;
- 8 Footings located in the zone of influence of a Council Main will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the line of influence or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
- (a) the potential effects of a future failure of the Council Main; and,

(b) a potential requirement to physically access the Council Main for the purpose of repair or replacement activity which may involve excavation;

9 The proposed buildings are to be at least 1.5m clear of the Council manholes on the property.

and that the applicant be further requested to note:

A The Permit expires two years from the date of advice of this decision is received unless the development has been substantially commenced. An extension of time to this period may be considered once only but only if the request is received prior to the expiry of the specified time.

B Building, Plumbing and other permits may be required for the proposed development.

C In relation to condition 5(c) – The Council will also consider the use of suitable Water Sensitive Urban Design principles or detention type systems to assist in minimising the run-off generated from the development.

D In relation to condition 5(e) – This work will be undertaken by the Council at the applicants cost. Also, if the manhole needs to be raised or lowered to suit any revised Finished Surface Level, this work will be completed by the Council at the applicants cost.

E A Council DN225 Gravity Sewer and a DN225 Stormwater Main exist on the property. Further details about the Council mains can be obtained by contacting the Council's Assets & Engineering Department.

F In reference to the Local Government (Building and Miscellaneous Provisions) Act 1993, Section 248, (1) A person must not –

(i) erect or construct a building, wall, bridge, fence, mound, embankment, excavation, tunnel or other work in, upon, over or under a sewer or drain of a council or a sewer or drain connected to a sewer or drain of a council without the council's consent in writing; or

(ii) obstruct, fill in or divert a sewer or drain of a council without its consent in writing.

G If you wish to undertake any works over the Council mains, consent will need to be obtained by the Council and the issuing of the Planning Permit does not provide such consent.

DEVELOPMENT SERVICES

- H Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- I Any works associated with existing kerb & channel, footpath or roads will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- J Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Council's Assets & Engineering Department. A fee applies.
- K Contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure work requirements.

Minute No. 430/2008 continued after Minute No. 431/2008.

431/2008 Public question time

The time being 6.44pm, the Mayor introduced public question time.

Questions and replies concluded at 6.45pm.

Minute No. 430/2008 continued...

Voting for the motion

(6)

Cr Downie

Cr Robertson

Cr (J) Bonde

Cr Dry

Cr Fuller

Cr Haines

Voting against the motion

(3)

Cr (L) Bonde

Cr Howard

Cr van Rooyen

Motion

Carried

Crs McKenna, Deacon and Barker returned to the meeting at this time.

GENERAL MANAGEMENT

432/2008 Minutes and notes of committees of the Council and other organisations

The Strategic & Executive Services Manager reported as follows:

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

- . Youth Engaged Steering Committee – meeting held on 20 November 2008
- . Central Coast Community Safety Partnership Committee – meeting held on 22 October 2008
- . Central Coast Local History Museum – meeting held on 18 November 2008

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

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

Carried unanimously

433/2008 Annual General Meeting for the year ended 30 June 2008

The General Manager reported as follows:

PURPOSE

The purpose is to report on the Council’s Annual General Meeting conducted on 18 November 2008.

BACKGROUND

The Annual General Meeting for 2008 was held on 18 November. A record of the meeting was kept by way of minutes. A copy of the minuted record is attached. The *Local Government Act 1993* provides that any resolution passed at an annual general meeting is to be considered at the next meeting of the Council. There were no resolutions other than the one to receive the Annual Report.

DISCUSSION

Six members of the public attended the Annual General Meeting. A PowerPoint presentation of the highlights for the year was presented by the General Manager and Directors.

There is otherwise no discussion so far as this report is concerned.

CONSULTATION

Consultation is not required in respect of this report.

IMPACT ON RESOURCES

This matter does not impact on resources.

CORPORATE COMPLIANCE

The holding of an annual general meeting is a statutory requirement. The Central Coast Strategic Plan 2004–2009 includes the following objective:

- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that this report be received.”

The Strategic & Executive Services Manager reported as follows:

“A copy of the minutes of the Annual General Meeting for 2008 has been circulated to all Councillors.”

- Cr Robertson moved and Cr Haines seconded, “That the report on the conduct of the Council’s Annual General Meeting for 2008 (a copy of the minutes of the meeting, held on 18 November 2008, being appended to and forming part of the minutes of this ordinary meeting of the Council) be received.”

Carried unanimously

434/2008 Review of the Code of Conduct for Councillors

The General Manager reported as follows:

“The Strategic & Executive Services Manager has prepared the following report:

‘PURPOSE

The purpose of this report is to propose adoption by the Council of a revised Code of Conduct for Councillors.

BACKGROUND

Section 28E of the Act provides as follows:

- “(1) A council must adopt a code relating to the conduct of councillors by 1 July 2006.
- (2) A code of conduct must –
 - (a) be consistent with this Act; and
 - (b) address any prescribed matters; and
 - (c) be reviewed within 12 months after an ordinary election.”

On 24 November 2008 and 1 December 2008 the current Code of Conduct for Councillors was reviewed by a majority of Councillors and a revised Code was proposed. The revision allowed the Council to meet all legislative requirements in relation to the drafting and contents of a Code of Conduct whilst updating the format for easier readability.

DISCUSSION

Regulation 22A of the *Local Government (General) Regulations 2005* sets out matters that a Code of Conduct must address. It is silent on the extent to which they must be addressed, and it is therefore up to each individual Council to determine how it will articulate its commitment to each prescribed matter.

The revised Code has been prepared to reflect what the Office of the General Manager understands to be the outcome this Council wishes to achieve.

CONSULTATION

This is an internal governance matter for determination by Councillors. Two council workshops were conducted on 24 November and 1 December 2008.

IMPACT ON RESOURCES

Preparation of the revised Code and, if it is approved, implementation of the revised Code, results in only minor administrative costs.

CORPORATE COMPLIANCE

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

- . Meet our statutory and regulatory obligations.

CONCLUSION

The revised draft Code of Conduct, November 2008, meets all legislative requirements as well as being reflective of the outcome the Council wishes to achieve.'

The report is supported."

The Strategic & Executive Services Manager reported as follows:

"A copy of the revised draft Code of Conduct for Councillors has been circulated to all Councillors."

- Cr Haines moved and Cr McKenna seconded, "That the Code of Conduct, November 2008 (a copy of the Code being appended to and forming part of the minutes) be adopted."

Voting for the motion

(8)

Cr Downie

Cr Barker

Cr (J) Bonde

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Voting against the motion

(4)

Cr Robertson

Cr (L) Bonde

Cr Deacon

Cr van Rooyen

Motion

Carried

435/2008 Regional and Local Community Infrastructure Program 2008–2009

The General Manager reported as follows:

"The Director Corporate and Community Services has prepared the following report:

'PURPOSE

The purpose of this report is to consider the Council's allocation of funding from the Regional and Local Community Infrastructure Program (RLCIP) 2008–2009.

BACKGROUND

The Federal Government, as part of its contribution to address the global economic crisis, is providing one-off funding of \$250 million in 2008-2009 to local councils to stimulate additional growth and economic activity under the Regional and Local Community Infrastructure Program.

The Central Coast Council has been allocated an amount of \$391,000.00 for spending on community infrastructure including new construction and major renovations or refurbishments across a wide range of assets.

DISCUSSION

In an effort to boost the economy the Federal Government has made funding available to councils that can be utilised across a wide range of projects (a copy of the list of projects that can be funded is attached) specifying only that funding will not be available for operational and maintenance costs, or for certain transport infrastructure costs covered by 'Roads to Recovery' or 'Black Spots' programs.

In considering which projects to put up for funding under the RLCIP program the Council needed to be confident that projects chosen could be completed within the designated timeline (September 2009) and that they met the relevant criteria.

The Senior Management Team has considered how best to achieve the greatest benefit across the whole of Central Coast and taken into account a listing of priorities as defined by the Assets Officer – Buildings and Facilities. Works in Forth, Turners Beach, Ulverstone, Penguin and Riana have been considered that cover halls and community centres, recreation facilities, social and tourism infrastructure, with the nature of the works designed to stimulate activity across a broad range of disciplines and businesses wherever possible within Central Coast.

The following projects have been identified as being appropriate for funding under the RLCIP Program:

- . Refurbishment of Forth Hall – \$60,000;
- . Showground Community Precinct Naval Cadets/Scouts building refurbishments – \$160,000;
- . Turners Beach Hall Refurbishment – \$25,000;
- . Riana Community Centre Kitchen upgrade – \$60,000;
- . Penguin Main Beach sea wall and path– \$90,000; and

- . Playground Equipment (Anzac Park/ Fairway Park) – \$56,000.

It should be noted that the monies that have been allocated towards the Showground Community Precinct Naval Cadet/Scouts building refurbishment will only cover part of the overall cost of the Community Precinct works and further funds will have to be allocated to complete this work.

The RLCIP Program also includes a component of \$50 million for the purpose of funding strategic projects. Dulverton Waste management are preparing a submission to the Federal Government's \$50m Regional Community Infrastructure fund for the creation of a large scale composting facility to address scheduled changes in the industry standards of waste management in the North West region. A regional composting facility presents numerous benefits including:

- . It is a regional project.
- . It can comply with the requirement for construction to commence within six months.
- . It is investment in innovative infrastructure that we encourage investment in the agricultural sector.
- . It presents an additional revenue stream for Dulverton and member Councils; and
- . It will significantly reduce the regions greenhouse gas emissions.

CONSULTATION

Consultation is not applicable in respect of this report.

IMPACT ON RESOURCES

There will be some impact on council resources in managing and administering the projects.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council approve the following projects for funding under the Regional and Local Community Infrastructure Program 2008–2009:

- . Refurbishment of Forth Hall – \$60,000;
- . Showground Community Precinct Naval Cadets/Scouts building refurbishments – \$160,000;
- . Turners Beach Hall Refurbishment – \$25,000;
- . Riana Community Centre Kitchen upgrade – \$60,000;
- . Penguin Main Beach sea wall and path– \$90,000; and
- . Playground Equipment (Anzac Park/ Fairway Park) – \$56,000.’

and that the Council support a submission to the Federal Government’s \$50m Regional Community Infrastructure fund by Dulverton Waste Management (DWM) for the creation of a large scale composting facility to address scheduled changes in the industry standards of waste management in the North West region.’

