
CENTRAL COAST COUNCIL

Minutes

of Ordinary Meeting

17 SEPTEMBER 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
15 October 2007

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Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 17 September 2007 commencing at 6.00pm

Councillors attendance

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

Employees attendance

General Manager (Mrs Katherine Schaefer)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Corporate & Community Services (Ms Sandra Ayton)
Director Development Services (Mr Jeff McNamara)
Executive Services Manager (Mr Graeme Marshall)
Environment and Health Group Leader (Michael Stretton)
Land Use Planning Group Leader (Shane Warren)

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

318/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of special meetings of the Council held on 6 and 7 August 2007 and the minutes of the previous ordinary meeting of the Council held on 20 August 2007 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the minutes of special meetings of the Council held on 6 and 7 August 2007 and the minutes of the previous ordinary meeting of the Council held on 20 August 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

319/2007 Council workshops

The Executive Services Manager reported as follows:

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

- . 27.08.2007 – Regional Planning Initiative
- . 03.09.2007 – Maskells Road properties
- . 10.09.2007 – Ulverstone Wharf redevelopment
– Maskells Road properties.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

320/2007 Mayor's communications

The Mayor reported as follows:

- “Candidates contesting the forthcoming federal election are being invited to briefly address Councillors with an outline of their policies and their position on local issues. I have indicated that matters of particular interest at present include hospital services, a local Medicare office, transport, and the Ulverstone Showground and Wharf redevelopments.

An opportunity will be provided for Mr Sid Sidebottom to address Councillors for 15 minutes at approximately 6.15pm. I will adjourn the meeting for this purpose and allow a period for questions by Councillors.

- The Minister for Community Development and Minister Assisting the Premier on Local Government (Hon. Michelle O’Byrne MHA) has written advising that a State Government Main Street Makeover grant of \$250,000 will be provided for the Council’s Main Street Makeover in Ulverstone.
- Advice has been received that the Ulverstone Visitor Information Centre has received “Yellow “i” accreditation to the Tasmanian Visitor Information Network.
- Congratulations are extended to Cr Lionel Bonde and his wife, Heather, who are celebrating their 50th wedding anniversary.”

321/2007 Mayor's diary

The Mayor reported as follows:

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

- The Hon Paul Lennon MHA, Premier – Penguin delegation meeting re heritage (Hobart)
- The Hon Lara Giddings MHA, Minister for Health – meeting re hospital site (Hobart)
- Leighland Christian School – opening of new playground upgrade and undercover area at Ulverstone Campus
- The Don College – art exhibition at Ulverstone Visitor Centre
- Ulverstone Meals on Wheels – annual general meeting
- Ganesway – 10-year anniversary celebration
- Ulverstone Municipal Band – annual dinner

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- . Darwin Football Association – annual dinner and best & fairest count
 - . Senator Carol Brown – tour of Showground
 - . Cradle Coast Authority – Representatives meeting (Wynyard)
 - . Government House – Investiture (Hobart)
 - . Slipstream Circus – “Weather or Not” production
 - . Central Coast Community Nursing and Home Care Service – Rural Health Week celebration/forum
 - . Neil Batt, Chair, Mersey Community Hospital Interim Advisory Committee – meeting re Hospital
 - . North Western Football Association – annual dinner and Les Hicks medal count
 - . North West Region of Senior Citizens – opening of bowls carnival
 - . Local Government Elections 2007 – candidates forum.”

Cr McKenna reported as follows:

“On behalf of the Mayor I attended the Turners Beach Bowls Club Open Day.”

■ Cr Robertson moved and Cr Marshall seconded, “That the reports of the Mayor and Cr McKenna be received.”

Carried unanimously

322/2007 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Manager reported as follows:

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

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

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

Cr McKenna reported as follows:

“I will be declaring an interest in respect of Annual Tenders 2007–2008 (Minute No. 347/2007).”

323/2007 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

324/2007 Councillor reports

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

Cr McKenna reported on a meeting of the Cradle Coast Water Representatives Group.

APPLICATIONS FOR LEAVE OF ABSENCE

325/2007 Leave of absence

The 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

326/2007 Deputations

The 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

327/2007 Petitions

The Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

328/2007 Councillors' questions without notice

The 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.

329/2007 Councillors' questions on notice

The 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.”

330/2007 Adjournment of meeting (320/2007)

The Mayor adjourned the meeting at this stage and invited Mr Sid Sidebottom (Labor candidate for forthcoming Federal Election) to address Councillors and to take questions.

The meeting was then resumed.

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

331/2007 Development Services determinations

The Director Development Services reported as follows:

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

The Executive Services Manager reported as follows:

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

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

Carried unanimously

332/2007 Council acting as a planning authority

The Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute No 333/2007, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The 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 Marshall moved and Cr (L) Bonde seconded, "That the Mayor's report be received."

Carried unanimously

333/2007 Demolition and redevelopment of Service Station, signage and exemption from the development standards (car parking and access) at 20-22 Eastland Drive, Ulverstone – Application No. DEV2007.5

The Director Development Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2007.5
<i>APPLICANT:</i>	Claremont Project Management Pty Ltd
<i>LOCATION:</i>	20-22 Eastland Drive, Ulverstone
<i>ZONING:</i>	Business (BB) – Satellite
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	14 July 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 July 2007
<i>REPRESENTATIONS RECEIVED:</i>	Sixteen
<i>42-DAY EXPIRY DATE:</i>	17 September 2007
<i>DECISION DUE:</i>	17 September 2007

PURPOSE

The purpose of this report is to discuss compliance of the application with the relevant development standards and provisions of the Scheme and secondly to consider the issues raised in the representations that either support or object to the proposed use and development.

