

CENTRAL COAST COUNCIL

Minutes

of Ordinary Meeting

18 JUNE 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
16 July 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, 18 June 2007 commencing at 6.05pm

Councillors attendance

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

Councillors apologies

Crs Jan Bonde and David Dry

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)
Land Use Planning Group Leader (Mr Shane Warren)

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

201/207 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 21 May 2007 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 21 May 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

202/2007 Council workshops

The Executive Services Manager reported as follows:

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

- 04.06.2007 - Capital Funding Program 2007-2008
- 12.06.2007 - Revaluations.

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

203/2007 Mayor's communications

The Mayor reported as follows:

“State Government funding towards the Council's Showground re-development project was recently announced by Mr Brian Green MHA.”

204/2007 Mayor's diary

The Mayor reported as follows:

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

- Mayors' meeting re North West Regional Hospital - Mersey Campus
- Cradle Coast Authority - Representatives meeting (Wynyard)
- Ulverstone Learn-to-Swim Centre Committee - thank-you afternoon tea for Jean Richardson
- Ulverstone Rowing Club - Annual Dinner
- Local Government Association of Tasmania - 95th Local Government Conference and AGM (Hobart)
- Latrobe Council - Grant Atkins' retirement dinner (Latrobe)
- Master Builders' Association of Tasmania - annual dinner
- Central Coast Chamber of Commerce & Industry - Van Ek Business Awards 2007 Presentation Dinner.”

Cr Deacon reported as follows:

“As the Council's representative on the Central Coast Chamber of Commerce and Industry Inc., I attended the Chamber's Business Awards function.”

■ Cr Marshall moved and Cr (L) Bonde seconded, “That the Mayor's and Cr Deacon's reports be received.”

Carried unanimously

205/2007 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 Van Rooyen reported as follows:

“I will be declaring an interest in respect of Application No. DEV206.77 and SUB2006.24 (Minute No. 216/2007).”

206/2007 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

207/2007 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.”

APPLICATIONS FOR LEAVE OF ABSENCE

208/2007 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

209/2007 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

210/2007 Petitions

The Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

211/2007 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.

212/2007 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.”

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

213/2007 Development Services determinations

The Director Development Services reported as follows:

“A Schedule of Development Services Determinations made during the month of May 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 Marshall seconded, “That the Schedule of Development Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

214/2007 Appointments and delegations in respect of the Food Act 2003

The Director Development Services reported as follows:

PURPOSE

The purpose of this report is to consider appointments and delegations in respect of the *Food Act 2003*.

BACKGROUND

The Food Act 2003 (the Act) was enacted to ensure the provision of food that is safe and fit for human consumption. It also addresses other matters aside from roles for local government, such as nutrition, and approval of laboratories and procedures for analysis of food. This report focuses on the roles set out for local government.

DISCUSSION

There have been legislative, organisational and staff changes within the environmental health functional area in recent years. It is therefore timely to review appointments and delegations under this Act.

Both the Director of Public Health (Department of Health and Human Services) and the Council's insurers require that only qualified persons be issued with such statutory appointments and delegations. This ensures that persons operating in this specialist discipline are fully informed of the technical aspects and legal obligations with respect to food safety.

The qualifications in this instance are in the discipline of environmental health, and there are currently three employees with the approved qualifications employed in the Development Services Department (the Environmental Health Officer, the Environmental Officer, and myself). This may not be the case in the future, as only the Environmental Health Officer is required to have these qualifications (i.e. it is somewhat of a coincidence that both the Environmental Officer and myself come from this professional discipline).

The Council's powers with respect to registration of food businesses are contained in sections 87, 89 and 91. The Council's authority to appoint authorised persons and the requirement to issue certificates of authority are contained in sections 101 and 102 respectively.

The powers of authorised officers are as follows:

- Offences relating to food – section 24;
- Emergency powers – section 33;
- Inspection and seizure powers – sections 40, 41, 44, 46, 47, 48 and 49;
- Improvement notices and prohibition orders – sections 59 and 62;
- Taking and analysis of samples – section 73;
- Procedural and evidentiary provisions – sections 104 and 113; and
- Infringement notices – sections 118 and 125.

These are operational roles where delegation provides for efficient and effective exercise of statutory functions and powers.

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

CONSULTATION

This is an administrative matter and consultation is not required.

IMPACT ON RESOURCES

There are no resource implications to consider in this matter.

CORPORATE COMPLIANCE

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

- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that under the provisions of section 22 of the *Local Government Act 1993*:

- 1 the General Manager be delegated the Council's functions and powers of sections 87, 89 and 91 of the *Food Act 2003*;
- 2 the General Manager be authorised to delegate with respect to sections 87, 89 and 91 of the *Food Act 2003*; and
- 3 the General Manager be delegated the power to appoint authorised officers under section 101, and issue certificates of authority under section 102, of the *Food Act 2003*."

■ Cr Robertson moved and Cr Haines seconded, "That under the provisions of section 22 of the *Local Government Act 1993*:

- 1 the General Manager be delegated the Council's functions and powers of sections 87, 89 and 91 of the *Food Act 2003*;
- 2 the General Manager be authorised to delegate with respect to sections 87, 89 and 91 of the *Food Act 2003*; and
- 3 the General Manager be delegated the power to appoint authorised officers under section 101, and issue certificates of authority under section 102, of the *Food Act 2003*."

Carried unanimously

215/2007 Council acting as a planning authority

The Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute Nos 216/2007 and 217/2007, 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 McKenna moved and Cr (L) Bonde seconded, “That the Mayor’s report be received.”

Carried unanimously

216/2007 Consolidation of Titles and development of an Educational Establishment (Child Care Centre) at 39-41 Eastland Drive, Ulverstone Application No. DEV2006.77 and SUB2006.24 (135/2007-23.04.2007)

Cr van Rooyen, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2006.77 and SUB2006.24.

The Director Development Services reported as follows:

PURPOSE

The purpose of this report is to consider the direction of the Resource Management and Planning Appeal Tribunal (RMPAT) to appoint a person(s) authorised to negotiate on behalf of the Council at an appeal listed for mediation. (see copy of letter attached).

BACKGROUND

The appeal is in respect of the Council’s decision to refuse Application No. DEV2006.77 and SUB2006.24 for a proposed Child Care Centre a 39-41 Eastland Drive, Ulverstone.

At its meeting on 23 April 2007 the Council resolved (Minute No. 135/2007) as follows:

‘That the representations be deemed to have sufficient merit on planning grounds to justify refusal of the Application.’

The applicant has appealed the Council's decision, and the RMPAT held a directions hearing on 29 May 2007.

DISCUSSION

The appellant's lawyer has appealed on two grounds:

- The general appeal provision of s.61(4) of the *Land Use Planning and Approvals Act 1993* (LUPAA); and
- The provisions of s.59 of LUPAA regarding the legal validity of the Council's decision in that it did not contain reasons – this matter will be addressed by the Council's lawyer from a legal perspective.

Should the RMPAT uphold the appeal in terms of s.59, the application will be deemed not to have been determined within the prescribed timeframes and therefore approved, and the appellant can apply for an order determining the conditions on which the permit is granted. In considering such an application, the RMPAT may either grant the permit unconditionally or impose conditions, or alternatively direct that a permit not be issued.

In any case, the RMPAT must direct the Council (as the planning authority) to pay all costs associated with the appeal.

It should be noted that although verbal reasons were provided during the debate by Councillors, these were not presented in the alternative motion moved, seconded, and subsequently carried. The minutes of Council meetings only record the agenda report and motion(s) moved, seconded and subsequently determined by the Council, not the debate that ensues.