The report is supported.”

■ Cr Fuller moved and Cr Dry seconded, “That the Council move discussion of projects for funding under the Regional and Local Community Infrastructure Program 2008–2009 to a Councillor workshop to be held on 12 January 2009.”

Voting for the motion
 (8)
 Cr Downie
 Cr Robertson
 Cr (J) Bonde
 Cr (L) Bonde
 Cr Dry
 Cr Fuller
 Cr Haines
 Cr Howard

Voting against the motion
 (4)
 Cr Barker
 Cr Deacon
 Cr McKenna
 Cr van Rooyen

Motion

Carried

■ Cr McKenna moved and Cr Robertson seconded, “That the Council support a submission to the Federal Government’s \$50m Regional Community Infrastructure fund by Dulverton Waste Management (DWM) for the creation of a large scale composting facility to address scheduled changes in the industry standards of waste management in the North West region.”

Carried unanimously

436/2008 Ulverstone Showground Redevelopment – Construction Tender

The General Manager reported as follows:

“The Special Projects/Corporate Planning Manager has prepared the following report:

PURPOSE

This report considers tenders for the redevelopment of the Sports Precinct stage of the Ulverstone Showground Redevelopment.

BACKGROUND

The redevelopment includes the construction of a new sports stadium and social facility. It also includes renovations to the existing centre to include dormitory accommodation, new kiosk and semi-dedicated areas for the Ulverstone Judo Club and Slip Stream Circus.

The site is owned by the Crown and is located in Flora Street, Ulverstone. The Crown has agreed to transfer the land to the Council as part of its Crown Land review process.

The requirement for the upgrade was identified in the Ulverstone Showground Precinct Master Plan.

The Council (Minute No. 84/2008 – 17.03.2008) appointed Philp Lighton Architects to complete the detailed design for the Sports Precinct stage of the Ulverstone Showground Redevelopment and revised project scope (with an approximate construction estimate of \$6.3m (excluding the separate Community Precinct).

Tenders were called for the redevelopment of the Sports Precinct in the *Advocate*, *Mercury* and *Examiner* on 8 November 2008. Tenders closed on 5 December 2008. Four companies submitted a tender.

DISCUSSION

Tenders for the Sports Precinct stage of the Ulverstone Showground Redevelopment were received as follows:

| TENDERER | NETT PRICE |
|--|------------------|
| SPORTS PRECINCT STAGE OF THE ULVERSTONE SHOWGROUND REDEVELOPMENT | \$ (EXC. GST) |
| Matthews Construction | \$5,453,909 |

| | |
|------------------------|--------------------|
| RT and DJ Fairbrother | \$5,688,880 |
| Stubbs Construction | \$5,795,200 |
| Hinman Wright Manser | \$5,871,855 |
| <hr/> | |
| <i>BUDGET ESTIMATE</i> | <i>\$6,300,000</i> |

The tenders were opened and assessed by the Architect. All tenders generally complied with the conditions. Matthews Construction was advised that they were the lowest tender and a meeting was arranged to meet with them on 9 December 2008.

The scheduled meeting was attended by Mark Smith and Kurt Jones (Matthews Construction), Peter Murden and Robert Bourke (Central Coast Council), Milton Smith (representing the Council) and Andrew Floyd (Philp Lighton Architects). Matthews Construction went through their proposal and confirmed that they were satisfied with their price and their desire to work with the Council.

Philp Lighton has had many years experience working with Matthews Construction and have no hesitation in recommending them as the preferred tenderer.

In addition to the tender price (which includes provisional sum items of \$154,000), an allowance has been made for the installation of movable seating for 1000 spectators (approx \$300,000). It is also prudent with such a complex project that a contingency of \$500,000 be allowed, making a total project cost of \$6,253,909.

Matthews Construction has advised that they would need to and be able to start in the third week of January 2009, if they were to meet the end of year deadline including allowing for any planned disruptions such as the Basketball Championships in July 2009 and the Ulverstone Show in November 2009.

Matthews Construction has been advised that the Council, despite having written approval, has yet to receive the Federal Government contract related to its financial contribution. While this delay is not likely to materially impact on the overall construction time, it is proposed that should the Council accept this tender, then an interim work order be generated to authorise Matthews Construction to proceed to produce the workshop drawings, as these are required in preparation for the ordering of materials.

GENERAL MANAGEMENT

CONSULTATION

No further consultation has been undertaken. As the facility will continue to operate during the construction, the project team will be in regular contact with the users of the facility to ensure a continuation of their activities with minimal disruption.

IMPACT ON RESOURCES

In order to complete the project within the desired timeline, the budget for the Ulverstone Showground redevelopment would need to be met as follows:

- . \$4,267,000 budgeted for the project within the current estimates which includes contributions from both the State and Federal Governments;
- . \$203,367 from additional State Grants Commission funding for 2008/2009;
- . \$560,000 transferred from showground community precinct redevelopment works to be deferred;
- . \$300,000 in borrowings remaining from the \$1 million borrowings allowed by the Loan Council in 2008–2009;
- . \$223,542 to be allocated in 2009–2010 to complete the project; and
- . borrowings of up to \$700,000 in 2009–2010 dependent on the contingency fund of \$500,000 being required.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space.

CONCLUSION

It is recommended that the tender of Matthews Construction in the amount of \$5,453,909, and the provision of \$300,000 for the retractable seating, be accepted subject to the Better Regions Funding Contract being signed by the Federal Government and further:

- 1 that \$203,367 be allocated to the Project from additional State Grants Commission Funding received in 2008–2009;

- 2 that \$560,000 be reallocated from the Showground Community Precinct budget to the Showground Redevelopment budget;
- 3 additional borrowings of \$300,000, from the \$1 million allowed by the Loan Council, be undertaken in 2008–2009;
- 4 \$223,542 be approved in the 2009–2010 financial year to allow completion of the Showground Redevelopment Project; and
- 5 borrowings of up to \$700,000 be approved in the 2009–2010 financial year dependent on the contingency of \$500,000 being required to complete the Showground Redevelopment Project.’

The report is supported.”

The Strategic & Executive Services Manager reported as follows:

“The *Local Government Act 1993* provides that, ‘a council may alter by absolute majority any estimate ... during the financial year.’ An absolute majority decision is accordingly required for this proposal to be effected.”

■ Cr Deacon moved and Cr Haines seconded, “That the tender of Matthews Construction in the amount of \$5,453,909, and the provision of \$300,000 for the retractable seating, be accepted subject to the Better Regions Funding Contract being signed by the Federal Government and further:

- 1 that \$203,367 be allocated to the Project from additional State Grants Commission Funding received in 2008–2009;
- 2 that \$560,000 be reallocated from the Showground Community Precinct budget to the Showground Redevelopment budget;
- 3 additional borrowings of \$300,000, from the \$1 million allowed by the Loan Council, be undertaken in 2008–2009;
- 4 \$223,542 be approved in the 2009–2010 financial year to allow completion of the Showground Redevelopment Project; and
- 5 borrowings of up to \$700,000 be approved in the 2009–2010 financial year dependent on the contingency of \$500,000 being required to complete the Showground Redevelopment Project.”

Voting for the motion
(11)
Cr Downie

Voting against the motion
(1)
Cr (L) Bonde

GENERAL MANAGEMENT

Cr Robertson
Cr Barker
Cr (J) Bonde
Cr Deacon
Cr Dry
Cr Fuller
Cr Haines
Cr Howard
Cr McKenna
Cr van Rooyen

Motion

Carried by absolute majority

CORPORATE & COMMUNITY SERVICES

437/2008 Certificates of Appreciation to the Ulverstone Municipal Band

■ Cr Robertson (having given notice) moved and Cr Deacon seconded, "That the Council recognise the contribution the Ulverstone Municipal Band has made to our community in the form of:

- 1 A Certificate of Appreciation to the Band
- 2 Certificates for the following present day playing members who joined the reformed band in 1958 – Ken Lee, Graeme Lee, Chris Lusted, and Shane Willoughby."

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

"The *Cornwall Chronicle* on 30 January 1878 reported that the Leven Band was in attendance at a cricket match played in Forth. It was Leven versus Forth and 'the Band kept the people in high spirits, for it is something new for them to have a band on such an occasion.'

The Band has continued from that time with various name changes and the usual ups and downs.

In 1958 during a time of low membership and inactivity, the then President, Mr Fred Hodgkinson, decided to fold the Band and start afresh. Fred arranged for Mr S.J. (Jack) Lusted to return to Tasmania and become the bandmaster of the reformed band, with the first rehearsal held on 1 April 1958.

Since that time the Band has won 22 Tasmanian championships and has twice been Australian champions. The Band has performed in every state of Australia as well as the ACT.

The Junior Band first competed in 1978 and has since been Tasmanian champions 18 times as well as being Australian champions four times. They have also won on trips to the 'big band' cities of Bendigo and Ballarat.

These days the Band is still fairly busy, with 25 to 35 major engagements each year and with individuals and smaller groups attending more than 100 functions throughout the year."

The Director Corporate & Community Services reported as follows:

"PURPOSE

This report considers a motion on notice from Cr Robertson proposing that the Council recognise the contribution made to the Central Coast Community by the Ulverstone Municipal Band.

BACKGROUND

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

DISCUSSION

The Ulverstone Municipal Band's contribution to the Central Coast community both as individual members and as a group has been significant and it is appropriate that the Council recognise this contribution in some way.

CONSULTATION

No consultation has been undertaken by the Council with regard to this matter.

IMPACT ON RESOURCES

Any minor impact on the Council's resources involved in the production of certificates could be met within the current budget.

CORPORATE COMPLIANCE

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

- Support an accessible, diverse and rich range of community arts and cultural activities.

CONCLUSION

Cr Robertson's motion is submitted for consideration."

- Cr Fuller moved and Cr Dry seconded an amendment, "That the Council recognise the contribution the Ulverstone Band has made to our community in the form of a 'Certificate of Appreciation' to the Band."

| | |
|------------------|---------------------|
| Amendment | Carried unanimously |
| Amendment Motion | Carried unanimously |

438/2008 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

439/2009 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of November 2008 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

440/2008 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 18 November to 15 December 2008 is submitted for the authority of the Council to

be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr Fuller moved and Cr Robertson seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document.”