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

BACKGROUND

The subject site comprises two titles with a total area of 2,400 square metres. The subject land, situated on the south-eastern corner of Eastland Drive and Heathcote Street, is located approximately 1km to the east of the central business district. The Bass Highway is a further 1.5km to the east. Vehicular access to the subject site can be obtained from both Eastland Drive and Heathcote Street.

An existing vacant building with its footprint spanning across both certificates of title is located on the relatively flat site and is well set-back from Eastland Drive and Heathcote Street.

Historically the vacant building was utilised for a service station.

The immediate area around the subject land is dominated by residential uses, particularly to the south and west of the site. With the exception of an office (Aurora Energy) located opposite the subject site on the northern side of Eastland Drive and a small portion of open space (formerly a roadside information bay) located on south-western corner of Eastland Drive and Heathcote Street, the remaining land is residential in nature.

Eastland Drive is a main arterial road of Ulverstone and has historically accommodated some commercial and retail development. There is a vacant service station building situated further to the west of the subject site at 4 Eastland Drive. A vacant shop is also located opposite that site and another local shop and motel is situated about 300m east of the subject site. A childcare centre and a community building are also proposed within 550m of the subject land to the east.

DISCUSSION

The applicants have provided a comprehensive submission that contains all pertinent details to enable an objective assessment of the proposal. Subject to consideration of the exemption components, the Scheme provides no further controls than that specifically provided in Schedules 7 and 10.

The Applicant's Planning Report is appended as Annexure 2.

Plans and other details are appended as Annexure 3.

In regard to any exemptions to the development standards, Part 7 of the Scheme allows the Council to consider, at its discretion, whether an exemption to one or more of the relevant requirements should be granted.

The Council must as well as considering the tenor of the Scheme be of the opinion that enforcement of the requirements would be:

- (a) impracticable;
- (b) unreasonable; or
- (c) inequitable; and
- (d) not of sufficient importance in respect to the objectives of the Scheme to warrant enforcement.

The elements of discretion and details of the exemptions applied for are within the submission and are further indicated in the advertised description of the use and development.

The Traffic Engineering Assessment is an essential document submitted in support of the application. This has been carefully considered by the Council's Assets & Engineering staff in collaboration with the applicant and the outcome is a result of the approach taken.

The final Traffic Engineering Assessment and supporting details are appended as Annexure 4.

The application has considered the specific planning scheme development standards from the broader issues associated with the Scheme objectives and subjectivity of matters such as the effects of safety, amenity, illumination and visual impact on the locality but more specifically the adjoining properties.

These matters are elaborated in further detail in the Applicant's Planning Report and are also subject to further discussion in response to the points raised in the received representations.

CONSULTATION

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

A copy of the advertisement is appended as Annexure 5.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The respective comments received include environmental, engineering, building and plumbing matters that can be included in the final determination of the application.

Representations

Sixteen representations were received within the prescribed time.

Copies of the representations are appended as Annexure 6.

All the representations have been analysed and the matters raised in both support and opposition to the application follow.

Five representations have been received in support of the application. A précis of the points mentioned include:

- 1 economic benefit;
- 2 employment opportunities;
- 3 sensible site;
- 4 design aspects protect residential amenity; and
- 5 convenient and accessible.

The remaining eleven representations received in opposition share many similar reasons as to why the use and development should not proceed.

These have also been analysed and a précis including any relevant comments follows:

- 1 A school bus stop exists outside the site on Eastland Drive.

Comments – No formal bus stop has been approved at this location. However, it has been observed that a few students are waiting along the Eastland Drive frontage to be picked up before 8am on some mornings.

- 2 Site distance along Eastland Drive is inadequate.

Comments – The access/sight distance requirements in Schedule 6 of the Scheme do not apply within a 60km/h speed limited road or within a town boundary.

- 3 Loss of economic benefit to similar businesses.

Comments – The Scheme does not provide comment on economic benefits as it relates to any fair competition aspect.

- 4 Traffic impacts.

Comments – This is addressed in the Traffic Engineering Assessment provided by the applicant and signed off by the Council's Assets & Engineering Department.

- 5 Safety concerns for school children.

Comments – The application and this report have not specifically addressed this matter aside from the Traffic Engineering Assessment.

- 6 Castra Road access to Eastland Drive via Heathcote Street.

Comments – This situation will change when the Castra Road off-ramps are completed.

7 24/7 operation.

Comments – The Scheme is silent on allocating hours of operation for specific uses in allocated zones. However, Clause 3.9.2 allows the Council to consider if appropriate “periods within which activities may be carried out”.

8 Tourist route to caravan park.

Comments – This representation is concerned with caravan traffic turning right into Heathcote Street and the conflict potential with cars arriving and departing the petrol filling station.

9 Increased environmental and health concerns.

Comments – Partial site contamination from the previous service station use remains on site. The demolition of the existing building will enable access to the unresolved contaminated portion of the land. The applicant has not submitted any strategy to undertake further remediation.

10 Proximity to existing houses.

Comments – The submitted plans indicate quite clearly the location of existing homes. Any loss of amenity is subjective. However, the new kiosk is substantially smaller in size than the existing building and it would be difficult to substantiate any detriment considering that only petrol and convenience goods will be sold from the site.