CONSULTATION

This matter is subject to the administrative processes of the RMPAT, and consultation is therefore not applicable.

IMPACT ON RESOURCES

Aside from the administrative and legal costs of being represented in the appeal process, this matter has no additional resource implications.

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

This matter is referred to the Council for determination.”

The Executive Services Manager reported as follows:

“A copy of the Resource Management and Planning Appeal Tribunal’s letter has been circulated to all Councillors.”

■ Cr McKenna moved and Cr (L) Bonde seconded, “That the General Manager, Mayor and Deputy Mayor be authorised to negotiate on behalf of the Council in respect of this matter.”

Carried unanimously

Cr van Rooyen returned to the meeting at this stage.

**217/2007 Kennels (cat and dog boarding) at 5 Sarah Road, Riana
Application No. DEV2006.104**

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

“Councillors would be aware that in the event that any items listed for consideration at a scheduled meeting of the Development Support Special Committee are referred, under the Committee’s terms of appointment, to the Council or if the Committee is unable to make a determination within the statutory time limit, such items are to be placed before the Council for determination.

Item 6.1 on the agenda for the Committee’s meeting on 12 June 2007 [re Kennels (cat and dog boarding) at 5 Sarah Road, Riana - Application No. DEV2006.104] was unable to be determined unanimously by the Committee and must be referred to the Council.

...

One of the ‘representations’ included with the original report was not, in fact, a representation lodged in respect of the Development Application. It was an objection to a concurrent application for a ‘kennel licence’ that was misdirected to the planning office.

The Land Use Planning Group Leader has amended his report as a consequence of the removal of this letter and also to take account of some subsequent clarification obtained in respect of the number of dogs to be accommodated in the proposed building.

The objection to the ‘kennel licence’ application has been referred to the officer who is dealing with that matter.”

Continued after Minute No. 218/2007...

218/2007 Public question time

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

There were no questions from the public.

Minute No. 217/2007 continued...

The Director Development Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2006.104
<i>LOCATION:</i>	5 Sarah Road, Riana
<i>ZONING:</i>	Rural (R) - General
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	15 May 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	29 May 2007
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	24 June 2007
<i>DECISION DUE:</i>	24 June 2007
 <i>PURPOSE</i>	

The purpose of this report is to consider the merits of a representation received in opposition to a discretionary planning permit application for kennels (cat and dog boarding) at 5 Sarah Road, Riana.

BACKGROUND

The developer proposes building a shed with a floor area of 444m² (37m x 12m) on the property which is currently being used for grazing and a house. The large shed will be used as a boarding kennel for the accommodation of up to 70 dogs.

Some clarification was obtained on the numbers to be accommodated as the proposed building, as advised by the applicants, only provides for 20-30 kennels. From the perspective of viability the applicants also indicate that the operation will require a minimum of 70 dogs to be a going concern.

The number of 100 dogs has been indicated in the concurrent application for a kennel licence under the provisions of the *Dog Control Act 2000*. This number was thought prudent to indicate the number of boarders that may eventuate if further facilities were developed in the future.

Further buildings will be required at this stage if the 70-dog maximum is to be exceeded. Numerically this will require another similarly-sized building on the property. This location hasn't been indicated on the submitted site plan.

A location plan is attached as Annexure 1.

DISCUSSION

The development is proposed on the western half of the lot closest to the access from Sarah Road. The proposed building design includes sound-proofing, heating, insulation and rain water collection. The developer has considered the disposal of waste, and the Council's Environmental Officer has provided conditions to be included if a permit is issued.

The impact of the development on the neighbouring homes has been considered in the assessment; in particular, smell, noise and traffic implications. Typically, background noise in a rural area would include tractors and other machinery but more specifically, noise from the dogs themselves would be subject to the kennel licensing provisions under the *Dog Control Act 2000*. It would also be logical for people who chose to live in rural areas to expect the generation of dust and smells from standard farming practices. It is conceded, however, that kennels are not a standard farming activity although the rural zones are only one of the two zones where some discretion is possible. All other zones prohibit this type of development.

It could be reasonably predicted that noise is the compelling factor for this discretion in only two zones. Satisfactory mitigation of the anticipated noise is one to carefully consider.

Plans of the proposed development are attached as Annexure 2.

There is also a discrepancy with the application in that the site and accommodation detail for the cats is not included. Previous applications for “catteries” in other locations have been assessed under the Domestic Business provisions of the Scheme. If the cattery component of the development meets these provisions the use falls into the “P” permitted use category. Exceeding the Domestic Business guidelines will place the use into “miscellaneous” which is discretionary in the Rural (R) - General zone.

Clause 3.9.2 of the Scheme provides a number of matters for the Council to consider appropriate before approving or refusing a planning application.

3.9.2 (a) the objectives of the Scheme, intent of the zone and any relevant development standards:

Comment - The Scheme objectives and land zoning provide some guidance relevant to this type of development, namely the encouragement of appropriate development which will expand local employment and diversify the economic base. In light of the lack of specific development standards for this use class, the Council is to determine the most appropriate standards. In this assessment, the Commercial development standards have been deemed most appropriate. These are covered in Table 1.

3.9.2(e) whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to the existing site, adjoining land, the surrounding streetscape and landscape, natural environment and any items of historic or architectural significance.

Comment - The existing site is occupied by a single dwelling. To the south of the property is a small cluster of dwellings, approximately 250m from the proposed development. Visibility and appearance is not an issue considering the size of the blocks and existing developed buildings on adjacent blocks.

3.9.2(f) whether the proposed development will be supplied with an adequate level of infrastructure and services (roads, water, sewerage and electricity), without detriment to existing users.

Comment - It is in the developer’s interest to ensure the water source is adequate. The Council’s Environmental Officer has endorsed the methods of waste management and disposal.

3.9.2(g) the impact on the existing and possible future use of adjacent land and vice versa.

Comment - adjacent land includes agricultural and residential uses. Consideration of any adverse impacts on amenity are included in the assessment process. Any adverse effects of the use that affect amenity and property values needs to be considered under the scope of this provision.

Schedule 1 defines the use categories. The development is for kennels as defined in the Scheme.

“Kennels: means any land used for the commercial operation of boarding kennels or for the breeding of dogs on a commercial basis”.

Schedule 2 defines the status of the defined use in any particular zone as either “P1” - permitted as of right, “P” - permitted, “d” - discretionary, “x” - prohibited, or “R” - development in rural zones.

Kennels in the Rural (R) - General zone are a “d” discretionary land use.

The following Table 1 provides detailed assessment against the relevant development standards. Figures have been taken from the application documentation:

DEVELOPMENT SERVICES

Table 1

DESCRIPTION	STANDARD	DIMENSIONS OF PROPOSAL	COMMENTS
Kennels			
Front setback	6m	30m (approx.)	Conforms.
Side setback	3m	50m (approx.)	Conforms.
Rear setback	10m	15m (approx.)	Conforms.
Height	15.5m	14.8m	Conforms.
Number of storeys	2	1	Conforms.
Site coverage	10%	1.5%(approx.)	Conforms.
Carparking	1 per employee + 0.15 per 100m ² site area		To be conditioned on any permit issued.

CONSULTATION

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

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Comments received from the Planning and Assessment Team covered building and environmental issues, which the officers are satisfied can be addressed by appropriately worded conditions.

Representations

Within the prescribed 14-day period, one representation was received in objection to the development.