Carried unanimously

441/2008 Financial statements

The Director Corporate & Community Services reported as follows:

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

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

442/2008 Rate remissions

The Director Corporate & Community Services reported as follows:

“The following rate remission is proposed for the Council’s consideration:

| | |
|-------------------------|---------------------------|
| <i>PROPERTY NO.</i> | 302550.0320 |
| <i>PROPERTY ADDRESS</i> | 131 William Street, Forth |

| | |
|------------------|--|
| <i>REMISSION</i> | \$384.00 |
| <i>REASON</i> | Property has been charged the waste management charge for past three years (vacant land)." |

The Strategic & Executive Services Manager reported as follows:

"The *Local Government Act 1993* provides that a council, by absolute majority, may grant a remission of all or part of any rates.

A suggested resolution is submitted for consideration."

■ Cr McKenna moved and Cr Haines seconded, "That the following remission be approved:

. Property No. 302550.0230 – \$384.00."

Carried unanimously and by absolute majority

443/2008 Review of the Council's rating practice

The Director Corporate & Community Services reported as follows:

"The Finance Group Leader has prepared the following report:

'PURPOSE

The purpose of this report is to provide further analysis of rating options for the Central Coast municipal area.

BACKGROUND

The revaluation of all properties in the Central Coast municipal area in 2007 resulted in some considerable variations in rate assessments for the 2007–2008 financial year. The Council has been considering a more equitable rating model that can be adopted to minimise such impacts in the future.

Several reports have been prepared and workshops conducted over the past eighteen months to provide the Council with information requested on rating options. Information and analysis was provided on the use of land or capital values, rather than assessed annual value (AAV), to calculate rates. Rating models used by Brighton, Burnie City and Devonport City Councils have also been presented to the Council for discussion. A previous report (Minute No. 154/2008 – 19.05.2008) is attached for reference.

A decision could not be reached before rates were set for the 2008–2009 financial year. The Council requested a final report on a variable rating system.

DISCUSSION

Three variable rating models are presented and reviewed in this report:

- 1 Rate capping with remission above a maximum on residential properties;
- 2 Differential rating (Devonport) model;
- 3 Fixed general charge in conjunction with a rate in the dollar AAV.

The option of introducing a drainage charge has also been considered but it is not feasible to create a model at this stage. There are many properties within the municipal area that are in close proximity to stormwater drains or roadside kerb and channel that would, for various reasons, be unable to connect to the system. It would be impracticable to try and identify all such properties for rating purposes. Devonport City Council introduced a stormwater charge in 1997 and properties that are unable to connect to the stormwater system are still being identified at a considerable cost to the council.

The current methods of stormwater disposal are likely to change significantly in the coming years with improved environmental quality standards. The capture and reuse of stormwater runoff is now becoming the preferred option on the mainland in respect to subdivision developments. It is only a matter of time before these standards are transmitted to Tasmania as water conservation and reuse becomes a more significant issue.

The water and sewerage reform will also have an affect on drainage as stormwater management plans are developed by councils in consultation with the new corporations. Development of the Council's Stormwater Management Plan will enable all these issues and appropriate funding arrangements to be investigated further over the next few years to ensure a sustainable outcome in respect to drainage.

The models presented are all based on Central Coast Council's rateable properties at 31 July 2008 and the total rate revenue for the 2008–2009 financial year does not change. All of the examples are based on variation to the general rate only.

1 Rate capping with remission above a maximum on residential properties

The *Local Government Act 1993* does not allow for rate capping. If the Council wishes to adopt a maximum general rate payable model the rates will be raised as usual at the approved rate in the dollar AAV, and any amounts charged above the maximum set would then be remitted from the respective properties.

The following examples illustrate the effect of applying a maximum general rate to residential properties. The following assumptions have been made:

- . The values in all examples presented relate to the general rate only.
- . Only residential rates, including rural residential, have been included in this model and the total revenue raised from residential rates is unchanged from the actual amount raised July 2008.
- . The maximum amount payable is applied per tenement rather than per property. Setting the maximum payable on a per property basis would result in some flats or units with multiple dwellings paying a general rate as low as \$45.00 per tenement.
- . The rate revenue from all other property classes is unchanged.
- . Water, sewerage, waste management and fire rates/levies will not be affected.

Central Coast Council's total general rate revenue from residential properties for the 2008–2009 financial year is \$6,781,432, with the general rate at 8.21 cents in the dollar AAV and the minimum general rate payable \$170.00.

Table 1 illustrates the general rate payable by residential property owners within several brackets and the number of properties within each of these brackets.

Table 1: Residential Rates 2008–2009 @ 8.21 cents per \$AAV

| RESIDENTIAL PROPERTY ASSESSED ANNUAL VALUE | RESIDENTIAL GENERAL RATE REVENUE | NUMBER OF TENEMENTS | PERCENT OF GENERAL RATE REVENUE | PERCENT OF TENEMENTS |
|--|----------------------------------|---------------------|---------------------------------|----------------------|
| less than \$7,000 | 430,355 | 850 | 6.35% | 10.21% |
| \$7,000 to \$7,999 | 651,582 | 1,057 | 9.61% | 12.70% |
| \$8,000 to \$8,999 | 1,178,237 | 1,699 | 17.37% | 20.41% |
| \$9,000 to \$9,999 | 979,388 | 1,267 | 14.44% | 15.22% |
| \$10,000 to \$11,999 | 1,113,595 | 1,286 | 16.42% | 15.45% |
| \$12,000 to \$14,999 | 1,003,050 | 938 | 14.79% | 11.27% |
| greater than \$15,000 | 1,425,224 | 1,227 | 21.02% | 14.74% |
| <i>TOTAL</i> | <i>\$6,781,432</i> | <i>8,324</i> | <i>100%</i> | <i>100%</i> |

Three examples of rate capping are outlined below with the maximum general rate payable per tenement \$1,800, \$1,600 and \$1,400.

If Council introduced a maximum general rate payable of \$1,800 for residential properties per tenement, 109 residential property owners would pay the maximum. A total of \$25,496 will be remitted from these ratepayers and will have to be absorbed by the remaining residential ratepayers. To cover the remissions the general rate would increase to 8.25 cents in the dollar AAV.

Introducing a maximum general rate payable of \$1,600 for residential properties per tenement, 246 residential property owners would pay the maximum and a total of \$53,951 will be remitted from these ratepayers and will have to be absorbed by the remaining residential ratepayers. To cover the remissions the general rate would increase to 8.29 cents in the dollar AAV.

A maximum general rate payable of \$1,400 for residential properties per tenement would result in 511 residential property owners paying the maximum and a total of \$116,821 remitted from these ratepayers and absorbed by the remaining residential ratepayers. To cover the remissions the general rate would increase to 8.39 cents in the dollar AAV.

The following tables 2 and 3 compare the 2008–2009 actual totals and percentage of residential general rate revenue raised to the three maximum models.

Table 2: Total Residential General Rate Revenue

| RESIDENTIAL PROPERTY ASSESSED ANNUAL VALUE | 2008– 2009 | MAXIMUM | MAXIMUM | MAXIMUM |
|---|---------------------------------|-------------------------|-------------------------|-------------------------|
| | RESIDENTIAL GENERAL RATES | \$1,800 PER TENEMENT | \$1,600 PER TENEMENT | \$1,400 PER TENEMENT |
| less than \$7,000 | 430,355 | 432,442 | 434,529 | 439,746 |
| \$7,000 to \$7,999 | 651,582 | 654,757 | 658,294 | 665,868 |
| \$8,000 to \$8,999 | 1,178,237 | 1,183,978 | 1,190,218 | 1,204,070 |
| \$9,000 to \$9,999 | 979,388 | 984,159 | 989,431 | 1,000,860 |
| \$10,000 to \$11,999 | 1,113,596 | 1,119,022 | 1,124,947 | 1,138,011 |
| \$12,000 to \$14,999 | 1,003,050 | 1,007,937 | 1,013,324 | 1,025,042 |
| greater than \$15,000 | 1,425,224 | 1,399,137 | 1,370,689 | 1,307,835 |
| <i>TOTAL</i> | <i>6,781,432</i> | <i>\$6,781,432</i> | <i>\$6,781,432</i> | <i>\$6,781,432</i> |

Table 3: Percentage of Residential General Rate Revenue

| RESIDENTIAL PROPERTY ASSESSED ANNUAL VALUE | PERCENT OF | MAXIMUM | MAXIMUM | MAXIMUM |
|---|----------------------------|-------------------------|-------------------------|-------------------------|
| | GENERAL RATE REVENUE | \$1,800 PER TENEMENT | \$1,600 PER TENEMENT | \$1,400 PER TENEMENT |
| less than \$7,000 | 6.35% | 6.38% | 6.41% | 6.48% |
| \$7,000 to \$7,999 | 9.61% | 9.66% | 9.71% | 9.82% |
| \$8,000 to \$8,999 | 17.37% | 17.46% | 17.55% | 17.76% |
| \$9,000 to \$9,999 | 14.44% | 14.51% | 14.59% | 14.76% |
| \$10,000 to \$11,999 | 16.42% | 16.50% | 16.59% | 16.78% |
| \$12,000 to \$14,999 | 14.79% | 14.86% | 14.94% | 15.12% |
| greater than \$15,000 | 21.02% | 20.63% | 20.21% | 19.28% |
| <i>TOTAL</i> | <i>100.00%</i> | <i>100.00%</i> | <i>100.00%</i> | <i>100.00%</i> |

Graph 1 (attached) compares the residential general rate revenue raised on a range of properties over the last three financial years with the outcome shown as per the three alternative maximum models above.

2 *Devonport City Council or differential rating model*

Devonport City Council applies a differential rating model to enable the total revenue for each land use class to remain consistent after property

revaluations. This smoothes out the affects of revaluations but does not necessarily reflect the property market.

It should be noted that, when comparing the rate capping model with the differential rating model, that the rate capping model is applied per tenement while the differential rating model is applied per property.

The Central Coast property revaluation in 2007 resulted in increases in the AAV's of between 20.2% for industrial properties and 278.6% for vacant land. Rural residential land increased by 116.5%, rural by 91.5% and residential by 76.75%. This resulted in inconsistent increases and decreases between land use classes.