11 Shading and fence construction.

Comments – The issue of unreasonable shading from the proposed new 2.1m high acoustic fence has been raised as well as the palings facing the Woolworths site as part of the fence construction method. Shading is not considered an issue that will affect light and heat from entering adjoining properties. The preferred rail side or paling side is a matter for respective land owners to resolve.

12 Construction dust and noise.

Comments – This historically is only a planning scheme consideration during construction of a subdivision building estate.

13 Property devaluations.

Comments – Nothing has been submitted to substantiate any perceived loss.

14 Inappropriate site.

Comments – Discretion allows for the Council to consider the use and development on its merits. Alternatively zoned sites may have similar elements of discretion but ultimately it is the developer's prerogative to select a site.

15 Exemption aspects.

Comments – The exemptions applied are considered not unreasonable.

16 Incorrect definition.

Comments – The definition of Service Station in the Scheme includes fuelling of motor vehicles and boats. Servicing is also a possible use but has been excluded as an activity by the applicants.

IMPACT ON RESOURCES

Other than staff costs there have been no significant impacts on Council resources as a result of assessing and reporting on this application.

CORPORATE COMPLIANCE

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

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

CONCLUSION

The application has been assessed against the relevant provisions of the Planning Scheme. There are elements of discretion that have to be judged on merit as well as the matters to consider under Clause 3.9.2 of the Scheme.

The issues of primary concern raised in the representations opposing the use and development are traffic matters and fair competition. The Traffic Engineering Assessment provided with the application has been assessed by the Council's Assets & Engineering Department and its recommendation has been made.

Reasons for the exemptions from the development standards have been submitted by the applicant and their response as to why the variations are reasonable, practicable and not of sufficient importance to warrant enforcement have been demonstrated.

Recommendation

It is recommended that the representations be deemed not to have sufficient merit on planning grounds to justify refusal of the application and, on the basis that the scale and form of the proposal satisfies the development standards of the Central Coast S.46 Planning Scheme No.1 of 1993 and the intent of the zone, that Application No. DEV2007.5 be approved subject to the following conditions:

General

- 1 The development being in accord with the submitted plans, reference Drawings Project No. T186 dated 22/06/07 prepared for Claremont Project Management Pty Ltd by Coomes Consulting and the Traffic Engineering Assessment by Grogan Richards Pty Ltd dated 27 June 2007 reference Job No. 107409, unless otherwise altered or modified by conditions of this Permit; and
- 2 Final plans of landscaping works proposed must be submitted for consideration and, subject to approval, completed prior to the Service Station commencing operation;

Engineering

- 3 The developer providing an adequately sized underground stormwater connection point to the lot;
- 4 The developer removing the redundant crossing and apron in Heathcote Street;
- 5 The developer adjusting the crossings in Eastland Drive to cater for turning paths of 19.0m petrol delivery vehicles;
- 6 The installation of a 1.5m wide concrete footpath including kerb ramp along the Eastland Drive frontage in accordance with the Council's Municipal Standards;
- 7 Design and installation of an extension to the central median treatment in Eastland Drive (in place of the dedicated right turn

shown on the proposal) subject to the approval of the Department of Infrastructure, Energy & Resources and to the satisfaction of the Council's Director Assets & Engineering;

- 8 Upgrading and extension where required of water, sewer or drainage services to service the development to the satisfaction of the Council's Director Assets & Engineering; and
- 9 Rectification of any damage to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 10 The activity endorsed by this permit is to be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and associated regulations;
- 11 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 12 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 13 All uncontaminated storm water from the uncovered forecourt area is to be directed away from the covered forecourt area;
- 14 The covered forecourt area is to be graded from the canopy line into appropriate sumps within the forecourt area such that pollutants generated within the covered forecourt area are directed into the Council's sewerage system for subsequent treatment, storage and disposal;
- 15 Any potentially contaminating liquids (e.g. engine oil) which are held on site are to be stored within fully sealed and bunded areas;
- 16 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;

- 17 No washing of vehicles or machinery is to occur on the site; and
- 18 Full plans and specifications of the convenience store are to be submitted as part of a Building Application detailing compliance with the *Food Act 2003*, *Food Safety Standards* and the *Building Code of Australia*;

and further that the applicant be requested to note that:

- A a Building Permit is required for the proposed development;
- B a Special Plumbing Permit is required for the discharge of trade waste and also for the backflow prevention disposal;
- C this planning permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- D an extension of time to this period may only be granted once but only if the request is received prior to the expiry of the specified time; and
- E any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction.'

The report is supported."

The Executive Services Manager reported as follows:

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

■ Cr Haines moved and Cr McKenna seconded, "That the representations be deemed not to have sufficient merit on planning grounds to justify refusal of the application and, on the basis that the scale and form of the proposal satisfies the development standards of the Central Coast S.46 Planning Scheme No.1 of 1993 and the intent of the zone, that Application No. DEV2007.5 be approved subject to the following conditions:

General

- 1 The development being in accord with the submitted plans, reference Drawings Project No. T186 dated 22/06/07 prepared for Claremont Project Management Pty Ltd by Coomes Consulting and the Traffic Engineering Assessment by Grogan Richards Pty Ltd dated 27 June 2007 reference Job No. 107409, unless otherwise altered or modified by conditions of this Permit;

- 2 Final plans of landscaping works proposed must be submitted for consideration and, subject to approval, completed prior to the Service Station commencing operation; and
- 3 Hours of operation being from 7.00am to 11.00pm;

Engineering

- 4 The developer providing an adequately sized underground stormwater connection point to the lot;
- 5 The developer removing the redundant crossing and apron in Heathcote Street;
- 6 The developer adjusting the crossings in Eastland Drive to cater for turning paths of 19.0m petrol delivery vehicles;
- 7 The installation of a 1.5m wide concrete footpath including kerb ramp along the Eastland Drive frontage in accordance with the Council's Municipal Standards;
- 8 Design and installation of an extension to the central median treatment in Eastland Drive (in place of the dedicated right turn shown on the proposal) subject to the approval of the Department of Infrastructure, Energy & Resources and to the satisfaction of the Council's Director Assets & Engineering;
- 9 Upgrading and extension where required of water, sewer or drainage services to service the development to the satisfaction of the Council's Director Assets & Engineering; and
- 10 Rectification of any damage to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 11 The activity endorsed by this permit is to be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and associated regulations;
- 12 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;

DEVELOPMENT SERVICES

- 13 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 14 All uncontaminated stormwater from the uncovered forecourt area is to be directed away from the covered forecourt area;
- 15 The covered forecourt area is to be graded from the canopy line into appropriate sumps within the forecourt area such that pollutants generated within the covered forecourt area are directed into the Council's sewerage system for subsequent treatment, storage and disposal;
- 16 Any potentially contaminating liquids (e.g. engine oil) which are held on site are to be stored within fully sealed and bunded areas;
- 17 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;
- 18 No washing of vehicles or machinery is to occur on the site; and
- 19 Full plans and specifications of the convenience store are to be submitted as part of a Building Application detailing compliance with the *Food Act 2003*, *Food Safety Standards* and the *Building Code of Australia*;

and further that the applicant be requested to note that:

- A a Building Permit is required for the proposed development;
- B a Special Plumbing Permit is required for the discharge of trade waste and also for the backflow prevention disposal;
- C this planning permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- D an extension of time to this period may only be granted once but only if the request is received prior to the expiry of the specified time; and
- E any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction."

Continued after Minute No 334/2007...

334/2007 Public question time

The time being 6.40pm, the Mayor introduced public question time. Questions and replies concluded at 6.46pm.

Minute No 333/2007 continued...

Cr Robertson moved and Cr Haines seconded an amendment, "That the representations be deemed not to have sufficient merit on planning grounds to justify refusal of the application and, on the basis that the scale and form of the proposal satisfies the development standards of the Central Coast S.46 Planning Scheme No.1 of 1993 and the intent of the zone, that Application No. DEV2007.5 be approved subject to the following conditions:

General

- 1 The development being in accord with the submitted plans, reference Drawings Project No. T186 dated 22/06/07 prepared for Claremont Project Management Pty Ltd by Coomes Consulting and the Traffic Engineering Assessment by Grogan Richards Pty Ltd dated 27 June 2007 reference Job No. 107409, unless otherwise altered or modified by conditions of this Permit;
- 2 Final plans of landscaping works proposed must be submitted for consideration and, subject to approval, completed prior to the Service Station commencing operation; and
- 3 Hours of operation being from 7.00am to 10.00pm;

Engineering

- 4 The developer providing an adequately sized underground stormwater connection point to the lot;
- 5 The developer removing the redundant crossing and apron in Heathcote Street;
- 6 The developer adjusting the crossings in Eastland Drive to cater for turning paths of 19.0m petrol delivery vehicles;
- 7 The installation of a 1.5m wide concrete footpath including kerb ramp along the Eastland Drive frontage in accordance with the Council's Municipal Standards;
- 8 Design and installation of an extension to the central median treatment in Eastland Drive (in place of the dedicated right turn shown on the proposal) subject to the approval of the Department of Infrastructure, Energy & Resources and to the satisfaction of the Council's Director Assets & Engineering;

DEVELOPMENT SERVICES

- 9 Upgrading and extension where required of water, sewer or drainage services to service the development to the satisfaction of the Council's Director Assets & Engineering; and
- 10 Rectification of any damage to footpaths, roads, kerbs, nature strips or existing services to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 11 The activity endorsed by this permit is to be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and associated regulations;
- 12 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 13 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 14 All uncontaminated stormwater from the uncovered forecourt area is to be directed away from the covered forecourt area;
- 15 The covered forecourt area is to be graded from the canopy line into appropriate sumps within the forecourt area such that pollutants generated within the covered forecourt area are directed into the Council's sewerage system for subsequent treatment, storage and disposal;
- 16 Any potentially contaminating liquids (e.g. engine oil) which are held on site are to be stored within fully sealed and bunded areas;
- 17 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;
- 18 No washing of vehicles or machinery is to occur on the site; and
- 19 Full plans and specifications of the convenience store are to be submitted as part of a Building Application detailing compliance with the *Food Act 2003*, *Food Safety Standards* and the *Building Code of Australia*;

and further that the applicant be requested to note that:

- A a Building Permit is required for the proposed development;
- B a Special Plumbing Permit is required for the discharge of trade waste and also for the backflow prevention disposal;
- C this planning permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- D an extension of time to this period may only be granted once but only if the request is received prior to the expiry of the specified time; and
- E any works undertaken within the road reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction."