This representation included a valuation report stating the effects of the proposed development in regard to the proximity to the representor's property at 3 Sarah Road.

The representation and referenced documents are attached as Annexure 3.

Table 2 below was developed to précis the representation received.

Table 2

ISSUE #	ISSUE	CONCERN IN REPRESENTATION	COMMENT
1	Noise.	The noise created from this development will ruin appeal and ambience of surrounding residences.	The Council's Environmental Health Officer has advised that the potential for creating noise nuisances will be assessed and monitored as part of the kennel licensing requirements of the <i>Dog Control Act 2000</i> .
2	Soundproofing.	Soundproofing will be provided in the building, but how will that be controlled when the dogs are outside?	As above.
3	Property devaluation. Independent professional advice provided to demonstrate devaluation as a result of the development.	Property will be devalued if development proceeds.	The representor has submitted a valuation report that indicates his property would suffer devaluation in the event that the development occurred. The reasons given related to noise, waste disposal and access issues. These are addressed either under separate legislation (noise) or elsewhere in this report (waste).
4	Traffic impacts.	The right of way which is used to access the property would require upgrading (safe traffic flow, dust, maintenance) and impacts on Sarah Road.	Standard conditions on any permit issued by the Council would include the requirement of the developer to provide the necessary infrastructure upgrades required to service that development. The issue of dust and traffic impacts is partially addressed

			by recent advice from the applicant. An active marketing option is for the pick up and delivery of pets as part of the day-to-day operation of the business. This should mitigate any potential impacts of traffic and dust generation as well as reducing the maintenance costs of the access.
5	Approval a foregone conclusion.	Earthworks began over four weeks ago for the development.	There have been no permits issued by the Council for the proposed development. Any preliminary siteworks undertaken are at the developer's risk.
6	Smell.	Residences are downwind.	Previously addressed in the Discussion section of this report.
7	Waste disposal.	Disposal of water (from cleaning) and excrement, and impact on surrounding groundwater.	Waste disposal is required to comply with a number of legislated standards. Standard conditions on any permit issued would require the developer to ensure compliance with that legislation.
8	Positive flow-on effects will be minimal.	Little positive impact on nearby businesses.	This is difficult to demonstrate at the application stage.
9	Compatibility between proposal and local community.	Certain businesses and industries do not compliment some communities as we believe is the "case between Riana and a 5 star kennel and cattery".	This is not a planning consideration.

IMPACT ON RESOURCES

This report has no impact on resources.

CORPORATE COMPLIANCE

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

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

CONCLUSION

A number of matters have to be clarified before determining the application. The submitted site plan only indicates the development of a 444m² building. The original documentation submitted with the application does not mention how many dogs are intended to be accommodated but later details provided by the applicant indicate that accommodation will be provided for up to 70 dogs in the building which exceeds the National Code of Practice of the Pet Association of Australia. Annual kennel occupancy is based on a 50% average at any one time.

The valuation report is based upon the premiss of 100 dogs and 20 cats being accommodated on site. Although the valuation details shouldn't be discounted, the application being determined is for a kennel operation that will only provide accommodation for a maximum of 70 dogs depending on the kennel configuration within the proposed 444m² building.

The development of a further building to accommodate additional dog boarders will be subject to another application at that time and will be considered under the planning scheme of the day. Any history of complaints would be further scrutinised at that time unless resolved prior to the application.

Cats are not intended to be accommodated in the same building and no details of their accommodation have been provided. Consequently the "cattery" component has to be discounted on this application.

RECOMMENDATION

It is recommended that the representation of objection be deemed to have insufficient merit on planning grounds to justify refusal of the application and

that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.104 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings and other documentation as submitted unless otherwise altered by subsequent conditions of this Permit;
- 2 The number of dogs kept on site at any one time is not to exceed that provided for in the *Pet Industry Association of Australia - National Code of Practice 2005* or 70 dogs whichever the lesser;
- 3 The facility must be operated to ensure that:
 - (a) animals can only be delivered and collected by their owners between the hours of 9:00am and 5:00pm daily;
 - (b) a person responsible for the management and control of the facility must be present on the site at all times while the facility is in use;
 - (c) all available means, including feeding and exercising at regular times each day, is to be used to prevent the barking of dogs, so as to prevent the use becoming a nuisance, by reasons of noise, to nearby residents; and
 - (d) the use or development must not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the appearance of any building works or material on the land, the emission of noise, light, smell, dust, waste products, the presence of vermin or otherwise;
- 4 The activity endorsed by this permit must be carried out in accordance with the requirements of both the *Dog Control Act 2000* and the *Environmental Management and Pollution Control Act 1994*, and associated Regulations;
- 5 Faecal matter and/or other contaminated waste material from the kennel facility must not be disposed of as part of normal domestic waste. Such waste materials are to be either managed on site in accordance with the requirements of the Council's Environmental Officer and/or contained for periodic collection by a licensed waste management transporter;

- 6 A separate application detailing the design and type of on-site wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Officer. It is recommended that the applicant contact the Council's Environmental Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;
- 7 The on-site wastewater management system for the proposed dwelling being installed in accordance with the *Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management*;
- 8 Kennels and dog yards shall be kept clean at all times and shall not cause nuisance by means of odour or otherwise;
- 9 Satisfactory acoustic and screen treatments are to be incorporated into any outdoor exercise areas;
- 10 A plan of proposed landscaping to provide an effective visual screen at maturity and details of other site treatments in the vicinity of the dog kennel building is to be submitted for consideration before the application for the required Building Permit and is to indicate the following:
 - (a) A schedule of the species to be planted which is to include varieties of local provenance where possible; and
 - (b) A maintenance regime for the final layout including mulching and water reticulation methods to be used to ensure 70% stem retention rate after two years;
- 11 The landscaping and other site treatments are to be implemented prior to commencement of the operation of the kennels;
- 12 Satisfactory carparking must be provided to cater for the maximum number of vehicles anticipated at any given time; and
- 13 On-site advertising signage within 100 metres of the entrance is limited to a sign not exceeding 1.5m² in area;

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

- A any further off-site advertising signage would require a separate application to the Council;
- B an application for a Building Permit is required. A copy of this Planning Permit is to be provided to the applicant’s nominated private Building Surveyor prior to commencing their assessment; and
- C this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.’

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 (L) Bonde moved and Cr Downie seconded, “That the representation of objection be deemed to have sufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.104 be refused for the following reason:

- 1 The proposal does not satisfactorily meet the objectives contained in clause 3.9.2(g) of the Scheme; and
- 2 The proposal will adversely affect the values of nearby properties.”

As seconder of the motion, the Mayor vacated the Chair and the Deputy Mayor assumed the Chair.