The following tables 4 and 5 show the change in general rate revenue and the percentage variation between 2006–2007 and 2007–2008. The 2007 property revaluation caused a shift in general rate revenue from commercial, industrial and public purpose land use classes to rural, rural residential and vacant land.

Table 4: Total General Rate Revenue

| LAND USE CLASS | 2006–2007 | 2007–2008 | INCREASE/ (DECREASE) |
|--------------------------|--------------------|--------------------|-------------------------|
| Commercial | 798,163 | 583,085 | (215,077) |
| Industrial | 365,157 | 259,234 | (105,923) |
| Rural | 975,082 | 1,118,576 | 143,495 |
| Forestry | 121,278 | 132,537 | 11,259 |
| Public Purpose/Utilities | 189,893 | 155,750 | (34,144) |
| Quarries | 4,092 | 4,751 | 659 |
| Residential – R1 | 4,013,766 | 4,210,205 | 196,438 |
| Rural Residential | 1,268,595 | 1,644,622 | 376,027 |
| Other Residential | 613,344 | 549,805 | (63,539) |
| Vacant Land | 137,052 | 283,260 | 146,208 |
| <i>TOTAL</i> | <i>\$8,486,423</i> | <i>\$8,941,826</i> | <i>\$455,403</i> |

Table 5: Percentage of General Rate Revenue

| LAND USE CLASS | 2006–2007 | 2007–2008 | CHANGE |
|--------------------------|-------------|-------------|-----------|
| Commercial | 9.41% | 6.52% | -2.88% |
| Industrial | 4.30% | 2.90% | -1.40% |
| Rural | 11.49% | 12.51% | 1.02% |
| Forestry | 1.43% | 1.48% | 0.05% |
| Public Purpose/Utilities | 2.24% | 1.74% | -0.50% |
| Quarries | 0.05% | 0.05% | 0.00% |
| Residential – R1 | 47.30% | 47.08% | -0.21% |
| Rural Residential | 14.95% | 18.39% | 3.44% |
| Other Residential | 7.23% | 6.15% | -1.08% |
| Vacant Land | 1.61% | 3.17% | 1.55% |
| <i>TOTAL</i> | <i>100%</i> | <i>100%</i> | <i>0%</i> |

Central Coast Council's total general rate revenue for the 2008–2009 financial year is \$9,462,961, with the general rate at 8.21 cents in the dollar AAV and the minimum general rate payable \$170.00.

This differential model has been created to collect the same general rate revenue as at July 2008 but at the percentage collected per land use class as rated before the property revaluation undertaken in 2006–2007.

Five differential rates would be required, for example:

- 1 11.71 cents in the dollar AAV for commercial, industrial and public purpose properties;
- 2 8.41 cents in the dollar AAV for residential properties with a maximum rate payable \$1,400 for properties with land use code R1;
- 3 7.65 cents in the dollar AAV for rural, forestry and quarries;
- 4 6.75 cents in the dollar AAV for rural residential properties; and
- 5 4.34 cents in the dollar AAV for vacant land.

General rate increases in commercial, industrial, public purpose and residential land use classes are offset by reductions in rural, rural residential, forestry and vacant land use classes. This is a reversal of the increases in 2006–2007 that resulted from the property revaluation.

CORPORATE & COMMUNITY SERVICES

Tables 6 and 7 compare the actual and percentage of general rate revenue for each land use class for the 2008–2009 financial years to the above differential rating model.

Table 6: Total of General Rate Revenue

| LAND USE CLASS | 2008–2009 | DIFFERENTIAL MODEL | INCREASE/ (DECREASE) |
|--------------------------|--------------------|-----------------------|-------------------------|
| Commercial | 621,481 | 886,214 | 264,733 |
| Industrial | 275,226 | 392,484 | 117,258 |
| Rural | 1,171,203 | 1,090,647 | (80,556) |
| Forestry | 144,330 | 131,195 | (13,134) |
| Public Purpose/Utilities | 164,209 | 230,445 | 66,236 |
| Quarries | 5,026 | 4,480 | (546) |
| Residential – R1 | 4,447,655 | 4,532,732 | 85,078 |
| Rural Residential | 1,722,034 | 1,415,418 | (306,615) |
| Other Residential | 611,743 | 626,646 | 14,902 |
| Vacant Land | 300,056 | 152,700 | (147,356) |
| <i>TOTAL</i> | <i>\$9,462,961</i> | <i>\$9,462,961</i> | <i>\$(0)</i> |

Table 7: Percentage of General Rate Revenue

| LAND USE CLASS | 2008–2009 | DIFFERENTIAL MODEL | CHANGE |
|--------------------------|-------------|-----------------------|-----------|
| Commercial | 6.57% | 9.37% | 2.80% |
| Industrial | 2.91% | 4.15% | 1.24% |
| Rural | 12.38% | 11.53% | -0.85% |
| Forestry | 1.53% | 1.39% | -0.14% |
| Public Purpose/Utilities | 1.74% | 2.44% | 0.70% |
| Quarries | 0.05% | 0.05% | -0.01% |
| Residential – R1 | 47.00% | 47.90% | 0.90% |
| Rural Residential | 18.20% | 14.96% | -3.24% |
| Other Residential | 6.46% | 6.62% | 0.16% |
| Vacant Land | 3.17% | 1.61% | -1.56% |
| <i>TOTAL</i> | <i>100%</i> | <i>100%</i> | <i>0%</i> |

In 2008–2009 Devonport City Council applied:

- . a general rate of 11.7590 cents in the dollar AAV;
- . a differential rate of 6.7648 cents in the dollar AAV for all land used predominantly for primary production;
- . a differential rate of 6.7648 cents in the dollar AAV for all land which is vacant and is not used for any purpose;
- . a differential rate of 10.2396 cents in the dollar AAV for all land which is separately assessed and is predominantly used as a residential dwelling and where the number of residential dwellings does not exceed 1 on such land;
- . a fixed drainage rate of \$100.00 per property; and
- . in addition the Devonport City Council granted a remission to rate payers liable to pay the general rate on single residential dwellings by remitting any amount which is payable in excess of \$1,280.00.

An alternate view of the Devonport model has also been examined applying the same reductions to the general rate for primary production, vacant land and single residential dwellings on a percentage basis, 57.5% and 87% respectively. The general rate required to collect the same revenue will be 10.4200 cents in the dollar AAV.

Applying the Devonport model to Central Coast the following assumptions have been made:

- . The values in all examples presented relate to the general rate only
- . The total general rate revenue raised July 2008 is unchanged
- . Water, sewerage, waste management and fire rates/levies will not be affected
- . The maximum general rate payable for single residential dwellings has been capped at \$1,400.00 to match Devonport's cap of \$1,280.00 plus the drainage rate.

Table 8 outlines the effect of this model on general rate revenue. There are huge reductions (almost 40%) in the general rates received from rural, rural residential and vacant land and increases in all other land use classes.

Table 8: Total General Rates applying the Devonport model.

| LAND USE CLASS | GENERAL RATE REVENUE | INCREASE/ (DECREASE) IN REVENUE | PERCENT OF GENERAL RATE REVENUE |
|--------------------------|-------------------------|---------------------------------------|---------------------------------------|
| Commercial | 788,586 | 167,106 | 8.33% |
| Industrial | 349,247 | 74,021 | 3.69% |
| Rural | 854,624 | (316,579) | 9.03% |
| Forestry | 178,700 | 34,370 | 1.89% |
| Public Purpose/Utilities | 205,059 | 40,850 | 2.17% |
| Quarries | 6,102 | 1,076 | 0.06% |
| Residential – R1 | 4,836,323 | 388,668 | 51.11% |
| Rural Residential | 1,256,994 | (465,039) | 13.28% |
| Other Residential | 776,415 | 164,671 | 8.20% |
| Vacant Land | 210,912 | (89,143) | 2.23% |
| <i>TOTAL</i> | <i>\$9,462,962</i> | <i>0</i> | <i>100%</i> |

The reason for these much larger variations is that the proportion of properties within these land use classes differs considerably in the Devonport and Central Coast municipal areas. Applying the Devonport rating model in this way does not truly minimise the effect of property revaluations.

Graphs 2 and 3 (attached) compare the general rate revenue raised on a range of properties over the last three financial years with the outcome shown as per the differential, Devonport and fixed charge models.

Fixed charge general rate

The final option considered is the introduction of a fixed general charge to all properties to be applied in conjunction with a rate in the dollar AAV.

In order to achieve the same revenue whilst applying a fixed charge of \$105.00 per property the general rate will be reduced to 7.30 cents in the dollar AAV. The following table outlines the effect of applying a fixed charge and lower rate in the dollar AAV.

Table 9: Total General Rates applying a fixed rate general charge:

| LAND USE CLASS | GENERAL RATE REVENUE | INCREASE/ (DECREASE) IN REVENUE | PERCENT OF REVENUE |
|--------------------------|----------------------|------------------------------------|--------------------|
| Commercial | 583,335 | (38,146) | 6.16% |
| Industrial | 253,914 | (21,312) | 2.68% |
| Rural | 1,122,648 | (48,555) | 11.86% |
| Forestry | 142,938 | (1,392) | 1.51% |
| Public Purpose/Utilities | 152,794 | (11,415) | 1.61% |
| Quarries | 4,905 | (121) | 0.05% |
| Residential – R1 | 4,531,746 | 84,091 | 47.89% |
| Rural Residential | 1,706,939 | (15,095) | 18.04% |
| Other Residential | 614,287 | 2,544 | 6.49% |
| Vacant Land | 349,456 | 49,400 | 3.69% |
| <i>TOTAL</i> | <i>\$9,462,961</i> | <i>0</i> | <i>100%</i> |

As can be seen there is an increase in revenue from residential and vacant land classes and a corresponding decrease in revenue from all other land use classes.

The current model

The Council currently utilises an assessed annual value rating system which reflects the property usage and notional income-earning capacity of the property. Although expressed in terms of a notional rental value, the application of the concept has the same effect as an implied return on investment with a minimum level of four per cent. The assessed annual value as a percentage of capital value varies with the notional income-earning capacity and so has a differential effect on rates already built into the value such that market forces determine the differential effect.