Voting for the amendment

Voting against the amendment

(9)

(2)

Cr Downie

Cr Barker

Cr Robertson

Cr (L) Bonde

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Amendment

Carried

Voting for the amended motion

Voting against the amended motion

(9)

(2)

Cr Downie

Cr Barker

Cr Robertson

Cr (L) Bonde

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Amended Motion

Carried

GENERAL MANAGEMENT

335/2007 Minutes and notes of committees of the Council and other organisations

The 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:

- Development Support Special Committee – meetings held on 13 and 27 August 2007
- Ulverstone Local History Museum Committee – meeting held on 14 August 2007
- Local Government Association of Tasmania – General meeting and General Management Committee meeting held on 15 August 2007
- Youth Engaged Steering Committee – meeting held on 16 August 2007
- Forth Community Representatives Committee – meeting of Council officers with Committee representatives held on 16 August 2007
- Central Coast Community Safety Partnership Committee – meeting held on 22 August 2007
- Cradle Coast Authority – meeting of Representatives held on 30 August 2007.

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

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

Carried unanimously

336/2007 Heritage listing of Council-owned properties in Penguin (304/2007 – 20.08.2007)

The General Manager reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to consider what response the Council wishes to make with regard to the heritage listing of certain Council properties.

BACKGROUND

The Central Coast Council has received communications from the Tasmanian Heritage Council advising that the following three properties:

- . The Penguin General Cemetery;
- . The Penguin Railway Station; and
- . The Penguin Play Centre,

have been granted provisional registration in the Tasmanian Heritage Register.

The Council has the right to object to the Heritage Council's intention to permanently register these properties; however, according to the communication received from the Tasmanian Heritage Council, objections may only be made on the basis that the relevant property does not satisfy any required criteria on which the entry is based.

The Council has also been advised that the Penguin Senior Citizens Club building has been provisionally included on the Heritage Register. While this building is currently located on Crown land it is proposed under the Crown Land Assessment and Classification (CLAC) Project that this land be transferred into the ownership of the Central Coast Council.

DISCUSSION

At its meeting on 18 June 2007, the Council resolved as follows (Minute No. 221/2007):

“That the Council at this time oppose the heritage listing of its properties at the Penguin Cemetery, Penguin Railway Station and Penguin Play Centre for the following reasons:

- 1 The Council's stated position that it will not participate in a Heritage Strategy for Central Coast (as proposed by the State Government as part of its Partnership Agreement with the Council) until the Heritage Act has been reviewed; and
- 2 The Draft Central Coast Planning Scheme 2005 does not promote their listing.”

Should the Council wish to continue to oppose the listing of its property by objecting to the Heritage Council's intention to permanently register these properties the Council would need to object in writing addressing the criteria as defined under section 16 of the *Historic Cultural Heritage Act 1995* no later than 16 September 2007.

The Council lacks the expertise in such matters and would need to employ a consultant to provide the necessary reports. The Council has obtained advice

from a Tasmanian heritage consultant who has suggested that a historical overview of the sites is not necessary in conjunction with any assessment against the heritage criteria. The Council does not need to show that the properties have no heritage value, only whether or not the properties that have been provisionally listed do in fact have enough heritage value to meet a criterion of State heritage significance. Dependent on the amount of work required the cost has been estimated at between \$500 and \$1,500 per property.

The proposed heritage listing of the Penguin Senior Citizens Club building is likely also to impact on future maintenance and capital works relating to this property and, as the Council may inherit this property through the CLAC process, the Council may also wish to include an objection to the listing of this property in conjunction with those properties already owned by the Council.

CONSULTATION

The report details the level of consultation undertaken.

IMPACT ON RESOURCES

The cost of employing a qualified consultant to prepare objections to the provisional listing in the Heritage Register has been estimated at between \$3,500 and \$6,000. This amount has not been included within the 2007–2008 Estimates.

The heritage listing of these properties is likely to result in an increase in administration costs whenever capital works are undertaken on either the Railway Station or the Play Centre.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council engage a suitably qualified consultant to review the provisional listing of the following three properties;

- . Penguin Cemetery;
- . Penguin Railway Station; and
- . Penguin Play Centre,

with a view towards objecting to the permanent listing of these properties on the Tasmanian Heritage Register.’

The report is supported.”

The Executive Services Manager reported as follows:

“The report above was submitted to the Council’s meeting on 20 August 2007. At that meeting (Minute No. 304/2007) the following procedural motion was carried:

‘That the matter be deferred.’

The matter is accordingly resubmitted.

Copies of the advices of provisional registration have been circulated to all Councillors.”

■ Cr Haines moved and Cr Marshall seconded, “That the Council engage a suitably qualified consultant to review the provisional listing of the following three properties:

- . Penguin Cemetery;
- . Penguin Railway Station; and
- . Penguin Play Centre,

with a view towards objecting to the permanent listing of these properties on the Tasmanian Heritage Register.”

Voting for the motion

(4)

Cr Downie

Cr Haines

Cr Marshall

Cr McKenna

Voting against the motion

(7)

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr van Rooyen

Motion

Lost

The General Manager further reported as follows:

“The Administration Group leader additionally reports as follows:

‘Subsequent to the introduction of this matter at the Council’s meeting on 20 August 2007 the Council has received a further communication from the Tasmanian Heritage Council that identifies all those properties that have been provisionally listed for registration in the Tasmanian Heritage Register following an application to enter multiple properties located on Main Road and Crescent Street, Penguin.

A copy of the letter that accompanied that listing is attached. Detail on individual properties can be provided upon request.

Objections can be made to the Heritage Council’s intention to permanently register any place.’

This information is provided in the event that the Council wishes to reiterate its objection to the provisional listing of any properties within Penguin on the Tasmanian Heritage Register until such time as a review of the *Historic Cultural Heritage Act 1995* has been completed.”

CORPORATE & COMMUNITY SERVICES

337/2007 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of August 2007 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

338/2007 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

To inform the meeting of any correspondence received during the month of August 2007 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

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

- Received 07.08.2007 – Letter expressing concerns over the proposed development of the Penguin foreshore.
- Received 09.08.2007 – Email congratulating Councillors for supporting development at 52 Main Road, Penguin.
- Received 09.08.2007 – Letter thanking Councillors for retaining the Bi-centennial Park pond.
- Received 23.08.2007 – Letter congratulating the Council on the upgrading of the Penguin foreshore.

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

Carried unanimously

339/2007 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 21 August to 17 September 2007 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

340/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

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

The 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 Accounts Paid (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

341/2007 Rate remissions

The Director Corporate & Community Services reported as follows:

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

PROPERTY NO. 101200.0220
PROPERTY ADDRESS 4 Moore Street, West Ulverstone
REMISSION \$130.00
REASON Property incorrectly rated for a waste management charge.

PROPERTY NO. 302330.0260
PROPERTY ADDRESS Braddons Lookout Road, Leith
REMISSION \$137.49
REASON Property deemed valueless and cannot be used for any form of development (Minute No. 611/95 – 11.12.95) – pay rate-in-the-dollar only on General Rate.

PROPERTY NO. 504880.0080
PROPERTY ADDRESS 143 Isandula Road, Gawler
REMISSION \$63.00
REASON Property receives untreated water (charged 80% of treated water rate).

PROPERTY NO. 505860.0400
PROPERTY ADDRESS 203 Whitehills Road, Penguin
REMISSION \$63.00
REASON Property receives untreated water (charged 80% of treated water rate).”

The 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 Haines moved and Cr Marshall seconded, “That the following remissions be approved:

- . Property No. 101200.0220 – \$130.00
- . Property No. 302330.0260 – \$137.49
- . Property No. 504880.0080 – \$63.00
- . Property No. 505860.0400 – \$63.00.”

Carried unanimously and by absolute majority

342/2007 Roads and streets nomenclature – Adjustment of locality boundary between Ulverstone and Turners Beach

The Director Corporate & Community Services reported as follows:

“The Administrative Officer has submitted the following report:

‘PURPOSE

The purpose of this report is to consider a minor adjustment to the locality boundary between Ulverstone and Turners Beach.

BACKGROUND

Some anomalies have been identified with the locality address of certain properties where they are located within the township of Turners Beach, but at the same time are situated within the locality boundary of Ulverstone.

Relocating the locality boundary would not affect property addresses, but the locality, instead of being classed as Ulverstone, would be classed as Turners Beach.

The proposed change is shown on the attached map.

DISCUSSION

As the result of some residents’ enquiries, it has been noted that certain properties, located within the boundary that denotes the township of Turners Beach, are in fact located within the locality of Ulverstone.

A number of properties on Stubbs Road and Westella Drive, as well as all of the properties within Poynton Close, are all located within the town boundary of Turners Beach, while at the same time being identified as situated within the locality of Ulverstone.

Upon review, it was felt that this anomaly was confusing for local residents, and the Nomenclature Board was asked it would look favourably on any proposal to alter the locality boundary, in keeping with the existing town boundary.

The Secretary, Office of the Nomenclature Board – Tasmania, advised, in part, as follows :

“I believe that it would be worthwhile pursuing this proposal.

As a starter you should sound out Australia Post and be satisfied that they can cope with the proposed boundaries.

In due course, should the matter progress, I would expect the Board to gazette its intention to alter the boundary but as usual, subject to the objection process. You would therefore need close to 100% support from affected parties, in particular residents who receive home delivered mail. The Board would probably approve a proposal even in the face of a few objections, provided it had the ammunition to justify the boundary re-alignment.”

Following the receipt of that response, a review of the existing property boundaries was undertaken, considering the existing topography and the opportunity for growth within the Turners Beach locality, as well as the zoning and land usage at the eastern end of the locality of Ulverstone. A more logical boundary that follows existing property lines between Westella Drive and Stubbs Road was proposed.

A questionnaire was sent to thirty-three properties affected by the proposed change. Twenty-three are for the change, five against, and five did not reply.

Australia Post has been notified of the proposal and has no objections.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

The changes would involve some administrative time in altering records and data bases as well as mail-outs to essential service providers and emergency services.

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 the locality boundary between Ulverstone and Turners Beach be adjusted as per the attached map’.

The report is supported.”

The Executive Services Manager reported as follows:

“A copy of a map showing the proposed locality boundary adjustment has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr (L) Bonde seconded, “That the Council recommend to the Nomenclature Board of Tasmania that the locality boundary between Ulverstone and Turners Beach be adjusted as shown on the extract from the Council’s Geographic Information System appended to and forming part of the minutes.”

Carried unanimously

343/2007 Roads and streets nomenclature – Naming of new road off Cuprona Road, Heybridge

The Director Corporate & Community Services reported as follows:

“The Administrative Officer has prepared the following report:

PURPOSE

This report considers the naming of a new road off Cuprona Road, Heybridge.

BACKGROUND

Kent Townsend Developments Pty Ltd, the developer of a 14-lot subdivision off Cuprona Road, Heybridge has written as follows:

“I am writing to propose that the public road to be constructed in association with the above subdivision be named Allegra Drive.

The name Allegra is derived from the Italian word Allegro and means ‘Lively, Cheerful. Joyous’.

I submit the name Allegra Drive to Council and ask that this name be supported by Council and then be submitted to the Nomenclature Board for final approval”.

DISCUSSION

Comments or suggestions were sought from the Secretary of the Nomenclature Board. He had no problems with the concept of the name, just

queried why not simply Allegro, without any corruption, and also queried the term Drive in this case.

These comments were passed on to the developer; however, they were keen to keep their original proposal of Allegra Drive.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

The principal cost of the naming would be in the provision and installation of a new road sign. This would be approximately \$170. The changes would also involve some administrative time in altering records and data bases as well as mail-outs to essential service providers and emergency services.

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.

The Council's policy for the naming of local roads and streets (Minute No. 472/95 – 18.9.95) is as follows:

“That ... the Council promote road and street names that:

- (i) are in keeping with the character of the area in which they are located;
- (ii) assist in developing the identity of the area in which they are located;
- (iii) reflect the history of the area in which they are located;
- (iv) do not duplicate other road/street names;
- (v) are not offensive/insulting/irreverent;
- (vi) are not misleading.”

The policy is generally in accordance with rules defined by the Nomenclature Board.

CONCLUSION

It is recommended that the new road, off Cuprona Road, Heybridge, be named Allegra Drive.’

The report is supported.”

The Executive Services Manager reported as follows:

“A plan highlighting the new subdivision street has been circulated to all Councillors.”

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the Council recommend to the Nomenclature Board of Tasmania that the new road, off Cuprona Road, Heybridge, be named Allegra Drive.”

Carried unanimously

344/2007 Industrial Land Use Project

The Director Corporate & Community Services reported as follows:

PURPOSE

This report considers the final report of the Industrial Land Use Project working group to examine a number of potential sites within the Burnie, Central Coast and Waratah-Wynyard area giving consideration to the future industrial development potential of those sites.

BACKGROUND

In 2006 the Department of Economic Development initially sponsored a working group with representatives from Burnie City Council, Central Coast Council, Waratah-Wynyard Council, Department of Infrastructure Energy & Resources, Department of Primary Industries and Water and the Department of Economic Development.

The purpose of the working group was to initiate discussions regarding industrial land capacity in the three municipal areas and gain a shared understanding of the ability to meet existing and future industry demand.

DISCUSSION

As part of the investigations the working group engaged consultants SEMF to examine a number of potential sites within the municipal areas giving consideration to the future industrial development potential of those sites.

SEMF has produced a report and a copy has been provided to each Council on the working group.

The sites examined in the report were initially identified by the members of the working group as having some potential for industrial development in the future.

The report does not attempt to cover all the constraints and recognises that there is a considerable amount of work still to be done with respect to each site. It is also acknowledged that some sites may in fact never be developed.

The report identifies many of the particular issues specific to the individual sites and measures the sites having regard to a number of specific scenarios. This, in effect, has provided a preliminary mechanism for ranking various sites for specific forms of development. It should be noted that, due to the nature of some of the sites, they were considered only in relation to specific uses such as controlled environment agriculture.

A copy of the executive summary of the report is attached. A full copy of the report is with the Director Corporate & Community Services and is available for Councillors to read.

CONSULTATION

The Department of Economic Development has consulted with the three Councils involved and has met with Central Coast's Economic Development Planning Committee as well as a workshop with Councillors.

IMPACT ON RESOURCES

The Council contributed to the consultancy (\$2,970) in 2006–2007 and further impact on resources is envisaged as being staff time.

CORPORATE COMPLIANCE

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

- . Promote a sustainable investment environment
- . Foster strategic partnerships across industry sectors and establish industry clusters
- . Foster an integrated transport and planning system.

CONCLUSION

It is recommended that the Council support the work of the Industrial Land Use Project working group to date and endorse the Industrial Land Use Project report."

The Executive Services Manager reported as follows:

“A copy of the executive summary of the Industrial Land Use Project report has been circulated to all Councillors.”

- Cr van Rooyen moved and Cr (J) Bonde seconded, “That the Council support the work of the Industrial Land Use Project working group to date and endorse the Industrial Land Use Project report.”

Carried unanimously

ASSETS & ENGINEERING

345/2007 Opening of Native Cherry Place, Turners Beach

The Director Assets & Engineering reported as follows:

“It is necessary to formally resolve that the Council intends to ‘open’, after the expiration of 28 days, the following street which has been constructed in a new subdivision:

- . Native Cherry Place, Turners Beach.”

The Executive Services Manager reported as follows:

“A plan of Native Cherry Place, Turners Beach, has been circulated to all Councillors.”

■ Cr Roberston moved and Cr Deacon seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Native Cherry Place, Turners Beach (a plan of the street being appended to and forming part of the minutes).”

Carried unanimously

346/2007 Native Cherry Place, Turners Beach – Certificate of completion

The Director Assets & Engineering reported as follows:

“It is necessary for the Council to certify that the following street has been constructed substantially in accordance with the plans and specifications approved by the Council:

- . Native Cherry Place, Turners Beach.”

The Executive Services Manager reported as follows:

“A plan of Native Cherry Place, Turners Beach has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Deacon seconded, “That the Council certify under hand of the corporation’s engineer that Native Cherry Place, Turners Beach (a plan of the street being appended to and forming part of the minutes) has been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

347/2007 Annual Tenders 2007–2008

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 2007-2008.

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers the annual tenders for supply of bitumen emulsion, supply of hotmix, and supply and delivery of ready-mixed concrete for the 2007–2008 financial year.

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

BACKGROUND

The Council calls for tenders for the above supplies on an annual basis. Tenders were called on 11 August 2007 and closed on 5 September 2007.

Tenders were received from the following companies:

- 1 *Supply of bitumen emulsion –*
 - . Downer EDI Works
 - . Venarchie Contracting
- 2 *Supply of hotmix asphalt –*
 - . Downer EDI Works
 - . Venarchie Contracting
 - . Roadways Pty Ltd
- 3 *Supply and delivery of ready-mixed concrete –*
 - . Quick-Mix Concrete

Expressions of interest were received from the following companies:

- 4 *Asphalt surfacing –*
 - . Roadways Pty Ltd
 - . King & Harding Excavation and Seal
 - . Venarchie Contracting

- . Hardings Hotmix
- 5 *Sprayed bituminous surfacing –*
 - . Roadways Pty Ltd
 - . Hardings Hotmix
- 6 *Plant hire –*
 - . A.W. Contractors
 - . Coates Hire
 - . William Adams CAT
 - . Danny French
 - . Fieldwicks
 - . D & G Marshall
 - . LK Bourke & Sons Excavations
 - . King & Harding Excavation and Seal
 - . Tim Gee Earthmoving
 - . On Road Off Road
 - . A1 Tree Services
- 7 *Quarry and landscaping materials –*
 - . LK Bourke & Sons Excavations
 - . Fieldwicks
 - . Lloyds North
 - . D & G Marshall

DISCUSSION

The Project Management Group Leader provides the following comments:

'1 Supply of bitumen emulsion

Tenders from Venarchie Contracting and Downer EDI Works (formerly Works Infrastructure, formerly Emoleum) were received for supply of bitumen emulsion. Venarchie tendered on supply in 1,000 litre containers but did not provide a bulk rate. The Council now receives the majority of its emulsion in bulk, hence the tender of Venarchie is not considered further.

The rate this year is 11% 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 \$28,011.50.

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 8% 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 3.5% lower 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 \$182,019.42.

3 Supply and delivery of ready-mixed concrete

Only one tender, from Quick-Mix Concrete, was received for supply and delivery of ready-mixed concrete. Quick-Mix Concrete was the successful tenderer last year and has sufficient capacity in their Devonport and Burnie plants to service the Council's requirements.

The rates this year from Quick-Mix Concrete for orders of over 3m³ are 14% higher than last year.

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

The value of works expended under this contract last year was \$46,139.49.

Expressions of Interest –

4 Asphalt surfacing; and

5 Sprayed bituminous surfacing

Prior to 2006–2007 an annual tender for sealing rates 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 therefore been 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 \$686,873.20.

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 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.'

The Project Management Group Leader's report is supported.

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 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 and delivery of ready-mixed concrete

- . Quick-Mix Concrete.”

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 Executive Services Manager reported as follows:

“The tender documents are tabled.”

■ Cr van Rooyen moved and Cr (J) Bonde seconded, “That the following annual tenders for the 2007–2008 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 that the following suppliers be placed on a multiple-use register:

4 Asphalt surfacing –

- . Roadways Pty Ltd
- . King & Harding Excavating and Seal
- . Venarchie Contracting
- . Hardings Hotmix

5 *Spray bituminous surfacing –*

- . Roadways Pty Ltd
- . Hardings Hotmix

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

6 *Plant hire –*

- . A.W. Contractors
- . Coates Hire
- . William Adams CAT
- . Danny French
- . Fieldwicks
- . D & G Marshall
- . LK Bourke & Sons Excavations
- . King & Harding Excavation and Seal
- . Tim Gee Earthmoving
- . On Road Off Road
- . A1 Tree Services

7 *Quarry and landscaping materials –*

- . LK Bourke & Sons Excavations
- . Fieldwicks
- . Lloyds North
- . D & G Marshall.”

Carried unanimously

Cr McKenna returned to the meeting at this stage.

CLOSURE OF MEETING TO THE PUBLIC

348/2007 Meeting closed to the public

The Executive Services Manager reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Participation in regional Planning Initiative;
- . Ulverstone Wharf Redevelopment; and
- . Proposed future use of Council-owned land at Maskells Road.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential; and
- . proposals for the sale of land.

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

- . information provided to the Council on the condition it is kept confidential; and
- . proposals for the sale of land;

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;
- . Participation in Regional Planning Initiative;
- . Ulverstone Wharf Redevelopment; and
- . Proposal future use of Council-owned land at Maskells Road.”

Carried unanimously and by absolute majority

The 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

349/2007 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.”

350/2007 Participation in Regional Planning Initiative

The General Manager reported (reproduced in part) as follows:

“...This report seeks the Council’s consideration to participate in the *Cradle Coast Regional Approach to Consistent and Contemporary Planning Schemes Project*.

...

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.”

351/2007 Ulverstone Wharf Redevelopment

The General Manager reported (reproduced in part) as follows:

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

...

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.”

**352/2007 Proposed future use of Council-owned land at Maskells Road
(159-159A/2007 – 23.04.2007)**

The General Manager reported (reproduced in part) as follows:

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

...

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 9.10pm.

CONFIRMED THIS 15TH DAY OF OCTOBER, 2007.

Chairperson

(gjm:vjl)

Appendices

- Minute No. 331/2007 – Schedule of Development Services Determinations
- Minute No. 337/2007 – Schedule of Contracts & Agreements
- Minute No. 339/2007 – Schedule of Documents for Affixing of the
Common Seal
- Minute No. 340/2007 – Schedule of Accounts Paid
- Minute No. 342/2007 – Proposed Ulverstone/Turners Beach locality
boundary map
- Minute Nos. 345 and
346/2007 – Plan of Native Cherry Place

QUALIFIED PERSON'S ADVICE

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

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

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

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

Katherine Schaefer
GENERAL MANAGER