Voting for the motion
 (4)
 Cr Downie
 Cr (L) Bonde
 Cr Deacon
 Cr Haines

Voting against the motion
 (5)
 Cr Robertson
 Cr Barker
 Cr Marshall
 Cr McKenna
 Cr van Rooyen

Motion

Lost

■ Cr McKenna moved and Cr van Rooyen seconded, “That the representation of objection be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.104 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the drawings and other documentation as submitted unless otherwise altered by subsequent conditions of this Permit;
- 2 The number of dogs kept on site at any one time is not to exceed that provided for in the *Pet Industry Association of Australia - National Code of Practice 2005* or 70 dogs whichever the lesser;
- 3 The facility must be operated to ensure that:
 - (a) animals can only be delivered and collected by their owners between the hours of 9:00am and 5:00pm daily;
 - (b) a person responsible for the management and control of the facility must be present on the site at all times while the facility is in use;
 - (c) all available means, including feeding and exercising at regular times each day, is to be used to prevent the barking of dogs, so as to prevent the use becoming a nuisance, by reasons of noise, to nearby residents; and
 - (d) the use or development must not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the appearance of any building works or material on the land, the emission of noise, light, smell, dust, waste products, the presence of vermin or otherwise;
- 4 The activity endorsed by this permit must be carried out in accordance with the requirements of both the *Dog Control Act 2000* and the *Environmental Management and Pollution Control Act 1994*, and associated Regulations;
- 5 Faecal matter and/or other contaminated waste material from the kennel facility must not be disposed of as part of normal domestic waste. Such waste materials are to be either managed on site in accordance with the requirements of the Council’s Environmental Officer and/or contained for periodic collection by a licensed waste management transporter;
- 6 A separate application detailing the design and type of on-site wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council’s Environmental

Officer. It is recommended that the applicant contact the Council's Environmental Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;

- 7 The on-site wastewater management system for the proposed dwelling being installed in accordance with the *Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management*;
- 8 Kennels and dog yards shall be kept clean at all times and shall not cause nuisance by means of odour or otherwise;
- 9 Satisfactory acoustic and screen treatments are to be incorporated into any outdoor exercise areas;
- 10 A plan of proposed landscaping to provide an effective visual screen at maturity and details of other site treatments in the vicinity of the dog kennel building is to be submitted for consideration before the application for the required Building Permit and is to indicate the following:
 - (a) A schedule of the species to be planted which is to include varieties of local provenance where possible; and
 - (b) A maintenance regime for the final layout including mulching and water reticulation methods to be used to ensure 70% stem retention rate after two years;
- 11 The landscaping and other site treatments are to be implemented prior to commencement of the operation of the kennels;
- 12 Satisfactory carparking must be provided to cater for the maximum number of vehicles anticipated at any given time; and
- 13 On-site advertising signage within 100 metres of the entrance is limited to a sign not exceeding 1.5m² in area;

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

- A any further off-site advertising signage would require a separate application to the Council;
- B an application for a Building Permit is required. A copy of this Planning Permit is to be provided to the applicant's nominated private Building Surveyor prior to commencing their assessment; and

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

Voting for the motion

(5)

Cr Robertson

Cr Barker

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(4)

Cr Downie

Cr (L) Bonde

Cr Deacon

Cr Haines

Motion

Carried

The Mayor resumed the Chair.

GENERAL MANAGEMENT

219/2007 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:

- Dulverton Regional Waste Management Authority - meetings of Representatives held on 13 February and 17 April 2007
- Ulverstone Local History Museum Committee - meeting held on 15 May 2007
- Youth Engaged Steering Committee - meeting held on 17 May 2007
- Cradle Coast Water - meeting of Representatives held on 23 May 2007.

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

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

Carried unanimously

220/2007 Adoption of minutes of committees of the Council

The Executive Services Manager reported as follows:

“The following (non-confidential) minutes of a committee of the Council, in respect of which delegated authority has not been provided for activating decisions, are listed for adoption:

- Economic Development Planning Committee - meeting held on 7 May 2007.

The minutes identified as confidential are listed for adoption at Minute No. 237-237A/2007.”

Copies of the (non-confidential) minutes have been circulated to all Councillors.”

- Cr Haines moved and Cr Marshall seconded, “That the (non-confidential) minutes be adopted.”

Carried unanimously

221/2007 Heritage listing of Council-owned and private properties in Penguin

The General Manager reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to consider implications of the proposed heritage listing for certain Council properties.

BACKGROUND

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

- Penguin General Cemetery,
- Penguin Railway Station, and
- Penguin Play Centre,

are of such historical heritage significance to the Tasmanian community as to warrant inclusion in the Heritage Register. A copy of the letter and Draft Heritage Assessments is attached.

As the property owner of these three properties the Council has been given the opportunity to provide comments to the Heritage Council by 29 June 2007.

The proposed heritage listing is part of a program involving a number of properties in Penguin due to be reviewed by the Heritage Council Registration Committee on 18 July 2007.

DISCUSSION

Due to the varying nature of the three properties, each property will be considered separately.

Penguin General Cemetery -

The historical nature of this cemetery has been recognised locally for some time such that the Penguin History Group has played a very active part in both maintaining the Cemetery and enabling visitors to the site to view the historical heritage that is there. It is envisaged that the heritage listing of the

Cemetery would have very little impact on either the day-to-day maintenance of the site or the Penguin History Group's activities. Heritage listing may in fact assist the History Group in accessing grants to undertake extra works on the site.

Penguin Railway Station -

The fact that this building has been relocated to its original site is a tribute to the Council and the Penguin community, and reflects the historical importance of the building. Heritage listing of the building would seem a natural progression from the original project that culminated in the building being re-erected. While heritage listing does require that any future building works are approved by the Heritage Council, as the Council would be keen to ensure that the building continues to reflect its original use, this does not seem an onerous burden. Heritage listing may also provide new grants opportunities for any future works that might be considered.

The Draft Heritage Assessment provided by the Tasmanian Heritage Council mistakenly claims that the land involved, 44 Main Road, Penguin, is owned by the Crown and leased to the Council. The land is in fact owned by the Council; only the platform is still owned by the Crown. The Tasmanian Heritage Council has been notified of this error and been provided with the relevant title details that confirm Council ownership.

Penguin Play Centre -

As with the other two properties, the historical nature of this property is acknowledged. The Draft Heritage Assessment also recognises that there may have been interior alterations relating to the use of the property as a Child Care Centre but does not specify what impact, if any, that these alterations may have on the possible heritage listing of the property.

Heritage listing of this property is likely to have far greater impact on the Council due to the building's current use as a Child Care Centre and related Place of Assembly licensing issues. Should the property be listed, any future building works undertaken by the Council will require Heritage Council approval. The Council would want to be certain that any works required, either for the purpose of licensing the property as a Child Care Centre or works required under the Place of Assembly Licence, would be approved to enable the building to continue to operate as a Child Care Centre.

Additionally, the Mayor seeks direction from the Council on the appropriateness of the Council arranging a private meeting, inviting all those owners whose properties remain on the list of properties for heritage listing consideration, to discuss the issue of the listings. Current advice from the Heritage Council is that properties remaining on the list for consideration will not be disclosed.

CONSULTATION

The report details the level of consultation undertaken.

IMPACT ON RESOURCES

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 write to the Tasmanian Heritage Council expressing its provisional support of the heritage listing for the following two properties:

- . Penguin Cemetery, and
- . Penguin Railway Station,

and that the Council request confirmation from the Heritage Council that the heritage listing of the Penguin Play Centre would not impinge on the current and future use of the property as a Child Care Centre.'

The report is supported."

The Executive Services Manager reported as follows:

“Copies of the Tasmanian Heritage Council’s letter and Draft Heritage Assessments having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

■ Cr van Rooyen moved and Cr Robertson seconded, “That the Council write to the Tasmanian Heritage Council expressing its provisional support of the heritage listing for the following two properties:

- . Penguin Cemetery, and
- . Penguin Railway Station,

and that the Council request confirmation from the Heritage Council that the heritage listing of the Penguin Play Centre would not impinge on the current and future use of the property as a Child Care Centre.”

Voting for the motion
 (3)
 Cr Robertson
 Cr Barker
 Cr (L) Bonde

Voting against the motion
 (6)
 Cr Downie
 Cr Deacon
 Cr Haines
 Cr Marshall
 Cr McKenna
 Cr van Rooyen

Motion

Lost

■ Cr McKenna moved and Cr van Rooyen seconded, “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.”

Voting for the motion
 (8)
 Cr Downie
 Cr Robertson
 Cr (L) Bonde
 Cr Deacon

Voting against the motion
 (1)
 Cr Barker

GENERAL MANAGEMENT

Cr Haines
Cr Marshall
Cr McKenna
Cr van Rooyen

Motion

Carried

CORPORATE & COMMUNITY SERVICES

222/2007 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 May 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 Robertson moved and Cr (L) Bonde seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

223/2007 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to inform the meeting of any correspondence received during the month of May 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 28.05.2007 - letter raising concerns over the reduction in the number of squash courts proposed under the Showground Re-development Plan.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a

report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

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

Carried unanimously

224/2007 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 May to 18 June 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 van Rooyen moved and Cr Deacon 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

225/2007 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 May 2007 are submitted for consideration:

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

The Executive Services Manager reported as follows:

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

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

Carried unanimously

226/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of May 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 Haines seconded, “That the Schedule of Accounts Paid (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

227/2007 Debtor remissions

The Director Corporate & Community Services reported as follows:

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

<i>DEBTOR NO.</i>	6772597
<i>PROPERTY ADDRESS</i>	210 Preservation Drive, Sulphur Creek
<i>REMISSION</i>	\$131.20
<i>REASON</i>	Leaking water pipe running underground - as per Council policy (Minute No. 383/2003 - 13.10.2003).

<i>DEBTOR NO.</i>	6962091
<i>PROPERTY ADDRESS</i>	8 Highfield Crescent, West Ulverstone
<i>REMISSION</i>	\$264.04
<i>REASON</i>	Leaking water pipe running underground - as per Council policy (Minute No. 383/2003 - 13.10.2003).

CORPORATE & COMMUNITY SERVICES

DEBTOR No. 7680440
PROPERTY ADDRESS 821 South Road, Penguin
REMISSION \$926.19
REASON Leaking water pipe running underground (in paddock) - as per Council policy (Minute No. 383/2003 - 13.10.2003)."

■ Cr Deacon moved and Cr Marshall seconded, "That the following remissions be approved:

- . Debtor No. 6772597 - \$131.20
- . Debtor No. 6962091 - \$264.04
- . Debtor No. 7680440 - \$926.19."

Carried unanimously

ASSETS & ENGINEERING

228/2007 Bicentennial Park - Retention of pond

■ Cr McKenna (having given notice) moved and Cr Marshall seconded, “That the Council provide sufficient funds in the 2007-2008 Estimates:

- 1 to investigate the feasibility of retaining the pond in Bicentennial Park by undertaking works to allow the pond to be flushed by tidal waters; and
- 2 should the proposal to retain the pond be feasible, to undertake the works required.”

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

- “1 The pond as early as 1936 was the subject of tidal flushing and in recent years the Council has restricted this natural action, initially by blocking off tidal waters, thus failing to keep the pond in its natural state;
- 2 The pond was always infested with native fauna (birds, ducks and fish life), with natural flora (boobiallas, native plants and grasses) and was a part of the Ulverstone Golf Course until the late 1960’s; and
- 3 It is considered that action should be taken by the Council to retain this natural asset in its natural form, rather than fill the pond.”

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers a motion on notice from Cr McKenna proposing funding in 2007-2008 for an investigation into the feasibility of retaining the Bicentennial Park pond as a tidally-flushed feature and, if feasible, that funding be provided in the 2007-2008 Estimates to undertake the works required.

BACKGROUND

Cr McKenna’s supporting comments provide background to his motion.

The Bicentennial Park pond is located within 250 metres of the Leven River and Buttons (‘Main’) Beach.

The pond was a tidal pond but regularly dried out during the summer season.

The opportunity was taken as part of the Bicentennial funding in 1988 to pump water into the pond from the Leven River, at mid to high tide, by way of a cascading fountain feature. This pump initially served the important function of filling the pond, aerating and circulating the water. The water level was controlled by a weir and a narrow channel diverted any overflowing pond water back into the pump well.

Regular algal blooms occurred due to the aeration and the shallow depth of water in the pond. The eventual build up of sand caused blockages in the pipe work and pump damage. High maintenance and replacement costs became economically unviable and the pump was removed.

Without a pump, the water circulation stopped and water levels decreased through natural leakage creating a hypersaline environment, preventing any significant ecosystem development. Without a developed food chain in place the pond quickly became stagnant.

Tidal waters still seep into the pond from groundwater but of insufficient volume in the summer due to evaporation.

The Council's Environmental Health Officer's investigations have identified that *Aedes camptorhynchus* (mosquitoes) is commonly found in the pond and surrounds. This species of mosquito in an artificial breeding environment in the built up area of Ulverstone presents a significant threat to the community because it is a common vector of the Ross River virus. The Environmental Health Officer has recommended draining the pond and trimming back the grass in an attempt to greatly reduce the abundance and habitat of the mosquitoes.

Associated with the decrease in water level was an increase in odour which is noticed several hundred metres away from the pond. Decaying biotic matter seasonally settles on the pond floor but the lack of established animals that consume the matter means that the breakdown is very slow.

The Rotary Club of Ulverstone West commissioned consultants to investigate the feasibility of redeveloping the pond in 2000 and decided not to proceed due to the complexity of operating a tidal system to fill the pond with water.

The filling in of Bicentennial Park pond has been listed in the Estimates since about 1998.

DISCUSSION

There has been extensive investigation of options previously undertaken by the Council's engineering staff, as well as consultants over the years.

It is suggested that the weir boards and wall be removed and the open channel levelled to allow the pond to operate in its 'natural state'. Monitoring and evaluation could then be undertaken over this coming summer.

From an operational perspective the Council would need to accept any liability in respect to potential mosquito and odour issues that may occur as it will be out of Council officers' control.

It is noted that the pond is currently full of water as the result of storm high tides and high rainfall.

The option of removing sand from the River and filling the pond is seen as an environmentally responsible solution and the dredging of the Leven River should also be investigated as part of the process.

The further investigations and monitoring will delay completion of an outcome by at least another year and will be the subject of a separate Development Application and associated assessment.

CONSULTATION

Crown Land Services provided consent to lodge an application for the filling and rehabilitation of the Bicentennial Park pond on 20 March 2007.

Development Application DEV2006.90 was advertised on 13 April 2007 and two representations were received. Approval was granted by the Council at its meeting held on 21 May 2007 (Minute No. 175/2007) to undertake the filling in of the pond.

A number of odour complaints have been received over the last six months from residents in properties opposite Bicentennial Park stating that smells are so appalling that windows cannot be left open and washing cannot be hung on clothes lines.

IMPACT ON RESOURCES

Further investigations into the feasibility of retaining the Bicentennial Park pond are estimated at \$40,000 for engineering services and subsequent consultancy fees. The preliminary estimated cost to construct a structural lined pond filled with water and provided with all necessary safety features is at least \$250,000. This is dependent on the outcome of the feasibility study which will also need to consider maintenance and operational costs. An amount of \$90,000 has been listed for consideration in the 2007-2008 Capital Funding Program estimates to undertake the filling in of the pond and part of these funds could be used for the feasibility study.

The investigation will be led by the Environmental Engineer with support from the Natural Resource Management Officer, Engineering Officers and consultants as required, which will affect the design program on other projects.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space
- . Promote best practice environmental management of the hinterland and coast
- . Encourage sustainable land management
- . Develop river precinct studies to determine sustainable land-use opportunities
- . Develop and manage sustainable infrastructure.

CONCLUSION

Cr McKenna's motion is submitted for consideration."

Voting for the motion

(8)

Cr Downie

Cr Robertson

Cr Barker

Cr (L) Bonde

Cr Deacon

Cr Haines

Cr Marshall

Cr McKenna

Voting against the motion

(1)

Cr van Rooyen

Motion

Carried

229/2007 Opening of Davis Street, Leith (extension)

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:

- . Davis Street, Leith (extension)

Developed by A M Flemming."

The Executive Services Manager reported as follows:

“A plan of Davis Street (extension) has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Haines seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Davis Street, Leith (extension) (a plan of the street being appended to and forming part of the minutes).”

Carried unanimously

230/2007 Davis Street, Leith (extension) - 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:

- Davis Street, Leith (extension).”

The Executive Services Manager reported as follows:

“A plan of Davis Street, Leith (extension) has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Haines seconded, “That the Council certify under the hand of the corporation’s engineer that Davis Street, Leith (extension) (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

231/2007 Subdivision at 15A Henslowes Road, Ulverstone - Certification of services

The Director Assets & Engineering reported as follows:

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

- 15A Henslowes Road, Ulverstone

developed by the Estate of H W Braid.”

The Executive Services Manager reported as follows:

“Plans of the services at 15A Henslowes Road, Ulverstone have been circulated to all Councillors.”

■ Cr Robertson moved and Cr Haines seconded, “That the Council certify under the hand of the corporation’s engineer that the subdivision services at 15A Henslowes Road, Ulverstone (plans of the services being appended to and forming part of the minutes) have been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

232/2007 Investigation into options to mitigate bird issues in palm trees, Kings Parade (260/2005 - 15.08.2005)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report provides an investigation into possible options to mitigate birds roosting in the Phoenix Palms (*Phoenix canariensis*) situated on the naturestrip in Kings Parade.

BACKGROUND

The Natural Resource Management Officer reports as follows:

‘Six Phoenix Palms are located on the southern side of Kings Parade, outside residential properties in Ulverstone, opposite Anzac Park. Birds, predominantly Starlings (*Sturnus vulgaris*), have been roosting in the palm fronds creating issues for residents such as noise and excrement on footpaths and driveways.

The Phoenix Palms are believed to have been planted in 1902 in celebration of the coronation of King Edward VII and Queen Alexandra. In 1992 the trees were recorded on the National Trust Register of Significant Trees. The register was set up to create and promote awareness of the value of listed trees throughout the State.

The bird excrement is worse at the base of the palm trees and is also found on the naturestrip and partially on the driveways. Upon recent inspection in April, the footpaths were relatively clear. The odour from the excrement is obvious and the mess is visually unsightly and could possibly cause pedestrians to slip.

The noise is most noticeable at the beginning and end of roosting hours (sunset and sunrise).

The Director Development Services reported as follows.

“Both the Tasmanian Department of Health & Human Services and the Commonwealth Department of Health & Ageing track reported cases of ornithosis (a bird-related disease of significance to humans).

Of the small number of reported cases of ornithosis in Tasmania in recent years, none have been in the Central Coast municipal area.

Without doubt there is a risk of diseases being transmitted to humans from birds, but the low incidence of these diseases (particularly in comparison to the incidence of other types of communicable diseases) makes the risk a very small one.

The concerns regarding amenity, slip risks associated with fallen and rotting leaves, and physical damage to private buildings and the Council’s infrastructure therefore seem more appropriate grounds for making a decision as to the removal of the trees.”

DISCUSSION

The bird problems in the Phoenix Palms in Kings Parade became a Council issue in 1987; even then the bird issues in Kings Parade were not new.

In July 1987, the ex-Ulverstone Council received a petition from 42 residents in the vicinity of the palm trees requesting that they be removed. The issue went to the August Council meeting where it was decided to heavily prune the palms and use the fire brigade to flush the birds from the palms. A decision was made to not cut down the palms now or ever, and that other means of preventing the birds is required. On 21 July 1987, the Warden of the time, Cr Terry Stuart stated in *The Advocate* that, “...This is the most magnificent avenue of trees in Ulverstone and we must absolutely never cut them down. The problem is with the birds, not the trees...”

In September 1987 a letter was received by the Council on behalf of the people who signed the petition stating that the birds were gone and thanking the Council for their effort.

A letter in 2003 from a resident living in Kings Parade in 1987 stated that the number of birds roosting in the palms had been growing over the last few years.

Since 2003, the Council has received complaints through phone calls and has been logging requests in regard to the noise created by the birds, to clean excrement from footpaths/driveways and to scare birds from the palms.

There is nothing to suggest why the birds disappeared during 1987 only to reappear around 2000. It is obvious that the Central Coast Council has no control over the bird population in Ulverstone.

Recently the Council has undertaken a number of methods in an attempt to eradicate the birds from Kings Parade, such as:

- . buzzing wire tied between the tree tops;
- . reflectors attached to the palm fronds;
- . predator kites attached to the palm fronds;
- . fumigation of birds; and
- . beating of trees during roosting hours.

These methods were all effective for a short period of time, but once the birds realised there were no threats they returned to the palms unconcerned about the scare devices/actions.

The Council has been undertaking the remedial task of high pressure cleaning of the footpaths/driveways on a daily/weekly basis as required. The Council has also undertaken the removal of the fruit from the trees that the birds are attracted to on an annual basis.

The Council is slowly implementing strategies identified in the *Birds of Ulverstone* 2005 report by Sarah Lloyd. Non-native trees are being removed and native species replanted in an attempt to attract native birds to the area to displace the introduced birds such as Starlings. The bird feeders have also been removed from the Council's parks.

Residents of Ulverstone still continue to feed birds and after discussions with Parks and Wildlife Services, the Council has no legal standing to prevent residents from doing this as the birds are not native.

Methods identified in the report that have not been tried are:

- . bird exclusion nets - expensive, trees require maintenance and can be inhumane to birds trapped. This would work on smaller trees; however, the palms make it a difficult solution as a ground to top cover would be required and would not be aesthetically appealing;
- . tree removal - not a long-term solution as birds will move elsewhere;
- . trapping - labour-intensive and likely to fail with large numbers;
- . shooting - limited short-term effects and impossible in residential areas;
- . poisoning - report did not recommend this action;
- . sound emitting devices - annoying to humans and short-term effects;
- . decoy predatory species - reported as ineffective; and
- . training raptors - expensive and ineffective.

The National Trust Register of Significant Trees does not provide any protection for the trees and the trees are not listed as protected vegetation under the Central Coast S.46 Planning Scheme No. 1 of 1993.

Tasmanian Tree Services has conducted a Tree Hazard Assessment on the Phoenix Palms to identify life expectancy and health of the trees. The Tree Hazard Assessment reported as follows:

“The six palms assessed appear healthy and free from hazardous defects. Palms are often selected as specimen trees for planting in public areas because they typically have low levels of risk and they require very little maintenance.

Falling and fallen fronds pose the greatest potential risk to pedestrians. The sharp spines at the base of the fronds can measure up to 20cm long. Periodic removal of dead fronds assists to minimise this risk. Live healthy fronds should not be removed, however if they must be removed avoid removing those that initiate at an angle of 45 degrees or greater above horizontal. Live frond removal should not exceed that number which can be replaced within one year.

The life expectancy for this species of palm is estimated to vary between 100 years to in excess of 150 years depending on the literature sourced. ‘Few cultivated palms die of old age, it is more likely that they die of cultivation or landscape mistakes’ (Robinson, 2004).”

The Tree Hazard Assessment has provided the following suggestions to assist in preventing the issues associated with the birds:

- Frequent removal of seed and flower stalks - beneficial in reducing the food source for the birds; and
- Transplanting the palms - palms are relatively easy to transplant and have good survival rates, provided they are given adequate post-transplant care. The palms should be transplanted during the warmer months of October/November (late spring to early summer) which is the optimum time for palm root and shoot growth.

The Tree Hazard Assessment concludes that the palms may otherwise be safely retained with a minimum of maintenance for many decades.

The feasible options left are:

- 1 to prune the dead branches from the six Phoenix Palms, removing fronds bi-annually and seed and flower stalks annually. The palm foliage is quite dense and is able to support large numbers of birds for roosting. The kerb and channel requires replacement to assist in drainage when hosing down and during rain events which will prevent ponding and odours. Replacement of the kerb and channel should be completed after it is determined that pruning will mitigate the bird problems;
- 2 to remove and transplant the six Phoenix Palms to another place, ideally on the northern side of the road in Anzac Park or other suitable park near the Leven River and replace the palms with suitable urban tree species, reinstate the naturestrip and replace the kerb and channel in Kings Parade;
- 3 to remove and destroy the six Phoenix Palms and replace the palms with suitable urban tree species, reinstate the naturestrip and replace the kerb and channel in Kings Parade;
- 4 to remove and destroy the six Phoenix Palms and replace the palms with suitable urban tree species, reinstate the naturestrip, replace the kerb and channel in Kings Parade and plant six new palms in Anzac Park to replace the removed palms from Kings Parade; and

- 5 to fumigate/poison birds to assist in the decline of bird numbers in Ulverstone. The dead birds will need to be collected to prevent other animals from ingesting them and being subsequently poisoned.

Option 5 is not considered practicable at this stage.

Any work being undertaken on the palms will be expensive and time-consuming due to the large spines on the palm fronds and workers' susceptibility to injury from them.

CONSULTATION

At this stage consultation has included phone conversations with unhappy residents requiring cleaning of footpaths and driveways, three letters and a petition with 42 signatures. The Council has not received a letter in regard to the bird problem since 2003.

IMPACT ON RESOURCES

The estimated costs and dollar amounts for the various proposals in the 2007-2008 Estimates are:

ITEM	ESTIMATE \$
<i>Option 1</i>	
Prune six palms	6,000
Repair kerb and channel	24,000
<i>Total</i>	<i>30,000</i>
<i>Option 2</i>	
Transplant six palms and replant	25,000
Repair kerb, channel and footpath	35,000
<i>Total</i>	<i>60,000</i>
<i>Option 3</i>	
Remove six palms and replant	20,000
Repair kerb, channel and footpath	35,000
<i>Total</i>	<i>55,000</i>

Option 4

Remove six palms and replant (inc. palms)	30,000
Repair kerb, channel and footpath	35,000
<i>Total</i>	<i>65,000</i>

An allocation will need to be given consideration in the 2007-2008 Estimates. A cost to prune the six Phoenix Palms will need to be added to the budget bi-annually. The palms have not been pruned for approximately ten years, therefore the initial pruning will be the most costly with subsequent pruning estimated at around \$4,000.

CORPORATE COMPLIANCE

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

- . Improve community safety
- . Provide effective management of recreation facilities and open space
- . Promote best practice environmental management of the hinterland and coast
- . Meet our statutory and regulatory obligations
- . Develop and manage sustainable infrastructure.

CONCLUSION

The Council has continually been undertaking feasible methods to try and eradicate the birds from the Phoenix Palms in Kings Parade to no avail. The pruning of the dead fronds will not deter the birds from roosting in the palms and a more permanent solution is required. It is not recommended to remove and destroy the palms as they are listed as significant with the National Trust and it does not solve the bird problem as the birds will roost elsewhere.

It is recommended that the Council:

- 1 remove the dead fronds and any seed and flower stalks from the six Phoenix Palms in Kings Parade as soon as possible and continue a weekly cleaning schedule, as required, on the footpath and driveways of affected Kings Parade properties until the palms can be transplanted;

- 2 remove and transplant the palms to another place, ideally on the northern side of the road in Anzac Park or other suitable park near the Leven River, in October/November;
- 3 replace the palms with suitable urban tree species, reinstate the naturestrip and replace the kerb and channel in the affected areas of Kings Parade; and
- 4 allocate an amount of \$60,000 for consideration for this purpose in the 2007-2008 Capital Funding Program.'

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

■ Cr van Rooyen moved and Cr McKenna seconded, "That the Council:

- 1 remove the dead fronds and any seed and flower stalks from the six Phoenix Palms in Kings Parade as soon as possible and continue a weekly cleaning schedule on the footpath and driveways of affected Kings Parade properties until the palms can be transplanted;
- 2 remove and transplant the palms to another place, ideally on the northern side of the road in Anzac Park or other suitable park near the Leven River, in October/November;
- 3 replace the palms with suitable urban tree species, reinstate the naturestrip and replace the kerb and channel in the affected areas of Kings Parade; and
- 4 allocate an amount of \$60,000 for this purpose for consideration in the 2007-2008 Capital Funding Program."

Voting for the motion

(7)

Cr Barker

Cr (L) Bonde

Cr Deacon

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(2)

Cr Downie

Cr Robertson

Motion

Carried

233/2007 Tenders for sewerage reticulation, Heybridge

The Director Assets & Engineering reported as follows:

“PURPOSE

This report makes a recommendation on tenders received for the construction of sewerage reticulation in Heybridge.

BACKGROUND

Wastewater management in Heybridge has been an issue for a considerable period of time. Issues in respect to the 40 shacks in the area were addressed in the State Government Shack Sites Project and these have now been substantially converted from on-site disposal systems to the reticulated system constructed in 2003 and 2004.

Due to the large scope of this project it was decided to seek an external contractor to complete the remaining sections south of and including Anne Street to minimise the effect on the Council’s own workforce and the remainder of the program.

Tenders were called for the works on 28 April 2007, closing at 2.00pm on Wednesday, 30 May 2007.

DISCUSSION

The Project Management Group Leader provides the following comments:

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

TENDERER	PRICE \$
Shaw Contracting	444,919.50
Treloar Transport	461,284.13
ATM Civil Construction	563,178.53
<i>Budget estimate</i>	<i>480,000.00</i>

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

The Project Management Group Leader's report is supported.

CONSULTATION

This item has followed a public tendering process.

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

IMPACT ON RESOURCES

The tenders of Shaw Contracting and Treloar Transport fall within the allocated budget.

CORPORATE COMPLIANCE

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

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

CONCLUSION

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

- . Shaw Contracting - \$444,919.50 (including GST)."

■ Cr McKenna moved and Cr Robertson seconded, "That the tender from Shaw Contracting in the amount of \$444,919.50 (including GST), for the construction of sewerage reticulation in Heybridge, be accepted."

Carried unanimously

234/2007 Tenders for construction of kiosk/change room facilities and replacement of southern grandstand roof at Ulverstone Recreation Ground (200/2007-04.06.2007)

The Director Assets & Engineering reported as follows:

"PURPOSE

This report considers tenders for construction of kiosk/change room facilities and replacement of the southern grandstand roof at the Ulverstone Recreation Ground.

BACKGROUND

The middle grandstand at the Ulverstone Recreation Ground was destroyed by fire on 12 January 2005. In the interim, consultation has taken place between Council officers and the Ulverstone Football Club as to the preferred replacement facility for this location.

Pitt and Sherry Consulting Engineers were engaged in July 2006 to facilitate the project. This included three phases as follows:

Phase 1 - Consultation and Conceptual Design;

Phase 2 - Design and Documentation; and

Phase 3 - Tender Management, Project Administration and Project Supervision.

Tenders were called on Wednesday, 11 April and Saturday, 14 April 2007 and were to close on Wednesday, 9 May 2007. Due to a change in the construction schedule the closing date was extended to Wednesday, 23 May 2007.

It should be noted that the original construction program of three months proposed by Pitt & Sherry was identified as not being achievable by the tenderers and therefore completion will not be until November 2007.

The tender was split into three categories as follows:

- Schedule A1 -
Kiosk/change room facility - ground and upper floors, including lift structural provisions, not including internal or external stairs;
- Schedule A2 -
Kiosk/change room facility - ground and upper floors, lift, and internal and external stairs; and
- Schedule A3 -
Southern grandstand roof replacement.

Four tenders were received for the construction of the kiosk/change room facility and the southern grandstand roof replacement.

One of the tenderers, Mead Con, has since advised that ‘...due to some errors in calculating items not included in Schedule 1 we regrettably have to withdraw our tender submission...’

A tender evaluation report from Pitt and Sherry Consulting Engineers has been provided in respect to detailed assessment of the remaining tenders.

*Key to table: Kiosk/change room facility - Column A1
Kiosk/change room facility - Column A2 (including stair and lift)
Southern grandstand roof replacement - Column A3

TENDERER	NETT PRICE	NETT PRICE	NETT PRICE
	\$	\$	\$
	EXC. GST	EXC. GST	EXC. GST
	A1	A2	A3
Matthews Constructions P/L	698,000.00	847,600.00	86,400.00
Meadson Constructions	_#	_#	_#
Stubbs Constructions P/L	740,780.00	920,200.00	74,150.00
<i>Budget estimate</i>	<i>650,000.00</i>		<i>145,000.00</i>

#Meadson Constructions did not separate their tender as per the above Schedule.

Schedules A1 and A2 (plus A3) have been combined in the table below for ease of assessment.

TENDERER	NETT PRICE	NETT PRICE
	\$	\$
	EXC. GST	EXC. GST
	A1 + A3	A2 + A3
Matthews Constructions P/L	784,400.00	934,000.00
Meadson Constructions	_##	948,500.00
Stubbs Constructions P/L	814,930.00	994,350.00
<i>Budget estimate</i>	<i>795,000.00</i>	

##Meadson Constructions only tendered a total Schedule price for A2 + A3.

DISCUSSION

The Asset Management Group Leader reports as follows:

‘The calling of tenders for the kiosk/change room facilities in two schedules allowed for an assessment of tenders for the construction of the building with or without stair and lift access to the second storey.

The tenders show a difference in cost of \$149,600.00 between constructing access to second storey or not.

If the access to the second storey is not constructed now then this would need to be done at a later date at considerable additional expense.

For the functionality of the building to be maximised the access to the second storey should be constructed now.

The key findings of Pitt & Sherry's tender evaluation report are as follows:

- “.... For tender items 1 & 3, Matthews have an adjusted Tender price approximately \$30k lower than the next lowest Tenderer (Stubbs);
- Tender items 2 & 3, Matthews have an adjusted Tender price approximately \$15k lower than the next lowest Tenderer (Meadson);
- Matthews also Tendered the most complete submission, and provided satisfactory evidence of their ability to complete the works;
- Many Tenderers expressed concern that the lead times associated with procuring the passenger lift would make the current construction program unachievable.

8.2 *Recommendation*

...and it is recommended that Matthews' Tender submission be accepted...”

The recommendation of Pitt & Sherry is supported.

CONSULTATION

This item has followed a public tendering process.

Consultation with the Ulverstone Football Club and Council officers has taken place during Phase 1 of the project.

The Ulverstone Football Club requested that the building be available for the 2007 NTFL finals; however, with Phases 1 and 2 extending over several

months this is not possible following the submission of tenders that indicate a construction schedule will extend into November 2007.

The Ulverstone Football Club has been fully consulted on the proposal.

IMPACT ON RESOURCES

A 2006-2007 budget allocation of \$650,000.00 was allowed for the building replacement and \$145,000.00 for the southern grandstand roof replacement.

Expenditure estimates (exc. GST) are as follows:

Consultancy - Phases 1, 2 and 3	\$106,000.00
Matthews Constructions - tender items A2 and A3	\$934,000.00
TOTAL PROJECT COST	\$1,040,000.00
<i>Budget allocation</i>	<i>\$795,000.00</i>
ADDITIONAL FUNDS REQUIRED	\$245,000.00

The Director Corporate & Community Services advises that the \$245,000.00 in additional funds required has been accommodated in the preliminary Capital Funding Program for 2007-2008, including proceeds from the sale of the Upper Castra Recreation Ground.

It should be noted that external contributions have been received for this project, amounting to \$566,492.00 (Department of Sport and Recreation - \$225,000.00, and insurance claim monies outstanding - \$341,492.00).'

The Asset Management Group Leader's report is supported.

CORPORATE COMPLIANCE

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

- Provide effective management of recreation facilities and open space
- Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended that the tender of Matthews Constructions P/L in the amount of \$1,027,400.00 (inc. GST) for the construction of the kiosk/change room facility, including ground and upper floor, lift, and internal and external stairs, and the southern grandstand roof replacement at the Ulverstone Recreation Ground, in accordance with the recommendations of Pitt & Sherry Consulting Engineers, be accepted;

and further, that additional funds for this project be made available from the sale of the Upper Castra Recreation Ground and the 2007-2008 Capital Funding Program.”

■ Cr Deacon moved and Cr van Rooyen seconded, “That the tender of Matthews Constructions P/L in the amount of \$1,027,400.00 (inc. GST) for the construction of the kiosk/change room facility, including ground and upper floor, lift, and internal and external stairs, and the southern grandstand roof replacement at the Ulverstone Recreation Ground, in accordance with the recommendations of Pitt & Sherry Consulting Engineers, be accepted;

and further, that additional funds for this project be made available from the sale of the Upper Castra Recreation Ground and the 2007-2008 Capital Funding Program.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

235/2007 Meeting closed to the public

The Executive Services Manager reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provides 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; and
- . Adoption of minutes of committees of the Council.

These are matters relating to:

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

■ Cr Robertson moved and Cr (L) Bonde 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 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; and
- . Adoption of minutes of committees of the Council.”

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

236/2007 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.”

237/2007 Adoption of minutes of committees of the Council (220/2007 - 18.06.2007)

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

“The following minutes and notes of a committee of the Council in respect of which delegated authority has not been provided for activating decisions, are listed for adoption:

...

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

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and

- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.'

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

Closure

There being no further business, the Mayor declared the meeting closed at 10.12pm.

CONFIRMED THIS 16TH DAY OF JULY, 2007.

Chairperson

(gjm:dil)

Appendices

Minute No. 213/2007 - Schedule of Development Services Determinations

Minute No. 222/2007 - Schedule of Contracts & Agreements

Minute No. 224/2007 - Schedule of Documents for Affixing of the
Common Seal

Minute No. 225/2007 - Financial statements

Minute No. 226/2007 - Schedule of Accounts Paid

Minute Nos 229 and

230/2007 - Plan of Davis Street (extension)

Minute No. 231/2007 - Plan of Services

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