The assessed annual value is widely used in areas where there is a greater mix of land use classes. Of the alternative valuation bases, the assessed annual value best reflects the theoretical ability to pay and is used by a number of interstate capital cities and by all Tasmanian councils.

While a great deal of concern has been expressed by a number of ratepayers regarding the increase in the rates payable on their properties following the last major revaluation (received seven years after the previous one), the long period between revaluations and the boom in residential property prices have

all contributed to the magnitude of that change. To lessen the impact of dramatic shifts in rating incidence, such as those seen in the last revaluation, the Office of the Valuer-General is now implementing bi-annual index-adjusted adjustments to the assessed annual value, with a full physical revaluation every third cycle, i.e. six years.

The first of these bi-annual index-adjusted adjustments is due to be introduced in March, taking effect from 1 July 2009, and may assist further in addressing the perceived inequalities within the existing system. Water and Sewerage reform will also have an impact on the rates, an impact that as yet cannot be fully defined.

With the impact of water and sewerage reform and the first of the bi-annual index-adjusted adjustments all set to impact on the rates set for 2009/2010, any further significant change to the current rating model undertaken before the impact of the known changes are recognised and understood, might result in further unanticipated inequities and a further increase in concern amongst Central Coast ratepayers.

CONSULTATION

Workshops have been held with Councillors to look at rating legislation and alternative rating models.

IMPACT ON RESOURCES

There would be an impact on resources through promotion and education of a new rate coding if an alternative model is preferred by the Council.

There would be a cost in explaining the background and justification of any change that might occur as the result of implementing an alternative model.

CORPORATE COMPLIANCE

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

- . Provide effective leadership
- . Provide transparent, accountable public policy and decision making
- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community.

CONCLUSION

The assessed annual value reflects the property usage and notional income-earning capacity of the property where market forces determine the differential effect and where the assessed annual value as a percentage of capital value varies with the notional income-earning capacity.

The assessed annual value continues to be widely used in areas where there is a mix of land use uses and best reflects the theoretical ability to pay. With the introduction of bi-annual index adjustments to the assessed annual value it is not expected that dramatic shifts in values will occur as they have done in the past.

Questions remain as to the issue of rate capping, an option still open to challenge under the *Local Government Act 1993*, and there is a view that requiring lower rated residential properties to subsidise more highly rated properties goes against one of the key objectives under the State's Affordable Housing Strategy by reducing the supply of affordable housing.

With the impact of water and sewerage reform yet to be felt, and the introduction of bi-annual index adjustments, it is recommended that the Council retain its current system of using the assessed annual value, incorporating a minimum charge, for determining the general rate on all rateable lands.'

The report is supported."

The Strategic & Executive Services Manager reported as follows:

"Copies of the Graphs and a copy of Minute No. 154/2008 – 19.05.2008 have been circulated to all Councillors."

■ Cr Robertson moved and Cr McKenna seconded, "That the Council retain its current system of using the assessed annual value, incorporating a minimum charge, for determining the general rate on all rateable lands."

Voting for the motion
(10)
Cr Downie
Cr Robertson
Cr Barker
Cr (J) Bonde
Cr (L) Bonde
Cr Dry

Voting against the motion
(2)
Cr Deacon
Cr van Rooyen

Cr Fuller
Cr Haines
Cr Howard
Cr McKenna

Motion

Carried

Cr McKenna left the meeting at 9.30pm.

Cr Haines left the meeting at this time.

ASSETS & ENGINEERING

444/2008 Assets & Engineering Determinations

The Director Assets & Engineering reported as follows:

“A Schedule of Assets & Engineering Determinations made during the month of November 2008 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr Robertson moved and Cr Dry seconded, “That the Schedule of Assets & Engineering Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

445/2008 Registration of Perry–Ling Gardens in Penguin on the Tasmanian Heritage Register

The Director Assets & Engineering reported as follows:

“PURPOSE

The purpose of this report is to consider the registration of the Perry–Ling Gardens in Penguin on the Tasmanian Heritage Register.

The Natural Resource Management Officer reported as follows.

‘BACKGROUND

A Notice of Provisional Entry of Place in the Tasmanian Heritage Register for the Perry–Ling Gardens, Penguin was received on 15 October 2008. The letter and details from the Tasmanian Heritage Council (THC) are provided as an Appendix.

The Perry–Ling Gardens are located along Main Road, Penguin. They are situated on rail reservation and Crown land which is leased by the Council. The gardens adjoin the Max Perry Reserve and Lions Park on the western boundary. The gardens span approximately 240m along the coastal reserve

in front of residential properties. The gardens consist of mainly exotic species of vegetation which grow between the high tide mark and the road.

The gardens began in 1983 when Max Perry started a small garden in the coastal reserve opposite his home on Main Road, Penguin to eradicate weeds such as blackberries, and to provide beach access and create a lawn area. Later in the same year, neighbour Gordon Ling commenced a clean-up and eradication of weeds in the coastal reserve in front of his home. The Council began maintaining the gardens in 1997.

DISCUSSION

The Perry-Ling Gardens contain mainly plants that are considered environmental weeds on the north-west coast such as Arum lily, Gazania, Agapanthus, Cape wattle, Mirror bush and Daisy. These plants can spread quickly into unaffected areas causing a reduction in biodiversity as they out-compete native species.

A limited number of native species exist in the gardens, including Native pigface, Tea-tree, Coastal wattle and She-oak.

Penguin was named by the botanist Ronald Campbell Gunn for the Little Penguin rookeries that are common along the north-west coast, however, the Penguin coastline supports very few, if any, penguin nesting sites. This situation will remain the same unless suitable habitat is provided.

The gardens offer vibrant colour along the foreshore when in season which is popular with tourists and many residents. However, the gardens are costly to maintain as exotic species require more maintenance than native species.

Gardens are dynamic, changing to suit seasons and the environment. The Council has advised the THC that any plants considered environmental weeds will be replaced with native species as resources allow. This will result in a permanently changed appearance over time.

CONSULTATION

In July 2008 the THC contacted the Council in regard to the application received to enter the Perry-Ling Gardens into the Heritage Register. The Council confirmed that there are no Weeds of National Significance or Tasmanian Declared weeds growing in the gardens. However, it expressed concern that the majority of species growing in the garden are considered environmental weeds. The Council asked that it have the opportunity to replace these species with native plants when able to do so.

An extension has been received for submissions by the THC to extend the closing date for submission until 2 January 2009.

IMPACT ON RESOURCES

Maintaining the gardens to its current standard costs \$20,000 per year, which includes weed control and vegetation management.

CORPORATE COMPLIANCE

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

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

CONCLUSION

Gardens change constantly to suit the seasons and the environment. Over time, as resources allow, the plants considered environmental weeds will be replaced with native species which will provide improved habitat for fauna and protection from coastal erosion. This will also reduce the costs of the garden maintenance. It is therefore unrealistic to list the gardens on the Tasmanian Heritage Register because the appearance of the garden today will not be the same in years to come.'

The Natural Resource Management Officer's report is supported.

The Statement of Significance Criteria makes comments that have largely been addressed by the Council continuing the maintenance of the Perry–Ling Gardens. Control of the gardens by the Council will enable preservation of the existing plants and gradual change to native plants as time moves on.

It is recommended that the Council lodge an objection to the listing of the Perry–Ling Gardens on the Tasmanian Heritage Register before the submission closing date of 2 January 2009."

The Strategic & Executive Services Manager reported as follows:

"A copy of the Annexure referred to in the Natural Resource Management Officer's report has been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Fuller seconded, “That the Council lodge an objection to the listing of the Perry–Ling Gardens on the Tasmanian Heritage Register before the submission closing date of 2 January 2009.”

Cr Haines returned to the meeting at this time.

Voting for the motion

(9)

Cr Downie

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr van Rooyen

Voting against the motion

(2)

Cr Robertson

Cr Barker

Motion

Carried

446/2008 Tenders for West Gawler River Bridge, Isandula Road, Gawler and Clayton Creek Bridge, Thompsons Road, Kindred (424/2007 – 19.11.2007)

The Assets & Engineering Manager reported as follows:

“PURPOSE

The purpose of this report is to make recommendation on tenders received for the replacement of the existing bridges over West Gawler River at Isandula Road, Gawler and Clayton Creek at Thompsons Road, Kindred.

BACKGROUND

The Engineering Officer – Projects reports as follows.

‘West Gawler River Bridge – Isandula Road, Gawler

Design and construct tenders were called for the above bridge replacement in October 2007. Two tenders were received for these works. This project was then deferred to provide funding for works on two other bridges (Minute No. 424/2007).

Funding was allocated again this year to complete the project. The two tenderers were invited to review their previous tender and submit these by 26 November 2008. A minimum conforming standard was outlined, along with general evaluation criteria for improved structures subject to available funding within the overall Bridge capital works budget.

Clayton Creek Bridge – Thompsons Road, Kindred

Design and construct tenders were called for the above bridge replacement on 1 November 2008, closing at 2.00pm on 26 November 2008. A minimum conforming standard was outlined, along with general evaluation criteria for improved structures subject to available funding within the overall Bridge capital works budget.

DISCUSSION

West Gawler River Bridge – Isandula Road, Gawler

Tenders were received as follows (including GST and \$20,000 contingency):

| TENDERER | PRICE \$ |
|-------------------------------|------------|
| VEC Civil Engineering Pty Ltd | 318,028.00 |
| Tas Span Pty Ltd | 321,545.20 |
| <i>ESTIMATE</i> | 250,000.00 |

Tas Span Pty Ltd –

- . Pre-cast concrete deck at existing level
- . Two span, 26.0m overall
- . Single lane
- . New piles and concrete abutments
- . Existing pier and weir to remain undisturbed
- . Guardrail to approaches
- . 40mm hotmix asphalt overlay to bridge deck and approaches
- . Road closure for approximately 10 – 20 days (detour is available)
- . Lifespan 80 – 100 years.

VEC Civil Engineering Pty Ltd –

- . Pre-cast concrete deck at existing level
- . Two span, 26.0m overall

- . Single lane
- . New piles and concrete abutments
- . Existing pier and weir to remain undisturbed
- . Guardrail to approaches
- . Road closure for approximately 10 days (detour is available)
- . Lifespan 80 – 100 years.

