



CENTRAL COAST COUNCIL

# Minutes

of Ordinary Meeting

15 October 2007

Note:

Minutes subject to confirmation at  
a meeting of the Council to be held on  
19 November 2007

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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 October 2007 commencing at 6.00pm**

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**Councillors attendance**

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Jan Bonde	Cr Lionel Bonde
Cr John Deacon	Cr David Dry
Cr Ken Haines	Cr Beryl Marshall
Cr Terry McKenna	Cr Tony van Rooyen

**Councillors apologies**

Cr Warren Barker

**Employees attendance**

General Manager (Mrs Katherine Schaefer)  
Director Assets & Engineering (Mr Bevin Eberhardt)  
Director Corporate & Community Services (Ms Sandra Ayton)  
Acting Director Development Services (Mr Michael Stretton)  
Town Planner (Theresia Williams)

**Guest of the Council**

Mrs Jan Edwards

**Media attendance**

The Advocate newspaper

**Public attendance**

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

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 353/2007 Confirmation of minutes

The General Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 17 September 2007 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 and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 17 September 2007 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 354/2007 Council workshops

The General Manager reported as follows:

“The following council workshop has been held since the last ordinary meeting of the Council.”

. 08.10.2007 – Telstra Next G Generation; Historic Cultural Heritage Act.

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

■ Cr Haines moved and Cr Marshall seconded, “That the General Manager’s report be received.”

Carried unanimously

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## **MAYOR'S COMMUNICATIONS**

### **355/2007 Mayor's communications**

The Mayor reported as follows:

- "A letter has been received from Targa Tasmania proposing a lunch break for the field in Ulverstone for the 2009/2010 event. It further proposes that a feasibility study be undertaken for a stopover in Ulverstone in the 2011/2012 event.
- The Moree Plains Shire Council has written advising that Jack McLaren placed third in the 2007 Town Criers Australian Championships.
- I will briefly adjourn this meeting to present a Certificate of Service to former Councillor, Jan Edwards in acknowledgement of her contributions to the Council."

### **356/2007 Adjournment of meeting**

The Mayor advised as follows:

"I am adjourning this meeting briefly to present a Certificate of Service to former Councillor, Jan Edwards in acknowledgement of her contributions to the Council."

Following the presentation and acceptance by Mrs Edwards, the Mayor resumed the meeting.

### **357/2007 Mayor's diary**

The Mayor reported as follows:

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

- Combined Central Coast Service Clubs – dinner–presentation re new directions, branding and redevelopment projects
- Caves to Canyon Tourism Association – meeting
- Ulverstone Mens Probus Club – guest speaker
- TAFE Tasmania – forum with Board Directors (Devonport)
- Department of Immigration and Citizenship – information session on the Australian Citizenship test (Launceston)
- Northern Tasmanian Football League – Grand Final luncheon (Latrobe)

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- . Heritage Tasmania – Forum re reform of the *Historic Cultural Heritage Act 1995* (Burnie)
  - . Kevin Rudd MP, Leader of the Opposition – forum re hospitals (Burnie)
  - . Telstra Country Wide – Regional Consultative Forum (Burnie)
  - . Ulverstone/Overtone Soccer Club – annual dinner
  - . Penguin Online Access Centre – public forum
  - . Local Government Association of Tasmania – Sustainability Steering Committee meeting (Hobart)
  - . The Mental Health Council of Tasmania – launch of Mental Health Week
  - . Ulverstone Community House – Community Roundtable
  - . Riana Primary School – installation of new windows celebration
  - . Local Government Elections 2007 – community forum
  - . St Stephen’s Anglican Church – The Raise The Roof Dinner.”

Cr van Rooyen reported as follows:

“On behalf of the Mayor I attended the Ulverstone Football Club Annual Dinner.”

Cr Robertson reported as follows:

“On behalf of the Mayor I attended the start/finish of the Jayco Tour of Tasmania Ulverstone criterium and the 90<sup>th</sup> Anniversary Dinner for the Ulverstone RSL.”

Cr Deacon reported as follows:

“On behalf of the Mayor I attended the Ulverstone Chamber of Commerce and Industry office opening.”

■ Cr Deacon moved and Cr Haines seconded, “That the reports of the Mayor, Cr van Rooyen, Cr Robertson and Cr Deacon be received.”

Carried unanimously

### **358/2007 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 General 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

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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 Tenders for resealing of rural roads (Minute No. 391/2007) and Tenders for resealing of urban roads (Minute No. 392/2007).”

### **359/2007 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**

### **360/2007 Councillor reports**

The General 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.”

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Cr McKenna reported on a meeting of the Dulverton Regional Waste Management Authority Representatives Group.

Cr Marshall reported on a meeting of the Ulverstone Local History Museum Committee.

#### **APPLICATIONS FOR LEAVE OF ABSENCE**

##### **361/2007 Leave of absence**

The General 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**

##### **362/2007 Deputations**

The General Manager reported as follows:

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

#### **PETITIONS**

##### **363/2007 Confirmation of minutes**

The General Manager reported as follows:

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

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## COUNCILLORS' QUESTIONS

### 364/2007 Councillors' questions without notice

The General 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.
- (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 subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

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- (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.”

Allocation of topics ensued.

### **365/2007 Councillors’ questions on notice**

The General 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.

A question on notice has been received from Cr (L) Bonde and is listed at Minute No. 366/2007.”

**DEPARTMENTAL BUSINESS**

DEVELOPMENT SERVICES

**366/2007 Councillors' questions on notice (365/2007 – 15.10.2007)**

The General Manager reported as follows;

“The following questions on notice have been received from Cr (L) Bonde

‘Could I have the cost of convening the Development Support Special Committee (DSSC) meetings before the meeting times were changed to 6.00pm start, and the total cost involved per meetings after the decision to start at 6.00pm per meeting

Total cost would include cost of meals as well as other management costs.’

The following answer is provided by the General Manager:

The costs arising from the change of times of the DSSC meetings are meal costs totalling \$275.50. Planning Officers are not paid overtime for their attendance at DSSC meetings. They take time off in lieu for the hours accrued.”

**367/2007 Development Services determinations**

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of September 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The General Manager reported as follows:

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

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

Carried unanimously

**368/2007 Appointment and delegations in respect of the Environmental Management and Pollution Control Act 1994**

The Director Development Services reported as follows:

*“PURPOSE*

The purpose of this report is to consider appointments and delegations in respect of the *Environmental Management and Pollution Control Act 1994* (EMPCA).

*BACKGROUND*

EMPCA was enacted to provide for the management of the environment and the control of pollution. It also addresses other matters aside from roles for local government, such as ozone protection and the roles and functions of the State Government and the Board of Environmental Management and Pollution Control. This report focuses on the roles set out for local government, particularly with respect to recent amendments to EMPCA.

*DISCUSSION*

The *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* are subordinate legislation under EMPCA and were recently gazetted. They include provisions relating to ‘backyard burning’ and ‘smoky wood heaters’.

Some of these provisions were strongly opposed by local government and the Council, particularly where they set out roles for local government that were unnecessarily burdensome or punitive.

In any case, these legislative changes have been implemented.

Section 21 of EMPCA allows a council to appoint an employee of the council to be a ‘council officer’ in order to effectively implement the statutory provisions relating to the roles for local government. This includes numerous important and uncontested roles relating to environment protection and pollution control.

Under section 22 of the *Local Government Act 1993* the Council may delegate the General Manager any of its functions or powers, including the power to delegate these functions or powers.

The delegation to the General Manager of the authority under EMPCA to appoint ‘council officers’ will enable the effective allocation of duties to staff within the

limited resources of the Council. Unlike other Acts of Parliament we operate under, EMPCA does not specify qualifications for appointment of council officers.

*CONSULTATION*

This is an administrative matter and consultation is not required.

*IMPACT ON RESOURCES*

Depending on how the statutory provisions of EMPCA are implemented, the impacts on the Council's resources may vary from minor to significant.

It would be the intention that appointed 'council officers' would take the same evidence-based approach to their EMPCA responsibilities (including complaint investigation) as they have in the past. This has been a proven strategy for ensuring any ongoing action withstands scrutiny on appeal or in a court action. It would also keep the impact on resources within reasonable limits.

*CORPORATE COMPLIANCE*

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

- . Meet our statutory and regulatory obligations.

*CONCLUSION*

It is recommended that under the provisions of section 22 of the *Local Government Act 1993* the General Manager be delegated the Council's functions and powers of section 21 of the *Environmental Management and Pollution Control Act 1994*."

- Cr van Rooyen moved and Cr (J) Bonde seconded, "That under the provisions of section 22 of the *Local Government Act 1993* the General Manager be delegated the Council's functions and powers of section 21 of the *Environmental Management and Pollution Control Act 1994* and that officers report annually to the Council on the costs of administering this section of the act."

Continued after Minute No. 369/2007...

**369/2007 Public question time**

The time being 6.41pm the Mayor introduced public question time.

Questions and replies concluded at 6.49pm.

**Minute No. 368/2007 continued...**

Voting for the motion

(9)

Cr Downie

Cr Robertson

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr van Rooyen

Voting against the motion

(1)

Cr McKenna

Motion

Carried

**370/2007 Adjournment of meeting**

The Mayor advised as follows:

“I am adjourning this meeting briefly to workshop the reforms of the Historic Cultural Heritage Act 1995”

The meeting adjourned at 7.04pm and resumed at 7.19pm.

**371/2007 Reform of the Historic Cultural Heritage Act 1995**

The Director Development Services reported as follows:

*“PURPOSE*

The purpose of this report is to consider the Position Paper (copy attached) regarding the reform of the *Historic Cultural Heritage Act 1995* (the Act).

*BACKGROUND*

Heritage Tasmania is an agency within the Department of Tourism, Arts and the Environment, and is responsible for the administration of the Act.

