



Minutes

of an Ordinary Meeting
held at 6.00pm

15 SEPTEMBER 2008

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
20 October 2008

INDEX

306/2008	Confirmation of minutes
307/2008	Council workshops
308/2008	Mayor's communications
309/2008	Mayor's diary
310/2008	Pecuniary interest declarations
311/2008	Public question time
312/2008	Councillor reports
313/2008	Leave of absence
314/2008	Deputations
315/2008	Petitions
316/2008	Councillors' questions without notice
317/2008	Councillors' questions on notice
318/2008	Development Services determinations
319/2008	Ulverstone CBD Urban Design Guidelines (147/2007 – 23.04.2007)
320/2008	Council acting as a planning authority
321/2008	Planning Scheme Amendment – Penguin Urban Design Guidelines Application No. AMD2008.1 (Minute Number 248/2008 – 21 July 2008)
322/2008	Planning Scheme Amendment – Penguin Urban Design Guidelines Application No. AMD2008.1
323/2008	Public question time
Minute No. 322/2008	continued...
324/2008	Review of Paper Distribution of Information to Councillors
325/2008	Minutes and notes of committees of the Council and other organisations
326/2008	Governance – Appointment of Acting General Manager
327/2008	Contracts and agreements
328/2008	Correspondence addressed to the Mayor and Councillors
329/2008	Common seal
330/2008	Financial statements
331/2008	Rate remissions
332/2008	Debtor remissions
333/2008	Assets & Engineering determinations
334/2008	Leith Road water main (224/2008 – 30.06.08)
335/2008	Budget reallocations for the year ending 30 June 2009 (224/2008 – 30.06.08)
336/2008	Tenders for truck – F603
337/2008	Recyclables collection and processing
338/2008	Annual Tenders 2008–2009
339/2008	Meeting closed to the public
340/2008	Minutes and notes of other organisations and committees of the Council

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 September 2008 commencing at 6.00pm.

Councillors attendance

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Jan Bonde	Cr Lionel Bonde
Cr John Deacon	Cr David Dry
Cr Cheryl Fuller	Cr Gerry Howard
Cr Terry McKenna	Cr Tony van Rooyen

Councillors apologies

Cr's Ken Haines and Warren Barker

Employees attendance

General Manager (Ms Sandra Ayton)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Development Services (Mr Michael Stretton)
Land Use Planning Group Leader (Mrs Theresia Williams)
Executive Services Manager (Mrs Sancia Noble)

Media attendance

The Advocate newspaper.

Public attendance

10 Members of the public attended during the course of the meeting.

Prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

306/2008 Confirmation of minutes

The Strategic & Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 18 August 2008 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 18 August 2008 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

307/2008 Council workshops

The Strategic & Executive Services Manager reported as follows:

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

- . 25.08.2008 – Zone Marketing/Community Satisfaction Survey
- . 01.09.2008 – Financial Reports/Rates/Ulverstone Wharf Expressions of Interest
- . 08.09.2008 – Penguin Cricket Club

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

308/2008 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time."

309/2008 Mayor's diary

The Mayor reported as follows:

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

- . Penguin Meals on Wheels Association - Annual General Meeting
- . Ulverstone Meals on Wheels Association - Annual General Meeting
- . Penguin Senior Citizens Club - social day and concert
- . Kentish Council - chair Lorinna Road public meeting (Sheffield)
- . Central Coast Schools - art exhibition
- . The Don College - 'EONS' art exhibition at Ulverstone Visitor Information Centre
- . Penguin High School - 'Disco Inferno' production
- . Minister for Health and Human Services (Lara Giddings MP) - briefing on developments with hospitals and health system reforms in the Cradle Coast region (Devonport)
- . Ulverstone Basketball Club - annual dinner
- . Penguin History Group - opening of 'Churches...Penguin & Surrounding District' photographic exhibition and book launch
- . Central Coast Chamber of Commerce and Industry - annual general meeting."

The Deputy Mayor reported as follows:

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

- . the Order of Australia Presentation of the North West Regional Group
- . the Ulverstone High School Literacy Week Celebrations
- . the Ulverstone Rowing Club Ball."

Cr Deacon reported as follows:

"On behalf of the Mayor I attended following functions:

-
- . the WFA Medal Count
 - . the Premiership Day Breakfast
 - . the North Motton Scouts Medal Presentation
 - . the NTFL Luncheon
 - . the Forth Football Club Dinner.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the Slipstream Circus Presentation.”

Cr van Rooyen reported as follows:

“On behalf of the Mayor I attended the Prostate Awareness Week Launch.”

■ Cr Deacon moved and Cr Robertson seconded, “That the Mayor’s report be received.”

Carried unanimously

310/2008 Pecuniary interest declarations

The Mayor reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

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

Cr McKenna reported as follows:

“I am declaring an interest in respect of ‘Annual Tenders 2008–2009’ (Minute No. 338/2008).”

311/2008 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

312/2008 Councillor reports

The Strategic & Executive Services Manager reported as follows:

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

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

Cr McKenna reported on a meeting of the Cradle Coast Water Authority and a meeting of the Dulverton Regional Waster Management Authority.

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

Cr Deacon reported on the Annual General Meeting of the Central Coast Chamber of Commerce and Industry Inc.

APPLICATIONS FOR LEAVE OF ABSENCE

313/2008 Leave of absence

The Strategic & Executive Services Manager reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

314/2008 Deputations

The Strategic & Executive Services Manager reported as follows:

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

PETITIONS

315/2008 Petitions

The Strategic & Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

316/2008 Councillors' questions without notice

The Strategic & Executive Services Manager reported as follows:

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

‘29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –

(a) another councillor; or

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

317/2008 Councillors' questions on notice

The Strategic & Executive Services Manager reported as follows:

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

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

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

318/2008 Development Services determinations

The Director Development Services reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

319/2008 Ulverstone CBD Urban Design Guidelines (147/2007 – 23.04.2007)

The Director Development Services reported as follows:

“PURPOSE

The purpose of this report is to consider funding arrangements for the development of Urban Design Guidelines for the Ulverstone CBD.

BACKGROUND

The Council resolved at the Council Meeting held on 23 April 2007 (Minute No. 147/2007–23.04.2007) to adopt the Ulverstone Community Plan.

The Ulverstone Community Plan provides the vision for Ulverstone:

*‘Our Ulverstone
Vibrant and progressive
A safe and healthy place to live
Centered on the waterfront.’*

To achieve its vision the plan establishes future directions and strategic objectives to follow over the next 10 years. The future directions include:

- . Redevelop the waterfront;
- . Improve and develop recreation and open spaces;
- . Care for the coastal and river environments;
- . Grow a vibrant commercial retail area;
- . Support arts and culture;
- . Improve traffic and transport; and
- . Enhance the visitor experience.

The strategic objectives included in the plan to achieve the future direction to 'grow a vibrant commercial retail area' are to review the urban design guidelines including shop fronts, footpath management and signage' and to 'review the car parking strategy in the CBD'.

The existing urban design guidelines for Ulverstone were developed in 1996 when the Central Coast Council commissioned John Mongard Landscape Architects to undertake the Ulverstone Cultural Planning Study as part of a cultural planning process. The study identified the key issues, visions and actions required to promote and improve Ulverstone in the future.

While this study has helped to facilitate some excellent work to enhance the presentation of the town in a streetscape urban design context, it was not incorporated into the previous Planning Scheme, and has not been incorporated into the current Planning Scheme. This continues to present the opportunity for undesirable development to occur in the Ulverstone CBD. By reviewing the urban design guidelines and incorporating them into the Planning Scheme it will provide a legislative means to identify and protect desirable characteristics and prevent the occurrence of adverse land use outcomes. It will also enable the provision for desirable developments to be encouraged in appropriate locations in the study area.

Additionally, with the impending development of the Ulverstone Wharf in accordance with the redevelopment Master Plan, together with a proposal to develop a cultural precinct in accordance with the Ulverstone Cultural Precinct Master Plan, it is vital that the overall development of the CBD occur in an integrated manner.

The Council resolved at a special Council meeting on 30 June 2008 (Minute No. 224/2008 – 30.06.2008) to adopt the Estimates for the 2008/09 financial year which included a budget allocation of \$45,000 for the completion of the Ulverstone CBD Urban Design Guidelines.

DISCUSSION

The 2008/2009 Estimates included \$45,000 towards the completion of the Ulverstone CBD Urban Design Guidelines as part of the Central Coast Planning Scheme 2005 Amendment Project ('the Scheme Amendment Project'). At that stage it was intended that some of the project work would be undertaken by existing staff. However, given the amount of work that is required with the administration of the new Planning Scheme and the Scheme Amendment Project, together with the loss of experienced staff, this is no longer an option.

To enable this project to be completed within the Scheme Amendment Project it is necessary for the work to be undertaken by consultants which will see a shortfall in the estimates of approximately \$30,000. Through discussions with the General Manager and the Finance Group Leader, it is recommended that this shortfall be funded from the investment reserve.

It is necessary for the Ulverstone CBD Urban Design Guidelines to be developed in the first half of the 2008/09 financial year as a number of projects are dependant upon, or will be informed by the Guidelines. These include the Ulverstone 'main street' makeover project, the development of a parking strategy for Ulverstone, and the progression of the Ulverstone Cultural Precinct Master Plan.

A consultant's tender brief for the Ulverstone CBD Urban Design Guidelines has been developed (copy attached). The scope of the brief calls for an appropriately qualified and experienced Urban Design Consultant to prepare Urban Design Guidelines for the Ulverstone CBD that encompasses the following:

- . *review the urban design guidelines for Ulverstone and develop a strategic framework and a suitable set of agreed development guidelines ready for incorporation into the Planning Scheme which considers issues such as building height, open space, streetscape, heritage values, car parking, traffic management, infrastructure and any other issue/s agreed between the Council and Consultants.*

These Guidelines will:

- . Identify and prioritise values for the study area;
- . Determine the impact of the Strategic Development Plan in terms of existing stakeholders;
- . Integrate the existing plans/documentation (see background studies / information);

- . Be cognisant of existing services and development proposals within the study area and identify how these can be accommodated within a Strategic Development Plan; and
- . Identify cost implications.

The Consultant will be required to undertake significant public consultation in the development of the Urban Design Guidelines. At a minimum it is expected that the following stakeholders will be consulted: Councillors, Council staff, land owners, businesses and business associations, environmental groups, tourism operators, youth services (e.g. schools/recent leavers), holiday visitor market, recreational/sporting users and regional State and Federal Government agencies.

It is expected that the Consultant will present the Draft Ulverstone CBD Urban Design Guidelines to the Council in January 2009. The Planning Scheme amendment process will commence following the final approval of the Guidelines, and should take approximately 6 months to complete.

CONSULTATION

The General Manager and Finance Group Leader were consulted over the recommendation to reallocate funding from the investment reserve. The development of the Ulverstone CBD Urban Design Guidelines will include extensive consultation with the broad range of stakeholders mentioned in the report.

IMPACT ON RESOURCES

An urban design consultant will need to be engaged to develop the Ulverstone CBD Urban Design Guidelines. The estimated cost of a consultant is \$75,000.

CORPORATE COMPLIANCE

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

- . Provide effective leadership
- . Enable community participation in strategic directions
- . Plan and develop a sustainable community
- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that the Council approve:

- 1 that the Ulverstone CBD Urban Design Guidelines Project be undertaken by suitably qualified and experienced consultants, and

- 2 the reallocation of \$30,000 from the investment reserve to fund the Ulverstone CBD Urban Design Guidelines Project.”

The Strategic and Executive Services Manager reported as follows:

“A copy of the Consultant’s tender brief has been circulated to all Councillors.”

■ Cr Fuller moved and Cr (J) Bonde seconded, “That the Council approve:

- 1 The Ulverstone CBD Urban Design Guidelines Project be undertaken by suitably qualified and experienced consultants, and
- 2 The reallocation of \$30,000 from the investment reserve to fund the Ulverstone CBD Urban Design Project.”

Voting for the motion

(8)

Cr Downie

Cr Robertson

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Howard

Voting against the motion

(2)

Cr McKenna

Cr van Rooyen

Motion

Carried

320/2008 Council acting as a planning authority

The Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute No. 321/2008, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

**321/2008 Planning Scheme Amendment – Penguin Urban Design Guidelines
Application No. AMD2008.1 (Minute Number 248/2008 – 21 July 2008)**

The Director Development Services reported as follows:

<i>AMENDMENT NO.:</i>	AMD2008.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Penguin – Various (refer to Amendment Plan)
<i>CURRENT ZONING:</i>	Various
<i>PROPOSAL:</i>	To initiate and certify a draft amendment to insert a special area overlay and provisions for the area identified in the draft amendment.
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)

PURPOSE

The purpose of this report is to provide the information necessary for Council to make a decision on amending the Resource Planning and Development Commission (RPDC) application known as Schedule 14 and Amendment 1/2008 which was previously certified by the Council (Minute Number 248/2008–21 July 2008).

BACKGROUND

The Council certified a draft amendment to the Central Coast Planning Scheme 2005 to include a Penguin Urban Design Guidelines Schedule at its meeting on 21 July 2008.

Further details and background of the certified draft amendment can be found in the ‘Penguin Urban Design Guidelines – Planning Scheme Amendment supporting information’, and the document ‘Penguin Urban

Design Guidelines Report, May 2008' which have been previously distributed to Councillors (available for viewing at the Land Use Planning counter in the Administration Centre and on the Council's website).

The certified draft amendment was sent to the RPDC, who have advised that it was not in accordance with clause 5.2 of the RPDC Planning Advisory Note 14 - Format of Draft Amendments.

The RPDC have advised that an amended draft amendment be certified by Council and submitted to them.

DISCUSSION

Clause 5.2 of the RPDC Planning Advisory Note 14 relates to the form a proposed Scheme amendment takes. It is quoted in full below:

'Removal and/or inclusion of a clause

When submitting a text amendment that will result in any additional clauses being inserted, these must be numbered so that they follow on from the appropriate part of the ordinance (see also 5.4 below). Care should be taken with clause numbering when other text amendments are also in train. For example:

- . Delete Clause 5.4.2; or
- . Omit Clause 5.4.2 and substitute with the following:

"5.4.2 The use or development of a single dwelling unit is permitted in the Residential Zone."; or

- . Insert a new clause after Clause 5.4.2 as follows:

"5.4.3 The minimum lot size in the Residential Zone is 450m²."

To ensure that the correct clause is deleted, it is also recommended that the clause be quoted in full in the planning authority's supporting report.'

The format of the Penguin Urban Design Guidelines Schedule draft amendment has been amended to be in accordance with clause 5.2 and is included as Appendix 1. There are no changes to the substance of the previously certified draft amendment.

CONSULTATION

The amended draft amendment must be considered by the Council and referred to the RPDC.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the amendment process. No other impacts on resources are anticipated.

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 amended draft amendment:

- . furthers the objectives of the *Land Use Planning and Approvals Act 1993*;
- . is in keeping with and supported by the Scheme objectives and the Council's Strategic plan; and
- . is in accordance with the State Policies.

Recommendation

It is recommended that the Council, in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*, initiate and certify the amended draft amendment, known as Schedule 14 and Amendment 1/2008, to insert a special area overlay and provisions for the specified area."

The Executive Services Manager reported as follows:

"Copies of the Annexure referred to in the Land Use Planning Group Leader's report and Amendment 1/2008 have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr McKenna seconded, “That:

- 1 the amended draft amendment (identified as schedule 14 Amendment 1/2008, a copy being appended to and forming part of the minutes) be initiated to the Central Coast Planning Scheme 2005; and
- 2 the Council certify that the amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*.”

The Executive Services Manager further reported as follows:

“Should approval for the amended draft amendment be granted, authorisation for affixing the common seal to the amendment is to be given at Minute No. 329/2008”

Carried unanimously

**322/2008 Planning Scheme Amendment – Penguin Urban Design Guidelines
Application No. AMD2008.1**

The Director Development Services reported as follows:

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

<i>AMENDMENT NO.:</i>	AMD2008.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Penguin – Various (refer to Amendment Plan)
<i>CURRENT ZONING:</i>	Various
<i>PROPOSAL:</i>	To insert a special area overlay and provisions for the area identified in the draft amendment.
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)

PURPOSE

The purpose of this report is to consider the merits of representations received to the proposed Planning Scheme amendment for the Penguin urban area to allow Council to advise the Resource Planning and Development Commission (the Commission) under s.39(2) of the Act.

BACKGROUND

Section 39 of the Act provides that where representations are received to a draft amendment during the statutory advertising process, the Council must consider each of these, and following that:

39 (2) ...forward to the Commission a report comprising-

- (a) a copy of each representation received by the authority in relation to the draft amendment; and*
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to-*
 - (i) the need for modification of the draft amendment in the light of that representation; and*
 - (ii) the impact of that representation on the draft amendment as a whole; and*
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.*

This report to Council will serve to satisfy 39(2) of the Act.

It is likely that the Commission will hold public hearings on the representations. Following those hearings, the Commission will make a decision on the amendment and issue written notification of the final decision to the Council.

It is noted that extensive community consultation was conducted prior to the legislated advertising period for this amendment, as a result of the Penguin Urban Design Guidelines Project. Following this, the amendment was initiated and certified at the Council meeting on 21 July 2008 (Minute No. 248/2008).

DISCUSSION

The amendment as advertised is detailed in Annexure 1, "14 Penguin Urban Design Guidelines Schedule" (the Schedule). The supporting information for the amendment is not included in the Annexure to this report. It will be provided to the Commission as part of the amendment process and has previously been provided to the Council.

The amendment was initiated and certified by the Council and was advertised in the Advocate as provided by the Act on Wednesday the 6th of August and Saturday the 9th of August 2008.

Thirteen representations were received during the statutory exhibition period. These are provided as Annexure 2 "Representations". The issues raised in the representations are provided in Table 1 below. A response as required by s.39 (2) of the Act is provided with each issue. Note that where more than one representation raises the same issue, they have been cross-referenced to remove repetition.

DEVELOPMENT SERVICES

TABLE 1: SUMMARY OF REPRESENTATIONS AND OFFICER RESPONSE

REP/POINT	REPRESENTATION GROUNDS	MERIT STATEMENT
1/1	The principles in the Guidelines go a long way to clarifying the issues which have arisen over development applications in the last few years.	Noted. No modification recommended.
1/2	Whilst buildings may exceed the maximum height if they meet the requirements of the Schedule, this leaves much open for interpretation and possibly opinion.	The provisions of the Schedule have been designed to allow for flexibility within the framework of the existing township. The Schedule provides a number of objectives and design parameters that work together to create a coordinated guide for developers, the planning authority and the community. No modification recommended.
1/3	An absolute height limit of 10m should be maintained.	This is mentioned in many of the representations. The removal of the absolute height limit was the result of a number of factors, including: (a) the fact that a maximum height limit does not necessarily achieve the outcome that it is intended to. For example, under the current Scheme provisions, a building could be constructed across multiple titles on the Main Road of

		<p>Penguin, to 10m in height and the only point of discretion may be whether the “design is in keeping with or enhances the streetscape character”, performance criteria which are not defined at all in the current Scheme;</p> <p>(b) consideration of designs that are slightly over the maximum height limits but are certainly in keeping with the established streetscapes and characters of the relevant area cannot be considered at all;</p> <p>(c) the community consultation that was undertaken in which the community expressed concern about the restrictions and shortcomings of a maximum height limit.</p> <p>These are not the only issues. The supporting documentation for the amendment goes into further detail on the matter. The proposed Schedule is intended to encourage development up to 8m. Anything over 8m would require a detailed and thorough case to be made in relation to the relevant performance criteria, including an Urban Context Report. This is not a minor undertaking for a developer to make such a demonstration, and it would be open for public scrutiny. The removal of the maximum height limitation is considered to be in keeping with the overall project and Scheme.</p>
--	--	--

DEVELOPMENT SERVICES

		No modification recommended.
1/4	Accessibility to the amendment, understanding of the process, availability of Council Agendas.	<p>Noted.</p> <p>Council has consistently sought to inform the public on these types of issues. This is not relevant to determining the merit of the amendment as the statutory and suggested processes (e.g. Planning Advisory Note 7) have been adhered to.</p> <p>No modification recommended.</p>
2/1	As for 1/4.	
2/2	Amendment was not available on the Council website.	<p>Council does not advertise applications on the website. This is standard practice and is not relevant to determining the merit of the amendment.</p> <p>No modification recommended.</p>
2/3	“Anyone who reads the amendments without having access to the Appendices would assume that the height limit of 8/10 metres was absolute. And indeed, this was the conclusion of the RPDC when they assessed the proposed changes in March, this year”.	<p>There has been no assessment of this amendment by the Commission at this stage. The amendment will proceed to the Commission and will be tested and assessed as per the Act.</p> <p>No modification recommended.</p>

<p>2/4</p>	<p>The proposed wordings for 12.4.3 P1, S14.1(g), the definition of “coastal village character”, S14.4.1 A6, S14.4.1 A7, S14.4.1 P4 are incompatible with each other, and in effect, invalidate each other.</p>	<p>These provisions have been designed to co-exist and to work together to achieve the objectives of each of the provisions mentioned in 2/4. The representation states that development over three storeys is incompatible with the provisions listed in 2/4. Whilst this may be a subtle point of difference, there is capacity for a building over three storeys to be designed and developed in accordance with the provisions listed in 2/4. It is concluded that the sections of the Schedule listed in 2/4 are complementary, not contradictory.</p> <p>No modification recommended.</p>
<p>2/5</p>	<p>As for 1/2.</p>	
<p>2/6</p>	<p>The consultation in regard to the Penguin Urban Design Guidelines did not give any indication that the community wanted the maximum height limit removed.</p>	<p>This is in contrast to the conclusions that the consultants came to after the extensive community consultation.</p> <p>The opinion of this Officer is that there were discussions around maintaining a maximum height limit during the community consultation but that these were not the majority of opinion. There is further discussion on the issue of a maximum height limit in 1/3.</p> <p>No modification recommended.</p>

DEVELOPMENT SERVICES

3/1	As for 2/4.	
3/2	14.4.1 A6 and A7 are only there to provide for development over the height limit.	<p>The provisions for 14.4.1 A6 and A7 are proposed to facilitate designs that are sympathetic to the existing streetscape, whereby buildings over one storey present no setback to Main Road. These could occur regardless of the height limits. A6 and A7 are intended to guide development, whether it is over the height limit or not, not to provide only for development over such a limit.</p> <p>No modification recommended.</p>
3/3	As for 2/6.	
4/1	As for 1/4.	
4/2	The proposed amendment was not in the print media.	<p>The amendment was advertised in a local newspaper as required by the Act.</p> <p>No modification recommended.</p>
5	As for 2/1 through to 2/6.	5 and 2 are the same document, signed by different people. The issues are addressed above.
6	As for 2/3 and 2/6; 1/4 and 2/4.	

DEVELOPMENT SERVICES

7	As for 1/3 and 2/6.	
8	As for 1/3.	
9	As for 2/1 through to 2/6.	The issues raised in 9 are identical to those in 5 and 2. The issues are addressed above.
10	As for 1/3.	
11	As for 2/6.	
12	As for 1/2 and 1/3.	
13	As for 1/2 and 1/3 and 2/4.	

CONSULTATION

Extensive community consultation was conducted as part of the Penguin Urban Design Guidelines Project and is detailed in the Penguin Urban Design Guidelines themselves and the report supporting the amendment. In summary, community workshops with Councillors, targeted stakeholders, and the general community were conducted prior to the development of the draft Penguin Urban Design Guidelines. There was then a period for written submissions on the draft Guidelines. The draft Guidelines document was reviewed and amended where necessary in response to those written submissions.

The statutory consultation periods were fulfilled, and are detailed in the above "Discussion" section of this report. Additional consultation will occur as per forthcoming direction from the Commission.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the process. No other impacts on resources are anticipated.

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

It is recommended that there be no modifications of the draft amendment in response to the representations received during the public exhibition process.¹

The report is supported."

The Strategic & Executive Services Manager reported as follows:

"Copies of the Annexure referred to in the Land Use Planning Group Leader's report and Amendment 1/2008 have been circulated to all Councillors."

■ Cr (J) Bonde moved and Cr McKenna seconded, “That the Resource Planning and Development Commission be advised of the Council’s view that there be no alterations to the draft amendment (identified as AMD2008.1, Schedule 14 Penguin Urban Design Guidelines Schedule) as a result of the 13 representations received during the public exhibition period.”

Continued after Minute No. 323/2008.

323/2008 Public question time

The time being 6.39pm, the Mayor introduced public question time.

Questions and replies concluded at 6.55pm.

Minute No. 322/2008 continued...

Voting for the motion

(8)

Cr Downie

Cr Robertson

Cr (J) Bonde

Cr Deacon

Cr Fuller

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(2)

Cr (L) Bonde

Cr Dry

Motion

Carried

GENERAL MANAGEMENT

324/2008 Review of Paper Distribution of Information to Councillors

- Cr Fuller (having given notice) moved and Cr (J) Bonde seconded:

“That a review of the current method of paper distribution of information to Councillors, including attachments to the GM’s Desk, taking into consideration elected members personal preferences, and that such a review be completed, reported and implemented by the end of the calendar year 2008.”

Cr Fuller, in support of her motion, submitted as follows:

“Acknowledging the large amount of information that needs to be presented to Councillors, and that all presently elected members have a variety of preferred methods of receiving their information, there has, none the less, been concerns raised on several occasions about the volume of paper and copying being used in the dissemination of this information.

A projected expenditure of \$32,000 for the 08–09 year for PHOTO-COPIER EXPENSES, (refer Annual plan page 2.41) 6.5% of the total corporate administration budget for the year, provides an indication of the significant costs, incurred for photo copying. Obviously only a small percentage of this may relate to elected member information, but from an environmental and cost perspective any saving is worthwhile.

All staff and Councillors have at their disposal, computer hardware, software and training to enable a volume of information to be dispensed electronically.

Whilst appreciating that using one method across the board is possibly the easiest method for staff, I consider that it is timely for our methods of distributing information between staff and elected members be reviewed.”

The Strategic & Executive Services Manager reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Fuller requesting a review of the current method of paper distribution of information to Councillors, including attachments to the GM’s Desk.

BACKGROUND

Cr Fuller’s supporting comments provide background to this motion.

DISCUSSION

At present, Councillors are provided with a hard copy of all relevant material, including agendas, minutes, reports, attachments, newsletters and memos.

Almost all internal Council documents provided to Councillors are accessible in an electronic format, offering the opportunity to deliver the information electronically. However, some information provided by external organisations and committees is only provided in hard copy. These have the potential to be scanned and provided electronically in PDF format.

CONSULTATION

Consultation with Councillors at a workshop on the preferred method of information distribution would be conducted as part of such a review. Consultation with staff responsible for delivering information to Councillors would also be required to gauge the capacity of staff and staff processes to provide individually tailored methods of information delivery.

IMPACT ON RESOURCES

Other than associated administrative costs, there are no impacts on the Council's resources in conducting such a review.

CORPORATE COMPLIANCE

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

- . Plan for and develop a sustainable community
- . Try to provide you with an alternative and follow through on possible avenues for helping you if we are unable to comply with a request
- . Give you straightforward information."

Carried unanimously

325/2008 Minutes and notes of committees of the Council and other organisations

The Strategic & Executive Services Manager reported as follows:

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

- . Ulverstone Local History Museum Committee – meetings held on 19 August 2008
- . Forth Community Representative Committee – meeting held on 14 August 2008
- . Youth Engaged Steering Committee – meeting held on 21 August 2008
- . Central Coast Community Safety Partnership Committee – meeting held on 4 September 2008.

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

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

Carried unanimously

326/2008 Governance – Appointment of Acting General Manager

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to recommend the appointment of an Acting General Manager in the absence from time to time of the appointed General Manager.

BACKGROUND

The *Local Government Act 1993* requires that the Council make the appointment of an Acting General Manager as required from time to time.

DISCUSSION

As the Council is required to appoint a General Manager, it is also required to therefore appoint a person to act in this position whenever the General Manager is absent.

It is far more appropriate for efficient and legally competent operational purposes that the Council now appoint an officer to this role.

If an appointment is not made in the manner proposed, the Council would have to make individual appointments each time circumstances necessitate a person to act as General Manager. As the General Manager’s absence cannot always be known with sufficient lead time to have an appointment made at an ordinary meeting of the Council, special meetings may be required. This would be quite inefficient and could invoke unnecessary costs.

If an appointment is not made at all, the Council would be legally exposed in the General Manager's absence for not having an appointed officer to undertake the statutory duties of the General Manager.

CONSULTATION

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

IMPACT ON RESOURCES

There is no known impact on resources.

CORPORATE COMPLIANCE

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

- . Provide effective leadership
- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that:

- 1 For the purposes of section 62 of the *Local Government Act 1993* the Council appoint Michael John Stretton to act as General Manager in the absence from time to time of the appointed General Manager, and that all delegations made by the Council to the General Manager be applied in respect of the appointment of Mr Stretton to act as General Manager; and
- 2 In the event of the General Manager and Michael John Stretton both being absent at the same time, the appointment of Michael John Stretton be of no standing for the time of that absence and the Council may instead appoint another person for this purpose."

■ Cr Deacon moved and Cr McKenna seconded, "That

- 1 For the purposes of section 62 of the *Local Government Act 1993* the Council appoint Michael John Stretton to act as General Manager in the absence from time to time of the appointed General Manager, and that all delegations made by the Council to the General Manager be applied in respect of the appointment of Mr Stretton to act as General Manager; and
- 2 In the event of the General Manager and Michael John Stretton both being absent at the same time, the appointment of Michael John Stretton be of no

GENERAL MANAGEMENT

standing for the time of that absence and the Council may instead appoint another person for this purpose.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

327/2008 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 August 2008 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

328/2008 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 August 2008 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 27.08.2008 – Letter concerning Illegal Signs, Sewerage – Ironcliffe Road, Penguin and Pedestrian Crossing – Ironcliffe Road, Penguin.

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 (J) Bonde moved and Cr Deacon seconded, “That the Director’s report be received.”

Carried unanimously

329/2008 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 19 August to 15 September 2008 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr Deacon moved and Cr (J) Bonde 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

330/2008 Financial statements

The Director Corporate & Community Services reported as follows:

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

- Summary of Rates and Fire Service Levies
- Finance Report
- Capital Works Resource Schedule.”

The Strategic & Executive Services 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

331/2008 Rate remissions

The Director Corporate & Community Services reported as follows:

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

<i>PROPERTY NO.</i>	403020.0140
<i>PROPERTY ADDRESS</i>	4 Arnold Street, Penguin
<i>REMISSION</i>	\$1,471.88
<i>REASON</i>	Property exempt from rate – now owned by the Council
<i>PROPERTY NO.</i>	504460.0780
<i>PROPERTY ADDRESS</i>	2 Cuprona Road, Heybridge
<i>REMISSION</i>	\$25.62
<i>REASON</i>	Property revalued following objection to general revaluation
<i>PROPERTY NO.</i>	202008.0007
<i>PROPERTY ADDRESS</i>	Arcadia Avenue, Turners Beach
<i>REMISSION</i>	\$632.68
<i>REASON</i>	Property revalued as Arcadia Avenue and 30 Boyes Street adhered
<i>PROPERTY NO.</i>	505860.0800
<i>PROPERTY ADDRESS</i>	130 Whitehills Road, Penguin
<i>REMISSION</i>	\$69.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	504880.0080
<i>PROPERTY ADDRESS</i>	143 Isandula Road, Gawler
<i>REMISSION</i>	\$69.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	505860.0400
<i>PROPERTY ADDRESS</i>	203 Whitehills Road, Penguin
<i>REMISSION</i>	\$69.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	302330.0260
<i>PROPERTY ADDRESS</i>	Braddons Lookout Road, Leith
<i>REMISSION</i>	\$156.86
<i>REASON</i>	Property deemed valueless and can not be used for any form or development (Minute No. 611/95 – 11.12.95) – pay rate–in–the dollar only General Rate.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr van Rooyen moved and Cr Howard seconded, “That the following remissions be approved:

- . Property No. 100615.0260 – \$1,471.88
- . Property No. 101270.0120 – \$25.62
- . Property No. 403448.0100 – \$632.68
- . Property No. 403448.0180 – \$69.00
- . Property No. 504270.0540 – \$69.00
- . Property No. 504430.0400 – \$69.00
- . Property No. 504490.0420 – \$156.86.”

Carried unanimously and by absolute majority

332/2008 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>	3603
<i>PROPERTY ADDRESS</i>	12 Davis Street, Leith
<i>REMISSION</i>	\$190.52
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

<i>DEBTOR NO.</i>	5246
<i>PROPERTY ADDRESS</i>	4 Fenton Street, Turners Beach
<i>REMISSION</i>	\$27.28
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003).”

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

- . Debtor No. 5318 – \$190.52
- . Debtor No. 7462 – \$27.28.”

Carried unanimously

ASSETS & ENGINEERING

333/2008 Assets & Engineering determinations

The Director Assets & Engineering reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

334/2008 Leith Road water main (224/2008 – 30.06.08)

The Director Assets & Engineering reported as follows:

“The Assets and Engineering Manager has prepared the following report.

PURPOSE

The purpose of this report is to seek approval to renew the existing water main along Leith Road by incorporating the works into the 2008–2009 capital works program.

BACKGROUND

An allocation of \$300,000 for reconstruction of Leith Road Stage 1 was approved in the 2008–2009 Capital Funding Program (Minute No. 224/2008). During preliminary site visits it was revealed there have been ongoing problems with breakages of this section of water main due to the type of pipe and jointing. The pipe was originally a Devonport City Council asset and was transferred to the Central Coast Council as part of the amalgamations of 1993.

No allocation had been made in the Capital Funding Program for the replacement of the water main.

DISCUSSION

As the pipeline is located below or close to the proposed roadwork, there is a strong possibility of breakage during the construction works due to construction loadings. As problems and breakages of the main will continue to occur into the future it is not desirable to reconstruct the road only to be digging it up to carry out repairs on the water main.

Normally with this type of issue it would be possible to consider delaying the project until the water main is replaced. However, in this instance there are some influencing factors which do not make this possible. Stage 1 of Leith Road is funded from 'Roads to Recovery' funding and this is the final year for acquittal of this round of funds. For this reason we need to complete the roadwork prior to 30 June 2009. We also have the issue of water and sewerage reform. Whilst at this stage we can reallocate budgets and program for the water main to be replaced to suit our requirements, we will lose some of the ability to influence future programs as of 30 June 2009. For this reason it is deemed necessary to replace the water main throughout the affected area this financial year.

As the replacement water main is an "asset renewal" it is appropriate to fund the shortfall from a similar category. The projects with lowest priority in this category for this year are the Trevor Street high level pump line replacement and Trevor Street high level pump replacement.

The estimated cost for the water main replacement is \$70,000. It is proposed the funding for this is made available from the following sources.

- 1 Trevor Street high level pump line replacement – \$21,000;
- 2 Trevor Street high level pump replacement – \$50,000.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

The additional project can be accommodated within the 2008–2009 Capital Funding Program.

CORPORATE COMPLIANCE

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

- . Develop and manage sustainable infrastructure
- . Foster an integrated transport and planning system.

CONCLUSION

It is recommended that:

- 1 The Leith Road water main replacement project is added to the 2008–2009 capital works program with a budget of \$71,000.
- 2 The Trevor Street high level pump projects with a combined budget of \$71,000 be deleted from the 2008–2009 estimates.
- 3 Capital funding of \$71,000 from the Trevor Street high level pump projects be reallocated to the Leith Road water main replacement.’

The Assets & Engineering Manager’s report is supported.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr van Rooyen moved and Cr Howard seconded, “That the Leith Road water main replacement is added to the 2008–2009 Capital Works Program with a budget of \$71,000 and is funded by deferral of the Trevor Street high level pump projects with a combined budget of \$71,000.”

Carried unanimously and by absolute majority

335/2008 Budget reallocations for the year ending 30 June 2009 (224/2008 – 30.06.08)

The Director Assets & Engineering reported as follows:

“The Assets and Engineering Manager has prepared the following report.

'PURPOSE

This report considers the reallocation of budgets for capital works projects following receipt of actual expenditure figures for the year ended 2007-2008.

BACKGROUND

Preliminary budgets were presented to the Council at a workshop held on 2 June 2008 and for approval at the Council meeting on 30 June 2008 (Minute No. 224/2008).

In order to prepare budgets prior to 30 June 2008, it was necessary to project spending for incomplete projects. In some cases this was difficult to determine. It was only when final figures were committed to projects that a true indication of available funding was known. We have now been through this process and have reallocated budgets. Funding provided for the Spellmans Road Cradle Country Tourism Link was also incorrectly allocated.

Projects to be deferred are selected on a priority basis. New works are generally deferred before renewal works as it is deemed more important to maintain existing assets prior to creating new ones.

Since the meeting with the Council we have been successful in gaining Blackspot Funding of \$100,000 for a section of Castra Road.

DISCUSSION

Minor alterations have not been included.

Proposed changes are as follows:

Roads - Urban Sealed

Ocean Drive/Fieldings Way landscaping - reduced from \$20,000 to \$15,000
Alexandra Road - reduced from \$30,000 to \$20,000

Roads - Rural Sealed

Spellmans Road (AusLink) - increased from \$20,000 to \$170,000
Castra Road (Blackspot) - increased from \$0 to \$100,000
Seal extension (subject to Gravel Road Review) - reduced from \$30,000 to \$0

Footpaths

Clara Street - reduced from \$30,000 to \$0
Dairy Company Lane - reduced from \$35,000 to \$0

River Road (East) – reduced from \$35,000 to \$0
Fielding Street to Mission Hill Road link – reduced from \$10,000 to \$0

Drainage

Deviation Road (near no. 37) – reduced from \$10,000 to \$0
Jermyn Street – decreased from \$1,000 to \$0

Sewerage

Carpark Lane Toilets – increased from \$0 to \$50,000

CONSULTATION

The revised budgets have been determined following discussions and agreement between the Assets & Engineering Department and the Finance Group Leader to balance budgets.

IMPACT ON RESOURCES

The rearrangement of capital works projects can be accommodated within the 2008–2009 capital works program.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended the following projects are deferred to 2009–2010:

Roads – Rural Sealed

Seal extension (subject to Gravel Road Review) – \$30,000

Footpaths

Clara Street – \$30,000
Dairy Company Lane – \$35,000
River Road (East) – \$35,000
Fielding Street to Mission Hill Road link – \$10,000

Drainage

Deviation Road (near no. 37) – \$10,000
Jermyn Street – \$1,000

and the budgets for the following projects be altered as shown:

Roads – Rural Sealed

Spellmans Road (AusLink) – increased from \$20,000 to \$170,000

Castra Road (Blackspot) – increased from \$0 to \$100,000

Sewerage

Carpark Lane Toilets – increased from \$0 to \$50,000.”

The Director Assets & Engineering further reported as follows:

“This item has been withdrawn from consideration at this time.”

336/2008 Tenders for truck – F603

The Director Assets & Engineering reported as follows:

“PURPOSE

The purpose of this report is to consider tenders received for plant item F603.

BACKGROUND

The Works Group Leader reported as follows:

‘Tenders were called on 20 July 2008 and closed on 5 August 2008.

Tenders were received as follows:

TENDERER	MAKE	GROSS PRICE \$ (EXC. GST)	TRADE-IN PRICE \$ (EXC. GST)	NETT PRICE \$ (EXC. GST)
Motors Pty Ltd	Isuzu FVR1000	220,327.00	27,273.00	193,054.00
CJD Equipment P/L	Mitsubishi Fuso FM65FH2RFAB	238,250.00	36,363.36	201,886.64
Motors Pty Ltd	Isuzu FTR900	231,227.00	27,273.00	203,954.00
Brigold Pty Ltd	<i>Purchase only</i>		19,373.64	

Quickseal Asphalting	<i>Purchase only</i>		40,000.00	
<i>ESTIMATE</i>		<i>210,000.00</i>	<i>45,000.00</i>	<i>165,000.00</i>

DISCUSSION

Three vehicles were offered in the tender process, each specifying the same Flocon unit; the Flocon unit has a very good history and has no recorded performance or safety-related issues.

The three vehicles tendered complied with the plant specification sheet.

Following consultation/product evaluation with the Roadworks Maintenance Supervisor and the current operators, the preference is for the Isuzu FVR1000 from Motors Pty Ltd.

It was agreed that there were no significant advantages to the Council's operations offered with the Mitsubishi Fuso from CJD Pty Ltd that would justify the additional \$17,923.00 (gross price) above the price of the Isuzu FVR1000.

The Isuzu FVR1000 offers an increased asphalt payload capacity of approximately 0.75 tonne, an additional 82kW, increased turning capacity and improved unit design for operator safety in comparison to the existing vehicle.

CONSULTATION

This item has followed a public tendering process and consultation has been undertaken with the tenderers and operators in respect to options and safety aspects.

IMPACT ON RESOURCES

The preferred option would be purchase of the new truck from Motors Pty Ltd (\$220,327.00 exc. GST) and trade purchase from Quickseal Asphalting (\$40,000.00 exc. GST).

The resultant \$15,327.00 shortfall can be accommodated within the Plant Replacement Estimates.

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 Council:

- 1 Accept the tender from Motors Pty Ltd for plant item F603, being an Isuzu FVR1000 for the amount of \$242,360.00 (inc. GST); and
- 2 Accept the plant purchase offer from Quickseal Asphaltting for plant item F603, being a Mitsubishi FM658L Flocon for the amount of \$44,000.00 (inc. GST).'

The Works Group Leader's report is supported."

■ Cr (J) Bonde moved and Cr Deacon seconded, "That:

- 1 The tender from Motors Pty Ltd for plant item F603, being an Isuzu FVR1000 in the amount of \$242,360.00 (inc. GST), be accepted; and
- 2 The purchase offer from Quickseal Asphaltting for plant item F603, being a Mitsubishi FM658L Flocon for the amount of \$44,000.00 (Inc. GST), be accepted."

Carried unanimously

337/2008 Recyclables collection and processing

The Director Assets & Engineering reported as follows:

"PURPOSE

This report considers tenders for the kerbside recyclables collection and processing.

BACKGROUND

The Environmental Engineering Group Leader reported as follows.

'The kerbside collection of recyclables has occurred in the Central Coast municipal area since the early 1990's, with recycling crates first introduced in December 2000. Vincent Industries has provided this service, under a number of contracts with the Council, for some 15 years. Jones' Waste Management has operated the service for the past 12 months, having purchased the Vincent Industries Wivenhoe operation.

For a number of years the viability of the crate collection system has been in question with the main concern relating to Occupational Health & Safety. The restrictions of the current coastal processing facility have also been a matter of concern as they limit the ability to significantly improve participation rates and to expand the range of recyclable products collected.

The Dulverton Waste Management CEO reported as follows:

“...2. BACKGROUND INFORMATION

2.1 *Assessment of Options for Provision of a Recycling Service*

In July 2007, Dulverton Waste Management prepared a report for consideration by the Cradle Coast Waste Management Group and Cradle Coast Councils General Managers, titled *Dulverton Waste Management, Assessment of Options for Provision of Recycling Services*.

The report considered the options for the provision of a recycling service including the following:

- . Option 1 - Two Bin Recycling System
- . Option 2 - Commingled Collection
- . Option 3 - No Kerb Side Collection

The report concluded that either a two bin, or commingled bin system was of a similar value and risk and that either could be adopted with the correct management.

The report also emphasised that either option was highly dependent on all multiple Councils being involved to enable the maximum economic, social and environmental benefits.

From this report the Cradle Coast Waste Management Group decided to follow a path to implementing a commingled collection and processing service.

2.2 *Recycling Industry*

The following is a brief overview of the current recycling situation across Australia and an explanation of the critical issues for the Cradle Coast Region:

- . At present the majority of Australian Councils are adopting mobile garbage bins (MGB) for recyclables to replace the existing crate systems. A single MGB for all recyclables (commingled) is the preferred industry standard for most Australian states because:
 - 1 It increases participation and volume of recyclables.
 - 2 There are significant safety issues with respect to collection of crates, Work Safe Vic have banned the use in Victoria, while in Tasmania, Veolia Environmental Services and Jones Waste Management, the two largest waste services providers in Tasmania, will not price a new crate based collection contract.
- . Historically all recyclables in the Cradle Coast Region were delivered to Vincent Industries Materials Recovery Facility (MRF) at Wivenhoe for processing. Recently this MRF was acquired by Jones Waste Management (JWM), with JWM indicating they do not intend to continue its operation beyond the short term due to safety concerns.
- . The current crate collection technique results in recyclables being sorted into paper and containers at the point of the kerbside pickup on the collection trucks. This collection process results in the existing Wivenhoe MRF only sorting containers.
- . When MGB's are introduced the existing Wivenhoe MRF will not have the technology capable of sorting the commingled recyclables or the space for a suitable plant upgrade.
- . A key issue for the operation of a MRF is the contamination levels: Contamination is a term to describe material which cannot be recycled with the technology at the respective MRF. i.e. for the Wivenhoe MRF, contamination may include paper and cardboard along with the obvious contamination products such as domestic waste.

2.3 *Participation*

West Tamar, Hobart City and Meander Valley Councils operate a commingled collection service with Launceston City Council having recently requested tenders for a commingled service.

Increases of around 2 to 3 times in the quantity of recyclables from crates to MGBs is well documented across Australia, with West Tamar and Hobart City experiencing an increase in the order of 2.5 times, with rates of collection now 220 kg/tenement/yr and 225 kg/tenement/yr respectively.

Jones Waste Management have indicated that at present the recyclables collection rate on the northwest coast is in the order of 95kg/tenement/yr.

For the approximate 35,000 tenements on the north-west coast with kerbside collection it is expected that 7,700 to 7,900 tonnes of recyclables would be collected per year. This excludes additional quantities collected through commercial collection, schools and waste transfer stations.

The costs presented in this report are based on 7,500 tonnes (i.e. 210kg/tenement/yr). Any additional commingled recyclables collected over 7,500 tonnes will lower the cost of the service.

Victorian Councils are currently achieving an average of 270kg/tenement/yr.

Based on the experiences of West Tamar Council, the main implementation issue was the level of contamination. This has been resolved by undertaking audits and education in the problem areas. It became apparent that the majority of contamination issues were associated with people unaware of what they can recycle.

For the Launceston and Hobart regions Veolia are upgrading their MRF's to accommodate a single MGB commingled system.

It is important to consider that the above increases in volume relate to a combination of increased participation and increased recycling volume per household. Also during the change of system, i.e. from crates to MGB's, there was usually an increased level of education hence this alone may have resulted in a portion of the increases being experienced.

2.4 *Catchment Area & Current Serviced Tenements*

The catchment area includes households already on the kerbside collection service for Burnie City, Central Coast, Circular Head, Devonport City, Kentish, Latrobe and Waratah/Wynyard Councils.

As shown in Table 1, these Councils have a total population of approximately 102,300 and some 35,626 tenements are presently provided with a kerbside recycling services.

Table 1 – Present Population and Kerbside Recycling Services

MUNICIPAL AREA	PRESENT POPULATION	PRESENT KERBSIDE RECYCLING SERVICE
Burnie City	19,700	. Weekly crate . 7,750 tenements presently serviced.
Central Coast	21,200	. Weekly crate . 7,350 tenements presently serviced
Circular Head	8,100	. Fortnightly crate . 1800 tenements presently serviced
Devonport City	24,800	. Weekly crate . 9,950 tenements presently serviced
Kentish	5,900	. Weekly/fortnightly bag . 1,286 tenements presently serviced
Latrobe	8,800	. Weekly crate . 3,556 tenements presently serviced
Waratah/Wynyard	13,800	. Weekly crate . 3,934 tenements presently serviced
<i>Total</i>	<i>102,300</i>	<i>. 35,626 tenements presently serviced</i>

...4. FINANCIAL

The preferred tender is Veolia Environmental Services with the following contractual model:

- . Collection and processing at Veolia's existing Spreyton Depot, including a 50% Principals Profit Share basis and fixed gate fee arrangement for processing.

The likely costs for each Council under this Option are as follows:

COUNCIL	TENEMENTS	% OF TOTAL	\$/YEAR [#]
Burnie City	7,750	22%	289,210
Central Coast	7,350	21%	274,283
Circular Head	1,800	5%	67,171
Devonport City	9,950	28%	371,308
Kentish	1,286	4%	47,990
Latrobe	3,556	10%	132,701
Waratah/Wynyard	3,934	11%	146,807
<i>Total</i>	<i>35,626</i>	<i>100%</i>	<i>\$1,329,471</i>

Note: # - All costs are excluding GST

During the first year of operation the likely cost is in the order of \$37.32 per tenement. This cost is variable and will change over the life of the contract with regard to the following variables:

- . Recyclables volume being collected;
- . Recyclables commodity rates;
- . Adjustment for CPI;
- . Adjustment for fuel price fluctuations...

5. RISK ISSUES

5.1 *General*

The need for a regional contract is discussed in the earlier mentioned report titled, *Dulverton Waste Management, Assessment of Options for Provision of Recycling Services – July 2007*, which concluded that either a two bin, or commingled bin system was of a similar value and risk and that either could be adopted with the correct management.

The report also emphasised that *either option was highly dependent on all participating Councils being involved.*

The provision of a MGB collection service for commingled recyclables would require a new MRF on the northwest coast, which is capable of accepting the commingled containers, paper and cardboard. Such a facility requires a significant upfront capital investment and although the selected tenderer would fund the initial capital investment, the capital investment would be recovered over the life of the contract and therefore a regional approach is required so the cost is borne by the Region and not any individual council.

In addition to the necessity of recovering capital investment costs across the Region, there are significant collection efficiencies by increasing economies of scale through a regional contract.

5.2 Contract Structure

GHD Pty Ltd was engaged to assist Councils with the assessment of the available contractual models with the final tender documents based around the following:

- ▶ A single contract for collection and processing of kerbside recyclables with a:
 - A 10 year term to provide a MRF with the ownership transferred to Councils on expiration of the contract.
 - A 5 year term plus the option for another 5 years for the supply and maintenance of bins and collection.
- ▶ The contract will require a cost per tenement collected which is to be the same for the entire Region.
- ▶ Councils will share (suggested to be not less than 30%) with the proponent for risk and reward to manage the commercial risk associated with the volatility of the price received for recyclable products.

The following alternative contractual models were assessed but were determined not to be suitable:

- Separate contracts for collection and processing.

This was determined not to be appropriate as the responsible party for contamination issues could not be clearly defined. Contamination of recyclables is likely to be the greatest operational issue, particularly during the initial years of operations.

- . A fixed price contract with no commercial risk apportioned to councils.

This was determined not to be appropriate because the cost obtained from recycled products is extremely volatile and therefore the contractor would price this risk into their price, potentially resulting in councils paying a premium for this risk. An example of the volatility of recyclable products is seen through the Melbourne metropolitan councils, who were paying upwards of \$30/tonne for materials processed a couple of years ago to now receiving \$20 to \$30/tonne for recyclable products.

- . Cradle Coast Councils providing the initial capital investment and retaining ownership of all recyclables product with a contractor to operate the facility only.

This was determined not to be appropriate because it exposed participating councils to significant commercial risks which councils were not equipped in terms of in house skills and available capital, to manage.

5.3 *Tender Process*

Tenders were called on Saturday 23rd February 2008, with advertisements appearing in the Advocate and Mercury Newspapers.

The tender was based on the tenderer to provide all necessary labour, plant, equipment and vehicles to undertake the collection, haulage, processing, storage and resale of commingled recyclables as generally split between the following two contract periods:

- 1 Provision of a commingled recycling collection service (5 year Contract + option for additional 5 years based on performance) including:
 - . Supply of a collection service, including bin maintenance, on a *fortnightly basis*;

- . Management of customer requests/complaints etc; and
- 2 Design, Construction and Operation of a sorting facility, for the sorting of commingled recyclables to an industry acceptable standard (10 year Contract) including:
 - . Initial supply of new recyclables containers (240 L mobile garbage bins);
 - . Acceptance of recyclable material from the commingled collection;
 - . Supply of recycling processing service;
 - . Active participation in the selling of the processed recycled material;
 - . The Contractor will be responsible for obtaining all necessary approvals and licences to develop and operate the facility; and
 - . Ownership of all recyclables containers and the sorting facility, including all associated plant and equipment, to revert to the Principal at the end of the Initial Contract Period

Tender documents were requested by eleven contractors.

At the close of tenders on Monday 5th May 2008, tenders were received from the following:

- . Veolia Environmental Services (Veolia)
- . Trans Pacific Industries (TPI)
- . Jones' Waste Management (JWM)

The tender amounts are summarised in Table 2 below.

Table 2 – Tenders

TENDERER	TOTAL COST (\$/YR) ¹
Veolia – alternative to process at Spreyton	1,329,471
JWM - conforming bid	1,383,664
Veolia – conforming bid	1,444,799
TPI – alternative bid	2,266,086

Note¹: Total cost per year including estimated income from profit share.

5.4 *Tender Assessment*

The general process of the tender assessment phase is detailed below:

- 1 Tender Assessment Committee formed and assessment criteria determined prior to close of the tender period.
- 2 Initial tender report prepared to summarise tenders received.
- 3 Initial Tender Committee Meeting.
- 4 Interviews with tenderers.
- 5 Draft recommendations for a preferred tenderer.
- 6 Preferred tenderers endorsed by Cradle Coast Waste Management Group.
- 7 Preferred tenderer negotiations.
- 8 *Information for Council officers and elected members including report.*
- 9 *Acceptance of tenderer by individual Councils.*

This report is step 8 and 9.

The Tender Assessment Committee consisted of the following members:

- . Design Engineer – Burnie City Council
- . Chief Executive Officer – Dulverton Waste Management
- . Director – IPD Consulting
- . Environmental Engineering Group Leader – Central Coast Council
- . Engineer – Circular Head Council

5.5 *Selection of Preferred Tenderer*

Each tender was assessed by the Tender Assessment Committee against the predetermined criteria. The results of the assessment are summarised in Table 3 below:

Table 3 – Tender Assessment

TENDERER	RANKING
Veolia Environmental Services (Veolia)	1
Jones Waste Management (JWM)	2
Trans Pacific Industries (TPI)	3

A full description of the tender assessment can be found in *Cradle Coast Waste Management Group, Recycling Collection and Processing, Tender Report, June 2008*. This report was considered and endorsed by the Cradle Coast Waste Management Group and is summarised below:

- . Veolia offered an alternative contractual model based on a gate fee arrangement with ownership retained by Veolia.
- . Both JWM and Veolia were similar in terms of price, but Veolia demonstrated more experience in the operation of a commingled MRF and an excellent ability to access the recyclables commodity market.
- . Jones Waste Management and Veolia were asked to price an alternative where they owned the processing facility.
- . TPI had similar experience as Veolia but were considerably more expensive.
- . The ownership by Council of the MRF was not considered to be significantly important and overall due to the life span of the Contract (10yrs) it was determined that the mechanical equipment would have a nil value at the end of the contract term and hence there was little financial incentive to own the MRF. To own the MRF the additional contract costs were in excess of \$1.2m over the life of the contract.

5.6 Contract Management

All contracts need a Principal or a representative which is generally referred to as the Superintendent or a Superintendents Representative.

Due to the number of Councils involved in the Contract, it is recommended that one body is responsible (the 'Principal') for the contractual management of the contract including monthly meetings, organising payment and having individual contracts or agreements with each individual council. It is envisaged that the cost of this management will be sourced from the waste levy which is administered by Cradle Coast Authority.

The options currently envisaged are as follows:

- . Dulverton Waste Management (DWM); or
- . Cradle Coast Authority (CCA).

The Principal needs to have a good understanding of the Contract and technical knowledge of the waste industry to effectively manage the Contract. On this basis DWM is the preferred organisation. The fact that not all councils are members of DWM is not considered an issue as it is envisaged that a committee will be established, comprising a representative from each council, to give DWM advice on contract management issues.

6. CONSULTATION

Over the twelve month process of developing the contract and going to tender, there have been regular meetings involving engineers from each Council to determine the contractual structure, the Tender Assessment Committee to select the preferred tenderer and the CCWVG to endorse the contract arrangements and preferred tenderer.

7. STATUTORY REQUIREMENTS

Council has authority under Section 205 of the Local Government Act to apply fees and charges for the use of a Council owned facility.

The tendering requirements of Division 2A, Section 333A Local Government Act, 1993 and Section 23 Local Government (General) Regulations 2005 have been met.

8. SUMMARY

- . The contract is to supply 240L mobile garbage bins, fortnightly collection and processing of recyclables for a period of ten years.

- . Veolia Environmental Services are the preferred tenderer for the sum of approximately \$1,329,471 (excluding GST) per annum and is varied based on the following parameters:
 - . Recyclables volume being collected;
 - . Recyclables commodity rates;
 - . Adjustment for CPI;
 - . Adjustment for fuel price fluctuations.
- . There is a risk sharing component of the contract which allows for a 50% share in any gain in the value of recyclables over the life of the contract.
- . The contract is likely to start early in the second half of 2009, and will require the upgrading of the current Spreyton Recycling Facility and procurement of bins and collection vehicles.
- . There is no other alternative available to undertake kerbside collection of recyclables.
- . The contract price is based on all councils accepting the tender.

9. RECOMMENDATION

That the report dated 29 August 2008 concerning kerbside recycling and collection be received and the Council:

- . Award the Recyclables Collection and Processing Contract (DWM 001/08) to Veolia Environmental Services for the sum of approximately \$274,000 excluding GST for Central Coast Council and based on the terms and conditions of the contract providing that all other Cradle Coast Councils, excluding King Island and West Coast Councils, accept the contract.
- . Appoint Dulverton Waste Management as the “Principal” for the contractual aspects of the contract and enter into an agreement with Dulverton Waste Management for the provision of the services over the life of the Contract.”

The Dulverton Waste Management CEO’s report is supported.’

The Environmental Engineering Group Leader's report is supported.

DISCUSSION

In summary, there are some relevant points that have been considered in respect to this report as follows:

- . Tenders evaluation was based on the criteria listed below, which was detailed in the tender documentation:
 - 1 Tender Rate
 - 2 Proposed Staffing
 - 3 Experience in design of a sorting facility
 - 4 Experience in operating of a sorting facility
 - 5 Proposed collection vehicles
 - 6 Proposed supporting equipment including vehicles for the sorting facility operation
 - 7 Financial capability
 - 8 Professional references
 - 9 Capability to gain access to recyclable resale markets
 - 10 Ability to grow the recycling collection market beyond the Northwest Coast region if pursued by the Principal
 - 11 Reference sites where the tenderer has either designed and constructed a sorting facility or is currently operating a sorting facility similar to the sorting facility proposed
 - 12 Current or proposed policies to reduce environmental impact of the operations with specific attention to greenhouse gases and the like
 - 13 OH&S systems and policies

- . Both Veolia Environmental Services and Jones' Waste Management scored equally on the Tender Rate criteria.

Other issues raised in the media recently also need to be addressed.

- . The Vincent Industries Wivenhoe operation was bought by Jones' Waste Management some 12 months ago.

- . Currently the majority of the labour required to operate the Wivenhoe facility employed by Vincent Industries and contracted to Jones' Waste Management. Employees are in the process of being transferred to Jones' Waste Management.

- . A new Materials Recovery Facility (MRF) developed by either Jones' Waste Management or Veolia Environmental Services would utilise very similar technology and infrastructure as both nominated the same designer.
- . Veolia Environmental Services indicated in the tender documentation an expectation to operate the MRF with eight employees and Jones' Waste Management suggested ten. This is approximately half that currently operating the Wivenhoe processing facility.
- . Jones' Waste Management may continue to operate the Wivenhoe facility on a reduced capacity basis to service commercial recycling customers should they not be involved with a new MRF.
- . Veolia Environmental Services has indicated that they currently employ people with disabilities at their Launceston MRF and have done so in the past in Hobart, suggesting that there is no reason that some of the Wivenhoe people could not be engaged at the Spreyton MRF.
- . The opportunity to even consider the development of a new multimillion dollar recyclables processing facility on the coast is testimony to the significance of the regional cooperative approach taken by the seven participating Councils, and this fact should not be overlooked.
- . The contract for the region is some \$13 million over the 10 year period.

CONSULTATION

The Council was provided with a report at the 29 January 2008 Council Meeting, which outlined the 'state of play' in respect to the collection and processing of recyclables in the Cradle Coast region, and included the December 2007 progress report from the Cradle Coast Waste Management Group.

As indicated by the Dulverton Waste Management CEO, over the 12 month process of developing the contract and going to tender, there have been regular meetings involving engineers from each Council to determine the contractual structure, the Tender Assessment Committee to select the preferred tenderer and the CCWVG to endorse the contract arrangements and preferred tenderer.

IMPACT ON RESOURCES

The 2008–2009 budget estimates for the Kerbside Recycling Service is \$270,000, with contract payments for the provision of the service expected to total \$215,000 (GST exclusive).

It is expected that the budget required in 2009–2010 would need to be in the order of \$320,000 allowing for contract administration, Council contract supervision and some public educate programme costs.

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 partnerships and strategic alliances.

CONCLUSION

It is recommended that:

- 1 The Council authorise Dulverton Waste Management to act as Principal for the Council in respect to the regional recyclables collection and processing contract (DWM 001/08), and that the Council enter into an agreement with Dulverton Waste Management for the provision of this service over the like of the contract.
- 2 The tender submitted by Veolia Environmental Services for the annual sum of \$274,000.00 (exc. GST) for the Central Coast Council component of the regional recyclables collection and processing contract (DWM 001/08), be accepted and approved by the Council, noting that the contract is for a ten year period in respect to the operation of the sorting facility and for a 5 year period (with an option for an additional 5 years) for the kerbside recyclables collection.”

■ Cr McKenna moved and Cr Fuller seconded, “That

- 1 The Council authorise Dulverton Waste Management to act as Principal for the Council in respect to the regional recyclables collection and processing contract (DWM 001/08), and that the Council enter into an agreement with Dulverton Waste Management for the provision of this service over the life of the contract.
- 2 The tender submitted by Veolia Environmental Services for the annual sum of \$274,000.00 (exc. GST) for the Central Coast Council component of the regional recyclables collection and processing contract (DWM 001/08), be accepted and approved by the Council, noting that the contract is for a ten year period in respect to the operation of the sorting facility and for a 5 year period (with an option for an additional 5 years) for the kerbside recyclables collection.”

Carried unanimously

338/2008 Annual Tenders 2008–2009

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 matter of annual tenders for 2008–2009.

The Director Assets & Engineering reported as follows:

“PURPOSE

The purpose of this report is to consider the annual tenders for the supply of bitumen emulsion, supply of hotmix, and supply and delivery of ready-mixed concrete for the 2008–2009 financial year.

It also includes the expressions of interest for asphalt surfacing, sprayed bituminous surfacing, plant hire and quarry and landscaping materials.

The Engineering Projects Group Leader reported as follows.

‘BACKGROUND

The Council calls for tenders for the above supplies on an annual basis. Tenders were called on 7 August 2008 and closed on 2 September 2008.

Tenders were received from the following companies:

1 Supply of bitumen emulsion –

- . Downer EDI Works.

2 Supply of hotmix asphalt –

- . Venarchie Contracting;
- . Roadways Pty Ltd;
- . Downer EDI Works.

3 Ready-mixed concrete –

- . Hanson;
- . Quick Mix Concrete;
- . Boral Construction Materials.

Expressions of interest were received from the following companies:

4 *Hotmix asphalt surfacing –*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways Pty Ltd;
- . King & Harding Excavation and Seal;
- . Downer EDI Works.

5 *Sprayed bituminous surfacing –*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways Pty Ltd;
- . Downer EDI Works.

6 *Plant hire –*

- . Garry Stafford;
- . D & G Marshall Pty Ltd
- . ELS;
- . CAT Rental;
- . King & Harding Excavation and Seal;
- . A1 Tree Services;
- . Burnie Landscaping;
- . Greg Rawlings Bulldozing Contractor;
- . Kim Bourke Backhoe Hire;
- . Underground Asset Services;
- . G J French Excavator Hire;
- . AW Contractors;
- . Tim Gee Excavator & Truck Hire;
- . Regor Concreting.

7 *Quarry and landscaping materials –*

- . Kim Bourke;
- . Lloyds North;
- . D & G Marshall Pty Ltd;
- . Boral Construction Materials.

DISCUSSION

1 *Supply of bitumen emulsion*

Downer EDI Works is the only tenderer for supply of bitumen emulsion.

The rate this year is 5.5% higher than last year.

The tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value expended under this contract last year was \$78,172.50 which included external sales of the product.

2 Supply of hotmix asphalt

Tenders from Downer EDI Works, Venarchie Contracting and Roadways were received for supply of hotmix asphalt. The tenders from both Downer EDI Works and Venarchie Contracting are up to 11% lower than Roadways; however, due to the additional distance, cost and time involved in travelling to Launceston, these tenders are not considered further.

The rates this year from Roadways are around 7.5% higher than last year.

The remaining tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value of works expended under this contract last year was \$143,728.86.

3 Supply and delivery of ready-mixed concrete

Tenders were received from Quick Mix Concrete, Boral and Hanson for supply and delivery of ready-mixed concrete. Quick Mix Concrete was the successful tenderer last year and serviced the Council's requirements from their Devonport and Burnie plants. Boral has only tendered to supply the Forth, Leith and Ulverstone area and not the western areas of Penguin, Sulphur Creek and Heybridge. Their rate is up to 10% higher on loads of 2.0m³ or more. Boral's tender is not considered further.

The rates this year from Quick Mix Concrete for orders of over 3m³ are 8.5 % higher than last year.

The schedule of rates from the Ulverstone based firm Hanson and from Quick Mix Concrete are very close. Both tenderers appear to meet the requirements for the Occupational Health and Safety Schedule.

An option to utilise either supplier would give the Council increased flexibility and productivity. This option is recommended considering the closeness of the prices.

The value of works expended under this contract last year was \$109,935.09.

Expressions of Interest –

- 4 *Hotmix surfacing; and*
- 5 *Sprayed bituminous surfacing*

Prior to 2006–2007 an annual tender for sealing roads was requested at the beginning of the year. The tenderers had to provide prices without knowing quantity of works, conditions, locations, traffic and other factors affecting their prices. There has also been an upward trend in bitumen prices resulting in continual change in the tendered price throughout the year.

In 2006–2007 we began listing suppliers on a multiple–use register and requesting quotations from all suppliers when projects were ready. With all conditions known we have received the most competitive price for the Council. We have also had flexibility to award projects based on availability where the lowest priced tenderer may not be available. This system has proved successful and therefore will be continued this year.

Expressions of interest were received from the above–listed contractors. Their names will be placed on a multiple–use register and all tenderers will be requested to provide quotations for the reseal program and other projects as they are required.

The tenders appear to meet the requirements for the Occupational Health and Safety Schedule.

The value of works expended under these contracts last year was \$271,084.13.

- 6 *Plant hire*

Expressions of interest were received from the above–listed contractors. Their names will be placed on a supplier list and may be selected for projects as appropriate and required.

- 7 *Quarry and landscaping materials*

Expressions of interest were received from the above–listed contractors. Their names will be placed on a supplier list. Materials will be selected to suit the requirements of the individual projects. This process has been adopted to give us flexibility to select suppliers who can supply the material best suited to the purpose and/or who have the best quality, price or availability.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Use of tendered materials is included within capital works and maintenance budget items.

CORPORATE COMPLIANCE

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

- . Develop and manage sustainable infrastructure
- . Foster an integrated transport and planning system.

CONCLUSION

The following tenders are recommended for acceptance by the Council:

1 Supply of bitumen emulsion

- . Downer EDI Works

2 Supply of hotmix asphalt

- . Roadways Pty Ltd

3 Supply of ready-mixed concrete

- . Quick Mix Concrete; and
- . Hanson.

Expressions of interest received for asphalt surfacing and sprayed bituminous surfacing will be placed on a multiple-use register. Expressions of interest received for plant hire, and quarry and landscaping materials will be placed on supplier lists.'

The Engineering Project Group Leader's report is supported."

■ Cr Robertson moved and Cr van Rooyen seconded, "That the following annual tenders for the 2008–2009 financial year be accepted in accordance with the schedules of rates submitted:

1 *Supply of bitumen emulsion*

- . Downer EDI Works

2 *Supply of hotmix asphalt*

- . Roadways Pty Ltd

3 *Supply and delivery of ready-mixed concrete*

- . Quick Mix Concrete; and
- . Hanson

and that the following suppliers be placed on a multiple-use register:

4 *Asphalt surfacing*

- . Venarchie Contracting
- . Hardings Hotmix
- . Roadways Pty Ltd
- . King & Harding Excavation and Seal
- . Downer EDI Works

5 *Sprayed bituminous surfacing*

- . Venarchie Contracting
- . Hardings Hotmix
- . Roadways Pty Ltd
- . Downer EDI Works

and that the following suppliers be placed on a suppliers list:

6 *Plant hire*

- . Garry Stafford
- . D & G Marshall Pty Ltd
- . ELS
- . CAT Rental
- . King & Harding Excavation and Seal
- . A1 Tree Services
- . Burnie Landscaping
- . Greg Rawlings Bulldozing Contractor
- . Kim Bourke Backhoe Hire
- . Underground Asset Services
- . G J French Excavator Hire

ASSETS & ENGINEERING

- . AW Contractors
- . Tim Gee Excavator & Truck Hire
- . Regor Concreting

7 *Quarry and landscaping materials*

- . Kim Bourke
- . Lloyds North
- . D & G Marshall Pty Ltd
- . Boral Construction Materials.”

Carried unanimously

Cr McKenna returned to the meeting at this stage.

CLOSURE OF MEETING TO THE PUBLIC

339/2008 Meeting closed to the public

The Strategic & Executive Services Manager reported as follows:

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

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

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

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

This is a matter relating to:

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

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

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

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

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

Carried unanimously

The Strategic & Executive Services Manager further reported as follows:

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

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

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

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

GENERAL MANAGEMENT

340/2008 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 9.35pm.

CONFIRMED THIS 20TH DAY OF OCTOBER, 2008.

Chairperson

(sn:dil)

Appendices

- Minute No. 318/2008– Schedule of Development Services Determinations
- Minute No. 321/2008– Central Coast Planning Scheme Draft Amendment 1/2008
- Minute No. 327/2008– Schedule of Contracts & Agreements
- Minute No. 329/2008– Schedule of Documents for Affixing of the Common Seal
- Minute No. 330/2008– Financial statements
- Minute No. 333/2008– Schedule of Assets & Engineering Determinations

QUALIFIED PERSON'S ADVICE

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

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

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

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

Sandra Ayton
GENERAL MANAGER