The preferred option for any bridge replacement is with a permanent concrete structure if it falls within budget as there are low lifecycle and maintenance costs. Both tenderers provided concrete permanent options.

The two tenderers are recognised as being competent to perform the works and their structures conform to relevant standards with minor design differences.

Tas Span has included in its tender, an amount to asphalt the entire bridge and approaches. This essentially constitutes the additional amount in the tendered price.

This bridge is in poor condition generally and it could not be recommended to defer for another year, especially considering the type of vehicles using this road, i.e. log trucks, agricultural traffic etc. It is also a school bus route.

Clayton Creek Bridge – Thompsons Road, Kindred

Tenders were received as follows (including GST and \$5,000 contingency):

| TENDERER | PRICE \$ |
|-------------------------------|------------|
| VEC Civil Engineering Pty Ltd | 125,928.50 |
| Tas Span Pty Ltd | 129,408.90 |
| <i>ESTIMATE</i> | 100,000.00 |

Tas Span Pty Ltd –

- . Pre-cast concrete deck at existing level
- . Single span, 10.0m overall
- . Single lane
- . New piles as required and concrete abutments
- . Guardrail to approaches
- . 14/7 two-coat seal to bridge deck and approaches
- . Lifespan 80 – 100 years.

VEC Civil Engineering Pty Ltd –

- . Pre-cast concrete deck at existing level
- . Single span, 10.0m overall
- . Single lane
- . New piles as required and concrete abutments
- . Guardrail to approaches
- . Lifespan 80 – 100 years.

The preferred option for any bridge replacement is with a permanent concrete structure if it falls within budget as there are low lifecycle and maintenance costs. Both tenderers provided concrete permanent options.

The two tenderers are recognised as being competent to perform the works and their structures conform to relevant standards with minor design differences.

Part of these works involves the construction of a temporary by-pass for use by vehicular traffic whilst the bridge is being constructed. This is being constructed by the Council and does not form part of the tender. By opening this by-pass for heavy traffic prior to the bridge construction, the urgency to have this bridge replaced is reduced.

Discussions have been held with both tenderers in relation to reprogramming the Clayton Creek Bridge to allow this project to be constructed in 2009–2010 at the tendered price. Both tenderers are amenable to this proposal. This effectively delays this project six months.

This will allow both contracts to be awarded at this time. The West Gawler River Bridge will be constructed this financial year and the Clayton Creek bridge will be constructed early in the 2009–2010 financial year, with some preliminary works to be completed in 2008–2009.

CONSULTATION

West Gawler River Bridge – Isandula Road, Gawler

This item has followed a public tendering process. Tenderers were invited to resubmit prices due to time lapsed since the original prices were submitted.

Local consultation and public notice will be provided at the time of construction.

Clayton Creek Bridge – Thompsons Road, Kindred

This item has followed a public tendering process.

Local consultation and public notice will be provided at the time of construction.

IMPACT ON RESOURCES

Both tenders are above the budget estimate.

In order to complete both projects, the budget for Clayton Creek Bridge would be reallocated as follows:

- . \$75,000 transferred to West Gawler River Bridge to allow completion of that project;
- . \$25,000 to be maintained to allow construction of the by-pass and commencement of design of Clayton Creek Bridge in 2008–2009;
- . \$120,000 allocated in 2009–2010 to complete construction of Clayton Creek Bridge.

The reallocated budget figures would be as follows:

| PROJECT | BUDGET \$ |
|--|----------------|
| West Gawler River Bridge – Isandula Road, Gawler | 325,000 |
| Clayton Creek Bridge – Thompsons Road, Kindred | 25,000 |
| <i>BUDGET</i> | <i>350,000</i> |

CORPORATE COMPLIANCE

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

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

The *Local Government Act 1993* provides that the Council may make adjustments to individual items within the estimated capital works of the Council, so long as the total amount of the estimate is not altered.

CONCLUSION

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . experience;
- . personnel;
- . construction period;
- . quality systems;
- . OHWS system and record;
- . tender price/value for money.

As a result of this, it is recommended that the following tenders be accepted and approved by the Council:

- 1 West Gawler River Bridge, Isandula Road, Gawler – Tas Span Pty Ltd for the sum of \$321,545.20 (including GST); and
- 2 Clayton Creek Bridge, Thompsons Road, Kindred – VEC Civil Engineering Pty Ltd in the sum of \$125,928.50 (including GST).'

The Engineering Officer – Projects' report is supported."

The Strategic & Executive Services Manager reported as follows:

"The *Local Government Act 1993* provides that, 'a council may alter by absolute majority any estimate ... during the financial year.' An absolute majority decision is accordingly required for this proposal to be effected."

■ Cr Barker moved and Cr van Rooyen seconded, "That the following tenders for bridge replacements be accepted:

- 1 West Gawler River Bridge, Isandula Road, Gawler – Tas Span Pty Ltd in the amount of \$321,545.20 (including GST); and
- 2 Clayton Creek Bridge, Thompsons Road, Kindred – VEC Civil Engineering Pty Ltd in the amount of \$125,928.50 (including GST); and further,
- 3 that \$75,000 be reallocated from the Clayton Creek Bridge budget to the West Gawler River Bridge budget; and
- 4 \$120,000 be allocated in the 2009–2010 financial year to allow completion of the Clayton Creek Bridge at Thompsons Road, Kindred."

Carried unanimously and by absolute majority

Cr Dry left the meeting at this time.

447/2008 Tenders for resealing of urban and rural roads

The Assets & Engineering Manager reported as follows:

PURPOSE

The purpose of this report is to make recommendation on tenders received for the resealing of urban and rural roads.

BACKGROUND

Tenders were called on 7 August 2008 for expressions of interest in sprayed bituminous surfacing. Registrations were received from Venarchie Contracting, Hardings Hotmix, Roadways Pty Ltd and Downer EDI Works who were included on the Multiple Use Register.

Urban and rural road reseals were combined into one tender this year. Tenders were called from all listed contractors on 3 November 2008, closing on Wednesday, 26 November 2008.

A total budget of \$830,000 has been provided for reseal this year, \$110,000 of this is for preparation works, the remaining \$720,000 is for the sealing tender presented in this report.

DISCUSSION

The Engineering Officer – Projects provides the following comments.

‘Tenders were received as follows (including GST):

| TENDERER | PRICE \$ |
|-----------------------|-------------------|
| Hardings Hotmix | 721,855.63 |
| Venarchie Contracting | 749,407.75 |
| Downer EDI Works | 817,803.24 |
| Roadways Pty Ltd | 877,733.69 |
| <i>ESTIMATE</i> | <i>720,000.00</i> |

All tenderers have performed similar works in the past and are believed capable of carrying out this project.

Due to the increase in bitumen prices over many years, the length of roads resealed each year has had to reduce. In 2000 the expected reseal interval

was between 12 and 14 years. The current reseal interval is now at 20 years and unless adequate funding levels are provided, this is expected to increase given the continuing price rises for bitumen products. As seen in the table below, the increase from last years tenders are significant at 19% and 33%. It is acknowledged that oil prices have decreased in recent months; however, we are not seeing decreases passed on to the price of bitumen at this stage.

Tender rate comparisons with last years accepted tenders are as follows:

| RESEAL AREA | THIS YEARS LOWEST TENDER | THIS YEARS HIGHEST TENDER |
|-------------|--------------------------|---------------------------|
| Rural | +33% | +56% |
| Urban | +19% | +52% |

The most common type of reseal uses a 10mm aggregate. In 2000–2001, the price of a 10mm reseal was \$2.15/m², this years tender is \$4.07/m²; an increase of 89%. Our budget for reseal in 2000–2001 was \$650,000, this year it is \$830,000; an increase of only 28%. Effectively over the seven year period we have fallen behind by 61%. The length of roads sealed has reduced from 32.3km in 2000–2001 to 27.6km this year.

The primary reason this reduction is not significantly higher is that some of the preparation costs are now allocated into other maintenance budgets. Maintenance works are now scheduled in conjunction with forward reseal programs.

The importance of the resealing program to the condition of the Council's road network needs to be appreciated. Reseal funding must be maintained at sufficient levels so the condition of roads will be sustainable into the future and not create a burden for future generations.

A full review of resealing requirements and budgets should be undertaken prior to budget estimates for 2009–2010.'

The Engineering Officer – Projects' report is supported.

CONSULTATION

This item has followed a public tendering process.

Local consultation and notices will be provided at the time of construction.

IMPACT ON RESOURCES

The budget for urban and rural road reseals is \$830,000 which includes an allowance of \$110,000 for reseal preparation. All tenders are higher than the estimate. To accommodate the tender within the allocated budget the preparation component will be reduced slightly.

Consideration will need to be given to future budgets to maintain the current level of service.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the tender from Hardings Hotmix in the amount of \$721,855.63 (including GST) be accepted and approved by the Council.”

- Cr van Rooyen moved and Cr Haines seconded, “That the tender from Hardings Hotmix in the amount of \$721,855.63 (including GST) for the resealing of urban and rural roads, be accepted.”

Cr Dry returned to the meeting at this time.

Carried unanimously

448/2008 Tenders for Ulverstone Wastewater Treatment Plant ultraviolet civil and structural works (171/2008 – 19.05.2008)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report outlines the tender process, reviews the received tender and makes recommendations for the construction of the civil and structural infrastructure required for the new channel ultraviolet (UV) disinfection system at the Ulverstone Wastewater Treatment Plant (WWTP).

BACKGROUND

The WWTP was commissioned in 1983 and has operated in the same manner for the past 25 years to produce a high quality secondary-treated sewage effluent.

Installation of a disinfection process will further improve the treated sewage effluent standard, and the quality of the effluent discharged at the Picnic Point Outfall, by inactivating disease-causing micro-organisms such as bacteria, viruses and parasites.

This level of treatment will also allow a greater level of operational flexibility, providing the possibility of discharging appropriately treated effluent to the Leven River when undertaking work on the outfall pipelines and associated pumping infrastructure, or in emergency situations.

The tender for the design, supply, installation, commissioning and testing of UV equipment only for a UV disinfection system for the Ulverstone WWTP submitted by ITT Water and Wastewater Pty Ltd in the sum of \$219,550.00, including provisional sums (excl. GST) was accepted by the Council on 19 May 2008 (Minute No. 171/2008).