Local government has been seeking a review of the Act for some time. The Council and the State Government have included this review in their Partnership Agreement.

Despite a major report being prepared for Heritage Tasmania and tabled by consultants Godden Mackay Logan in November 2005, this Position Paper was only released in late September 2007, and submissions close on 31 October 2007.

The release of this Paper and the associated consultation period has coincided with the current local government elections.

#### *DISCUSSION*

There has been insufficient time to workshop this matter with Councillors prior to the closing date for Council agenda reports. It is therefore not appropriate to provide a detailed recommended response on behalf of the Council in this report.

However, the Council may wish to consider the following concerns with respect to the proposed statutory provisions include:

- . The absence of mandatory advice to affected owners and their associated consent;
- . The proposed role for local government in making assessments as to heritage values and subsequent listing for 'local' heritage places – this is beyond the expertise and resources of local government;
- . The lateness in proposing alignment with the *Land Use Planning and Approvals Act 1993*, considering the recent review of this piece of legislation;
- . The proposal that Heritage Tasmania continue to have representation and appeal rights of a decision of a planning authority; and
- . The absence of a local government elected representative on the proposed Heritage Council.

#### *CONSULTATION*

Heritage Tasmania held a forum for local government on 25 September 2007, which was attended by the Mayor, Land Use Planning Group Leader and me.

A Councillor Workshop to consider the Paper is scheduled for 8 October 2007.

Heritage Tasmania has advised that it must provide its report to Cabinet by Christmas this year, with a view to tabling a Draft Bill amending the Act to the autumn 2008 session of State Parliament. It is expected an opportunity to comment on such a Draft Bill will be provided beforehand.

### *IMPACT ON RESOURCES*

Although consideration of, and responding to, the Position Paper has little impact on resources other than officer time and travelling, there are potentially large scale impacts if some of the proposed roles for local government get incorporated into a new Act.

### *CORPORATE COMPLIANCE*

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

- provide transparent, accountable public policy and decision making;
- meet our statutory and regulatory obligations; and
- plan for and develop a sustainable community.

### *CONCLUSION*

It is recommended that the Council:

- 1 express its dissatisfaction with the unrealistic timeframe allowed for submissions and the release of the Position Paper coinciding with the current local government elections; and
- 2 advise Heritage Tasmania that it will make a detailed submission to the Draft Bill when released, provided sufficient time is allowed.”

The General Manager reported as follows:

“A copy of the Position Paper on the reform of the *Historic Cultural Heritage Act 1995* has been circulated to all Councillors.

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

- 1 express its dissatisfaction with the unrealistic time frame allowed for submissions and the release of the Position Paper coinciding with the current local government elections; and
- 2 advise Heritage Tasmania that it will make a detailed submission to the Draft Bill when released, provided sufficient time is allowed.”

Carried unanimously

**372/2007 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 Minute Nos 373/2007, 374/2007, 376/2007 and 380/2007 they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

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

Carried unanimously

**373/2007 Combined Planning Scheme Amendment and Development Application – Rezoning and 26-lot subdivision – 6 Turners Beach Road, Turners Beach Application No. COM2006.1**

The Director Development Services reported as follows:

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

<i>AMENDMENT NO.:</i>	COM2006.1
<i>APPLICANT:</i>	R C Sands
<i>LOCATION:</i>	6 Turners Beach Road, Turners Beach
<i>PROPOSAL:</i>	Rezone a portion of CT8179/3 from Conservation (PVO) – Private Open Space to Residential (RA) – Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993 (the Act)</i>

### *PURPOSE*

The purpose of this report is to advise the Council of the Resource Planning and Development Commission (RPDC) of their decision pursuant to Section 42 of the *Land Use Planning and Approvals Act 1993* (LUPAA) with respect to Application No. COM2006.1.

### *BACKGROUND*

The application was a combined application, pursuant to Section 43(A) of the LUPAA, to rezone land at Turners Beach and allow a 26-lot subdivision.

The combined application was placed on public exhibition on 25 November 2006 until 15 December 2006. As a result of the public exhibition period, four representations were received.

The RPDC held a public hearing on 24 April 2007. The Council's planning consultant, planning staff, the applicant and representors were present at the hearing.

### *DISCUSSION*

On 18 July 2007 the RPDC advised that a modification to the amendment was required to reduce the area of Residential (RA) - Closed by the deletion of lots 1 to 8 on the subdivision proposal plan. This was to ensure that appropriate dune rehabilitation occurs.

### *CONSULTATION*

Not required

### *IMPACT ON RESOURCES*

Not applicable

### *CORPORATE COMPLIANCE*

The 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 RPDC, pursuant to Section 42 of the LUPAA, have specified that the amendment comes into operation on 19 September 2007.'

The report is supported."

The General Manager reported as follows:

"A copy of the Resource Planning and Development Commission's report has been circulated to all Councillors."

■ Cr Haines moved and Cr McKenna seconded, "That the decision made by the Resource Planning and Development Commission with respect to the combined planning scheme amendment and development application – rezoning and 26–lot subdivision at 6 Turners Beach Road, Turners Beach, Application No.COM2006.1 be noted."

Carried Unanimously

**374/2007 Demolition of existing building and development of twenty-one apartments at 48A Water Street, Ulverstone Application No. DEV2007.28**

The Director Development Services reported as follows:

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

<i>' DEVELOPMENT APPLICATION NO.:</i>	DEV2007.28
<i>APPLICANT:</i>	Ron Ritson
<i>LOCATION:</i>	48A Water Street, Ulverstone
<i>ZONING:</i>	Recreation and Community (PP) – Public Purposes
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	27 August 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 September 2007
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	15 October 2007
<i>DECISION DUE:</i>	15 October 2007

*PURPOSE*

The purpose of this report is to consider the merits of a representation of objection received to the application as well as to consider, as a matter of

course, the compliance of the development against the provisions of the Planning Scheme.

Copies of the application form and location plan are appended as Annexures 1 and 2.

### *BACKGROUND*

The supporting documentation submitted with the application provides a satisfactory history of the site, current permits that remain valid and the reasons for the decision to demolish the existing building and replace it with a new apartment complex.

A copy of the application documentation submitted is appended as Annexure 3.

Although there are points in the application that aren't of any consequence or relevance to the Council in considering the application some discussion will centre on them and clarify where applicable.

I should clarify from the outset that the number of apartments proposed is 21 and not 26 as indicated in the advertising protocol. This technical oversight doesn't affect the assessment of the proposal to any degree where thresholds and standards are exceeded.

For the record the current valid permit on the site is for 26 apartments as part of the anticipated refurbishment of the existing building. This proposal is for an entirely new building outside the footprint of the existing building that contains the medical consulting rooms and derelict portions of the old hospital.

### *DISCUSSION*

Collectively both the Ritson Building Design Planning submission (RBDP) and the *Urban Design and Visual Analysis* submission by Ireneinc Planning have addressed the planning issues.

The points of clarification previously indicated are commented on below.

Pages 6 and 7 of the RBDP indicates the desire to expunge the existing right-of-way from the Title. This will require an amendment to the Sealed Plan. This process will need to be initiated and resolved before any construction commences. The right-of-way follows the existing internal road. The need for it allows an alternative egress primarily to the 11 New Street Title which is

undergoing development of home units and was deemed prudent at the time. The ability for rubbish removal vehicles to exit the unit development will need to be incorporated into the design of that next stage if appropriate.

The RBDP report commences discussion on the compliance with the Scheme on page 14. With any application received for assessment Clause 3.9.2 provides the matters to take into consideration.

The Objectives are just one matter and the Scheme has 15 Objectives to consider but collectively they cannot all be applied to the assessment of each development. The RBDP report only discusses objectives (c) and (l) and is probably a little remiss in not including objective (b) which states:

*(b) proper use and development of land, buildings and resources.*

This is obviously a desirable outcome and is mentioned to ensure the Council is aware that the objectives do not necessarily provide specific assessment parameters but provide those values in the guidance, development and maintenance of appropriate standards for specific uses.

Page 18 of the RBDP report has used the "Building of Any Use Category" in determination of the setbacks. This technically only applies to development within the Environment Protection zone and not the Public Purpose zone. The particular development standards for this proposal are not numerically prescribed however Note 2 to the Schedule 7 development standards indicates that the absence of any use category or the lack of any correlation between use category and zones in the table shall not be taken to imply that there are no control dimensions/figures applicable. In such cases the minimum or maximum dimensions/figures shall be determined by the Council.

In general terms the development standards for apartments in a residential zone could be used as a guide but technically the proposal has to stand alone on its merits.

The bulk and scale of the building is certainly unprecedented in Ulverstone and the need to ascertain the level of detriment due to shadow effects has been submitted and included in the submission. Additional shadow diagrams were requested as a consequence of a representation being submitted and these are appended for comment. Further discussion occurs later in this report.

Table 1 of the RBDP report indicates in numerical form how each apartment stacks up in regard to floor area, balcony area etc. The minimum width and

minimum area of the balconies are derived from the standards for development of apartments in a residential zone. Technically they cannot be applied with this application but the merit of ensuring a satisfactory outside space exists would require the minimum area of balconies for apartments 1 and 6 on the ground floor to be increased. This would complement the 10m<sup>2</sup> minimum required for comparison in the Closed Residential zone.

The Ireneinc report differs from the Ritson report not in contrast but in assessing the development taking into consideration the greater urban aspects and how the development might impact on those subjective factors that are indicated specifically in Clause 3.9.2 of the Scheme. More specifically sub-clause (e) requires the Council to take into consideration whether the development is satisfactory in terms of its siting, size and appearance in relation to:

- (i) existing site features
- (ii) adjoining land
- (iii) the streetscape or landscape
- (iv) the natural environment
- (v) any items of historic, architectural or scientific interest
- (vi) isolation and separation from other lands

It is these areas of subjectivity that the Ireneinc report provides worthwhile information, and provides sufficient clarity to the Council to assist in their determination.

### *CONSULTATION*

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and Approvals Act 1993*. This requires advertising of the development by a notice on site and also by a notice placed once in a daily local newspaper. 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. Comments received from the Planning and Assessment Team are included in the final recommendation.

A copy of the advertisement is appended as Annexure 4.

### *REPRESENTATION*

One representation of objection was received within the prescribed 14-day public scrutiny period.

A copy is appended as Annexure 5.

The basis of the representation centres on the shading concerns to an adjoining property during late afternoon and early evening.

Resulting from this correspondence the applicant provided additional shadow diagrams which have been provided to the representor for comment. The diagrams indicate partial shadowing of the existing house from the setting sun.

The response is kept to a minimum due to the physiological benefits of sunlight and passive solar access to buildings for light and heating being most beneficial between the hours of 10am to 3pm with some minor variation either way.

Consideration to moving the building slightly further west or south would not significantly affect the shadow effects to the eastern properties.

From the information provided by the applicant no shadowing of any detriment will result in loss of amenity to adjoining properties during the winter solstice.

#### *IMPACT ON RESOURCES*

This report has no extraordinary impact on resources than could be expected at this stage of the process. It is noted that if there is an appeal to the Council's decision, there will be additional impacts on the Council's resources.

#### *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 application has undergone a rigorous assessment and the only extraordinary issue to consider is the scale of the development proposed. The applicant has submitted comprehensive documentation to support the

proposal including an Urban Design and Visual Analysis Report. There is some suggestion that the streetscape dominance could be mitigated by increasing the setbacks from the front and side boundaries and there appears some scope on the site to allow this to occur. A variation to ensure that the setback is no closer to Water Street than an imaginary line between the existing community services building and the house at 50 Water Street has some planning merit. Further development potential of the vacant land behind the apartment complex may be affected by any increase but any adaptation should only be minimal.

A subdivisional aspect has been indicated in the plans and supporting documentation however a subdivision component does not form part of this application. This proposal is not dependent on subdivision.

### *RECOMMENDATION*

It is recommended that the representation be deemed to have insufficient merit on planning grounds to warrant refusal of the application and that Application No. DEV2007.28 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings submitted by Ritson Building Design dated March 2007 unless altered by subsequent conditions of this Permit;
- 2 The dedicated open space for apartments 1 and 6 is to be a minimum area of 10m<sup>2</sup> at least 1.2 metres wide;
- 3 Building construction techniques must take into account and mitigate against the impact of the noise from the railway line on the residents of the apartments;
- 4 The landscaping and other site treatments including vehicular access and parking areas are to be implemented, including all paving, drainage, plantings, mulches, and reticulation being installed, prior to residential occupation of any of the apartments;
- 5 The parking and manoeuvring spaces identified on the submitted plans must be:
  - (a) designed in accordance with the Australian Standard *AS2890.1 Off Street Parking Part 1 – Car Parking Facilities*;
  - (b) constructed and drained to the satisfaction of the Council; and

- (c) paved with an acceptable impervious material;
- 6 Where practicable all pipework, ducts and vents are to be concealed from public view;
- 7 Where practicable one common television reception device should be provided in lieu of individual devices per dwelling unit;
- 8 The developer is to:
- (a) provide an appropriately sized water supply connection and meter to the property;
  - (b) provide an appropriately sized sewer connection point to the property;
  - (c) provide an appropriately sized stormwater connection point to the property;
  - (d) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (e) contribute to the upgrade of the stormwater drainage system where necessary;
  - (f) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;
  - (g) provide where necessary water supply and drainage easements;
  - (h) provide an appropriate turning facility at the southern boundary where the road will terminate as a result of expunging the existing Right-of-Way;
  - (i) provide a bulk bin on-site for the collection and removal of domestic waste;
  - (j) provide a bulk bin on-site for the collection and removal of recyclable items;

- (k) design and construct the internal road network geometry to enable refuse collection vehicles to attend to the bulk disposal bins at the development;
  - (l) ensure that all solid/inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Please note that access fees apply;
  - (m) ensure that all putresible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed of at a secure landfill. The Dulverton Regional Landfill is an example of such a site.
- 9 The provision, upgrading or extension of water, sewer and drainage services to service the development shall be to the satisfaction of the Council's Director Assets & Engineering;
- 10 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development is to be to the satisfaction of the Council's Director Assets & Engineering;
- 11 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any infrastructure extensions or upgrades required to service the development are at the developer's expense;
- B any works associate with the connection to existing (live) Council water, sewer and stormwater services is to be undertaken by the Council;
- C any works undertaken within a Road Reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction;
- D an application for a Building Permit is required for the construction of the new development and the demolition of existing buildings. This

is to identify the hazardous material, its disposal location and endorsement by Workplace Safety Australia; and

- E this permit expires two years from the date advice of this decision is received unless the development has been substantially commenced.'

The report is supported."

The General Manager reported as follows:

"Copies of the annexures referred to in the Land Use Planning Group Leader's report have been circulated to all Councillors."

■ Cr Robertson moved and Cr van Rooyen seconded, "That the representation be deemed to have insufficient merit on planning grounds to warrant refusal of the application and that Application No. DEV2007.28 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings submitted by Ritson Building Design dated March 2007 unless altered by subsequent conditions of this Permit;
- 2 The dedicated open space for apartments 1 and 6 is to be a minimum area of 10m<sup>2</sup> at least 1.2 metres wide;
- 3 Building construction techniques must take into account and mitigate against the impact of the noise from the railway line on the residents of the apartments;
- 4 The landscaping and other site treatments including vehicular access and parking areas are to be implemented, including all paving, drainage, plantings, mulches, and reticulation being installed, prior to residential occupation of any of the apartments;
- 5 The parking and manoeuvring spaces identified on the submitted plans must be:
  - (a) designed in accordance with the Australian Standard *AS2890.1 Off Street Parking Part 1 – Car Parking Facilities*;
  - (b) constructed and drained to the satisfaction of the Council; and
  - (c) paved with an acceptable impervious material;
- 6 Where practicable all pipe work, ducts and vents are to be concealed from public view;

- 7 Where practicable one common television reception device should be provided in lieu of individual devices per dwelling unit;
- 8 The developer is to:
- (a) provide an appropriately sized water supply connection and meter to the property;
  - (b) provide an appropriately sized sewer connection point to the property;
  - (c) provide an appropriately sized stormwater connection point to the property;
  - (d) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (e) contribute to the upgrade of the stormwater drainage system where necessary;
  - (f) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;
  - (g) provide where necessary water supply and drainage easements;
  - (h) provide an appropriate turning facility at the southern boundary where the road will terminate as a result of expunging the existing Right-of-Way;
  - (i) provide a bulk bin on-site for the collection and removal of domestic waste;
  - (j) provide a bulk bin on-site for the collection and removal of recyclable items;
  - (k) design and construct the internal road network geometry to enable refuse collection vehicles to attend to the bulk disposal bins at the development;
  - (l) ensure that all solid/inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Please note that access fees apply;
  - (m) ensure that all putresible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed of at a secure landfill. The Dulverton Regional Landfill is an example of such a site.
- 9 The provision, upgrading or extension of water, sewer and drainage services to service the development shall be to the satisfaction of the Council's Director Assets & Engineering;

- 10 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development is to be to the satisfaction of the Council’s Director Assets & Engineering;
- 11 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council’s Director Assets & Engineering;

and further, that the applicant be requested to note that:

- A any infrastructure extensions or upgrades required to service the development are at the developer’s expense;
- B any works associate with the connection to existing (live) Council water, sewer and stormwater services is to be undertaken by the Council;
- C any works undertaken within a Road Reservation requires a Road Permit to be issued by the Council’s Assets & Engineering Department prior to construction;
- D an application for a Building Permit is required for the construction of the new development and the demolition of existing buildings. This is to identify the hazardous material, its disposal location and endorsement by Workplace Safety Australia; and
- E this permit expires two years from the date advice of this decision is received unless the development has been substantially commenced.”

■ Cr (L) Bonde moved and Cr Dry seconded a procedural motion, “That the motion be now put.”

Voting for the procedural motion  
 (7)  
 Cr Robertson  
 Cr (J) Bonde  
 Cr (L) Bonde  
 Cr Deacon  
 Cr Dry  
 Cr Haines  
 Cr McKenna

Voting against the procedural motion  
 (3)  
 Cr Downie  
 Cr Marshall  
 Cr van Rooyen

Procedural motion

Carried

Motion

Carried unanimously

**375/2007 Items referred from Development Support Special Committee**

The Director Development Services reported as follows:

“In the event that any items listed for consideration by the Development Support Special Committee at its scheduled meeting on 8 October 2007 are referred, under its terms of appointment, to the Council or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be placed before the Council at this time while it is acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.”

The General Manager reported as follows:

“Associated reports and documents for items appearing before the Development Support Special Committee, which may potentially be referred to the Council for decision, are separately circulated to all Councillors together with a notice of meeting for that Committee. They are accordingly not reproduced in the agenda for this ordinary meeting of the Council.

All Councillors are asked to bring with them to this meeting any Development Support Special Committee agendas they have received since the last ordinary meeting of the Council.”

The General Manager further reported as follows:

“one such item has been referred from the meeting of the Development Support Special Committee on 8 October 2007 because the decision, although carried, was not a unanimous one.

Application No. DEV2006.97 is accordingly to be dealt with by the Council at Minute No. 376/2007.”

**376/2007 Part demolition of existing shop and miscellaneous (commercial car wash)  
at 6 James Street, Ulverstone  
Application No. DEV2006.97**

The General Manager reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2006.97
<i>APPLICANT:</i>	David Turner
<i>LOCATION:</i>	6 James Street, Ulverstone
<i>ZONING:</i>	Residential (RB) – Semi
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	15 September 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	29 September 2007
REPRESENTATIONS RECEIVED:	Five
42-DAY EXPIRY DATE:	15 October 2007 (extension granted)
<i>DECISION DUE:</i>	15 October 2007

*PURPOSE*

The purpose of this report is to consider the merits of the representations received in objection to a discretionary planning application for part demolition of existing shop and miscellaneous development (commercial car wash) at 6 James St, Ulverstone.

A copy of the application form is appended as Annexure 1.

*BACKGROUND*

On 20 April 2007 an application was received at the Council for partial demolition of the existing shop and for construction of a commercial car wash (miscellaneous use under the Scheme).

A location plan is attached as Annexure 2.

This report will consider:

- 1 the compliance of the application with the relevant objective, provisions and development standards of the Scheme;
- 2 the specific intent of the Residential (RB) – Semi Zone; and

3 the merits of the representations received.

*DISCUSSION*

The subject site is within the Ulverstone township. The proposal is for the partial demolition of the existing shop and the development of a commercial car wash on the site. The property shares boundaries with residential units and a single dwelling to the north, retirement units to the west and a railway line to the south. Across the road are other residential properties.

The application has been altered since the original application was received. This assessment is of the revised proposal, and the changes proposed in that revision.

Plans of the proposed development and associated application documents are attached as Annexure 3.

*1 compliance of the application with the relevant provisions and development standards of the Scheme.*

There are no specific development standards prescribed by the Scheme for this use. Schedule 7 of the Scheme provides that “The absence of any use category or the lack of any correlation between the use category and zones in the table shall not be taken to imply that there are no control dimensions / figures applicable. In such cases, the minimum or maximum dimensions / figures shall be determined by the Council”.

The relevant objectives, provisions and development standards of the Scheme are addressed in the following table:

Clause	Detail	Proposal
General provisions		
3.9.2	<p>Relevant sections for discussion which are not covered elsewhere in report:</p> <p>(e) siting size and appearance in relation to existing site features, adjoining land and the streetscape</p> <p>(f) adequate infrastructure</p>	<p>The proposal includes changes to the existing site features and acoustic fencing intended to limit the impact on the adjoining land. The streetscape is made up of a mix of residential and other uses (e.g. the existing commercial operations on</p>

	(g) use of, and impact on, adjoining land  (h) landscaping, amenity, illumination  (i) desirability or need to impose periods within which activities may be carried out	sits, the nearby school and supermarket), with a variety of setbacks and styles.  A standard condition on any planning permit issued is that the developer pay for any necessary infrastructure upgrades.  The developer proposes baffling on lighting to limit impact on neighbours.  The proposal includes a request for opening hours to be between 7am and 10 pm, 7 days a week.
Objectives (relevant sections only)		
5.1.1(a)	Orderly settlement and management of population, commerce, rural production and industry	The proposed development is within the boundaries of the Ulverstone township.
5.1.1(c)	Enhancement of environmental 'quality of life' of residents and visitors by attention to aesthetics and landscape impact...	The developer is proposing acoustic and visual site treatments.

2 *the specific intent of the Residential (RB) – Semi Zone.*

The Residential (RB) – Semi Zone is “intended to accommodate existing (in the main) residential uses, but providing for some non-residential uses, which are compatible with, and/or incidental to, expanding residential or commercial uses in adjacent areas”.

*CONSULTATION*

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and Approvals Act 1993*. This requires advertising of the development by a notice on site and also by a notice placed once in a daily local newspaper. Correspondence to the

adjoining owners inviting them to view the application was also undertaken. All of these actions were undertaken for the original proposal and the revised proposal. In addition, persons who made representations to the original proposal were notified in writing that there was a revised proposal subject to another public scrutiny period.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The Planning and Assessment Team provided responses which have guided the final recommendation.

A copy of the advertisement is appended as Annexure 4.

*REPRESENTATION*

Five representations were received during the 14 day advertising period.

Copies of the representations are attached as Annexure 5.

*3 the merits of the representations received.*

The following table provides a summary of the issues raised in these representations.

#	Detail	Proposal
1	Cl. 3.9.2(a): the site is surrounded by residential development; that the "intent of the zoning is, or should be residential".	Cl.3.9.2(a) refers to the Objectives of the Scheme, intent of the zone and any relevant development standards. These have been addressed in the earlier sections of the report.
2	Cl 3.9.2(e): streetscape impacts.	The street currently has a mixed streetscape.
3	Increase in traffic noise, impacts and dangers.	It is recognised that there is likely to be increased traffic as a result of the proposed development.
4	Operating impact: lights (on site and off site from traffic), operation of equipment, noise pollution, security, air	The application documentation details the lighting and proposed noise mitigation measures.

	pollution.	
5	3.9.2(f): impact of water use on water pressure (nearby residents and fire hydrants).	If infrastructure upgrades are required to service a development, it is a standard condition of approval that the developer provide such upgrades.
6	3.9.2(g): adverse impact on future plans for development for adjoining users.	The surrounding uses are predominantly residential. This Clause relates to whether the proposed development restricts the ability of adjoining owners to develop their land.
7	S10.4.1: no waiting lane.	S10.4 of the Scheme provides for a car wash to be developed on a service station site without interfering with fuel service driveways. This is not a service station, and there are no fuel services on this site.
8	Land use would be Industry – General, and that the definition of industry incorporates the repairing, laundering or servicing of any article.	There is no land use in the Scheme “Industry – General”. Use Categories under Schedule 1 are different to the definitions of terms provided in Cl.1.3.5. The proposed development has been categorised as defined previously in this report, with the car wash component being “Miscellaneous”.
9	Application for temporary permit for a prohibited use is not appropriate.	The application is for a Discretionary use class. The temporary permit provisions of the Scheme do not apply.
10	Draft Planning Scheme.	N/A
11	Incomplete application (elevations and revised site	The applicant has provided amended site plans but not

## DEVELOPMENT SERVICES

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	plan do not correlate).	amended elevations.
12	Shading on units from fence, impacts on appearance and property value.	The units in question are to the north of the proposed development.
13	Technicalities in the acoustic and traffic reports and credibility of traffic report.	The reports and representations are annexed. See Discussion below for further detail.
14	Potential for operating hours to increase in the future (outside of the proposed 7am to 10pm).	Whatever decision is made on this development, should the developer wish to extend the operating hours, a separate planning application would be required, with all subsequent rights of appeal where applicable.
15	Operating hours proposed extend beyond those of the existing commercial uses on site.	The application documentation requests operating hours of 7am until 10pm, 7 days a week.
16	Could be more appropriately sited elsewhere.	The application can only be assessed on its own merits.

### *IMPACT ON RESOURCES*

This report has the normal impact on resources. It is noted that if there is an appeal to the Council's decision, there will be additional impacts on the Council's resources.

### *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*

In summary, the application is for partial demolition of an existing shop and the development of a Miscellaneous Use (commercial car wash). The Scheme does not provide specific development standards for this type of development in this zone.

The applicant has provided a number of consultant's reports in relation to noise and traffic. All of the documentation submitted to the Council by the applicant and appellants has been considered as part of this assessment. Many of the issues raised in the representations have valid planning grounds. A number of these were raised with the applicant, who submitted a revised proposal, with revised hours of operation and site layouts. This revised proposal was re-advertised, and this assessment is based on said revised proposal.

The applicant has reduced the requested operating hours to 7am until 10pm, 7 days a week. Given the site, existing uses and the predicted impact documented by the applicant's consultants, these hours have been reviewed during the assessment process and the recommendation to restrict operating hours to 7.00 a.m. to 7.00 p.m. weekdays, 7.00 a.m. to 4.00 p.m. Saturdays with no Sunday operating hours reflects a considered set of opening hours intended to allow for the site to be developed in accordance with the Scheme. A copy of the Council's Environmental Officer's assessment report with respect to noise is provided as Annexure 6.

*Recommendation*

It is recommended that the representations of objection be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2009.97 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The operating hours be restricted to:
  - (a) 7:00am to 7:00pm weekdays; and
  - (b) 7:00am to 4:00pm Saturdays;

- 3 The site being adequately secured outside these operating hours;
- 4 A 3m high acoustic barrier to be provided along the northern boundary of the site and a 2.1m acoustic barrier is to be provided along the eastern boundary of the site as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 5 Refrigeration and other plant are to be enclosed, positioned and oriented so as to reduce noise egress to the nearest neighbours as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 6 The bleeper associated with any coin machine is to be replaced with a flashing light of a broad band noise source warning system as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 7 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and regulations made thereunder;
- 8 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 9 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
- 10 The area proposed for storage of potentially contaminating liquids must be fully sealed and bunded;
- 11 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this document relates, then the person responsible for the activity (or activities) must:
  - (a) immediately take all practicable action to minimise any adverse environmental effects from the incident, and

- (b) as soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, notify the Council's Development Services Department of the incident by a telephone call to 03 6429 8900 (business hours) or 03 6429 8999 (after hours); and
  - (c) Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Development Services Department by facsimile to 03 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of the Council's Development Services Department or any officer engaged in the administration or enforcement of EMPCA;
- 12 The developer providing (where necessary):
  - (a) an appropriately sized water supply connection and meter to the property;
  - (b) an appropriately sized sewer connection point to the property;
  - (c) an appropriately sized stormwater connection point to the property; and
  - (d) parking facilities in accordance with AS 2890.1;
- 13 The developer is to undertake a downstream analysis of the current sewer system to determine if there are any capacity limitations and contribute to the upgrade of the sewer system where necessary;
- 14 The redundant driveways being closed by replacing the driveway crossover with appropriate barrier kerb in accordance with the Council's Standard Drawing SD-1005 (copy enclosed);
- 15 The provision of a 6m wide sealed vehicular access to the lot in accordance with the Council's Standard Drawing SD-1003 as shown on the amended plan dated the 03/08/2007;
- 16 All wastes discharged to the sewer from the car wash bays etc will require a written trade waste agreement with the Council's Assets &

- Engineering Department, detailing the quality, frequency and contaminants in the wastewater;
- 17 The provision, upgrading or extension of water, sewer and drainage services (where necessary) to service the development shall be to the satisfaction of the Council's Director of Assets and Engineering;
  - 18 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development, shall be to the satisfaction of the Council's Director of Assets & Engineering;
  - 19 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director of Assets & Engineering; and
  - 20 Appropriate signage and/or road markings be installed to indicate traffic flow on site to users;

and that the applicant be further requested to note:

- A the Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time;
- B this is not a permit for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time;
- C building and Plumbing Permits are required for the proposed development;
- D any works associated with connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost;
- E any works associated with the existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost;
- F any works undertaken within the Road Reservation requires a Road Permit to be issued prior to construction;

- G contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise permits and arrange works;
- H assessment of the CK Group water and wastewater report indicates the concentration of the Soapy Oil / Fat of the effluent discharged to the sewer exceeds the limit adopted by the Council. The applicant should contact the Council's Assets & Engineering Department to discuss;
- I in regards to Condition 20, a possible conflict exists between vehicles accessing the Motor Vehicle Service Centre and vehicles exiting the wash bays. Vehicles exiting the wash bays may assume the roadway is one-way (exit) and may not be anticipating vehicles approaching from the right to enter the service centre. Due to a low speed environment and constraints of the site, this may be acceptable, but it is recommended appropriate signage and/or road markings be installed to indicate the circulating roadway at the rear of the wash bays is two-way. Similarly, road marking and/or signage could be used to delineate the circulating roadway to access the warehouse and service centre from the northern vacuum bay.'

The report is supported."

The General Manager reported as follows:

"The Annexures referred to in the Town Planner's report have been circulated to all members."

■ Cr McKenna moved and Cr (J) Bonde seconded, "That the representations of objection be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2009.97 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The operating hours be restricted to:
  - (a) 7:00am to 7:00pm weekdays; and
  - (b) 7:00am to 4:00pm Saturdays;

- 3 The site being adequately secured outside these operating hours;
- 4 A 3m high acoustic barrier to be provided along the northern boundary of the site and a 2.1m acoustic barrier is to be provided along the eastern boundary of the site as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 5 Refrigeration and other plant are to be enclosed, positioned and oriented so as to reduce noise egress to the nearest neighbours as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 6 The bleeper associated with any coin machine is to be replaced with a flashing light of a broad band noise source warning system as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 7 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and regulations made thereunder;
- 8 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 9 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
- 10 The area proposed for storage of potentially contaminating liquids must be fully sealed and bunded;
- 11 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this document relates, then the person responsible for the activity (or activities) must:
  - (a) immediately take all practicable action to minimise any adverse environmental effects from the incident,
  - (b) as soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, notify the Council's Development Services Department of the incident by a telephone call to 03 6429 8900 (business hours) or 03 6429 8999 (after hours); and

- (c) Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Development Services Department by facsimile to 03 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of the Council's Development Services Department or any officer engaged in the administration or enforcement of EMPCA;
- 12 The developer providing (where necessary):
    - (a) an appropriately sized water supply connection and meter to the property;
    - (b) an appropriately sized sewer connection point to the property;
    - (c) an appropriately sized stormwater connection point to the property; and
    - (d) parking facilities in accordance with AS 2890.1;
  - 13 The developer is to undertake a downstream analysis of the current sewer system to determine if there are any capacity limitations and contribute to the upgrade of the sewer system where necessary;
  - 14 The redundant driveways being closed by replacing the driveway crossover with appropriate barrier kerb in accordance with the Council's Standard Drawing SD-1005 (copy enclosed);
  - 15 The provision of a 6m wide sealed vehicular access to the lot in accordance with the Council's Standard Drawing SD-1003 as shown on the amended plan dated the 03/08/2007;
  - 16 All wastes discharged to the sewer from the car wash bays etc will require a written trade waste agreement with the Council's Assets & Engineering Department, detailing the quality, frequency and contaminants in the wastewater;
  - 17 The provision, upgrading or extension of water, sewer and drainage services (where necessary) to service the development shall be to the satisfaction of the Council's Director of Assets and Engineering;

- 18 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development, shall be to the satisfaction of the Council's Director of Assets & Engineering;
- 19 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director of Assets & Engineering; and
- 20 Appropriate signage and/or road markings be installed to indicate traffic flow on site to users;

and that the applicant be further requested to note:

- A the Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time;
- B this is not a permit for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time;
- C building and Plumbing Permits are required for the proposed development;
- D any works associated with connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost;
- E any works associated with the existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost;
- F any works undertaken within the Road Reservation requires a Road Permit to be issued prior to construction;
- G contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise permits and arrange works;
- H assessment of the CK Group water and wastewater report indicates the concentration of the Soapy Oil / Fat of the effluent discharged to the sewer exceeds the limit adopted by the Council. The applicant should contact the Council's Assets & Engineering Department to discuss;
- I in regards to Condition 20, a possible conflict exists between vehicles accessing the Motor Vehicle Service Centre and vehicles exiting the wash bays. Vehicles exiting the wash bays may assume the roadway is one-way (exit) and may not be anticipating vehicles approaching from the right to enter the service centre. Due to a

low speed environment and constraints of the site, this may be acceptable, but it is recommended appropriate signage and/or road markings be installed to indicate the circulating roadway at the rear of the wash bays is two-way. Similarly, road marking and/or signage could be used to delineate the circulating roadway to access the warehouse and service centre from the northern vacuum bay.”

■ Cr Robertson moved and Cr (L) Bonde seconded an amendment, “That the representations of objection be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2009.97 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The operating hours be restricted to:
  - (a) 8:00am to 7:00pm weekdays; and
  - (b) 9:00am to 4:00pm Saturdays;
- 3 The site being adequately secured outside these operating hours;
- 4 A 3m high acoustic barrier to be provided along the northern boundary of the site and a 2.1m acoustic barrier is to be provided along the eastern boundary of the site as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 5 Refrigeration and other plant are to be enclosed, positioned and oriented so as to reduce noise egress to the nearest neighbours as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 6 The bleeper associated with any coin machine is to be replaced with a flashing light of a broad band noise source warning system as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
- 7 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and regulations made thereunder;
- 8 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or

- produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 9 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
- 10 The area proposed for storage of potentially contaminating liquids must be fully sealed and banded;
- 11 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this document relates, then the person responsible for the activity (or activities) must:
- (a) immediately take all practicable action to minimise any adverse environmental effects from the incident,
  - (b) as soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, notify the Council's Development Services Department of the incident by a telephone call to 03 6429 8900 (business hours) or 03 6429 8999 (after hours); and
  - (c) Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Development Services Department by facsimile to 03 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of the Council's Development Services Department or any officer engaged in the administration or enforcement of EMPCA;
- 12 The developer providing (where necessary):
- (a) an appropriately sized water supply connection and meter to the property;
  - (b) an appropriately sized sewer connection point to the property;
  - (c) an appropriately sized stormwater connection point to the property; and
  - (d) parking facilities in accordance with AS 2890.1;
- 13 The developer is to undertake a downstream analysis of the current sewer system to determine if there are any capacity limitations and contribute to the upgrade of the sewer system where necessary;

- 14 The redundant driveways being closed by replacing the driveway crossover with appropriate barrier kerb in accordance with the Council's Standard Drawing SD-1005 (copy enclosed);
- 15 The provision of a 6m wide sealed vehicular access to the lot in accordance with the Council's Standard Drawing SD-1003 as shown on the amended plan dated the 03/08/2007;
- 16 All wastes discharged to the sewer from the car wash bays etc will require a written trade waste agreement with the Council's Assets & Engineering Department, detailing the quality, frequency and contaminants in the wastewater;
- 17 The provision, upgrading or extension of water, sewer and drainage services (where necessary) to service the development shall be to the satisfaction of the Council's Director of Assets and Engineering;
- 18 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development, shall be to the satisfaction of the Council's Director of Assets & Engineering;
- 19 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director of Assets & Engineering; and
- 20 Appropriate signage and/or road markings be installed to indicate traffic flow on site to users;

and that the applicant be further requested to note:

- A the Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time;
- B this is not a permit for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time;
- C building and Plumbing Permits are required for the proposed development;
- D any works associated with connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost;
- E any works associated with the existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost;

## DEVELOPMENT SERVICES

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- F any works undertaken within the Road Reservation requires a Road Permit to be issued prior to construction;
- G contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise permits and arrange works;
- H assessment of the CK Group water and wastewater report indicates the concentration of the Soapy Oil / Fat of the effluent discharged to the sewer exceeds the limit adopted by the Council. The applicant should contact the Council's Assets & Engineering Department to discuss;
- I in regards to Condition 20, a possible conflict exists between vehicles accessing the Motor Vehicle Service Centre and vehicles exiting the wash bays. Vehicles exiting the wash bays may assume the roadway is one-way (exit) and may not be anticipating vehicles approaching from the right to enter the service centre. Due to a low speed environment and constraints of the site, this may be acceptable, but it is recommended appropriate signage and/or road markings be installed to indicate the circulating roadway at the rear of the wash bays is two-way. Similarly, road marking and/or signage could be used to delineate the circulating roadway to access the warehouse and service centre from the northern vacuum bay."

Amendment carried unanimously

Voting for the amended motion  
(5)  
Cr Downie  
Cr (J) Bonde  
Cr Dry  
Cr Marshall  
Cr McKenna

Voting against the amended motion  
(5)  
Cr Robertson  
Cr (L) Bonde  
Cr Deacon  
Cr Haines  
Cr van Rooyen

Amended motion

Lost  
(Refer Minute No. 380/2007)

GENERAL MANAGEMENT

**377/2007 Minutes and notes of committees of the Council and other organisations**

The General 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:

- . Dulverton Regional Waste Management Authority – meeting of Representatives held on 21 May 2007
- . Central Coast Chamber of Commerce & Industry – meeting held on 17 July 2007
- . Ulverstone Local History Museum Committee – meeting held on 18 September 2007
- . Youth Engaged Steering Committee – meeting held 27 September 2007.

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

■ Cr McKenna moved and Cr Marshall seconded, “That the Manager’s report be received.”

Carried unanimously

**378/2007 Annual Report for the year ended 30 June 2007**

The General Manager reported as follows:

*“PURPOSE*

To approve the Annual Report for the year ended 30 June 2007.

*BACKGROUND*

The *Local Government Act 1993* provides that a council must prepare an Annual Report.

An Annual Report for the period 2006–2007 has been prepared as required and a copy has been circulated to all Councillors as a separately bound document.

The Annual Report is the major reporting mechanism to the community.

## GENERAL MANAGEMENT

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The Local Government Act provides the requirements for the preparation of the Annual Report and directs that a council must invite the community to make submissions on its report for discussion at its Annual General Meeting.

### *DISCUSSION*

Discussion has been provided for within the Annual Report.

### *CONSULTATION*

A draft Annual Report was forwarded to the Tasmanian Audit Office for review in accordance with Auditing Standard AUS 212.

Community reporting will take place as part of the Annual General Meeting which is scheduled to be held in the Council Chamber at the Administration Centre at 7.30pm on Tuesday 20 November 2007.

### *IMPACT ON RESOURCES*

The cost of preparation of the Annual Report has been provided for within the Estimates.

### *CORPORATE COMPLIANCE*

Preparation of the Annual Report is a statutory requirement.

### *CONCLUSION*

The Annual Report is recommended for approval.”

The General Manager reported as follows:

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

- Cr Haines moved and Cr (J) Bonde seconded, “That the Annual Report for the year ended 30 June 2007 be approved.”

Carried unanimously

**379/2007 Adjournment of meeting**

The Mayor advised as follows:

“I am adjourning this meeting briefly to provide an opportunity for Councillors to discuss issues with a matter determined earlier in the meeting (Minute No. 376/2007)”

The meeting adjourned at 8.29pm and resumed at 8.41pm.

The Mayor informed the meeting as follows:

“It appears that the vote in respect of the matter determined earlier in the meeting (Minute No. 376/2007) may not have accurately reflected the opinion held by the meeting due to misunderstanding of the motion or for some other reason.

In view of this I am allowing consideration of a motion to enable the matter to be discussed again.”

■ Cr Robertson moved and Cr Haines seconded “That the matter determined earlier in the meeting (Minute No. 376/2007) be discussed again.”

Carried unanimously

**380/2007 Part demolition of existing shop and miscellaneous (commercial car wash) at 6 James Street, Ulverstone  
Application No. DEV2006.97 (Minute No. 376/2007)**

■ Cr Deacon moved and Cr Dry seconded an amendment, “That the representations of objection be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2009.97 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application unless otherwise altered by subsequent conditions of this permit;
- 2 The operating hours be restricted to:

- (a) 7:00am to 6:00pm weekdays; and
  - (b) 9:00am to 4:00pm Saturdays;
- 3 The site being adequately secured outside these operating hours;
  - 4 A 3m high acoustic barrier to be provided along the northern boundary of the site and a 2.1m acoustic barrier is to be provided along the eastern boundary of the site as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
  - 5 Refrigeration and other plant are to be enclosed, positioned and oriented so as to reduce noise egress to the nearest neighbours as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
  - 6 The bleeper associated with any coin machine is to be replaced with a flashing light of a broad band noise source warning system as recommended in the Architectural Acoustic Noise Control Report prepared by P Terts and dated 18 July 2007;
  - 7 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and regulations made thereunder;
  - 8 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
  - 9 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
  - 10 The area proposed for storage of potentially contaminating liquids must be fully sealed and bunded;
  - 11 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this document relates, then the person responsible for the activity (or activities) must:
    - (a) immediately take all practicable action to minimise any adverse environmental effects from the incident,
    - (b) as soon as reasonably practicable, but not later than 24 hours, after becoming aware of the incident, notify the Council's Development Services Department of

the incident by a telephone call to 03 6429 8900 (business hours) or 03 6429 8999 (after hours); and

- (c) Not later than 24 hours after becoming aware of the incident, provide a report to the Council's Development Services Department by facsimile to 03 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. This report must be provided irrespective of whether the person responsible for the activity (or activities) has reasonable grounds for believing that the incident has already come to the notice of the Council's Development Services Department or any officer engaged in the administration or enforcement of EMPCA;

12 The developer providing (where necessary):

- (a) an appropriately sized water supply connection and meter to the property;
- (b) an appropriately sized sewer connection point to the property;
- (c) an appropriately sized stormwater connection point to the property; and
- (d) parking facilities in accordance with AS 2890.1;

13 The developer is to undertake a downstream analysis of the current sewer system to determine if there are any capacity limitations and contribute to the upgrade of the sewer system where necessary;

14 The redundant driveways being closed by replacing the driveway crossover with appropriate barrier kerb in accordance with the Council's Standard Drawing SD-1005 (copy enclosed);

15 The provision of a 6m wide sealed vehicular access to the lot in accordance with the Council's Standard Drawing SD-1003 as shown on the amended plan dated the 03/08/2007;

16 All wastes discharged to the sewer from the car wash bays etc will require a written trade waste agreement with the Council's Assets & Engineering Department, detailing the quality, frequency and contaminants in the wastewater;

17 The provision, upgrading or extension of water, sewer and drainage services (where necessary) to service the development shall be to the satisfaction of the Council's Director of Assets and Engineering;

- 18 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure required as a result of the development, shall be to the satisfaction of the Council's Director of Assets & Engineering;
- 19 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director of Assets & Engineering; and
- 20 Appropriate signage and/or road markings be installed to indicate traffic flow on site to users;

and that the applicant be further requested to note:

- A the Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time;
- B this is not a permit for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time;
- C building and Plumbing Permits are required for the proposed development;
- D any works associated with connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost;
- E any works associated with the existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost;
- F any works undertaken within the Road Reservation requires a Road Permit to be issued prior to construction;
- G contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise permits and arrange works;
- H assessment of the CK Group water and wastewater report indicates the concentration of the Soapy Oil / Fat of the effluent discharged to the sewer exceeds the limit adopted by the Council. The applicant should contact the Council's Assets & Engineering Department to discuss;
- I in regards to Condition 20, a possible conflict exists between vehicles accessing the Motor Vehicle Service Centre and vehicles exiting the wash bays. Vehicles exiting the wash bays may assume the roadway is one-way (exit) and may not be anticipating vehicles approaching from the right to enter the service centre. Due to a low speed environment and constraints of the site, this may be acceptable, but it is recommended

appropriate signage and/or road markings be installed to indicate the circulating roadway at the rear of the wash bays is two-way. Similarly, road marking and/or signage could be used to delineate the circulating roadway to access the warehouse and service centre from the northern vacuum bay.”

Voting for the amendment  
 (6)  
 Cr Downie  
 Cr (J) Bonde  
 Cr Deacon  
 Cr Dry  
 Cr Marshall  
 Cr McKenna

Voting against the amendment  
 (4)  
 Cr Robertson  
 Cr (L) Bonde  
 Cr Haines  
 Cr van Rooyen

Amendment

Carried

Voting for the amended motion  
 (6)  
 Cr Downie  
 Cr (J) Bonde  
 Cr Deacon  
 Cr Dry  
 Cr Marshall  
 Cr McKenna

Voting against the amended motion  
 (4)  
 Cr Robertson  
 Cr (L) Bonde  
 Cr Haines  
 Cr van Rooyen

Amended motion

Carried

CORPORATE & COMMUNITY SERVICES

**381/2007 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 September 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The General Manager reported as follows:

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

- Cr van Rooyen moved and Cr McKenna 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

**382/2007 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 September 2007 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The General Manager reported as follows:

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

- Cr Marshall moved and Cr (J) Bonde seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**383/2007 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

This report is to inform the meeting of any correspondence received during the month of September 2007 and which was addressed to the 'Mayor and Councillors'. Reporting of this correspondence is required in accordance with Council policy.

*CORRESPONDENCE RECEIVED*

The following correspondence has been received and circulated to all Councillors:

- . Received 17.09.2007 – Letter requesting a review of the Council's rate collection methods as a priority issue.
- . Received 18/09/2007 – Letter raising concerns over revaluation of bush block in Sylvan Rise.
- . Received 21.09.2007 – Letter concerning sewerage in Ironcliffe Road, Penguin.
- . Received 21.09.2007 – Letter concerning alternative parking in Penguin.
- . Received 21.09.2007 – Letter concerning illegal business signs in Penguin.
- . Received 24.09.2007 – Letter concerning urban water and sewerage reform next steps.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations."

- Cr Haines moved and Cr Marshall seconded, "That the Director's report be received."

Carried unanimously

**384/2007 Common seal**

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 18 September 2007 to 15 October 2007 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 General Manager reported as follows:

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

■ Cr McKenna moved and Cr Haines 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

**385/2007 Financial statements**

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 September 2007 are submitted for consideration:

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

The General Manager reported as follows:

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

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

Carried unanimously

**386/2007 Accounts paid**

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of September 2007 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities. Councillors are invited to direct any questions on the Schedule to me at a convenient time prior to the meeting.”

The General Manager reported as follows:

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

- Cr Deacon moved and Cr (J) Bonde seconded, "That the Schedule of Accounts Paid (a copy being appended to and forming part of the minutes) be received."

Carried unanimously

**387/2007 Rate remissions**

The Director Corporate & Community Services reported as follows:

"The following rate remissions are proposed for the Council's consideration:

*PROPERTY NO.* 101085.0400  
*PROPERTY ADDRESS* 18 Maisie Place, Ulverstone  
*REMISSION* \$130.00  
*REASON* Waste Management charge incorrectly raised – house not completed.

*PROPERTY NO.* 101810.0340  
*PROPERTY ADDRESS* Water Street, Ulverstone  
*REMISSION* \$571.29  
*REASON* Incorrectly rated – should be minimum water and sewage charge only (not rate-in-dollar)

*PROPERTY NO.* 101830.0390  
*PROPERTY ADDRESS* 274 Westella Drive, Turners Beach  
*REMISSION* \$130.00  
*REASON* Waste Management charge incorrectly raised – house not completed

*PROPERTY NO.* 302345.0060  
*PROPERTY ADDRESS* 5 Casey Street South, Leith  
*REMISSION* \$130.00  
*REASON* Waste Management charge incorrectly raised – house not completed

*PROPERTY NO.* 403052.0200  
*PROPERTY ADDRESS* 4 Bayvista Crescent, Sulphur Creek  
*REMISSION* \$130.00  
*REASON* Waste Management charge incorrectly raised – house not completed

*PROPERTY NO.* 403640.0060  
*PROPERTY ADDRESS* 5 Waterford Drive, Sulphur Creek

## CORPORATE & COMMUNITY SERVICES

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<i>REMISSION</i>	\$130.00
<i>REASON</i>	Waste Management charge incorrectly raised – house not completed
<i>PROPERTY NO.</i>	504880.0141
<i>PROPERTY ADDRESS</i>	203 Isandula Road, Gawler
<i>REMISSION</i>	\$315.00
<i>REASON</i>	Incorrectly rated for water
<i>PROPERTY NO.</i>	504880.0780
<i>PROPERTY ADDRESS</i>	154 Isandula Road, Gawler
<i>REMISSION</i>	\$63.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	504880.0820
<i>PROPERTY ADDRESS</i>	262 Isandula Road, Gawler
<i>REMISSION</i>	\$63.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	505820.0360
<i>PROPERTY ADDRESS</i>	32 West Gawler Road, Gawler
<i>REMISSION</i>	\$63.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	505860.0860
<i>PROPERTY ADDRESS</i>	198 Whitehills Road, Penguin
<i>REMISSION</i>	\$63.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)."

The General 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."

■ Cr (J) Bonde moved and Cr McKenna seconded, "That the following remissions be approved:

- . Property No. 101085.0400 – \$130.00
- . Property No. 101810.0340 – \$571.29

- . Property No. 101830.0390 – \$130.00
- . Property No. 302345.0060 – \$130.00
- . Property No. 403052.0200 – \$130.00
- . Property No. 403640.0060 – \$130.00
- . Property No. 504880.0141 – \$315.00
- . Property No. 504880.0780 – \$63.00
- . Property No. 504880.0820 – \$63.00
- . Property No. 505820.0360 – \$63.00
- . Property No. 505860.0860 – \$63.00.”

Carried unanimously and by absolute majority

**388/2007 Debtor remissions**

The Director Corporate & Community Services reported as follows:

“The following debtor remissions are proposed for the Council’s consideration:

<i>DEBTOR NO.</i>	3481
<i>PROPERTY ADDRESS</i>	91 Turners Beach Road, Turners Beach
<i>REMISSION</i>	\$67.24
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

<i>DEBTOR NO.</i>	5439
<i>PROPERTY ADDRESS</i>	6 Merinda Drive, Ulverstone
<i>REMISSION</i>	\$414.92
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003).”

■ Cr Robertson moved and Cr Haines seconded, “That the following remissions be approved:

- . Debtor No. 3481 – \$67.24
- . Debtor No. 5439 – \$414.92.”

Carried unanimously

ASSETS & ENGINEERING

**389/2007 Future management of White Gum tree at Leith Road, Forth opposite the Forth Hotel**

The Director Assets & Engineering reported as follows:

*“PURPOSE*

This report considers the future of the large White Gum tree (*Eucalyptus viminalis*) on Leith Road at Forth opposite the Forth Hotel.

*BACKGROUND*

The Natural Resource Management Officer reported as follows.

‘This landmark tree is estimated to be at least 150 years old, visible as a large tree in photos in the 1870’s. The tree is approximately 30 metres high with a diameter at breast height of 2.5 metres.

A report was prepared by Tasmanian Tree Services in November 2003 amid concerns of tree failure onto the car park, road and hotel. The report stated that the tree was structurally compromised 20–30 years ago by inappropriate lopping and that a termite colony was present within the cavity of the tree. The report also suggested that the tree may be subject to a lack of oxygen due to soil compaction by vehicles around the root system. Following this report, the recommended pruning was undertaken, the termite infestation was treated and the area surrounding the tree in the car park was barricaded to prevent vehicles compacting the soil and parking under the drop zone of the canopy.

In February 2007, two further reports were submitted to the Council from Tasmanian Tree Services and Philip Milner Landscape Consultants. Both reports stated that, apart from the cavities, the tree is very healthy with no evidence of dieback or dead limbs visible. The reports have the same outcome in that there is no guarantee that the tree will not shed a branch or fail. The tree’s stability is at a critical point and, although still healthy, the level of risk associated with the tree is nearing thresholds where action, including removal, may be necessary. Both reports have stated that the tree is significant because of its location and size; however, it is not listed on the National Trust Register of Significant Trees.

The tree has a number of cavities present and a well-distributed canopy, which does not appear to be too dense for the trunk, indicating that the tree should be able to withstand forces generated by windy conditions.

A number of formulas were used to determine “strength loss through decay” by Tasmanian Tree Services (see table below). Results indicate that the tree stability is borderline; however, the effectiveness of the formulas in predicting failure has not been tested.

METHOD	ACTION REQUIRED	FORTH TREE RESULT
Harris Clark & Matheny 2004	<70%	67%
Smiley & Fraedrich 1992	<33%	34%
Matheneck Gerhardt & Breloer 1992	>0.30	0.31

Further management of the tree is covered in both reports which recommend retaining the barriers to prevent vehicle compaction of the soil and ensuring that there is no further pruning/removal of branches. The tree should continue to be monitored at 12-monthly intervals or after extreme weather events.

Both reports provide the same argument that the tree is healthy and, although the risk of failure is present, the tree should remain due to its significance.

#### *DISCUSSION*

The tree currently appears to be structurally sound and healthy, but there is still a large element of risk associated with the continued retention of the tree through the dropping of limbs and complete tree failure.

The edge of Leith Road is located approximately 16 metres east of the trunk, the Forth Road bridge is located 20 metres to the south and the Forth Hotel is located directly opposite, approximately 30 metres from the tree. The area surrounding the barricade is used for hotel patron car parking. If the tree, standing at approximately 30 metres in height, were to fail in one of these directions, then damage to infrastructure is likely.

The options for the future management of the tree are:

- 1 Retain the tree and continue implementing good management of the tree, including no further pruning/removal of branches, maintain the barriers surrounding the root system and drop zone, and monitor the stability and cavities in the tree at 12-monthly intervals or after extreme weather events. This is to be continued until the tree is determined to be critically unstable.
- 2 Remove the tree canopy and retain a large part of the trunk to use for a chainsaw sculpture (e.g. James Fenton, replica of the tree). The large cone-shape cavity in the trunk has a maximum diameter of 1.57 metres and extends from the base upwards to an open scar at around 5 metres. The cavity decreases in size dramatically after 2 metres in height. It is possible for a person to climb through the opening and stand inside. There is a large probability that the cavity will make it impossible to use the trunk for a chainsaw sculpture. This cannot be determined until the tree canopy is removed. The barricaded area should be returned to use as a car park once the tree canopy is removed.
- 3 If the tree trunk is unsuitable for a chainsaw sculpture due to the cavity that exists, it is recommended that the tree be removed and the area planted with indigenous species of the lower Forth valley with the opportunity existing for a replacement White Gum tree to be planted in the Forth recreation area where the size and stability will not impact on the surrounds.

*CONSULTATION*

As part of the Forth Community Workshop in 2006, participants were asked for comments on the 150 year-old tree opposite the Forth Hotel. Ten participants supported its removal, five requested that the tree be retained and four participants supported that the tree be lopped and the trunk used to carve something that reflects the heart of the community.

*IMPACT ON RESOURCES*

ITEM	ESTIMATE
Remove tree canopy	\$6,500
Tree sculpture	\$2,000

Plant out area \$1,500

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Funding will be available from the Leith Road upgrade.

*CORPORATE COMPLIANCE*

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

- . Promote best practice environmental management of the hinterland and coast
- . Encourage sustainable land management.

*CONCLUSION*

Poor management of the large White Gum tree on Leith Road at Forth opposite the Forth Hotel has severely damaged the tree through decay and a termite infestation which has led to the point where the tree's stability is at a critical point.

It is recommended that:

- . the tree canopy be removed and a large portion of the trunk be retained to use as a chainsaw sculpture (e.g. James Fenton, replica of the tree). (There is a large possibility that the cavity will make it impossible to use the trunk for a chainsaw sculpture. This cannot be determined until the tree canopy is removed.) The barricaded area should be returned to use as a car park once the tree canopy is removed; and
- . should the trunk be unsuitable for a chainsaw sculpture due to the cavity that exists, the tree be removed and the area be planted with indigenous species of the lower Forth valley, with the opportunity existing for a replacement White Gum tree to be planted in the Forth recreation area where the size and stability will not impact on the surrounds.'

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

■ Cr van Rooyen moved and Cr Haines seconded, “That, in respect of the White Gum tree (*Eucalyptus viminalis*) at Leith Road, Forth, opposite the Forth Hotel:

- . the tree canopy be removed and a large portion of the trunk be retained to use as a chainsaw sculpture (e.g. James Fenton, replica of the tree) and the barricaded area be returned to use as a car park once the tree canopy is removed; and
- . should the trunk be unsuitable for a chainsaw sculpture due to the cavity that exists, the tree be removed and the area planted with indigenous species of the lower Forth valley, and a replacement White Gum tree (*Eucalyptus viminalis*) be planted in the Forth recreation area where the size and stability will not impact on the surrounds.”

Voting for the motion

(7)

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(3)

Cr Downie

Cr Robertson

Cr (L) Bonde

Motion

Carried

### **390/2007 Beach Road, Ulverstone – Road humps**

The Director Assets & Engineering reported as follows:

*“PURPOSE*

To receive the Council’s comments and confirm the process on the proposed installation of road humps in Beach Road, Ulverstone, east of Buttons Avenue.

*BACKGROUND*

The Engineering Officer – Roads & Traffic reported as follows:

‘Earlier this year the Department of Infrastructure, Energy and Resources (DIER) conducted a review of the speed limits in Beach Road which resulted in the adoption of a 40km/h area speed limit. The review also identified the need to upgrade the existing road humps to comply with current standards.

The Council has received requests for traffic calming in Beach Road (east of Buttons Avenue) due to inappropriate use of the road. The complaints

mainly relate to speeding and hooning. The Council has agreed to address this issue with an allocation of \$20,000 in the 2007–2008 Estimates for Beach Road, Ulverstone – speed control.

Details of the proposed road humps are shown on Drawing No. 1433.01 and Figure 1.

#### *DISCUSSION*

Traffic calming options for Beach Road were presented at the Ulverstone Community Workshop in November 2006. Discussions with DIER have consolidated a view that road humps would be a most appropriate treatment for traffic calming in Beach Road.

The *Local Government (Highways) Act 1982* (the Act) requires the Council to advertise its intention to install road humps. This process invites written representations on the proposal. The Council's application to DIER for the installation of road humps was advertised in The Advocate newspaper on 22 and 26 September 2007. A copy of the relevant section of the Act is appended to this report.

The Act requires a period of 28 days for representations. The Council's comments on any representations will be forwarded to DIER when the advertising period closes on 22 October 2007.

The implementation of the traffic calming scheme before the summer camping season hinges on the approval process. Receiving the Council's comments on the proposed installation of road humps now will allow those comments to be added to any written representations received and forwarded to DIER for consideration. This will provide the best timeframe for DIER to make a decision, and, if approved, allow the traffic calming to be installed by December.'

The Engineering Officer's report is supported.

As indicated, the Act requires the corporation (the Council) to make comments on the representations. Technically, in order to comply with the Act, this would require the representations to come to the Council meeting on 19 November 2007 prior to forwarding to DIER for approval. This will delay the construction until 2008.

In order to achieve installation of the road humps by December 2007 it is suggested that the process proceed as indicated in the report, with comments on the representations provided by the Director Assets & Engineering to DIER for its approval, with confirmation to proceed with the proposed road humps by the Council on 19 November 2007.

### *CONSULTATION*

Consultation has taken place at the Ulverstone Community Workshop in November 2006, with representatives from DIER and has been publicly advertised.

### *IMPACT ON RESOURCES*

An allocation of \$20,000 in the 2007–2008 Estimates for Beach Road, Ulverstone – speed control has been made.

### *CORPORATE COMPLIANCE*

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

- . Improve community safety
- . Develop and manage sustainable infrastructure.

### *CONCLUSION*

It is recommended that the Council:

- 1 adopt Drawing No. 1433.01 for proposed road humps in Beach Road, Ulverstone together with any comments for forwarding to the Department of Infrastructure, Energy and Resources (DIER);
- 2 allow the Director Assets & Engineering to comment on representations prior to forwarding to DIER for approval;
- 3 provide for confirmation of the proposed road humps at the 19 November Council meeting; and
- 4 install the proposed road humps in December 2007, subject to the approval process and the works program.”

■ Cr Haines moved and Cr Deacon seconded, “That, a copy of Drawing No. 1433.01 for the proposed speed humps having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- 1 Drawing No. 1433.01 for proposed road humps in Beach Road, Ulverstone (a copy of the Drawing being appended to and forming part of the minutes) together with any comments for forwarding to the Department of Infrastructure, Energy and Resources (DIER) be adopted;
- 2 the Director Assets & Engineering to provide comment on representations prior to forwarding to DIER for approval;
- 3 confirmation of the proposed road humps will be provided at the 19 November Council meeting; and
- 4 installation of the proposed road humps to be undertaken in December 2007, subject to the approval process and the works program.”

Carried unanimously

*Cr McKenna, 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 matters of Tenders for resealing of rural roads and Tenders for resealing of urban roads.*

### **391/2007 Tenders for resealing of rural roads**

The Director Assets & Engineering reported as follows:

*“PURPOSE*

To make recommendation on tenders received for the resealing of rural roads.

*BACKGROUND*

Tenders were called on 6 September 2006 for expressions of interest in sprayed bituminous surfacing. Registrations were received from Roadways Pty Ltd, Works Infrastructure (Downer EDI Works), Venarchie Contracting and Hardings Hotmix Pty Ltd who were included on the Multiple Use Register.

Tenders were called from all listed contractors on Monday, 27 August 2007, closing at 2.00pm on Wednesday, 26 September 2007.

*DISCUSSION*

The Project Management Group Leader provides the following comments:

'Tenders were received as follows (including GST):

TENDERER	PRICE \$
Venarchie Contracting	259,238.78
Downer EDI Works	271,391.98
Roadways Pty Ltd	371,694.34
<i>ESTIMATE</i>	<i>300,000.00</i>

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

The lowest tender received is 3% higher than the lowest tender last year, the highest tender is in the order of 50% higher than the lowest tender last year. Fuel and bitumen costs continue to rise which will further inflate these prices into the future.'

The Project Management Group Leader's 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*

All tenders fall within the allocated 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
- . Foster an integrated transport and planning system.

*CONCLUSION*

It is recommended that the following tender be accepted and approved by the Council:

- Venarchie Contracting – \$259,238.78 (including GST)."

■ Cr Robertson moved and Cr van Rooyen seconded, "That the tender from Venarchie Contracting in the amount of \$259,238.78 (including GST) for the resealing of rural roads, be accepted."

Carried unanimously

### **392/2007 Tenders for resealing of urban roads**

The Director Assets & Engineering reported as follows:

*"PURPOSE*

To make recommendation on tenders received for the resealing of urban roads.

*BACKGROUND*

Tenders were called on 6 September 2006 for expressions of interest in sprayed bituminous surfacing. Registrations were received from Roadways Pty Ltd, Works Infrastructure (Downer EDI Works), Venarchie Contracting and Hardings Hotmix Pty Ltd who were included on the Multiple Use Register.

Tenders were called from all listed contractors on 27 August 2007, closing at 2.00pm on Wednesday, 26 September 2007.

*DISCUSSION*

The Project Management Group Leader provides the following comments:

'Tenders were received as follows (including GST):

TENDERER	PRICE \$
Downer EDI Works	128,012.78
Venarchie Contracting	140,487.74
Roadways Pty Ltd	147,608.87
<i>ESTIMATE</i>	<i>150,000.00</i>

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

The lowest tender received is the same price as the lowest tender last year, the highest tender is in the order of 30% higher than the lowest tender last year. Fuel and bitumen costs continue to rise which will further inflate these prices into the future.'

The Project Management Group Leader's 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*

All tenders fall within the allocated budget estimate.

*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 following tender be accepted and approved by the Council:

- . Downer EDI Works – \$128,012.78 (including GST)."

■ Cr van Rooyen moved and Cr Dry seconded, “That the tender from Downer EDI Works in the amount of \$128,012.78 (including GST) for the resealing of urban roads, be accepted.”

Carried unanimously

Cr McKenna returned to the meeting at this stage.

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## CLOSURE OF MEETING TO THE PUBLIC

### 393/2007 Meeting closed to the public

The General 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:

- . Issues with current development applications; and
- . Personnel matters.

These are matters relating to:

- . personnel matters, including complaints against an employee of the Council; and
- . information provided to the Council on the condition it is kept confidential.”

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

- . personnel matters, including complaints against an employee of the Council; and
- . information provided to the Council on the condition it is kept confidential.

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

- . Issues with current development applications; and
- . Personnel matters.”

Carried unanimously and by absolute majority

The General Manager further reported as follows:

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“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.”

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 9.34pm.

CONFIRMED THIS 19TH DAY OF NOVEMBER, 2007.

### **Chairperson**

(ms:vj)

### **Appendices**

- Minute No. 367/2007 – Schedule of Development Services Determinations
- Minute No. 381/2007 – Schedule of Corporate and Community Services  
Determinations Made Under Delegation
- Minute No. 382/2007 – Schedule of Contracts & Agreements
- Minute No. 384/2007 – Schedule of Documents for Affixing of the  
Common Seal
- Minute No. 385/2007 – Financial Statements
- Minute No. 386/2007 – Schedule of Accounts Paid
- Minute No. 390/2007 – Drawing No. 1433.01

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## 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.

Katherine Schaefer  
GENERAL MANAGER