Consultants GHD report as follows:

‘...Tenders for the construction of the civil and structural infrastructure for the channel UV disinfection system at the Ulverstone WWTP were advertised in the *Advocate* Newspapers on Saturday 11th October 2008. Tenders were originally to close at GHD’s Launceston office at 4pm on Friday 24th October 2008, however due to a request for extension of time and low interest in the tender, the closing date was extended to 4pm on Wednesday 29th October 2008. In addition to the public advertisement, GHD contacted several reputable construction organisations asking them to tender.

The following five (5) firms expressed interested and requested tender documents:

- De Jong & Sons Constructions Pty Ltd
- Shaw Contracting
- MEAD CON Building and Civil Contractors
- King Harding Excavation and Seal
- Treloar Transport

A notice to tenderers (Notice to Tenderers No. 1) was issued to all firms providing clarifications and advising of the extension of the Tender period.

GHD also contacted Meadson Constructions and Stubbs Constructions.

Tenders Received

At the closing of tenders, at 4pm on Wednesday 29th October 2008, only one Tender was received. The submitted tender was from Shaw Contracting for the sum of \$332,206.00.

The tenders include a Provisional Sum of \$10,000.00 to be used at the discretion of the Superintendent for works and items not included under the Tender.

Pre-Tender Estimate

The pre-tender estimate of the works comprising this contract, as determined by GHD Pty. Ltd., was \$100,000.00 + 20%...'

DISCUSSION

'...As only one Tender was received, GHD contacted the other parties who had expressed interest in the project. Most of these firms advised they were not in a position to carry out the works at this time or in the immediate future.

Council was advised of the limited interest in the project. Council's works department expressed interest in undertaking the project in-house, however they have subsequently advised they are unable to carry out the works.

GHD continued negotiations with several firms and received a quote from Meadson Constructions. Meadson Constructions have advised they can carry out the works for Contract 32-13890-A for the sum of \$129,900.00 (excluding GST). Meadson can commence works on site on Monday 12th January 2009, having the works completed by Friday 13th February 2009, a construction period of 5 weeks.

Recommendations

It is recommended that Central Coast Council do not accept Shaw Contracting's tender for Contract No. 32-13890-A, based on the price alone. GHD will advise Shaw Contracting that their Tender has not been accepted.

GHD recommend Central Coast Council accept Meadson Constructions quote to undertake Civil and Structural works for the Ulverstone WWTP UV Disinfection, Contract No. 32-13890-A for the sum of \$129,900.00 (excluding GST).

Although this price is slightly higher than GHD's estimate, GHD consider the price to be reasonable for the works, under the current construction market and interest expressed in this project. It is also critical that the works are completed as a matter

of urgency so as Council does not incur significant costs by delaying the installation of the UV equipment, which is currently awaiting delivery to site from Sydney.'

The Consultant's report is supported.

The Local *Government (General) Regulations 2005*, section 27(1)(h) non-application of public tender process (1)(h) states that:

'(1) Regulation 23 does not apply to the following:

- (h) a contract for good or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
 - (i) extenuating circumstances; or
 - (ii) the remoteness of the locality; or
 - (iii) the unavailability of competitive or reliable tenderers...'

In this instance (i) and (iii) apply.

CONSULTATION

GHD staff consulted with the tenderers during the tender process. The tender submissions have been discussed with GHD staff.

IMPACT ON RESOURCES

The 2007–2008 budget allocation for this project is \$450,000. At this stage, the cost of the project is still expected to be within the overall budget.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council:

- 1 does not accept Shaw Contracting's tender for civil and structural works for the Ulverstone WWTP UV disinfection, based on the price alone; and further,

- 2 accepts Meadson Constructions quote to undertake civil and structural works for the Ulverstone WWTP UV disinfection, for the sum of \$129,900.00 (excluding GST), noting the *Local Government (General) Regulations 2005*, section 27(1)(h), (i) and (ii) non-application of public tender process.”

■ Cr van Rooyen moved and Cr Robertson seconded, “That the Council:

- (1) not accept the tender from Shaw Contracting for civil and structural works for the Ulverstone Wastewater Treatment Plant ultraviolet disinfection based on the price alone, and further,
- (2) accept the quote from Meadson Constructions to undertake civil and structural works for the Ulverstone Wastewater Treatment Plant ultraviolet disinfection in the sum of \$129,900.00 (excluding GST), noting the *Local Government (General) Regulations 2005*, section 27(1)(h), (i) and (ii) non-application of public tendering process.”

Carried unanimously

449/2008 Future Management of the Stan Wing Lookout (370/2004 – 04.10.2004)

The Director Assets & Engineering reported as follows:

“PURPOSE

The purpose of this report is to consider the future management of the Stan Wing Lookout.

The Natural Resource Management Officer reports as follows.

‘BACKGROUND

The Stan Wing Lookout is located near Preston on Preston Road approximately 12km south of Ulverstone. The Lookout is named after Stan Wing who was born 18 November 1896 and whose father cleared the first block in Preston.

The 245m Stan Wing Lookout Road is constructed of gravel and provides access to the relatively flat area that was used for the 180° westerly views of Ulverstone to Black Bluff. The 70ha parcel of land on which the Lookout is situated is owned by Forestry Tasmania. There is no formal lease agreement between the Council and Forestry Tasmania relating to maintenance or usage of the Stan Wing Lookout Road and immediate area. As the site has in the

past been managed by Central Coast Council, Forestry Tasmania believes that the responsibility for litter collection and maintenance rests with the Council.

The Lookout was developed in the early 1970's by the Ulverstone Apex Club and included the installation of a concrete structure which held a bronze plaque identifying the various mountains to the west and a picnic table. The only infrastructure that remains is the concrete structure minus the plaque. The picnic table and the main sign on Preston Road indicating the Lookout were both removed sometime ago due to continuing vandalism.

Current maintenance of the Lookout area is limited to unscheduled minor maintenance of the road. The site has been rundown by the disposal of household rubbish such as furniture, motor vehicle bodies and garden waste which is now littered throughout the vegetation.

The views from the Lookout area are restricted as the surrounding vegetation has been unmanaged for approximately 19 years. In the late 1980's, the Council cleared some of the obstructing trees from the surrounding bush but regrowth soon obstructed views again.

At the Council meeting on 4 October 2004 (Minute No. 370/2004), the future of the Stan Wing Lookout was discussed and the following decision was made:

“That the issue of maintenance of the Stan Wing Lookout be referred to the Tracks and Reserves Action Planning Group for comment.”

No response was received from the Tracks and Reserves Action Group in regard to the retention of the Stan Wing Lookout. The group is now non-existent.

DISCUSSION

A number of issues need to be considered should the Council wish to improve the quality of the Stan Wing Lookout.

- . To maintain reasonable views, the removal and pruning of selected trees and shrubs should be undertaken annually. Forestry Tasmania considers the site to be an informal reserve for landscape and wildlife purposes. Approval was granted in 2004 by Forestry Tasmania for the Council to undertake vegetation removal and it was requested that it be undertaken as sensitively as possible.

- . The Lookout area is continually used for the disposal of household and garden waste, possibly due to its close proximity to the Preston Transfer Station. Installation of a bin would not assist with the disposal of rubbish and would be subject to vandalism due to the remote location.
- . There is a poor line of sight when entering and exiting the Stan Wing Lookout Road from Preston Road which leads to safety issues that would be costly to overcome.
- . A lease agreement would need to be organised to cover the Council for insurance when undertaking any works in the Lookout area.

The Stan Wing Lookout does not provide any additional tourism opportunities that are not already catered for with available lookouts such as Cruickshanks Lookout, Braddons Lookout, Woodhouse Lookout and the Three Sisters Lookout. A number of other quality tourism experiences exist throughout the rural area, such as the Leven Canyon Reserve, Preston Falls walking track, Bannons Park, Taylors Flats and the JR Lee Memorial Park.

The options available to the Council for the future management of the Stan Wing Lookout are:

1 No increase in current maintenance standards -

The site is currently maintained with the occasional collection of rubbish and grading of the entry road.

2 Close off access to the Lookout -

A number of methods can be used to prevent further vehicle access and disposing of waste. The site will require reinstatement, including waste removal. This can also be a temporary option if the Council wishes to re-open the Lookout at a later date.

3 Improve maintenance of the Lookout -

This option will include entry road upgrade, installation of picnic table, signage and bins, regular litter collection and ongoing vegetation management to maintain the views.

It is not suitable to retain the Lookout in the current condition and if it is to remain open (in keeping with the Council's desire for high quality attractions) considerable resources will be required to improve the amenity of the Lookout.

Alma Bridge Reserve and Spellmans Bridge Reserve

The issues at the Stan Wing Lookout are similar to those at Alma Bridge Reserve and Spellmans Bridge Reserve.

At the Council meeting on 26 April 2004 (Minute No. 132/2004, it was decided:

“That maintenance of Alma Bridge Reserve and Spellmans Bridge Reserve be relinquished by the Council and that future maintenance be facilitated by others in conjunction with appropriate leases or licences as required.”

Alma Bridge Reserve is located on Crown Land and Spellmans Bridge Reserve is located on private property. The upgrade of facilities such as a new toilet on the Kentish side of the Wilmot River during the development of the Wilmot River Walking Trail has resulted in the Wilmot Heritage Trails Group no longer requiring the two reserves and therefore future maintenance will not be undertaken. In April/May 2009 the Council will remove any park furniture and rehabilitate the sites.

CONSULTATION

An email was received by the Council on 28 August 2008 from a concerned resident that the Stan Wing Lookout area was a disgrace due to the household rubbish and garden waste deposited. Historical information suggests that the Council has received a number of complaints from the public in the past due to the disposal of rubbish and unfavourable activities being carried out on site.

The Apex Club of Ulverstone was contacted by letter on 14 October 2008 requesting any information about the formation of the Lookout. To date, the Council has not received a reply.

IMPACT ON RESOURCES

| ITEM | CAPITAL \$ | ANNUAL MAINTENANCE \$ |
|--|------------|-----------------------------|
| Option 1: No increase in current maintenance standards | 0.00 | 500.00 |
| Option 2: Close off access to the Lookout | 7,000.00 | 0.00 |
| Option 3: Improve maintenance of the Lookout | 40,000.00 | 14,500.00 |

The capital cost of Option 2 (above) includes \$3,000.00 for removal of the waste and \$4,000.00 to close the access road.

The capital cost of Option 3 (above) is to install a bin, picnic table and signage, upgrade the entrance road, remove waste and clear vegetation for views.

However, due to the remote location of the Lookout and past history of vandalism at the site, it is envisaged that this cost will only halve in later years due to replacement of the picnic table, bin and sign. Vegetation maintenance will reduce over time but will be an ongoing cost, as will entry road maintenance and weekly litter collection. After the initial year of improvements, maintenance costs will be approximately \$14,500.00 annually.

There are no current funds available this financial year to increase the maintenance at the Lookout.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space
- . Promote best practice environmental management of the hinterland and coast
- . Develop and manage sustainable infrastructure.

CONCLUSION

It is suggested that access to the Stan Wing Lookout be closed to prevent further vehicle access and rubbish being disposed of on site. This can also be a temporary option if the Council wishes to re-open the Lookout at a later date. Factors supporting this decision are that views are limited by surrounding vegetation, usage by tourists is minimal due to no signage, the site is being used for disposal of rubbish and household items and a number of other high quality attractions exist throughout Central Coast.'

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

- Cr Barker moved and Cr Robertson seconded, "That the Stan Wing Lookout is closed to vehicular access in 2008–2009 and \$7,000 be allocated in 2009–2010 to remove rubbish and clean up the site."

Carried unanimously

450/2008 Registration of Leven River Bridge, Hobbs Parade, Ulverstone on the Tasmanian Heritage Register

The Director Assets & Engineering reported as follows:

"PURPOSE

The purpose of this report is to consider the provisional registration of the Leven River Bridge Hobbs Parade, Ulverstone in the Tasmanian Heritage Register and the proposed replacement of the bridge.

BACKGROUND

A *Notice of Provisional Entry of Place in the Tasmanian Heritage Register* for the Leven River Bridge, Hobbs Parade was received on 19 November 2008. The letter and details from the Tasmanian Heritage Council (THC) are provided as an Appendix.

A copy of a letter (refer Appendix) from the THC to the Department of Infrastructure, Energy and Resources (DIER) is also provided in respect to provisional registration of the following State-owned bridges:

- . Derwent River Bridge, Gordon River Main Road, Macquarie Plains;
- . Vincents Rivulet Bridge, Proctors Road, Kingston;
- . Leven River Bridge, Hobbs Parade, Ulverstone.

The Leven River Bridge in Hobbs Parade was constructed in 1934 and is now showing serious deterioration of joints, bearings and piers, involving severe corrosion of steel in the beams and concrete deck. The bridge has some historical significance in respect to design by Sir Allan Knight, composite steel beams and concrete deck and pre-stressing of beams.

Discussions on replacement of the bridge commenced with DIER in 2005 and in 2006 the following options were considered:

- Option 1 Rehabilitate and strengthen the existing bridge; or
- Option 2 Construct a new bridge.

The issue of historical significance in respect to the engineering design at the time was also considered and it was suggested that this could be preserved by retention of a section of the slab/beam in Anzac Park with suitable interpretation of the

Both bridges are located in the south of the state and locality plans are provided in the Appendix.

In respect of the Derwent River Bridge, a visual inspection has been undertaken and photos provided in the Appendix for comparison with the Leven River Bridge. The photos reveal the Derwent River Bridge to be in very good condition in comparison to the Leven River Bridge. The Derwent River Bridge is also located on the Tasmanian Trail and serves as a better example of heritage value of the bridge design.

The main reason for deterioration of the Leven River Bridge has been due to the salt atmosphere and salt water resulting in corrosion activity, together with the significant loadings as a highway bridge for many years and current traffic volumes. In comparison, the Derwent River Bridge is located on a freshwater river in the rural area with low traffic volumes and will have a significant remaining service life.

The Vincents Rivulet Bridge is also more significant than the Leven River Bridge in that it was the first single span composite steel and concrete bridge constructed in Tasmania and served as the trial bridge for the bridge designers.

It is noted that if the Leven River Bridge were to be rehabilitated it would be difficult to retain its current form as additional concrete will be required for the deck and piers, together with beam strengthening with a new post and rail barrier.

Suggestions have also been made from the public to retain the existing bridge for pedestrian access. This would still require rehabilitation of the bridge even though traffic loadings would be reduced as the corrosion will still continue and provide unsafe conditions into the future.

Retention of the Leven River Bridge would also restrict the available water space for the proposed wharf development and could result in a similar situation to the Scamander River Bridge in respect to aesthetics and limited pedestrian use and safety.

CONSULTATION

The options for the bridge were considered as part of the Ulverstone Community Plan Workshop on 18 November 2006, together with a public display and survey in the Council offices. An invitation was made for any comments or to advise a preferred option of either building a new bridge or upgrading the existing one. The result was overwhelmingly in favour of building a new bridge with no support for retention of the old bridge.

Discussions with DIER had indicated that the other two bridges listed were better examples of the composite design and most likely to be registered before the Leven River Bridge. This is supported from the discussion.

IMPACT ON RESOURCES

The estimated costs are provided in the discussion. The Leven River Bridge is owned by the State Government and maintained by DIER and, as such, the replacement cost is to be met by the State. The Council has indicated it would prefer a new iconic bridge for Ulverstone and this may involve some additional cost over a conventional bridge. It is suggested that depending on the outcome, future ownership and maintenance of a new bridge by the Council may be in the long-term interests of the Council and the State Government.

The Provisional Heritage Listing will have significant impact on resources of the State Government in respect to rehabilitation and ongoing maintenance which will in turn be reflected on the community. Future ownership by the Council would not be recommended under these circumstances due to resources required and potential public liability issues.

CORPORATE COMPLIANCE

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

- . Improve community safety
- . Develop Coast to Leven Canyon concept
- . Improve visitor numbers to the municipal area
- . Enhance the Leven River wharf area
- . Facilitate strategic alliances to enhance tourism services
- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Develop and manage sustainable infrastructure
- . Create a municipal area that is productive and socially and aesthetically attractive
- . Foster an integrated transport and planning system.

CONCLUSION

In respect to the Statement of Significance and criteria, most of the comments in respect to the Leven River Bridge, Hobbs Parade, Ulverstone could be applied to the Derwent River Bridge, Gordon River Main Road, Macquarie Plains, which is a better example of the design and construction of this type of bridge and is in far better condition than the Leven River Bridge.

Criteria (g) states, 'It has a special association with the life or work of a person, a group or an organisation that was important in Tasmania's history.'

The Leven River Bridge at Ulverstone has associative significance as an example of Sir Allan Knight's bridge design work that can still reasonably demonstrate its original design and form. This bridge was Knight's first major bridge to be constructed, and Knight supervised its construction.

The significance of Sir Allan Knight and the engineering design at the time could be preserved by retention of a section of the slab/beam in Anzac Park with suitable interpretation of the design and photos of the 1934 bridge and previous bridges history (upstream near the railway bridge) of 1865 and 1885. This would provide the opportunity for the community to have access to this knowledge which is restricted at present mainly to engineers. It would be considered of greater value than rehabilitation of the bridge, as the significant design features are under or within the bridge and of no significance to the general public.

It is recommended that the Council:

- 1 Object to the Heritage Council's intention to enter the Leven River Bridge, Hobbs Parade, Ulverstone in the Heritage Register on a permanent basis.
- 2 Support the retention of a section of the bridge in Anzac Park with appropriate interpretation in respect to Sir Allan Knight and the engineering design and photos of the bridge, including history on other Leven River Bridges in Ulverstone.
- 3 Suggest that the Derwent River Bridge, Gordon River Main Road, Macquarie Plains located on the Tasmanian Trail serves as a better example of heritage value of the bridge design and could be preserved on a more cost effective manner if listed on the Heritage Register on a permanent basis.
- 4 Suggest inclusion of the relevance of the Vincents Rivulet Bridge, Proctors Road, Kingston and reference to the Derwent River Bridge in the proposed interpretation in Anzac Park."

The Strategic & Executive Services Manager reported as follows:

"Copies of the Annexure referred to in the report have been circulated to all Councillors."

- Cr Deacon moved and Cr Dry seconded, "That the Council:

- 1 Object to the Heritage Council's intention to enter the Leven River Bridge, Hobbs Parade, Ulverstone in the Heritage Register on a permanent basis.
- 2 Support the retention of a section of the bridge in Anzac Park with appropriate interpretation in respect to Sir Allan Knight and the engineering design and photos of the bridge, including history on other Leven River Bridges in Ulverstone.
- 3 Suggest that the Derwent River Bridge, Gordon River Main Road, Macquarie Plains located on the Tasmanian Trail serves as a better example of heritage value of the bridge design and could be preserved on a more cost effective manner if listed on the Heritage Register on a permanent basis.
- 4 Suggest inclusion of the relevance of the Vincents Rivulet Bridge, Proctors Road, Kingston and reference to the Derwent River Bridge in the proposed interpretation in Anzac Park."

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

451/2008 Meeting closed to the public

The Strategic & Executive Services Manager reported as follows:

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

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

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

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

These are matters relating to:

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

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

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

and the Council being of the opinion that it is lawful and proper to close the meeting to the public:

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

Carried unanimously and by absolute majority

The Strategic & Executive Services Manager further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.

-
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

GENERAL MANAGEMENT

452/2008 Minutes and notes of other organisations and committees of the Council

The Strategic & Executive Services Manager reported (reproduced in part) as follows:

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

...

The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

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

Closure

There being no further business, the Mayor declared the meeting closed at 10.38pm.

CONFIRMED THIS 27TH DAY OF JANUARY, 2008.

Chairperson

(gjm:dil)

Appendices

- Minute No. 428/2008 – Schedule of Development Services Determinations
- Minute No. 433/2008 – Annual General Meeting for the year ended 30 June 2009
- Minute No. 434/2008 – Code of Conduct for Councillors
- Minute No. 438/2008 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 439/2008 – Schedule of Contracts & Agreements
- Minute No. 440/2008 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 441/2008 – Financial statements
- Minute No. 444/2008 – Schedule of Assets & Engineering Determinations

QUALIFIED PERSON'S ADVICE

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

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER