



CENTRAL COAST COUNCIL

Minutes

of Ordinary Meeting

19 NOVEMBER 2007

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
17 December 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, 19 November 2007 commencing at 6.00pm

Councillors attendance

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

Employees attendance

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

Guests of the Council

Sister Penny Bligh (North West Regional Hospital)
Mrs Judy Cooper

Media attendance

The Advocate newspaper

Public attendance

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

Planning consultant

Planning consultant, Korlan Pty Ltd, was represented at the meeting by Mr Geoff Davis.

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

407/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 October 2007 and the minutes of a special meeting of the Council held on 29 October 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 15 October 2007 and the minutes of a special meeting of the Council held on 29 October 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

408/2007 Council workshops

The Executive Services Manager reported as follows:

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

- . 12.11.2007 – NRM review.

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

409/2007 Mayor’s communications

The Mayor reported as follows:

“ I am pleased to table the plaque presented to the Council by the State President of the Naval Association of Tasmania at the Association’s recent Annual General Meeting.

. I will now briefly adjourn this meeting for the purpose of presenting a cheque for \$1,250 as the Council’s contribution to the North West Regional Hospital towards the cost of an air mattress to honour the memory of the late Cr Rodney Cooper. This cheque, along with contributions from Cr Cooper’s family and the Penguin Football Club, will provide for one air mattress to be purchased for the Hospital.

Mrs Judy Cooper and the Hospital’s representative (Sister Penny Bligh), joined Councillors for tea prior to the meeting.

. A group of students from Ulverstone High School has for some time been working (as a school project) on a package of information to give motorhome and campervan visitors when they visit the Central Coast area; the idea being that once the package was finished we would be able to hand copies out at the Visitor Information Centres. The package has now been completed and Ulverstone has now gained recognition as an ‘RV friendly town’ partly due to work done by the students.

Three of the students, Alanna Dick, Brianna Postlethwaite and Jessica Heald, together with one of their teachers, Shanan Chugg, are attending the meeting and I will continue the adjournment period to enable them to present their brochure package.

A Powerpoint presentation was made.

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- . A further adjournment will later be made to provide an opportunity for Mr Mark Baker MHR, as a candidate contesting the forthcoming federal election, to address Councillors with an outline of his position and policies on local issues. I have indicated that matters of particular interest at present include hospital services, a local Medicare office, transport, and the Ulverstone Showground and Wharf redevelopments. Subsequent questions from Councillors will be allowed.”

The meeting was resumed at this stage.

410/2007 Mayor’s diary

The Mayor reported as follows:

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

- . Ulverstone High School – Anti-Poverty Week awareness-raising event ‘Make Poverty History’ breakfast (Devonport)
- . The Naval Association of Australia State Conference – civic reception, conference opening and annual dinner
- . 2007 Federal Election – Australian Labor Party announcement re funding for Turners Beach-Ulverstone Shared Pathway project
- . Local Government Association of Tasmania – General Management Committee meeting (Hobart)
- . Surf Life Saving Tasmania – Surf Life Saving celebration
- . Central Coast Cluster of Schools – 2007 Art Exhibition
- . Penguin Senior Citizens Club – birthday celebration
- . The Cancer Council Tasmania – 2008 Relay for Life media launch
- . All Ships Reunion – welcome function
- . Ulverstone Community House – Ulverstone 10,000 steps ‘Just a walk in the park’
- . Sulphur Creek Sesquicentenary Celebration Committee – luncheon and unveiling of commemorative plaque to celebrate the sesquicentenary
- . Local Government Association of Tasmania – General Meeting (Launceston)
- . Cradle Coast Rotary Art Exhibition – sponsors’ luncheon and official opening.”

Cr Robertson reported as follows:

“On behalf of the Mayor I attended the annual Remembrance Day service at the Ulverstone Shrine of Remembrance.”

Cr Deacon reported as follows:

“On behalf of the Mayor I attended the local SES unit’s volunteer award presentations.”

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

Carried unanimously

411/2007 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 Howard reported as follows:

“I will be declaring an interest in respect of Application No. DEV2007.48 (Minute No. 438/2007) and Application No. DEV2007.45 (Minute No. 439/2007).”

The Mayor reported as follows:

“I will be declaring an interest in respect of Application No. COM2007.2 (Minute/No. 436/2007).”

412/2007 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

413/2007 Councillor reports

The Executive Services Manager reported as follows:

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

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

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

414/2007 Adjournment of meeting

The Mayor reported as follows:

“As advised earlier (Minute No. 409/2007) I will now adjourn the meeting to accommodate an address by Mr Mark Baker MHR.”

Following the address and a brief session of questions and responses, the Mayor resumed the meeting.

415/2007 Public question time

The time being 6.40pm, the Mayor introduced public question time.

Questions and replies concluded at 6.41 pm.

APPLICATIONS FOR LEAVE OF ABSENCE

416/2007 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

417/2007 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

418/2007 Petitions

The Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

419/2007 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.

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

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

Allocation of topics ensued.

420/2007 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

ASSETS & ENGINEERING

421/2007 Order of Departmental business

The General Manager reported as follows:

“For this meeting only, the order in which Departmental business usually appears in the agenda has been altered. The reason is that a decision at Minute No. 429/2007 should be made before consideration is given to Minute Nos 438 and 439/2007. Accordingly, Assets & Engineering business is presented first.”

422/2007 Beach Road, Ulverstone – Road humps (390/2007 – 15.10.2007)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report is to confirm the installation of road humps for traffic calming in Beach Road, Ulverstone, east of Buttons Avenue.

BACKGROUND

The Engineering Officer – Roads & Traffic reports as follows:

‘At its 15 October 2007 meeting (Minute No. 390/2007), the Council provided comments and confirmed the process for a proposal to install road humps in Beach Road, Ulverstone, east of Buttons Avenue. The motion was that:

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

- 4 installation of the proposed road humps to be undertaken in December 2007, subject to the approval process and the works program."

DISCUSSION

The advertising period for the Council to receive written representations on the proposal to install road humps closed on 22 October 2007. Three responses were received, two from nearby residents and one from a regular user of the road. All responses were in support of the proposal and are attached.

At the 15 October meeting, the Council considered the proposal and suggested relocating the first hump closer to the Buttons Avenue junction and adding a road hump between the first two. These measures have been incorporated in the construction plan Drawing No. 1433.02 and were submitted to the Department of Infrastructure, Energy and Resources (DIER) for approval on 24 October 2007.

Early indications are that DIER will approve the traffic calming measures allowing the road humps to be installed by December 2007.'

The Engineering Officer's report is supported.

CONSULTATION

The proposal has been on display at the Council's Administration Centre and was advertised in The Advocate newspaper on 22 and 26 September 2007.

IMPACT ON RESOURCES

An allocation of \$20,000 has been made in the 2007-08 Estimates for Beach Road, Ulverstone - speed control.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council:

- 1 adopt Drawing No. 1433.02 for the construction of road humps in Beach Road; and
- 2 install the proposed road humps in December 2007, subject to the approval process and the works program.”

The Executive Services Manager reported as follows:

“A copy of Drawing No. 1433.02 and the representations made in respect of the proposed installation of road humps at Beach Road, Ulverstone have been circulated to all Councillors.”

■ Cr Deacon moved and Cr (L) Bonde seconded, “That, the Council:

- 1 adopt Drawing No. 1433.02 for the construction of road humps in Beach Road (a copy of the Drawing being appended to and forming part of the minutes); and
- 2 install the proposed road humps in December 2007, subject to the approval process and the works program.”

Carried unanimously

423/2007 Tenders for truck – F502

The Director Assets & Engineering reported as follows:

“PURPOSE

This report considers tenders received for truck no. F502.

BACKGROUND

The Fleet Management Officer reports as follows.

‘Tenders were called on 6 October 2007 and closed on 23 October 2007.

Motors Isuzu could not tender at this time due to a shortage of new units.

The tender from Co-Operative Motors was incomplete in that Page 7 of the tender documents was missing.

Tenders were received as follows:

ASSETS & ENGINEERING

TENDERER	MAKE	GROSS PRICE \$ (Exc. GST)	TRADE-IN PRICE \$ (Exc. GST)	NETT PRICE \$ (Exc. GST)
CJD Equipment P/L	Fuso FV51JKD2	161,760.00	87,900.00	73,860.00
CJD Equipment P/L	Fuso FV54JL4RFAA	168,760.00	87,900.00	80,860.00
Co-Operative Motors	Hino 700 4568	169,130.00	78,182.00	90,948.00
Webster Machinery	UD Nissan CW 385	166,400.00	63,500.00	102,900.00
CJD Equipment P/L	Volvo FM 360	212,500.00	87,900.00	124,600.00
CJD Equipment P/L	Volvo FM9 340	215,000.00	87,900.00	129,100.00
CJD Equipment P/L	Volvo FM 400	217,700.00	87,900.00	129,800.00
CJD Equipment P/L	Volvo FM9 380	220,200.00	87,900.00	132,300.00
Brigold P/L	<i>Purchase only</i>		69,373.64	
Madill's Isuzu	<i>Purchase only</i>		68,181.82	
<i>Estimate</i>		<i>220,000.00</i>	<i>110,000.00</i>	<i>110,000.00</i>

DISCUSSION

Eight units in total were offered in the tenders but following consultation with the Capital Works Supervisor and the current operator, the preference was limited to the Mitsubishi Fuso FV54 or the Hino 700 Series 4568.

The current Mitsubishi unit has a very good history and has recorded no significant performance or safety-related issues. The operator indicated a preference for another Mitsubishi, with an additional horsepower percentage for towing duties, which has become a more frequent role in daily duties. It was agreed that there were no significant options of advantage to the Council's operations offered by the Hino that would justify the additional \$10,000.00 expenditure over the nett price offered by CJD Equipment for the Mitsubishi and, therefore, as the Mitsubishi unit offered has additional horsepower above the figure of the current machine, the preference would be for a Mitsubishi FV54.

CONSULTATION

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

IMPACT ON RESOURCES

The preferred option can be accommodated within the Plant Replacement Estimates.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council:

- 1 accept the tender from CJD Equipment Pty Ltd for plant item F502, being a Mitsubishi Fuso FV54JL4RFAA in the amount of \$185,636.00 (including GST); and
- 2 accept the trade-in offer from CJD Equipment Pty Ltd for plant item F502, being a Mitsubishi FV547K2, in the amount of \$96,690.00 (including GST).'

The Fleet Management Officer's report is supported."

■ Cr Haines moved and Cr McKenna seconded, "That the following tenders be accepted:

- 1 the tender from CJD Equipment Pty Ltd for plant item F502, being a Mitsubishi Fuso FV54JL4RFAA in the amount of \$185,636.00 (including GST); and
- 2 the trade-in offer from CJD Equipment Pty Ltd for plant item F502, being a Mitsubishi FV547K2, in the amount of \$96,690.00 (including GST)."

Carried unanimously

424/2007 Tenders – West Gawler River bridge – Isandula Road, Gawler

The Director Assets & Engineering reported as follows:

"PURPOSE

This report is to consider tenders received for replacement of the bridge over the West Gawler River at Isandula Road, Gawler.

BACKGROUND

The Project Management Group Leader reports as follows:

'Design and construct tenders were called for the replacement of the above-named bridge on Saturday, 6 October 2007. A minimum conforming standard was outlined, along with general evaluation criteria for preferred improved structures, subject to available funding within the overall bridge Capital Works budget.

DISCUSSION

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

TENDERER	OPTION	PRICE \$ (INC. GST)
Tas Span Pty Ltd	4	229,823.00
Van Ek Contracting Pty Ltd	1	437,103.50
Van Ek Contracting Pty Ltd	2	456,920.00
Tas Span Pty Ltd	3	473,726.90
Tas Span Pty Ltd	1	487,973.00
Tas Span Pty Ltd	2	982,397.70
<i>Budget estimate</i>		<i>295,000.00</i>

Tas Span Pty Ltd – Option 1

Current location

Single span

Raised deck level

Existing abutments remain, central pier removed and weir repaired.

Tas Span Pty Ltd – Option 2

Upstream location

Single span

Raised deck level

Existing abutments, central pier and weir removed, new weir constructed.

Tas Span Pty Ltd – Option 3

Current location

Two span

Raised deck level

Existing abutments, central pier and weir remain.

Tas Span Pty Ltd – Option 4

Current location

Two span

Existing deck level

Existing abutments, central pier and weir remain.

Van Ek Contracting Pty Ltd – Option 1

Current location

Single span

Existing deck level

Existing abutments, central pier and weir remain.

Van Ek Contracting Pty Ltd – Option 2

Upstream location

Single span

Existing deck level

Existing abutments, central pier and weir remain.

The budget allocation for this bridge was based on using existing road level and bridge location, with no alteration to the weir structure. Prior to tendering, other options to improve the geometry of the approaches were considered, with the preferred option for replacement being relocation to an alignment upstream of the existing bridge, a height approximately one metre above the existing deck level, to cross the river in one span only, to move the weir to a location adjacent to or under the new structure and to remove the existing abutments, pier and weir.

During the tender process further advice was received from the Manager Infrastructure Services, Cradle Coast Water, in regard to the weir, which reads as follows:

“We have received your correspondence and I have discussed the issues that are likely to cause us problems wrt (with respect to) stream gauging with the Hydro. In a nutshell even disturbances around the existing vee notch weir without damaging it will cause an interruption to our stream flow readings which measures the flow into the water

storage. The weir and gauging station measure water levels to the nearest millimetre giving very accurate flows into the lake.

A temporary gauging station will need to be established upstream some months before construction starts to enable the calibration of the temporary weir against the existing weir so that the temporary weir can continue the stream flow measurement during construction. The temporary gauging station will not have the accuracy of the existing established unit.

On completion of construction which may or may not include a new vee-notch weir the site will have to be recalibrated and verified against the temporary weir and gauging station and mid-stream flow gauges to maintain continuity of in-flow data.

If a new weir has to be built the cost will be significant to reinstate and calibrate – it would involve many trips to the site by the Hydro to check flows against a standard flow meter during different magnitude rain events.

I hope this description give you an appreciation of the difficulties in front of us with this bridge rebuild.”

This correspondence indicates the difficulties associated with moving or disrupting the current weir system.

As the costs of the options for moving upstream are well above the budget, these will not be considered further.

This leaves the option of remaining on the current alignment, either at the current level or the preferred one metre higher. The removal or otherwise of the weir must also be given serious consideration in determining the best option. Therefore an option where the road level is lifted but the existing weir remains would be preferable. The cost of this option is well above budget.

The only option to be provided to fall within the budget is an option from Tas Span Pty Ltd which utilises the existing central pier and keeps the deck at its existing level. Whilst this is not the preferred option, it may be the only option which can be considered.

There are two other factors influencing the decision on this bridge.

The first is the collapse of a bridge on 11 October 2007 on Loongana Road over an unnamed creek, just to the north of a Forestry track called Glenmar Road. This is approximately 4km south of the Mountain Cabins Accommodation at Taylors Flats. This bridge is a timber structure built in 1990 and listed for replacement in 2008. A photo of the collapsed structure is annexed to this report.

This road is the only public access road for several residents who live beyond this bridge. A temporary by-pass has been installed and will suffice in the short term, but a replacement bridge structure is being investigated. The cost of a replacement is still to be determined, but would be in the order of \$80,000 to \$100,000 for a suitable culvert structure.

The second factor is the proposed replacement of the Wilmot River bridge on Spellmans Road as part of the Auslink Strategic Regional Program. Tenders on this bridge have been received. The option for a single-lane bridge is above the Council's half of the funding provided by the Auslink Strategic Regional Program by an amount of approximately \$103,000. A dual-lane bridge is preferred to improve access for larger vehicles, the additional cost of which is in the order of \$107,000. The total additional cost for a dual-lane bridge is approximately \$210,000. The Council should use the opportunity provided through the Auslink funding to contribute and provide the best option for the users of the road, including local, tourist, agricultural, logging and other traffic. The Dooley Trail also uses this bridge to traverse the river. The additional width provided by the dual-lane bridge would provide a safer route for the walkers.

It is believed the West Gawler River bridge is of sufficient structural integrity for another year and could be re-tendered at that time taking into account all of the information now known about the weir structure. This will provide for more competitive tendering as no allowance will need to be made for some of the possible ramifications when working on or around the weir.

CONSULTATION

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

Cradle Coast Water has also been consulted with regard to the possible options and consequences of the proposed structures on the flow measuring weir located under the bridge.

IMPACT ON RESOURCES

Estimated allowances for bridges this year are as follows:

- . West Gawler River, Isandula Road – \$295,000
- . Wilmot River, Spellmans Road – \$460,000
- . Unnamed creek, Loongana Road – \$0

The Isandula Road bridge replacement will need to be deferred to provide funding for the Loongana Road bridge (\$85,000) and the Spellmans Road bridge (\$210,000).

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council:

- 1 not award this tender at this time; and further,
- 2 reallocate \$85,000 to replace the collapsed bridge on Loongana Road; and
- 3 reallocate \$210,000 to assist in the upgrade of the Wilmot River bridge to a dual-lane standard on Spellmans Road.'

The Project Management Group Leader's report is supported. A separate report (Minute No. 426/2007) has been prepared in respect of the matter of reallocation of funding."

The Executive Services Manager reported as follows:

"Photos of the collapsed bridge at Loongana Road have been circulated to all Councillors."

- Cr Robertson moved and Cr van Rooyen seconded, "That, subject to the Council's separate approval for the following re-allocation of capital funding for bridges in its Estimates for the year ending 30 June 2008:

- 1 \$85,000 be reallocated to replaced the collapsed bridge on Loongana Road; and
- 2 \$210,000 be reallocated to assist in the upgrade of the Wilmot River bridge to a dual-lane standard on Spellmans Road;

a tender for replacement of the bridge over West Gawler River, Isandula Road, Gawler, not be awarded at this time.”

Carried unanimously

425/2007 Tenders – Spellmans Road Cradle Country Tourism Link

The Director Assets & Engineering reported as follows:

“PURPOSE

This report is to consider tenders received for improvements to the link along Spellmans Road and Back Road between Central Coast Council and Kentish Council municipal areas.

BACKGROUND

In April 2006, the Central Coast Council, in partnership with the Kentish Council, applied for funding under the Auslink Strategic Regional Program to upgrade the road link between Upper Castra and Wilmot. The project, now known as the ‘Spellmans Road Cradle Country Tourism Link’, was successful in gaining funding of \$965,000. The works comprise bridge replacement and realignment, road widening, corner improvement, intersection improvement, safety barriers and improved delineation and associated works.

The Central Coast Council’s priority for spending its portion of the funding was aimed at replacement of the Wilmot River bridge.

The Kentish Council’s priority for spending its portion of the funding was aimed at widening and improvement of Spellmans Road between the bridge and Back Road, including the intersection with Back Road. Design for improvement of Back Road between Spellmans Road and Wilmot Road was also included, enabling construction subject to funding or allowing the works to be programmed for a later date.

Approximate allocation of costing between the Central Coast Council and the Kentish Council is as follows:

ASSETS & ENGINEERING

COUNCIL	COMPONENT	COST (\$)
Kentish	Design	60,000
Kentish	Construction	397,500
Kentish	Contract supervision and management	25,000
<i>Sub-total - Kentish</i>		<i>482,500</i>
Central Coast	Design	40,000
Central Coast	Construction	427,500
Central Coast	Contract supervision and management	15,000
<i>Sub-total - Central Coast</i>		<i>482,500</i>
<i>Total project cost</i>		<i>965,000</i>

DISCUSSION

The Project Management Group Leader reports as follows.

'Following a selection process for a design consultant, GHD was engaged on 28 June 2007 to provide design and tender documents for the project.

Tenders were called for the replacement of the Wilmot River bridge and Spellmans Road roadworks on Saturday, 29 September 2007. Tenders closed on Tuesday, 30 October 2007.

Tenders were received as follows (including GST and \$0 contingency):

Tender 13610-A

Replacement of Wilmot River bridge, Spellmans Road
(Design and construct)

TENDERER	OPTION	PRICE (\$)
Tas Span Pty Ltd	One lane	530,727.70
Tas Span Pty Ltd	Two lane	637,242.90
Van Ek Contracting Pty Ltd	One lane	650,584.50
Van Ek Contracting Pty Ltd	Two lane	747,365.00
Van Ek Contracting Pty Ltd	One lane alternative	598,444.00
Van Ek Contracting Pty Ltd	Two lane alternative	695,225.00
<i>Allocation</i>		<i>427,500.00</i>

Tas Span Pty Ltd – One lane
Location as per design concept
Two span
Raised deck level 1.0m
Length 36m, width between barriers 4.5m

Tas Span Pty Ltd – Two lane
Location as per design concept
Two span
Raised deck level 1.0m
Length 36m, width between barriers 7.2m

Van Ek Contracting Pty Ltd – One lane (conforming)
Location as per design concept
Two span
Raised deck level 1.5m – 2.0m
Length 28m, width between barriers 4.9m

Van Ek Contracting Pty Ltd – One lane (alternative)
As per conforming tender, but western side realigned to the north

Van Ek Contracting Pty Ltd – Two lane (conforming)
Location as per design concept
Two span
Raised deck level 1.5m – 2.0m
Length 28m, width between barriers 7.3m

Van Ek Contracting Pty Ltd – Two lane (alternative)
As per conforming tender, but western side realigned to the north.

Construction of the replacement bridge will result in the closure of Spellmans Road to through traffic for a period of approximately six weeks.

The preferred option for replacement of this bridge was provided to tenderers. In summary, a concrete structure in its current location, but rotated by approximately 10 degrees and a height between 1.0m and 2.0m above the existing deck level was outlined. Prices for both single-lane and dual-lane bridge options were sought as a single-lane bridge at this location restricts the movement of some larger types of vehicle, where the dual-lane bridge does not. The Dooley Trail also uses this bridge to traverse the river. The additional width provided by the dual-lane bridge would provide a safer route for the walkers.

Both Tas Span and Van Ek Contracting are reliable and capable bridge contractors, both of whom have previously replaced Central Coast Council bridges. GHD has provided a tender assessment for this project and has recommended Tas Span as the preferred contractor for both the single and dual-lane options. This recommendation is supported. Only the options of Tas Span will be considered further.

The price of the single-lane option is some \$103,000 over the budget estimate for this replacement, and the dual-lane option a further \$107,000 more; i.e. a total of \$210,000. Given the high cost of the replacement of this bridge, the Council should use the opportunity provided through the Auslink funding to contribute and provide the best option for the users of the road, including local, tourist, agricultural, logging and other traffic. This is a better option than the Council having to pay the full cost from its own budgets in the future.

Additional funding of \$210,000 can be sourced by deferring the replacement of the West Gawler River bridge at Isandula Road (refer other report to this Council meeting – Minute No. 426/2007). It is intended to request further funding through Auslink to match the Council’s contribution. This will enable further safety improvements to be undertaken if successful.

Tender 13610-B
Spellmans Road (roadworks)

TENDERER	OPTION	PRICE (\$)
Hardings Hotmix	1	399,159.90
Treloar Transport	1	366,478.90
Treloar Transport	2	395,782.90
<i>Allocation</i>		<i>397,500.00</i>

Option 1 of Treloar Transport is dependent on road and bridge works being undertaken at the same time. Given the various contractors involved and weather and preparation constraints for the different works, it will be difficult to achieve. This cost saving cannot be relied on and the price of Option 2 has been used in budgetary calculations.

This section of the works is performed in the Kentish Council municipal area. Officers of the Central Coast Council have worked in conjunction with Kentish Council officers to ensure their requirements have been met. A tender assessment on the proposals was undertaken by GHD on the Council’s

behalf. Assessment criteria included price, experience, project planning, construction methodology, environmental protection and enhancement of local industry. The recommendation is for Treloar Transport and is supported by officers from both Councils.

This is a schedule of rates contract. The extent of the works can be varied to prevent spending more than the allocation.

CONSULTATION

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

Kentish Council officers have also been informed of the process with their input as appropriate.

IMPACT ON RESOURCES

Estimated allowances for bridges this year are as follows:

- . West Gawler River, Isandula Road – \$295,000
- . Wilmot River, Spellmans Road – \$482,500
- . Unnamed creek, Loongana Road – \$0

The Isandula Road bridge replacement will need to be deferred to provide funding for the Loongana Road bridge and the Spellmans Road bridge.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the Council:

- 1 in respect of tender 13610–A, accept and approve the tender from Tas Span Pty Ltd for replacement of the existing bridge with a two lane structure in the amount of \$637,242.90 (including GST); and

- 2 in respect of tender 13610-B, accept and approve the tender from Treloar Transport for Spellmans Road roadworks in the amount of \$395,782.90 (including GST).'

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

■ Cr van Rooyen moved and Cr McKenna seconded, "That, subject to the Council's separate approval for re-allocation of capital funding for bridges in its Estimates for the year ending 30 June 2008:

- 1 tender 13610-A from Tas Span Pty Ltd for the replacement of the existing bridge with a two-lane structure at Spellmans Road, in the amount of \$637,242.90 (including GST), be accepted; and
- 2 tender 13610-B from Treloar Transport for Spellmans Road roadworks, in the amount of \$395,782.90 (including GST), be accepted."

Carried unanimously

426/2007 Reallocation of capital funding - Bridges budget 2007-2008 (279/2007 - 06.08.07)

The Director Assets & Engineering reported as follows:

"The Project Management Group Leader has prepared the following report.

PURPOSE

The purpose of this report is to seek approval to delete the design and construction of the West Gawler River bridge at Isandula Road from the capital works program, and to reallocate the capital funds to Bridges - Wilmot River, Spellmans Road and an unforeseen capital project to replace a collapsed bridge over an unnamed creek at Loongana Road.

BACKGROUND

An allocation of \$460,000 for bridge works at Wilmot River, Spellmans Road was approved in the 2007-2008 Capital Funding Program (Minute No. 279/2007 - 06.08.07).

No allocation had been made in the Capital Funding Program for the replacement of a bridge over an unnamed creek at Loongana Road.

DISCUSSION

Two separate reports have been prepared in respect of proposed bridge works; one for the Wilmot River at Spellmans Road and one for West Gawler River, Isandula Road (see Minute Nos 424 and 425/2007).

The project at Spellmans Road is part of the Auslink Strategic Regional Program (ASRP). Tenders have been received for the bridge works and the amounts tendered for a single-lane bridge exceed the Council's half of the funding provided by the ASRP by approximately \$103,000. A dual-lane bridge is preferred to improve access for larger vehicles and the additional cost for this option is approximately \$107,000. The total additional cost for a dual-lane bridge is approximately \$210,000. The Council should use the opportunity provided to contribute extra funding to provide the best option for all users of the road.

The project at Loongana Road was unexpected at this time. The timber structure was listed for replacement in 2008. The road is the only public access road for several residents who live beyond the bridge. A temporary by-pass has been installed and will suffice in the short term, but a replacement bridge structure is being investigated. The cost of a replacement is still to be determined, but would be in the order of \$80,000 for a suitable culvert structure.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

The estimate for the Spellmans Road bridge works is now \$637,242.90 compared with the budget estimate of \$460,000.

The estimate for the Loongana Road bridge works is approximately \$80,000.

CORPORATE COMPLIANCE

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

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

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

CONCLUSION

It is proposed that the bridge works for the West Gawler River at Isandula Road be deleted, and that the capital funds of \$295,000 be reallocated to bridge works at the Wilmot River, Spellmans Road (\$210,000) and the remainder (\$85,000) to the bridge works at the unnamed creek at Loongana Road.'

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

- Cr Robertson moved and Cr Deacon seconded, "That the bridge works for the West Gawler River at Isandula Road be deleted from the Council's Estimates for the year ending 30 June 2008, and that the capital funds of \$295,000 be reallocated to bridge works at the Wilmot River, Spellmans Road (\$210,000) and the remainder (\$85,000) to the bridge works at the unnamed creek at Loongana Road."

Carried unanimously

427/2007 Forth River Flood Plan and relief funding

The Director Assets & Engineering reported as follows:

"PURPOSE

This report considers the Lower Forth Flood Response and Recovery Plan and relief funding for the recent August 2007 flood on the Forth River.

BACKGROUND

A number of floods have been recorded within the lower Forth River catchment with an event recorded in August 1970 being the largest known flood event while an earlier substantial flood event occurred in June 1952. According to the Lower Forth Flood Evacuation Plan prepared by Hydro Tasmania for the Central Coast Council and the State Emergency Service (SES), the 1970 flood is considered to have been an event with an AEP (annual exceedence probability) of approximately 1:75. The 1952 flood would have been an event with an AEP of approximately 1:50.

Flooding of the Forth River occurred on 10 and 11 August 2007 and has been assessed as an event with an AEP of approximately 1:40.

Work on the Lower Forth Flood Response and Recovery Plan (the Plan) commenced last year and part of this process involved the update of the previous Hydro Tasmania modelling data and a training exercise to test the Plan. The event in August this year was used as a 'live' exercise and the results on learnings from the debriefings and workshops following have been incorporated in the Plan. The draft Plan will go out for public comment over the next month, and after amendment will be submitted to the Council for approval in the new year.

The August 2007 flood resulted in considerable damage to infrastructure and property. As a result, application has been made to the State Government under the Natural Disaster Financial Relief for Councils Interim Policy. Subject to approval, this will provide 75% reimbursement of the Council's expenditure on eligible relief and recovery measures.

DISCUSSION

The estimated expenditure as a result of the August 2007 Forth flood is as follows:

DESCRIPTION	ESTIMATE (\$)
1 Initial response	17,000
2 Clean-up generally	40,000
3 Sewage pump stations	4,000
4 Road repairs	45,000
5 Fencing	6,000
6 Forth Recreation Ground	35,000
7 Canoe Club facilities	90,000
8 Levee bank repairs	80,000
9 Wilmot Road culvert	40,000
<i>Total estimate</i>	<i>357,000</i>
<i>Total State funding (75%)</i>	<i>267,500</i>
<i>Total other funding (25%)</i>	<i>89,250</i>
TOTAL EXPENDITURE TO DATE	\$221,690

Items 7 and 8 involve expenditure associated with the Tasmanian Canoe Club (TCC) and Harvest Moon. The reason for inclusion of these two items is that TCC facilities are located on land owned by the Council and the TCC as the lessee is a community sporting club.

In the case of the Forth River levee bank, this protects cropping land owned by Harvest Moon and also the Turners Beach Wastewater Lagoons. The Council therefore has an interest in preservation of the flood levee.

ASSETS & ENGINEERING

In considering these two items the split-up of funds at present is as follows:

DESCRIPTION	ESTIMATE (\$)	OTHER 25% FUNDING (\$)
7 Canoe Club facilities	90,000	22,500
8 Levee bank repairs	80,000	20,000

In respect to flood damage to the TCC facilities, the total expenditure to date is \$14,280 (including volunteer labour). The Council will be making a claim for 75% of costs (or \$10,710). The other 25% (or \$3,570) should be covered by the volunteer hours in clean-up to date. The 25% (or \$22,500) funding shortfall will need to be funded by the TCC. Part of this will be by the volunteer labour component, but it is estimated that \$5,000 to \$15,000 will be required in cash contribution or other grants. This is dependent on the amount of volunteer labour and materials the TCC puts into the project, and the final outcome of the shed design and costs. The TCC has been advised of this situation.

In respect of Harvest Moon, an amount of \$65,000 has been expended by the company on the levee, together with another \$15,000 expenditure by the Council. The funding reimbursement to the company will be \$48,750 with a shortfall of \$16,250 to be met by Harvest Moon.

The resultant Council funding shortfall is therefore estimated to be \$50,500.

Works identified as a result of the August Floods include the following:

ITEM / LOCATION	DESCRIPTION	ESTIMATE (\$)
Wilmot Road	Raise level of road at two locations to limit flooding and blocking evacuation route.	300,000
Leith Road	Provide flood levee for road and Harvest Moon.	300,000 to 1,000,000
		(subject to flood design level)
Pumping Station Road	Consider raising level of road to limit flooding.	Subject to Devonport City Council assessment.

Turners Beach Wastewater Treatment Plant	Raise level of lagoon walls and provide overflow storage between lagoon and tidal wall.	200,000
Sewage pump stations	Raise switchboard levels.	10,000
Local flood levees	Consider protection to the most affected private properties.	100,000
Markers	Provide markers to residents with 2007 flood gauge height (6.7m).	1,000
Markers on Wilmot Road and Leith Road	Indicate water level depth at the low points.	1,000
Flood gauges	Provide flood gauges at Forth Bridge and Bass Highway bridge.	2,000
Increase height of Forth-below-Wilmot flood gauge	Provide marker on bank so it can be seen from Wilmot Road. (Telemetry control is provided by the Bureau of Meteorology.)	2,000

CONSULTATION

Extensive consultation has been undertaken in respect to the Lower Forth Flood Response and Recovery Plan and in respect to the August 2007 flood.

IMPACT ON RESOURCES

The total estimated costs of the flood in respect to Council infrastructure is \$357,000. Based on the anticipated State Government funding of 75% (or \$267,500) the outstanding amount to be covered by other fund sources is \$89,250. The Council funding shortfall is \$50,500.

This could be covered by the reallocation of funds from the following capital projects:

- Ellis Road – drainage (works undertaken as part of maintenance in June 2007 – \$20,000); and

- . Wilmot Road – guardrail (works subject to flooding and deferred due to future works required – \$45,000).

Therefore, total funds available are \$65,000.

It is suggested that total funds of \$65,000 be transferred to compensate for any funding shortfalls and allow for some of the flood gauge installations and preliminary designs of Wilmot Road and the Leith Road flood levee to be undertaken in order to consider any appropriate funding applications in the new year.

CORPORATE COMPLIANCE

In respect of a re-allocation of funding, the *Local Government Act 1993* provides that ‘a council may alter, by absolute majority any estimate...’.

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

- . Improve community safety
- . Support productive agriculture
- . Promote and market agriculture
- . Develop the ‘Agricultural Centre of Excellence’ concept
- . Provide effective management of recreation facilities and open space
- . Participate in water and catchment management
- . Develop river precinct studies to determine sustainable land-use opportunities
- . Provide effective leadership
- . Provide transparent, accountable public policy and decision making
- . Foster partnerships and strategic alliances
- . Foster community leadership
- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Develop and manage sustainable infrastructure
- . Enable community participation in strategic directions
- . Provide customer focused services
- . Inform the community of Council and local government matters
- . Create a municipal area that is productive and socially and aesthetically attractive
- . Foster an integrated transport and planning system.

CONCLUSION

It is recommended that the Council:

- 1 note the application to the State Government Natural Disaster Financial Relief for Councils Interim Policy for funding as a result of the August 2007 floods;
- 2 reallocate capital funds from Ellis Road (\$20,000) and Wilmot Road (\$45,000), a total of \$65,000, to maintenance funds for the Forth Floods recovery expenditure shortfall and flood gauges/markers installations;
- 3 undertake preliminary design of Wilmot Road and Leith Road flood levee and investigation of other possible flood mitigation protection on the Forth River with a view to seeking appropriate funding in the future; and
- 4 proceed with public consultation of the draft Lower Forth Flood Response and Recovery Plan.”

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

- 1 the Council note the application for funding made to the State Government’s Natural Disaster Financial Relief for Councils Interim Policy as a result of the August 2007 floods;
- 2 capital funds allocated in the Estimates for the year ending 30 June 2008 for Ellis Road (\$20,000) and Wilmot Road (\$45,000), a total of \$65,000, be reallocated to maintenance funds for the Forth Floods recovery expenditure shortfall and flood gauges/markers installations;
- 3 preliminary design of Wilmot Road and Leith Road flood levee and investigation of other possible flood mitigation protection of the Forth River be undertaken, with a view to seeking appropriate funding in the future; and
- 4 public consultation be undertaken in respect of the draft Lower Forth Flood Response and Recovery Plan.”

Carried unanimously and by absolute majority

428/2007 Relocation of six Phoenix Palm trees, Kings Parade (232/2007 – 18.06.2007)

The Director Assets & Engineering reported as follows:

“PURPOSE

This report provides an investigation into possible parks for relocation of the six Phoenix Palms (*Phoenix canariensis*) situated on the naturestrip in Kings Parade.

BACKGROUND

The Natural Resource Management Officer provides the following report.

‘Six Phoenix Palms are located on the southern side of Kings Parade, Ulverstone, outside residential properties, 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.

A decision was made at the Council meeting held on 18 June 2007 (Minute No. 232/2007) as follows:

- “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.”

DISCUSSION

Since the decision was made in June 2007 to relocate the Phoenix Palm trees, further investigation has been conducted in conjunction with Tasmanian Tree Services to identify the most suitable site that will maximise the likelihood for the trees to survive transplantation.

The public parks that have been assessed for the relocation include those located along the Leven River such as Anzac Park, River Park, Tobruk Park, Legion Park, Shropshire Park and the western end of Bicentennial Park. Other parks located in Ulverstone, but not situated on the Leven River include Fairway Park and the eastern end of Bicentennial Park (opposite Dial Street).

The parameters considered in the desktop assessment of the potential relocation sites included proximity to residential properties, proximity to infrastructure such as barbecue facilities, toilet blocks and playground equipment, the impact on open space, whether the trees fit with the overall theme of the park and visual prominence. The following park sites were excluded as part of this preliminary assessment process.

PARK	DISADVANTAGES	ADVANTAGES	SUITABLE
Tobruk Park	Too close to residences. Similar issues likely to arise as with current location. Park located on fill, which is likely to be of high clay content.	Visually prominent.	No
Legion Park	Too close to residences. Similar issues likely to arise as with current location. Park located on fill, which is likely to be of high clay content.	Visually prominent.	No
Shropshire Park	Limited area for placement between current assets.	Suitable distance from residences.	No

Environmental conditions will also impact on the survival of the transplanted Phoenix Palms. If the soil conditions are not suitable, then the Palms will likely die in the new environment. A high groundwater table, waterlogged soils and soils with high clay content will have a significant negative effect.

Test pits were excavated at Anzac Park, River Park, Bicentennial Park (western end and eastern end opposite Dial Street) and Fairway Park.

ASSETS & ENGINEERING

PARK	DISADVANTAGES	ADVANTAGES	SUITABLE
Anzac Park	High clay content.	Suitable distance from residences.	No
	High water table.	Fits with overall theme of the Park.	
	Extremely high cost estimates to engineer site to be suitable.	Visually prominent.	
River Park	High clay content.	Suitable distance from residences.	No
	Does not fit with overall theme of the Park (native species).	Visually prominent.	
Bicentennial Park (western end)	Soil is waterlogged especially during winter.	Suitable distance from residences.	No
	Not visually prominent.		
Bicentennial Park (eastern end opposite Dial Street)	Too close to residences. Similar issues likely to arise as with current location.	Good soil conditions.	Yes
	Not visually prominent.		
	Loss of open space.		
Fairway Park	Minor loss of parkland area.	Good soil conditions.	Yes
		Suitable distance from residences.	
		Visually prominent.	

Does not impact on open space, infrastructure or amenities.

Fit with the overall theme of the Park.

Tobruk Park, Legion Park and Shropshire Park were all eliminated based on proximity to residential properties and Council assets. Anzac Park, River Park and Bicentennial Park (western end) have been eliminated due to the test pits indicating high water tables, high clay content soils and susceptibility to waterlogging. The test pits at Fairway Park and Dial Street Park revealed that both sites have suitable soil conditions, but based on proximity to residences, Fairway Park is the preferred option.

There is a specific timeframe for relocation of palms, which is November through to early January. Should the relocation of the palms not occur within the next two months then they will need to remain at their current location until at least November 2008.

CONSULTATION

Consultation for a suitable site has included comments from interested residents, who have indicated reluctance at the trees being placed in Anzac Park and suggest being planted at the entrances to the Central Coast municipal area.

IMPACT ON RESOURCES

Funds have been allocated in the 2007–2008 maintenance budget to prune the palms. Funds for the relocation of the palms and reinstatement of the road, naturestrip and footpath have been allocated in the Kings Parade Footpath and Kerb 2007–2008 capital budget.

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

It is recommended that the Council relocate the Phoenix Palms to Fairway Park, that being the most suitable site, with works to occur in November/December 2007.'

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

The Executive Services Manager reported as follows:

"A site plan has been circulated to all Councillors."

- Cr McKenna moved and Cr (J) Bonde seconded, "That relocation of six Phoenix Palms from Kings Parade to the most suitable site of Fairway Park occur in November/December 2007."

Carried unanimously

429/2007 Payment in lieu of parking space provision by developers (279/2006 - 21.08.2006)

The Director Assets & Engineering reported as follows:

PURPOSE

The purpose of this report is to provide the Council with a cash-in-lieu cost for developments in the Penguin and Ulverstone areas where the parking spaces required under Schedule 5 of the Central Coast S.46 Planning Scheme No. 1 of 1993 (the Scheme) cannot be satisfied.

BACKGROUND

In reference to clause 7.5.2(a) of the Scheme, Schedule 5 sets out the minimum number of parking spaces required for various types of developments.

However, clause 7.5.5(a) states that the Council may, at its discretion, grant planning approval for a development which does not provide some or all of the minimum number of parking spaces on the condition of:

- . providing the minimum number of parking spaces and vehicular access on other land in the vicinity of the development; or

- . the payment of cash-in-lieu; or,
- . a combination of both.

In relation to the payment of cash-in-lieu, clause 7.5.5(b) states the payment must represent the average capital cost of providing one ground-level parking space on or in the vicinity of the development at the time of approval. The capital cost includes the cost of land, pavement, drainage works, landscaping, lighting and signage as determined by the Council.

The Council has had a policy position (Ref. Minute Nos 141/94 – 28.2.94, 574/95 – 20.11.95 and 279/2006 – 21.08.2006) of suspension of the cash-in-lieu provision for car parking. On legal advice, the Council can no longer take this position.

DISCUSSION

The Services Engineer reports as follows.

'Construction Cost

To determine the capital costs associated with the provision of car parking spaces in the Ulverstone and Penguin business districts, construction costs of two recently constructed carparks (refer to Table 1) within the municipal area were used and compared to current construction costs.

YEAR	LOCATION	COST (\$)	NO. OF SPACES	AREA (M ²)	\$/M ²	\$/SPACE	COMMENT
2006	Forth	49,000.00	21	400	122.50	2,333.33	Does not include land purchase, kerb and channel, parking aisle
2005	Penguin	80,000.00	24	1,176	68.03	3,333.33	Includes kerb and parking aisle

Table 1. Carpark construction cost – based on previously constructed carparks

Based on Standards Australia AS/NZS 2890.1:2004 “Parking facilities, Part 1:Off-street car parking”, providing a Class 3 90-degree parking module arrangement, it is estimated the minimum parking area is 22m² per carparking space¹, assuming a car is allowed to park either side of the parking aisle. This requirement increases to 30m² per carparking space when a car is only allowed to park on one side of the parking aisle. However,

¹ Values rounded up to the nearest whole m²

this area does not take into account any possible landscaping, lighting, “unusable or dead space” due to the configuration of the carpark.

A desktop analysis of nine carparks in the municipal area revealed the average area required per parking space is 39m² as shown in Table 2.

CARPARK	TOTAL AREA (M ²)	CARPARKING SPACES	AREA/PARKING SPACE
Anglican Church	3,611	76	48
Civic Centre	2,594	59	44
Shared Council/RSL	1,352	54	26
The Quadrant	2,649	72	37
Wongi Lane	1,446	29	50
Kerger’s	1,176	24	49
Baptist Church	1,295	36	36
Station Carpark	2,092	58	37
North Reibey Street	5,011	146	35
<i>Total</i>	<i>21,226</i>	<i>554</i>	<i>39</i>

Table 2. Average area required per car parking space

Considering this, 39m² per carparking space will be adopted for costing purposes.

The construction estimate per carparking space based on current costs is \$3,500. This includes excavation, pavement, hotmix, kerb and channel, drainage, lighting and landscaping. It is important to note this costing does not include demolition, driveway construction, major earthworks, or costs associated with the purchase of land. This is similar to the construction costs in Table 1.

For the purpose of this report, the construction cost of \$3,500 per space will be adopted.

Penguin land value

To determine a mean price for the value of land in the Penguin business district, five properties were selected in the general vicinity of where the provision of a carpark would be beneficial to the community and businesses currently operating in the town.

Of the five properties selected, the average land price is \$283/m². Based on a required land area of 39m² and multiplying this by the average land price, the estimated land cost per car parking space is \$11,037.

Coupling the land cost with the construction cost, the estimated cost of providing a carparking space in the Penguin business district is \$14,537 as summarised in Table 3. It is important to note the above cost assumes a greenfield site, and does not include land transfer fees, significant construction costs relating to earthworks or upgrading of drainage infrastructure.

ITEM	COST
Construction	\$3,500
Land purchase @ 39m ²	\$11,037
<i>Total</i>	<i>\$14,537</i>

Table 3. Summary of costs to provide a carparking space in Penguin business district

Ulverstone land value

To determine a mean price for the value of land in the Ulverstone business district, five properties were selected in the general vicinity of where the provision of a carpark would be beneficial to the community and businesses currently operating in the town.

Of the five properties selected, the average land price is \$160/m². In terms of comparison, an evaluation from a valuer was undertaken in November 2006 for a portion of an Ulverstone CBD carpark. The evaluation valued the land at an average price of \$135/m² which is in line with the average land price above.

Based on a required land area of 39m² (as previously calculated) and multiplying this by the average land price, the estimated cost per carparking space is \$6,240. Coupling the land cost with the construction cost, the estimated cost of providing a carparking space in the Ulverstone business district is \$9,740 as summarised in Table 4. Again, it is important to note the above cost assumes a greenfield site, and does not include land transfer fees, significant construction costs relating to earthworks or upgrading of drainage infrastructure.

ITEM	COST
Construction	\$3,500
Land purchase @ 39m ²	\$6,240
<i>Total</i>	<i>\$9,740</i>

Table 4. Summary of costs to provide a carparking space in Ulverstone business district

In Ulverstone the possibility of constructing a two-level multi-storey carpark on the existing North Reibey Street carpark site (near Woolworths) may need to be considered in the future. Preliminary work suggests the multi-storey carpark will provide approximately 300 spaces at a cost of approximately \$3.3 million, which equates to \$11,000 per carparking space. It is worth noting this rate is similar to the estimate of providing an on-ground carparking space (\$9,740), including the land purchase.

What are other councils doing?

A number of Tasmanian councils were contacted to ascertain if they have a cash-in-lieu contribution scheme in place and what the rate is. The responses of the Council's surveyed are summarised in Table 5.

ORGANISATION	CASH-IN-LIEU CONTRIBUTION (Y / N)	RATE
Waratah-Wynyard Council	Y	It is based on the parking area not provided, divided by the total area of the development and multiplied by the unimproved land value at the time of the application.
Burnie City Council	N	Not applicable - No policy
Devonport City Council	Y	\$13,000/carparking space in the CBD - revised Planning Scheme.
Launceston City Council	N	Not applicable - No policy
George Town Council	Y	Council Policy 16, 1995 - \$2,500/carparking space.

Table 5. Cash-in lieu contributions for various councils

Of the five councils surveyed, only Devonport City Council has a current, set cash-in-lieu contribution of \$13,000, which is in the order of cost considered for the Ulverstone and Penguin business districts. The Waratah-Wynyard Council cash-in-lieu contribution is based on the current land value at the time of the application, which ensures the contribution rate remains current in terms of land value and location. Due to variations in land and construction costs over time, any fixed cash-in-lieu contribution system should be regularly adjusted to suit.

As the Council is to start accepting cash-in-lieu contributions from developers, a parking strategy needs to be developed and implemented taking into account current and future uses and trends, especially when it comes to the availability and purchase of land in high demand areas.

In areas of high demand and predominately small lots, it will be difficult for the Council to obtain properties in appropriate locations and of adequate size to provide any cost-efficient carparking facilities. Also, it is questionable if the provision of several small distributed parking areas in a town is more beneficial than one or two large consolidated sites.'

The Services Engineer's report is supported.

The estimates are summarised as follows:

ITEM	PENGUIN (\$)	ULVERSTONE (\$)	MULTI-STOREY CARPARK (\$)
Construction	3,500	3,500	11,000
Land purchase	11,037	6,240	
Total (39m ² per space)	14,537	9,740	
Total (30m ² per space))	11,182		

It is noted that payment of cash-in-lieu must represent the average capital cost of providing one ground-level parking space on or in the vicinity of the development at the time of approval. The estimated construction cost of a multi-storey carpark has been provided for comparison only. It is interesting that it is near the cost of a ground-level parking space plus land purchase for Ulverstone. If it is considered that the Council owns the North Reibey Street Carpark and vacant land is limited in the CBD, then it is not unreasonable to consider this cost for future carpark construction in Ulverstone at \$11,000 per parking space.

The construction cost of \$3,500 per space is considered very reasonable compared to the figure of \$2,841 per space used in 1994. The main variable cost is the land purchase and if the costs are based on a reduced area per space similar to the Australian Standard, then the total cost for Penguin is estimated at \$11,182. This equates to the estimated land purchase of \$11,037 per space.

Consideration of the previous cash contribution to carparks not being enforced by the Council over a number of years and the provision for future carparking requirements as the result of existing businesses and changes in the CBD over time could also be factored into the final figure.

Based on the overall considerations and limiting the risk of any possible challenges in respect to the estimated costs, it is suggested that a figure of \$11,000 per carparking space be adopted.

CONSULTATION

No consultation has been conducted.

IMPACT ON RESOURCES

The Director Corporate & Community Services advises that acceptance of cash-in-lieu contributions will require the Council to establish a special reserve fund and distribute the funds to purchase and/or construct carparking facilities as identified by the Council or a parking strategy.

CORPORATE COMPLIANCE

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

- . Promote a sustainable investment environment
- . Improve visitor numbers to the municipal area
- . Meet our statutory and regulatory obligations
- . Develop and manage sustainable infrastructure
- . Foster an integrated transport and planning system.

CONCLUSION

This report provides the Council with current cash-in-lieu costs applicable for developments in the Penguin and Ulverstone business districts.

It is recommended that:

- 1 the Council adopt a figure of \$11,000 per carparking space in the Ulverstone and Penguin business districts and the charge be reviewed as part of the annual fees and charges adopted by the Council as part of the Estimates; and
- 2 a parking strategy be developed and implemented, taking into account current and future uses and trends, especially when it comes to the availability and purchase of land in high-demand areas.”

■ Cr van Rooyen moved and Cr Haines seconded, “That, for the purpose of payment of cash in lieu of parking spaces for developments in the Penguin and Ulverstone business districts when spaces required under Schedule 5 of the Central Coast S.46 Planning Scheme No. 1 of 1993 cannot be satisfied:

- 1 a figure of \$11,000 per carparking space be adopted, and the charge be reviewed as part of the annual Fees and Charges adopted as part of the Estimates; and
- 2 a parking strategy be developed and implemented, taking into account current and future uses and trends, especially when it comes to the availability and purchase of land in high-demand areas.”

■ Cr Fuller moved and Cr Barker seconded an amendment, “That, for the purpose of payment of cash in lieu of parking spaces for developments in the Penguin and Ulverstone business districts when spaces required under Schedule 5 of the Central Coast S.46 Planning Scheme No. 1 of 1993 cannot be satisfied:

- 1 a figure of \$11,000 per carparking space be adopted, and the charge be reviewed as part of the annual Fees and Charges adopted as part of the Estimates; and
- 3 a parking strategy be developed and implemented prior to the next annual review of Fees and Charges, taking into account current and future uses and trends, especially when it comes to the availability and purchase of land in high-demand areas.”

Amendment	Carried unanimously
Amended motion	Carried unanimously

DEVELOPMENT SERVICES

430/2007 Development Services determinations

The Acting Director Development Services reported as follows:

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

Carried unanimously

431/2007 Authorisation of Permit Authority in respect of the Building Act 2000 (217/2004 - 21.06.2004)

The Acting Director Development Services reported as follows:

PURPOSE

The purpose of this report is to consider the authorisation of the Permit Authority in respect of the *Building Act 2000*.

BACKGROUND

The *Building Act 2000* was enacted to regulate the construction and maintenance of buildings, and building and plumbing matters, and to provide for permits, enforcement matters and resolution of disputes. In order to discharge its responsibilities under the Act the Council is required to appoint a Permit Authority to deal with building and plumbing matters.

Section 3 of the *Building Act 2000* defines a Permit Authority as:

‘a person or body authorised for that purpose by the council of the municipal area in which the relevant building work, building, plumbing

work or plumbing installation is located, or if the council has not made such an authorisation, the general manager of the council'.

DISCUSSION

It is up to the Council to appoint a Permit Authority. If the Council has not appointed a Permit Authority, then the General Manager will assume the role.

The role of the Permit Authority is primarily administrative but the position requires a clear understanding of the legislation and requires some technical understanding. Specific duties include:

- . issuing building and plumbing permits;
- . taking into account matters such as site stability, provision of water and road access;
- . responding to applications for a permits in the specified period;
- . providing written reasons for refusing an application for a permit;
- . issuing Certificates of Completion for building and plumbing work; and
- . keeping registers required by the *Building Act 2000*.

At its meeting on 21 June 2004 the Council resolved as follows (Minute no. 217/2004):

“That the following be authorised as the Permit Authorities under the provisions of the Building Act 2000:

- . Building Permit Authority – the Council’s appointed Building Surveyor; and
- . Plumbing Permit Authority – the Council’s appointed Plumbing Inspector.”

Following the organisational realignment and recent staffing changes in the Building and Plumbing Group, the current Permit Authority arrangements are no longer appropriate.

Under the existing structure of the Building and Plumbing Group it is more appropriate for the Building and Plumbing Group Leader to be authorised as a single Permit Authority.

Under Section 11(3) of the *Building Act 2000* the Permit Authority may delegate to any person any function or powers under the Act, other than the power of delegations.

The authorisation of the Building and Plumbing Group Leader as the Permit Authority will enable the delegation of duties to appropriately qualified staff within the Building and Plumbing Group.

CONSULTATION

This is an administrative matter and consultation is not required.

IMPACT ON RESOURCES

Building and Plumbing Group staff currently administer the *Building Act 2000* under the existing Permit Authority delegations. The proposed Permit Authority arrangement is an administrative change which will have no additional impact on resources.

CORPORATE COMPLIANCE

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

- . Meet our statutory and regulatory obligations.

CONCLUSION

It is recommended that the Council authorise the Building and Plumbing Group Leader as the Permit Authority under the provisions of the *Building Act 2000*.”

- Cr McKenna moved and Cr Fuller seconded, “That the Council authorise the Building and Plumbing Group Leader as the Permit Authority under the provisions of the *Building Act 2000*.”

Carried unanimously

432/2007 LGAT Climate Change Reference Group – Information update

The Acting Director Development Services and Director Assets & Engineering reported as follows:

“The Town Planner and Natural Resource Management Officer have prepared the following report:

PURPOSE

The purpose of this report is to provide information on the activities of the Local Government Association of Tasmania Climate Change Reference Group.

BACKGROUND

This group first met in 2006 and includes representatives from the majority of councils across Tasmania.

The group was involved in providing input into consultation undertaken in 2007, which has included a climate change needs analysis survey and a workshop on climate change issues as part of the 2007 Local Government Conference. The following is an extract from the "Local Government Climate Change Consultation Summary Report, August 2007", and provides further details on the group to date. The full report and other useful information is available at <http://www.lgat.tas.gov.au/site/page.cfm?u=540>

Report extract is appended as Annexure 1.

DISCUSSION

The range of Council functions impacting on or impacted upon by climate change is broad and the impacts are likely to be both short and long term. The Climate Change Reference Group provides councils with a network to operate within to identify issues and share information related to the role of local government in climate change.

CONSULTATION

Consultation is not relevant to this report.

IMPACT ON RESOURCES

There is no impact on resources from this report.

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

- . Develop and maintain sustainable infrastructure
- . Create a municipal area that is productive and socially and aesthetically attractive
- . Promote best practice environmental management of the hinterland and coast.

CONCLUSION

It is recommended that this report be noted.'

The report is supported."

- Cr Fuller moved and Cr Barker seconded, "That the Town Planner and Natural Resource Management Officer's report be received."

Carried unanimously

433/2007 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 Acting Director Development Services has submitted the following report:

'If any such actions arise out of Minute Nos 434 to 439/2007, 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 (J) Bonde moved and Cr Robertson seconded, "That the Mayor's report be received."

Carried unanimously

434/2007 Planning Scheme Amendment – Ulverstone Wharf – Change from Recreation and Community (PP) – Public Purposes to Business (BA) – Central – Application No. AMD2006.2 (137/2007 – 23.04.2007)

The Acting Director Development Services reported as follows:

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

<i>‘AMENDMENT NO.:</i>	AMD2006.2
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Off Kings Parade and Crescent Street, Ulverstone
<i>CURRENT ZONING:</i>	Recreation and Community (PP) – Public Purposes
<i>PROPOSED ZONING:</i>	Business (BA) – Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i>

PURPOSE

The purpose of this report is to receive advice of approval by the Resource Planning and Development Commission (the Commission) of the above-mentioned Application No. AMD2006.2.

BACKGROUND

On 23 April 2007 (Minute No. 137/2007) the Council initiated and certified draft Amendment 2/2007 for the above-mentioned purpose.

The draft Amendment was exhibited from 5 May 2007 to 25 May 2007. No representations were received.

DISCUSSION

The Scheme amendment was forwarded to the Commission at the end of the exhibition period. The Commission has now advised that the Scheme amendment has been approved and came into operation on 8 October 2007.

CONSULTATION

Formal consultation has been undertaken in accordance with legislated requirements.

IMPACT ON RESOURCES

The impact of the decision is administrative in nature.

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

It is recommended that the information be received.’

The report is supported.”

- Cr Deacon moved and Cr McKenna seconded, “That the Land Use Planning Group Leader’s report be received.”

Carried unanimously

435/2007 Rezoning from Rural (R) – General to Business (BA) – Central at 95 and 99–101 Main Road, Penguin [CT15702/4 & 57527 (all folios)] – Application No. AMD2007.1 (258/2007 – 16.07.2007)

The Acting Director Development Services reported as follows:

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

<i>‘AMENDMENT NO.:</i>	AMD2007.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	95 & 99–101 Main Road, Penguin (CT15702/4 & a section of CT57527)

<i>CURRENT ZONING:</i>	Rural (R) – General
<i>PROPOSED ZONING:</i>	Business (BA) – Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>

PURPOSE

The purpose of this report is to receive advice of approval by the Resource Planning and Development Commission (the Commission) of the above-mentioned Application No. AMD2007.1

BACKGROUND

On 16 July 2007 (Minute No. 258/2007) the Council initiated and certified draft Amendment 3/2007 for the above-mentioned purpose.

The draft Amendment was exhibited from 28 July 2007 to 17 August 2007. No representations were received.

DISCUSSION

The Scheme amendment was forwarded to the Commission at the end of the exhibition period. The Commission has now advised that the Scheme amendment has been approved and came into operation on 1 October 2007.

CONSULTATION

Formal consultation has been undertaken in accordance with legislated requirements.

IMPACT ON RESOURCES

The impact of the decision is administrative in nature.

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

It is recommended that the information be received.'

The report is supported."

- Cr McKenna moved and Cr van Rooyen seconded, "That the Land Use Planning Group Leader's report be received."

Carried unanimously

436/2007 Rezoning from Business (BB) – Satellite and Recreation and Community (POS) – Public Open Space to Residential (RA) – Closed and demolition of existing motel and development of 17 apartments at CT104952/1 Tasma Parade, Ulverstone – Application No. COM2007.1

The Mayor, 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. COM2007.1.

The Deputy Mayor assumed the chair in the Mayor's absence.

The Acting Director Development Services reported as follows:

"Korlan Pty Ltd has prepared the following report:

<i>' AMENDMENT NO.:</i>	4/2007
<i>OWNER:</i>	B & S Howard
<i>APPLICANT:</i>	B & S Howard
<i>LOCATION:</i>	Lot 1 Tasma Parade Ulverstone CT.104952/1
<i>TOTAL AREA:</i>	5,358 sq. m
<i>ZONING:</i>	Business (BB) – Satellite and Recreation and Community (POS)– Public Open Space
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993(the Scheme)
<i>PROPOSED ZONING</i>	Residential (RA) – Closed

1.0 Introduction

This planning assessment report prepared by Geoff Davis from Korlan Pty Ltd assesses a S.43A application to rezone CT104952/11Tasma Parade Ulverstone from Business (BB) Satellite and Recreation and Community (POS)–Public Open Space to Residential (RA) Closed and approve the demolition of the existing motel and the development and use of 17 apartments.

1.1 Planning Instrument

Central Coast S.46 Planning Scheme No.1 of 1993

1.2 Reason for Request:

The rezoning has been requested as the current zoning prohibits the redevelopment of the site for 17 apartments.

1.3 Title Description and Area

The proposal relates to one parcel of land (Cert Title Vol.104952/1) which is approximately 5,358 sq. m in area. The site has been used as a motel and restaurant since the 1960s. (Annexure 1 – Location Plan)

2.0 Description of Site

2.1 The site contains an older style single storey motel (Waterfront Inn), a restaurant and associated car parking and gardens. The site is flat and has pleasant views to the river. It has an easterly and north easterly aspect.

2.2 Surrounding Land Use and Zoning

The site is adjacent to Air Force Park to the north and the Leven Bridge to the south. A riparian reserve runs along the eastern boundary which is adjacent to the Leven River. The area to the west has been developed for residential purposes.

The surrounding zoning to the north, east and south is Recreation and Community (POS) – Public Open Space.

The residential development to the west is controlled by the Hobbs Parade and Flora Street S.46 Planning Scheme No. of 1994 which shows the area zoned Residential.

2.3 Road Access and Movements

Access to the site is via Tasma Parade a standard formed suburban road. The site currently has two non secure accesses.

2.4 Cultural Heritage

The site contains no listed heritage buildings or sites.

2.5 Fauna and Flora

No threatened fauna or flora species are listed for the site which is understandable considering it has been developed and used as a motel for a number of years.

2.6 Sewer

Sewage from the existing buildings is connected to Council's reticulated system.

2.7 Water

The site is supplied with reticulated water.

2.8 Stormwater

Stormwater drainage is facilitated by discharge into stormwater drains that ultimately flow into the river.

2.9 Power

Electricity is supplied from the state supply grid with an overhead line.

2.10 Telecommunications

The site is serviced with telecommunications.

3.0 Statutory and Strategic Planning Instruments

3.1 Central Coast S.46 Planning Scheme No. of 1993

Land use or development on the subject area is controlled by the Scheme.

Planning Scheme Objectives

The planning scheme sets out a number of objectives, including the following which support the amendment.

- (a) orderly settlement and management of population, commerce, rural production and industry;
- (b) proper use and development of land and buildings and resources;
- (l) provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services;

The proposed development will redevelop an ageing motel located in an established urban area which is within walking distance of the Central Business District. The site is fully serviced and is capable of sustaining an apartment complex. It will provide an opportunity for a pleasant residential lifestyle next to the river.

Existing Zoning

The area is zoned Business (BB) – Satellite and Recreation and Community (POS) –Public Open Space.

The intent of the Business (BB) Satellite Zone is;

“primarily to accommodate existing (in the main) businesses which serve local needs within a neighbourhood or identifiable locality within a town, or serve the needs of the motoring or travelling public.

The allocation of land to and in this zone and its location is intended to ensure that:

- (i) the scattered sites throughout the urban area for local commerce’s are recognised;*
- (ii) the appropriate sites on arterial routes or in proximity to recreational or tourist facilities for the accommodation or motoring needs of the public are recognised.”*

The intent of the Recreation and Community (POS) –Public Open Space zone is;

“primarily... to accommodate passive and active recreational uses and associated facilities and preserve corridors for future major surface drainage works and links between recreation spaces.”

The site was zoned Business (BB) Satellite zone in recognition of the established motel. The Recreation and Community (POS) –Public Open Space zoning which covers an area to the south, near the bridge was once owned by the Crown. The Council has no interest in purchasing it for open space purposes.

Apartments are prohibited in both zones.

Proposed Zone

The proposed zone is Residential (RA)– Closed which is intended;

“to accommodate dwelling units primarily on the basis of one dwelling unit per lot, but providing for other forms of housing allowing innovation and higher densities under controlled conditions.”

Apartments are classified as a discretionary use in this zone.

4.0 Land Use Planning and Approvals Act 1993

The Act sets out the requirements for an amendment to a planning scheme. These include to;

- . seek to further the objectives of the *Land Use Planning and Approvals Act 1993*
- . be prepared in accordance with State Policies, and
- . it may make provision which relates to the use, development, protection or conservation of any land.

The Act establishes the following objectives, which must be furthered by planning schemes and amendments;

Part 1–Objectives of the Resource Management and Planning System of Tasmania

(a) To promote the sustainable development and natural and physical resources and the maintenance of ecological processes and genetic diversity.

The draft amendment will not have an adverse impact on this objective. The area has been cleared and used as a motel for many years. No recorded threatened species are found on the site.

(b) To provide for the fair, orderly and sustainable use and development of air, land and water.

The draft amendment will allow the site to be developed for residential development which conforms with the surrounding residential use. In effect it represents urban infill and the necessary services are in place. It will have no adverse impact on the river or the surrounding environment.

(c) To encourage public involvement in resource management and planning.

The community and government agencies will be able to formally comment on the draft amendment and development application.

(d) To facilitate economic development in accordance with the objectives set out above.

The draft amendment will facilitate new development and the construction phase will inject a significant amount of income into the local economy. There will be ongoing economic benefits such as rates, on site employment and the purchase of various supplies and services.

(e) To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The amendment gives effect to the legislation.

Part 2–Objectives of the Planning Process Established by this Act

Relevant objectives are;

(a) to require sound strategic planning and co ordinated action by State and local government;

The proposed rezoning is in accordance with the Council's proposals for the nearby showground and wharf redevelopments. Despite the draft planning scheme having no statutory significance, it indicates Council's future strategy for the subject site to be zoned residential.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for use, development and protection of land;

The proposed rezoning identifies land suitable for residential development in accordance with the objectives of the planning scheme. The subject area will be developed in accordance with the provisions of the planning scheme.

(c) to ensure that effects on the environment are considered and provide explicit consideration of social and economic effects when decisions are made about the use and development of land;

The proposed rezoning will have no adverse impacts on the environment as it can be fully serviced and it will not impact on fauna, flora or ecological processes. It will not impact on surrounding uses and it will provide an opportunity for further economic development. It will provide another housing option for the community. There will be no adverse economic impacts on Council's infrastructure.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation

and resource management policies at State, regional and municipal levels;

The proposed amendment furthers the objectives of the Act, is in accordance with State policies and the planning scheme objectives.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co ordinate planning approvals with related approvals;

The combined rezoning and development application is in accordance with the *Land Use Planning and Approvals Act 1993*.

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;

The draft amendment will provide an area which can be developed for residential purposes in a well designed environmentally sustainable and safe manner.

(g) to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

The land has no known scientific, historical or special cultural value. If any Aboriginal heritage sites are discovered in the interim or during works then the *Aboriginal Relics Act 1975* will apply for reporting and management purposes.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

Existing infrastructure services can be readily provided.

(i) to provide a planning framework which fully considers land capability;

The subject area is suitable for residential development as it is flat, cleared, non contaminated and stable. Hydrology studies show the site will not be impacted by unusual flooding conditions.

5.0 State Policies

5.1 State Coastal Policy 1996 (the Policy)

As the subject area is within a kilometre of the coast the Policy applies.

The Policy contains three principles:

. *Natural and cultural values of the coast shall be protected.*

- . *The coast shall be used and developed in a sustainable manner.*
- . *Integrated management and protection of the coastal zone is a shared responsibility.*

The Policy lists a series of expected outcomes. The relevant ones are as follows;

- . *The coastal zone will be managed to ensure sustainability of major ecosystems and natural systems (clause 1.1.1).*
- . *Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone, will be sensitive to the natural and aesthetic qualities of the coastal environment (clause 2.1.3).*
- . *Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas (clause 2.4.1).*
- . *Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban growth and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast (clause 2.4.2).*
- . *Any urban and residential development in the coastal zone, future or existing, will be identified through designation of areas in planning schemes consistent with the principles and outcomes of this Policy (clause 2.4.3).*

The rezoning of the subject area is not contrary to the Policy. The site is already part of a large urban area which has been zoned for commercial purposes and used accordingly. The surrounding development is urban (residential and open space) and the site is less than a kilometre from the centre of the CBD. The coast will not be adversely impacted by the proposed rezoning in terms of natural, cultural or heritage values. Public access to the coast will not change. Development will be required to be in accordance with best

environmental practice and will not adversely impact on eco systems or natural processes. Stormwater and sewerage will be disposed of via Council's reticulated systems. The degree of disturbance which has already occurred on the site makes it highly improbable that Aboriginal relics will be disturbed. If any Aboriginal heritage or relics are discovered during construction, work is stopped and the Aboriginal Advisory Council is notified.

With regard to coastal hazards, Hydro Consulting was commissioned by the applicant and the Council to conduct a hydraulic review of the Leven River at several sites, including the proposed development site.

"It was found that the proposed Waterfront Inn development is not at risk from flooding during the 1:100 AEP flood event. The peak water level in the River Leven adjacent to the Waterfront Inn was estimated to be 1.72m AHD, which is well below the top of the existing retaining wall at the waterfront Inn, the top of which is 2.3AHD.

The effect of waves and storm surge was not considered. A conservative tailwater level, the Highest Astronomical Tisde (HAT) was used to determine the maximum water level. It will be unlikely that a storm surge will coincide with the HAT. A joint probability analysis would be required to assess the probability of a large storm surge, HAT and 1 in 100 AEP flood occurring at the same time. Adding to this the distance upstream of the river mouth and the extensive freeboard (0.5m-1.0m) at (the site) would take an extremely low probability event (much greater than 1:100) to cause flooding at (the site).

The effect of waves and storm surge was not considered. Given the conservative tailwater level used, the distance the development is upstream of the river mouth and extensive freeboard (0.5 -1.0m) at the site, the effect will be negligible."

The effect of sea level rise due to global warming was not considered, but the comment was made that at present there are no known standards to calculate the effect of this phenomenon. (Annexure 2 - Hydro Tasmania Consulting Report).

5.2 Protection of Agricultural Land 2000

The Forth land capability map shows the subject site as excluded.

5.3 State Policy on Water Quality Management 1997

The purpose of this policy is to protect surface and ground water resources from pollution.

The policy states that:

Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised (Clause 31.5).

The policy is relevant to the planning and design of stormwater, sewage and grey water disposal systems to ensure that any discharge into Bass Strait or the groundwater system complies with the policy requirements. Accordingly, appropriate provisions for siltation and erosion control and stormwater run off will be required by the Council as part of any development permit.

There are no records which indicate problems exist with the management of stormwater or groundwater.

5.4 National Environmental Protection Measures

In accordance with s.12A of the *State Policies and Projects Act 1993*, a national environmental protection measure is taken to be a State Policy. There is no discretion to differentiate a State Policy made under s.12A compared to s.11.

Thus the following need to be considered,

- . Ambient Air Quality June 2002
- . Diesel Vehicle Emission 2001
- . Assessment of Site Contamination 1999
- . Used Packaging Materials 1999
- . Movement of Controlled Waste Between States and Territories 1998
- . National Pollutant Inventory June 2000

No formal assessment of the site has been made to ascertain any site contamination issues, but given its past uses it is highly unlikely it is

contaminated. If any asbestos is found in the buildings it will be required to be disposed of in an approved manner.

The proposed rezoning is not in conflict with State Policies.

6.0 Summary

The requested zoning furthers the objectives of the *Land Use Planning and Approvals Act 1993*, meets the requirements of the State policies, the objectives of the planning scheme and the intent of the Residential (RA) – Closed zone.

7.0 Recommendation

It is recommended

1. a draft amendment, identified as Amendment 4/2007 (copy attached) be initiated to the Central Coast S.46 Planning Scheme No. 1 of 1993 to rezone CT104952/1 Tasma Parade from Business (BB) – Satellite and Recreation and Community (POS) – Public Open Space to Residential (RA) Closed; and
2. the Council certify that the draft amendment meets the requirements of section 32 of the *Land use Planning and Approvals Act 1993*.

8.0 Development Application

8.1 Description

The proposal is to demolish the existing motel and restaurant (Waterfront Inn) and construct a two storey apartment complex (unit 5 is 3 storey) comprising 17 apartments with associated car parking and open space. (Annexure 3 – proposal plan).

The total floor area of the complex is 3,802m². The building (carports, garages, decks, ground floor living space) covers a site area of 2,209m² which results in a site coverage of 41.2 per cent. (See following table – Tasma Parade–Areas)

Tasma Parade - Areas

Apartment	Area m ²							Court Yard	Riverside Open Area	Total Private Open Space	Garage	Car Park
	Floor area			Decks								
	Ground Floor	First Floor	Second Floor	Ground Floor	First Floor	Second Floor	Deck Total					
1	114			24			24		163	187	22	
2	9	142			24, 16, 17		57			57	29	
3	9	139			24, 18		42			42	21	
4	106			23			23		147	170	22	
5	97	94	62	15, 13	27, 13	43	111	8	158	277	64	
6	130			24			24	16	88	128	29	25
7	10	138			24, 33		57			57	23	
8	125			24			24	11	84	119	30	25
9	10	130			24, 33		57			57	23	
10	125			24			24	11	87	122	30	25
11	10	130			24, 33		57			57	23	
12	125			24			24	11	82	117	30	25
13	10	130			24, 33		57			57	23	
14	128			24			24	11	98	133	27	25
15	9	140			29, 21		50			50	23	
16	135			20			20	14	125	159	44	
17	22	167			20, 29		49		258	307	44	
Total Area	1174	1210	62	215	466	43	724	82	1290	2096	507	125

8.2 Design

The design concept has attempted to achieve the following;

- . Take advantage of the eastern and northern views
- . Provide adequate solar access for each apartment
- . Maximise privacy to internal spaces, courtyards and balconies from neighbouring apartments and adjoining public space
- . Reduce noise and visual penetration from the adjacent road bridge
- . Provide a range of unit choices.
- . Provide an integrated building form which respects the adjoining residential neighbourhood and complements the adjacent riverside precinct.

The apartments which range in size from 2 to 4 bedrooms are angled to the eastern boundary. This is to provide views to the river and the opposite shore and ensure privacy from the road bridge, particularly for the southern apartments. It also provides a northeast orientation for the living areas and main outdoor spaces resulting in good solar access.

Open space on both the upper and lower levels is distant from those of adjoining apartments to ensure visual and acoustic privacy. This also applies to living areas and bedrooms.

The car parking is designed to provide a modulated façade to the street frontage, with irregular setbacks delineated by garages, car ports and pedestrian links to each entry. A one way vehicle access configuration improves pedestrian safety and reduces the amount of hard pavement.

The complex has a compact footprint, a variety of roof pitches and the construction materials used will highlight the building form.

8.3 Assessment

8.3.1 The Planning Scheme sets out a number of criteria (cl. 3.9.2) which the Council must take into consideration when assessing an application. In summary these include,

- a) the objectives of the scheme;
- b) the zoning intent;
- c) any development plans and relevant development standards;
- d) the requirements of any public authority;

- e) characteristics of the site (e.g. hazards);
- f) is the development satisfactory in terms of;
 - (i) existing site features,
 - (ii) adjoining land,
 - (iii) streetscape or landscape,
 - (iv) natural environment,
 - (v) items of historic architectural or scientific interest,
 - (vi) isolation separation from other lands;
- g) adequacy of infrastructure;
- h) effect on existing and possible future use of adjacent land, and vice versa;
- i) landscaping, amenity facilities and illumination and treatment of the site;
- j) time frames; and
- k) any other matters considered by the Council.

8.3.2 Scheme Objectives

The Scheme sets out various objectives of which the following apply to this application.

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

The proposed residential development will replace an aging commercial residential development in an established residential area. The site is serviced with appropriate infrastructure and consolidates residential development within the inner urban area of Ulverstone.

(c) enhancement of the environmental “quality of life” of residents and visitors by attention to aesthetics and landscape impact and general pollution effects;

The proposed development will provide an opportunity for residents to experience a “quality of life” experience living adjacent to the river and within walking distance of the Central Business District. The development will be well landscaped and non-polluting.

(d) provision of adequate space for both active and passive recreation;

Each apartment is provided with a private open space (terrace) and is within a location where there is an abundance of public open space and a number of recreation facilities.

(l) provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services;

The proposed development will provide a new residential opportunity and lifestyle.

(m) encouragement of (appropriately sited and planned) activities which would expand opportunity for development skills, increase local employment, enhance or establish natural or created attractions and broaden and diversify the economic base;

The proposed development will create new economic opportunities for local suppliers and builders.

8.3.3 Zone Intent

The proposed zone is Residential (RA)–Closed which is intended; *to accommodate dwelling units primarily on the basis of one dwelling unit per lot, but providing for other forms of housing allowing innovation and higher densities under controlled conditions.*

The proposed development is consistent with the intent in that it provides residential development at a higher than normal density but generally within the planning scheme standards.

8.3.4 Definition

The proposed use is defined as an Apartment which is; *means any land used for more than one dwelling unit but does not include Grouped House, Holiday Cabin, Holiday Flat/Unit, House, House and Ancillary Apartment or Residential Building.*

8.3.5 Table of Uses

The use is discretionary in the Residential (RA) – Closed zone.

8.3.6 Other Matters

There are no items of historic architectural or scientific interest on the site which is fully and adequately serviced. The proposed development will not have an adverse impact on adjoining land or the natural environment.

With regard to hazards the subject site is located adjacent to the Leven River. As highlighted earlier in this report Hydro Consulting has examined the site for potential flooding. The report concluded the proposed development is not at risk from flooding during a 1:100 AEP flood event. The peak water level in the River Leven adjacent to the subject site was estimated to be 1.72m AHD which is well below the

top of the existing retaining wall, which is 2.3m AHD. The following levels are also noted;

- . Existing average site level -2.50m
- . Tasma Parade existing surface levels -2.50m to 2.70m
- . Lowest apartment garage FL. -2.90m
- . Lowest apartment living FL. -3.40m

The study did not consider sea rise level due to global warming stating “that at present there are no known standards to calculate this effect of the phenomenon.”

It is noted that Sharples (*Indicative Mapping of Tasmanian Coastal Vulnerability to Climate Change and Sea Level Rise 2nd Edition May 2006*) has suggested a maximum 100 year sea level rise of 0.88m

Although the effect of waves and storm surge were not considered, it was suggested, given the existing factors, there was an extremely low probability (much greater than 1:100) that flooding would occur under these conditions.

8.3.7 Development Standards

The planning scheme at clause 7.10 establishes a number of provisions which apply to apartments.

(a) the design of buildings and the layout of the land generally, including the definition and means of separation of private and common entrances, footpaths, parking spaces, driveways and other areas of dedicated and other open space shall be such that the reasonable privacy of the occupants is ensured by the provision of remoteness from potential interference and each dwelling unit on the land and on adjoining land shall be capable of receiving a reasonable amount of daylight;

Areas of private open space are defined and orientated to the east and north east which allows full solar access. Each area of open space is screened from neighbouring properties by apartment walls and the design of the building.

(b) no pedestrian path or vehicle driveway giving access to a dwelling shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway;

Pedestrian access to each apartment is from the west, directly adjacent to the carports/garages. The closest part of the buildings to the driveway access is the garages, and no impact on amenity will occur by this proximity.

(c) in the preparation of the land for building construction purposes or when landscaping the land, reasonable effort shall be made to retain existing trees and shrubs which are suitable for the development;

There are no significant trees on the site. A landscape plan has been prepared for the development.

(d) any area of open space that is not dedicated open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of all or any residents of the Grouped House development;

Areas such as between the river and the apartments and near the bridge are to be retained as shared open space and will be appropriately landscaped.

(f) suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals;

Appropriate bin facilities are to be provided.

(g) satisfactory provision shall be made for clothes drying facilities and mail and newspaper receptacles;

The terrace and courtyard areas provide opportunities for outdoor drying. Mail receptacles are to be incorporated in the final design.

(i) in buildings of more than one storey, all pipes, ducts and vents servicing the building shall be concealed from public view; and

This requirement is to be incorporated in the design.

(j) where practicable, a common TV antenna shall be provided in lieu of additional antennae for each dwelling unit;

A common television antenna will be provided.

Schedule 7 Requirements – size, siting, height and open space requirements:

Standard	Scheme Requirement	Development
Minimum floor area per unit	30m ²	Floor area requirement is met.
Front Set back	Tasma Parade is the principal frontage and a 6.0m setback is required	Discretion is required for this setback as apartments 1 and 2 are setback 4.5 m and the garage for apartment 17 is setback 4.275m. Considering the design, the adjoining open space and fencing it is reasonable to grant dispensation for apartments 1 and 2. The proposed apartment is at the same setback as the existing building. As there are no properties on the southern/western side of the site and it adjoins Crown open space it is considered reasonable to grant dispensation for apartment 17. There will be no adverse impact on the streetscape. The remaining apartments meet the standard.
Side and Rear Setback	3.0 m for the side plus 1/3 of the stated dimensions for each additional rise in storey in excess of one 5.0m for the rear.	Dispensation is required for these setbacks. As the applicant has stated where the relaxation is required is the small angled projections rather than the continuous lengths of wall. Also its noted the adjoining land is open space along the river or adjoins Apex park.
Lateral distance across	6.0 m for the side plus 1/3 of the stated dimensions for each additional rise in storey in excess of one	The apartments are conjoined, and thus the separation distance is zero. Discretion is required. However as the building is designed to ensure acoustic and visual privacy is maintained it is considered reasonable to grant dispensation.

DEVELOPMENT SERVICES

Distance between the walls of separate buildings	3.0m	The apartments are conjoined, and thus the separation distance is zero. Discretion is required. However as the building is designed to ensure acoustic and visual privacy is maintained it is considered reasonable to grant dispensation.
Open Space- Min dedicated space per dwelling unit	10m ²	Private open space per apartment ranges from 42m ² to 277m ² .
Open Space -Minimum width of dedicated open space	1.2m	The standard is met.
Open Space - Minimum other open space per dwelling unit- m ² Provided that the minimum other open space per apartment building site shall not be less than 150m ² with a minimum width of 4.5m	25m ²	The standard is met.
Maximum height	12.5m	The maximum height is 10.5m for 1 unit. The prevailing height is 7.1m
Number of storeys	3	Mainly 2 storeys with 1 unit rising to 3.
Site coverage	50% for use category or group	The proposal has a site coverage of 41.2%

Schedule 5 Car Parking Requirements

The Scheme requires that for apartments, 1.3 car spaces per dwelling unit must be provided. Thus the requirement for this development is 23 spaces. A total of 42 car spaces, excluding a disabled space are proposed. Nine apartments have one covered car parking space whilst the remaining eight have two covered spaces. Seventeen visitor car spaces are to be located adjacent to Tasma Parade.

The proposed double access from Tasma Parade will include security gates and be one way. This improves pedestrian safety and reduces the hardstanding area.

8.3.8 Demolition

As the proposed development is a change of use, Clause 3.14.2 states that demolition of the existing buildings requires a discretionary planning approval. There are no historic buildings on site and the demolition of existing buildings will be required if a permit is issued.

8.4. Discussion

The proposed development complies with the objectives of the planning scheme and intent of the zone. It meets the Scheme standards except for the setback standards in several instances. Due to the building design and adjoining public open space or street frontage, it is considered the relaxation of the set back standards is reasonable.

The proposed development is recommended for conditional approval.

9.0 Recommendation

The Council approves the proposed development subject to the following conditions:

- 1 The development be generally in accordance with the submitted plans prepared by Johnson Design Service, dated 24.8.07 drawing numbers A00, A01, A02, A03, A04, A05, A06, A07, C01 and H01;
- 2 The developer must:
 - (a) provide an appropriately sized water supply connection and meter to the property;
 - (b) provide an appropriately sized sewer connection point to the property;

- (c) provide an appropriately sized stormwater connection point to the property;
- (d) relocate the existing Council stormwater main that runs west to east through the property and reconnect it to the Council's stormwater drainage network;
- (e) undertake a downstream analysis of the stormwater drainage system to determine if there are any capacity limitations;
- (f) contribute, where necessary, to the upgrade of the stormwater drainage system;
- (g) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;
- (h) provide, where necessary, water supply and drainage easements;
- (i) provide parking facilities in accordance with AS 2890.1;
- (j) ensure that the entrance driveway is of sufficient length to enable a large car to queue clear of traffic lanes whilst waiting for the security access gate to open;
- (k) close all redundant driveways by replacing the driveway crossover with the appropriate kerb and channel profile in accordance with Council's Standard Drawing SD-1005;
- (l) provide sealed vehicular accesses in accordance with the Council's Standard Drawing SD-1003;
- (m) design and construct the internal road network to enable waste collection and recycling vehicles to attend to the bulk bins;
- (n) provide a suitable area on site for the location of a bulk bin or bins for the collection and removal of domestic waste;
- (o) provide a suitable area on site for the location of a bulk bin or bins for the collection and removal of recyclable items;

- (p) ensure that all solid/inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre;
 - (q) ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed of at a secure landfill; and
 - (r) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure constructed as part of the development that is to become an asset of the Council. Construction must not commence until the design drawings are approved;
- 3 The provision, upgrading or extension of water, sewer and drainage services, required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
 - 4 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure, required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
 - 5 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director Assets & Engineering;
 - 6 Boundary fencing is to be to the satisfaction of the Council's Land Use Planning Group Leader; and
 - 7 The developer is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses.

Developer to note:

- A Construction of habitable dwellings is not permitted over the existing Council stormwater main which runs west to east through the property.
- B The proposed entry geometry does not provide sufficient space to allow a vehicle to store clear of the traffic lanes.

- C The proposed internal stormwater mains appear undersized.
- D Works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- E Works associated with existing kerb & channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- F Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction.
- G The developer should contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise Road Permits or arrange any works.
- H Reconstruction and maintenance works on the existing Leven River retaining wall will be required in the future and access to the site will be required. Provision for a shared pathway link may also be required to link pedestrian access from the Leven Bridge to Airforce Park in the future.

The existing fence is preferred to remain in place with appropriate restoration of the surface between the River edge and property boundary in the interim.'

The report is supported."

The Executive Services Manager reported as follows:

"The Annexures referred to in the consultant's report and Amendment 4/2007 have been circulated to all Councillors."

■ Cr Deacon moved and Cr Haines seconded, "That:

- 1 a draft amendment (identified as Amendment 4/2007, a copy being appended to and forming part of the minutes) be initiated to the Central Coast S.46 Planning Scheme No.1 of 1993;
- 2 the Council certify that the amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*; and

- 3 the application for development (Application No. COM2007.1) be approved subject to the following conditions:
- (a) The development be generally in accordance with the submitted plans prepared by Johnson Design Service, dated 24.8.07 drawing numbers AOO, AO1, AO2, AO3, AO4, AO5, AO6, AO7, C01 and HO1;
 - (b) The developer must:
 - (i) provide an appropriately sized water supply connection and meter to the property;
 - (ii) provide an appropriately sized sewer connection point to the property;
 - (iii) provide an appropriately sized stormwater connection point to the property;
 - (iv) relocate the existing Council stormwater main that runs west to east through the property and reconnect it to the Council's stormwater drainage network;
 - (v) undertake a downstream analysis of the stormwater drainage system to determine if there are any capacity limitations;
 - (vi) contribute, where necessary, to the upgrade of the stormwater drainage system;
 - (vii) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;
 - (viii) provide, where necessary, water supply and drainage easements;
 - (ix) provide parking facilities in accordance with AS 2890.1;
 - (x) ensure that the entrance driveway is of sufficient length to enable a large car to queue clear of traffic lanes whilst waiting for the security access gate to open;
 - (xi) close all redundant driveways by replacing the driveway crossover with the appropriate kerb and channel profile in accordance with Council's Standard Drawing SD-1005;

- (xii) provide sealed vehicular accesses in accordance with the Council's Standard Drawing SD-1003;
 - (xiii) design and construct the internal road network to enable waste collection and recycling vehicles to attend to the bulk bins;
 - (xiv) provide a suitable area on site for the location of a bulk bin or bins for the collection and removal of domestic waste;
 - (xv) provide a suitable area on site for the location of a bulk bin or bins for the collection and removal of recyclable items;
 - (xvi) ensure that all solid/inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre;
 - (xvii) ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed of at a secure landfill; and
 - (xviii) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure constructed as part of the development that is to become an asset of the Council. Construction must not commence until the design drawings are approved;
- (c) The provision, upgrading or extension of water, sewer and drainage services, required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
 - (d) The provision, upgrading or extension of kerb and channel, footpath or road infrastructure, required as a result of the development, shall be to the satisfaction of the Council's Director Assets & Engineering;
 - (e) Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;
 - (f) Boundary fencing is to be to the satisfaction of the Council's Land Use Planning Group Leader; and

- (g) The developer is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses;

and that the applicant be further advised that:

- A construction of habitable dwellings is not permitted over the existing Council stormwater main which runs west to east through the property;
- B the proposed entry geometry does not provide sufficient space to allow a vehicle to store clear of the traffic lanes;
- C the proposed internal stormwater mains appear undersized;
- D works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council;
- E works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council;
- F any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction;
- G the developer should contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise Road Permits or arrange any works; and
- H Reconstruction and maintenance works on the existing Leven River retaining wall will be required in the future and access to the site will be required. Provision for a shared pathway link may also be required to link pedestrian access from the Leven Bridge to Airforce Park in the future.

The existing fence is preferred to remain in place with appropriate restoration of the surface between the River edge and property boundary in the interim."

Carried unanimously

The Executive Services Manager further reported as follows:

"Approval for the draft amendment having been granted, authorization for affixing the common seal to the amendment is to be given at Minute No. 446/2007."

The Mayor returned to the meeting and resumed the Chair.

437/2007 Planning Scheme Amendment – Specified Departure to allow the development of a car park and staff training facility at 7 Jetty Street, Ulverstone – Application No. COM2007.2

The Acting Director Development Services reported as follows:

“Korlan Pty Ltd has prepared the following report:

<i>AMENDMENT NO:</i>	5/2007
<i>LOCATION:</i>	7 Jetty Street Ulverstone CT 227506/1
<i>OWNERS:</i>	Simplot Australia
<i>APPLICANT:</i>	Tasmanian Consulting Services Pty Ltd
<i>TOTAL AREA:</i>	8145 sq. m
<i>PROPOSED AMENDMENT:</i>	To insert a Specified Departure into the Planning Scheme and application for planning approval to allow the development of a car park and staff training facility
<i>ZONING:</i>	Residential (RA) –Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (LUPAA)

1.0 Introduction

This planning assessment report has been prepared by G.L.L. Davis (Korlan P/L) for the Central Coast Council.

The report assesses a S.43A amendment for a specified departure at 7 Jetty Street Ulverstone to develop a car park and staff training facility.

1.1 Planning Instrument:

Central Coast S.46 Planning Scheme No. 1 of 1993 (the Scheme)

1.2 Location

The subject area is located at 7 Jetty Street Ulverstone. (Annexure 1 – location plan)

1.3 Reason for Request:

The existing factory site has been undergoing a major redevelopment but its continuation is being stymied by a lack of available space. By relocating the day-use car park and training facility across the road to 7 Jetty Street sufficient space will be released to complete the redevelopment of new

offices and staff facilities. The current offices and staff facilities are old and inefficient and require substantial refurbishment, but more importantly they do not meet the current required separation distances (Building Code of Aust.) from the processing factory.

Also there is insufficient car parking space available on the main site and more spaces are required.

The development of a new day use car park will also remove existing conflict between pedestrian and truck traffic and improve security with all pedestrians being required to enter the factory site through a single controlled security entry point.

As "Car Parking" is a prohibited use in the Residential (RA) – Closed zone and a Specified Departure has been requested. A rezoning to Semi Residential, Light or General Industrial is not seen as appropriate given that many uses allowed in these zones are incompatible with the adjoining residential zoning and houses.

A staff training facility (Education/Cultural Establishment) will also be constructed on the site and used intermittently. This is a discretionary use in the Residential (RA) –Closed zone.

2.0 Description of Site

The site slopes to the west with a steep bank approximately 15 metres from the western boundary where the ground falls about 3–4 metres, and then gently grades towards the river bank. There is a local depression drainage channel running east–west across the property, about 25–30 metres from the northern boundary.

A weatherboard house is located approximately in the middle of the property, with a number of outbuildings and unused commercial poultry sheds which are being demolished.

2.1 Zoning and Description of Surrounds

To the south is the Simplot Australia potato processing factory. The facility is a defined Level 2 Activity under the *Environmental Management and Pollution Control Act 1994*.

The land to the north and east is zoned Residential (RA) –Closed. The adjacent site in Jetty Street is zoned Residential (RA) – Closed whilst the land to the east along the northern side of Jetty Street is zoned Industrial (IA)–Light

The Simplot factory is zoned Industrial (IB) General.

Six single dwellings in Mason Street adjoin the eastern boundary of the site.

Four single dwellings in Marion Street adjoin the northern boundary of the site.

The western boundary of the site adjoins a Crown reserve which appears to be unused by the public.

2.2 Road Access and Movements

Access to the site is via Jetty Street which is formed with standard stormwater channel on both sides of the road.

It is noted the principal vehicular access to the Simplot factory is from Jetty Street at the Mason Street Intersection.

2.3 Cultural Heritage

The site contains no listed heritage buildings or sites.

2.4 Fauna and Flora

No threatened fauna or flora species are listed for the site which is understandable given it has been cleared and used as a poultry farm.

2.5 Sewer

An existing gravity sewer main is located along the eastern side of the allotment. Due to the slope of the allotment, this sewer main cannot service the property by gravity. The existing dwelling is serviced by a septic tank.

2.6 Water

The site is supplied with Council reticulated water.

2.7 Stormwater

An existing grassed drainage channel passes across the allotment in the east-west direction. It receives stormwater from Council's piped stormwater drainage network in Mason Street at the eastern property boundary between 8 and 10 Mason Street, and discharges to the Leven River on the western property boundary.

2.8 Power

Electricity is supplied from the state supply grid with an overhead line.

2.9 Telecommunications

The site is serviced with telecommunications.

3.0 Statutory and Strategic Planning Instruments

3.1 Central Coast S.46 Planning Scheme No. 1 of 1993

Land use or development in the subject area is controlled by the Scheme.

3.1.1 Planning Scheme Objectives

The Scheme sets out a number of objectives, including the following which support the proposed amendment.

(a) orderly settlement and management of population, commerce, rural production and industry; and

(b) proper use and development of land and buildings and resources;

The proposed amendment will enable the continuing redevelopment of a major regional economic/industrial facility. The development allows consolidation of the management and processing operations on the current site.

Due to its design and landscaping the proposed activity will have minimal impact on the neighbouring properties. In effect it provides an effective transition between potential conflicting uses, especially if the subject site was developed for residential purposes.

(c) enhancement of the environment quality of life of residents and visitors by attention to aesthetics and landscaping impact and general pollution effects;

and

(d) promotion of safety, sightly and suitable standards of construction and maintenance;

The proposed amendment will allow the development of a well landscaped and constructed car park and training facility. A landscaping plan has been developed to ensure the development is screened from the residential neighbours and the planting schedule is sympathetic to the location, views and aspect.

The car park design is in accordance with Australian standards and incorporates low key safety lighting. It will be constructed to a high standard

and incorporates stormwater run off controls to protect the river environment.

(k) prevention of spasmodic and premature subdivision of land which (particularly in urban and urban fringe areas) jeopardise or tend to delay the ultimate logical and economic development of land;

No subdivision is involved but the proposed amendment will secure a large lot required by an adjoining industry for a use which will allow it to redevelop and improve the economic efficiency of its main processing site.

(m) encouragement of (appropriately sited and planned) activities which expand opportunity for development of skills, increased local employment, enhance natural or creative attractions and broaden and diversify the economic base;

The proposed amendment will enable the existing processing factory to continue its upgrade program which in turn reinforces its economic viability and ensures on going employment opportunities and the development of skills.

3.1.2 Existing zoning

The area is zoned Residential (RA) – Closed which is intended;

“to accommodate dwelling units primarily on the basis of one dwelling unit per lot, but providing for other forms of housing allowing innovation and higher densities under controlled conditions.”

As stated earlier, Car Parking is a prohibited use in the Residential (RA) – Closed zone, whilst a staff training facility (Education/Cultural Establishment) is a discretionary use.

4.0 Land Use Planning and Approvals Act 1993

The Resource Management and Planning System of Tasmania (RMPS) provides the planning and environmental policy framework within which the planning merit of the draft amendment is to be assessed.

The Act sets out the requirements for an amendment to a planning scheme. These include to;

- . seek to further the objectives of the *Land Use Planning and Approvals Act 1993*
- . be prepared in accordance with State Policies, and

- . it may make provision which relates to the use, development, protection or conservation of any land.

The Act establishes the following objectives, which must be furthered by planning schemes and amendments;

Part 1–Objectives of the Resource Management and Planning System of Tasmania

a) To promote the sustainable development and natural and physical resources and the maintenance of ecological processes and genetic diversity.
The draft amendment will not have an adverse impact on this objective. The area has been cleared and used as a poultry farm and residence for many years. No recorded threatened species are found on the site.

b) To provide for the fair, orderly and sustainable use and development of air, land and water.

The subject area is within the urban area of Ulverstone, is appropriately serviced and the resulting use will compliment the adjoining industrial use.

c) To encourage public involvement in resource management and planning.
The community and government departments will be able to formally comment on the draft amendment. The company has already conducted three meetings with local residents.

d) To facilitate economic development in accordance with the objectives set out above.

The draft amendment will allow the adjoining factory to relocate several relatively low key uses which will facilitate the factory upgrading program.

Ongoing development and improvements during construction phases will inject a significant amount of income into the local economy. There will be ongoing economic benefits such as rates, on site employment and the purchase of various supplies and services.

e) To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The amendment gives effect to the legislation.

Part2–Objectives of the Planning Process Established by this Act
Relevant objectives are;

(a) to require sound strategic planning and co ordinated action by State and local government.

The proposed rezoning is in accordance with the objectives set out in the Scheme and State Policies.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for use, development and protection of land.

Although the proposed amendment is contrary to the zone intent the proposed use complements an adjacent major industrial use and will alleviate existing car parking issues without impacting on adjoining residential land.

(c) to ensure that effects on the environment are considered and provide explicit consideration of social and economic effects when decisions are made about the use and development of land.

The proposed amendment will have no adverse impacts on the environment as it can be fully serviced and will not impact on fauna, flora or ecological processes. It will not impact on surrounding uses and will provide an opportunity for further economic development.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.

The proposed amendment furthers the objectives of the Act and is in accordance with State policies.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co ordinate planning approvals with related approvals.

The proposed rezoning is not affected by this objective.

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

The draft amendment will allow the development of a car park and training facility which compliments the adjoining factory. Employee parking will be relocated from a major industrial site where there is potential conflict between factory traffic and pedestrians to a purpose built car park which will improve pedestrian safety.

(g) to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The land has no known scientific, historical or special cultural value. If any Aboriginal heritage sites are discovered in the interim or during works then the *Aboriginal Relics Act 1975* will apply for reporting and management purposes.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

Existing infrastructure services can be readily extended or improved to cater for the demand.

(i) to provide a planning framework which fully considers land capability.

The subject area has no known features which make it unsuitable for the proposed development.

5.0 State Policies

5.1 State Coastal Policy 1996

The subject area is within a kilometre of the coast thus the Policy applies.

The Coastal Policy contains three principles:

- . *Natural and cultural values of the coast shall be protected.*
- . *The coast shall be used and developed in a sustainable manner.*
- . *Integrated management and protection of the coastal zone is a shared responsibility.*

The Policy lists a series of expected outcomes. The relevant ones are as follows;

- . *The coastal zone will be managed to ensure sustainability of major ecosystems and natural systems. (clause 1.1.1)*
- . *Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone, will be sensitive to the natural and aesthetic qualities of the coastal environment. (clause 2.1.3)*
- . *Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas. (clause 2.4.1)*

- . *Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban growth and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast. (clause 2.4.2)*
- . *Any urban and residential development in the coastal zone, future or existing, will be identified through designation of areas in planning schemes consistent with the principles and outcomes of this Policy. (clause 2.4.3)*

The proposed Specified Departure of the subject area is not contrary to the Policy. The site is already part of a large urban area. The coast will not be adversely impacted by the proposed rezoning in terms of natural, cultural or heritage values. Public access to the coast will not change. Development will be required to be in accordance with best environmental practice.

5.2 Protection of Agricultural Land 2000

The Forth land capability map shows the area as exempt.

5.3 State Policy on Water Quality Management 1997

The purpose of this policy is to protect surface and ground water resources from pollution.

The policy states that:

Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised. (Clause 31.5).

The policy is relevant to the planning and design of stormwater, sewage and grey water disposal systems to ensure that any discharge into Bass Strait or the groundwater system complies with the policy requirements. Accordingly, appropriate provisions for siltation and erosion control and stormwater run off will need to be required by the Council as part of any development permit.

Stormwater from the car park and training building will be collected in kerb and channel and piped into an oil and silt separator. The inspection and maintenance of the separator will be Simplot's responsibility.

The design and/or management of potential stormwater contamination issues during construction will be addressed during site development and a condition has been placed on the permit.

The site can be connected to Council's reticulated sewerage system.

5.4 National Environmental Protection Measures

In accordance with s.12A of the *State Policies and Projects Act 1993*, a national environmental protection measure is taken to be a State Policy. There is no discretion to differentiate a State Policy made under s.12A compared to s.11.

Thus the following need to be considered,

- . Ambient Air Quality June 2002
- . Diesel Vehicle Emission 2001
- . Assessment of Site Contamination 1999
- . Used Packaging Materials 1999
- . Movement of Controlled Waste Between States and Territories 1998
- . National Pollutant Inventory June 2000

The only known site contamination is the seepage of grey water from the septic tank which served the house and the asbestos cladding on the poultry sheds. The cladding has been removed and a clearance certificate has been issued. Any soil found to contain grey water seepage will be removed.

The remaining NEPMs are not relevant to the proposed amendment.

The proposed Specified Departure is not in conflict with the State Policies.

6.0 Summary

The requested Specified Departure furthers the objectives of the *Land Use Planning and Approvals Act 1993*, meets the requirements of the State policies and the objectives of the planning scheme.

7.0 Recommendation

It is recommended;

1. a draft amendment, identified as Amendment 5/2007 (copy attached) be initiated to the Central Coast S.46 Planning Scheme No. 1 of 1993.

2. the Council certify that the draft amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*.

8.0 Development Application

The application is for a car park providing 128 spaces (including 2 disabled) and a staff training building of approximately 90 square metres. (Annexure 2 – application document)

Developing the proposed car park, plus the remaining car spaces on the factory site will result in a total of 178 car spaces available for employees. This is an approximate ratio of 0.8 spaces per employee.

8.1 Car Park

The car park will be only used during the day and the layout has been designed in accordance with *AS/NZ 2890.1-2004 Parking Facilities Part 1 Off Street*.

Night time and visitor parking will remain on the factory site.

The car park will be surfaced with an all weather bituminous seal, with concrete kerb and channel and graded to drainage pits.

Street access will be via a 6.5m wide, two way concrete driveway and crossover onto Jetty Street. Access gates will restrict out of hours use. The area will be landscaped and have appropriate security lighting.

8.2 Training Building

The building will be single storey with a shallow gable roof with a height of approximately 3.5 m and an area of 90 sq. metres. It will be designed to meet the various building and plumbing regulations.

It is to be located in the south west corner of the site which according to the applicant is in accordance with the wishes of the adjoining residents. Because of the slope in this location the western end of the building will be nearly 6.0m above the natural surface level which is still under the maximum height standard for the Residential (RA) –Closed zone.

The proposed building will have the following setbacks:

Street front (south)	6.1m
Side (west)	6.7m
Side (east)	51m
Rear	105m

The setbacks comply with the scheme requirements.

8.3 Services

8.3.1 Sewerage

An existing Council gravity main is located along the eastern boundary of the allotment. Due to the slope of the lot the sewer main cannot service the site by gravity.

As a requirement of Council the development will be required to be connected to the Council sewer which will require a pump station.

8.3.2 Water

The existing Council 50mm diameter poly pipe located along the northern side of Jetty Street will need to be upgraded to 100mm to ensure adequate supply for fire fighting purposes. The upgrade will have to extend to the corner of Mason and Jetty Streets.

8.3.3 Stormwater

An existing open drain runs east-west across the site, and carries stormwater from Council pipes on the eastern boundary to discharge into the Leven River.

The proposed development will provide a new underground drain to pipe Council stormwater across most of the site, discharging into a new open drain with energy dissipation measures before entering the Leven River.

An easement for maintenance access to the new drain will need to be granted in favour of the Council.

Stormwater from the car park and training building will be collected in kerb and channel and piped into an oil and silt separator. The inspection and maintenance of the separator will be Simplot's responsibility.

8.3.4 Electricity

The existing supply is sufficient for the proposed development.

8.3.5 Earthworks

Various sections of the site will need to be excavated or filled to ensure the car park will have appropriate grades for the control of stormwater runoff. The finished car park level will be lower than the adjacent properties which with landscaping and a fenced buffer area along the boundary will reduce noise and visibility.

8.3.6 Landscaping and Buffer Area

It is proposed to create a 10 metre buffer area along the eastern side of the property, between the car park and the rear boundary of the properties fronting Mason Street. A similar buffer area of 27m in width will run along the northern side of the property, between the car park and the rear boundary of the properties fronting Marion Street.

The applicant has provided a landscape report prepared by a registered landscape architect.

The design criteria are as follows;

- . vegetation along the eastern buffer area is to screen car park areas, but not limit views from residences to the Dial Range;
- . vegetation along the northern buffer area is to screen car park areas and the factory;
- . vegetation is to be sympathetic to the existing and natural vegetation along the Leven River;
- . the landscaping is to soften the car park;
- . selected vegetation is to use minimal water.

The existing pine trees are to be removed and replaced with an appropriate species.

8.3.7 Hours of Operation

Car Park 6:15am to 7:45pm

Training facility 7.00am to 7.00pm

The access to the car park will be locked at night and the site will be included in the factory security regime.

8.3.8 Lighting–Car Park

Although the car park is only for day use, some lighting will be required to ensure vehicle and pedestrian safety during winter months.

The lighting design will be in accordance with *AS 4282-1997 Control of Obtrusive Effects of Outdoor Lighting* which provides guidelines on design and parameters to minimize obtrusive effects.

The objective is to provide sufficient lighting to provide safe pedestrian access and background levels for vehicle movement, without impacting upon the amenity of the adjacent residents. To achieve this the lighting will be ground level inserts or bollard lights with diffusers and directional louvres.

The impact of car headlights on the adjacent houses will be minimized as the car park is lower and a landscaped buffer and fencing will be provided.

8.3.9 Traffic Movement

The existing access to the site is via the frontage to Jetty Street which is formed to approximately to the centre of the southern boundary with a two way cross fall to a stormwater channel on both sides of the road.

9.0 Assessment

9.1 The Scheme sets out a number of criteria (cl. 3.9.2) which the Council must take into consideration when assessing an application. In summary these include,

- a) the objectives of the scheme;
- b) the zoning intent;
- c) any development plans and relevant development standards
- d) the requirements of any public authority;
- e) characteristics of the site (e.g. hazards);
- f) is the development satisfactory in terms of;
 - (i) existing site features,
 - (ii) adjoining land,
 - (iii) streetscape or landscape,
 - (iv) natural environment,
 - (v) items of historic architectural or scientific interest,
 - (vi) isolation separation from other lands,
- g) adequacy of infrastructure,
- h) effect on existing and possible future use of adjacent land, and vice versa,
- i) landscaping, amenity facilities and illumination and treatment of the site,
- j) time frames, and
- k) any other matters considered by the Council.

9.2 Scheme Objectives

As highlighted in the previous section dealing with the planning scheme objectives the objectives support the proposed development.

9.3 Zone intent

The draft amendment specifically allows the proposed development.

9.4 Development Standards

The proposed development meets the setback and height standards for the Residential (RA) –Closed zone.

The site contains no significant fauna or flora or cultural heritage features which require protection.

There are no known features which would preclude its development as a car park or training facility.

The site can be adequately serviced to cater for the proposed uses.

A detailed landscape plan has been provided. As stated earlier the plan has been developed in accordance with specific criteria and is considered to be satisfactory.

Due to the landscaping, buffer areas, hours of operation, fencing and design of the site, it is considered the adjoining uses will not be adversely impacted by the proposed uses.

Given the proximity of the factory, the proposed use provides a better transition between the existing industrial and residential uses rather than the site being developed for residential purposes in accordance with the zoning.

The new car park entrance is a simple, two way driveway off Jetty Street, which will be satisfactory. Jetty Street continues past the entry and will allow hammerhead style turning at the end of the street when the car park is closed.

The volume and types of vehicles along Jetty Street remain unchanged.

10.0 Demolition

As the proposed development is a change of use, Clause 3.14.2 states that demolition of the existing buildings requires a discretionary planning approval. There are no historic buildings on site and the demolition of the existing house and outbuildings will be required if a permit is issued.

11.0 Recommendation

The application for a Car Park and Educational Cultural Establishment (staff training) at 7 Jetty Street is approved subject to the following conditions;

Conditions of approval:

1. The design and layout of the development is to be generally in accordance with the plans listed as 7240-100P, dated August 2007 and prepared by Tasmanian Consulting Service Pty Ltd unless modified by subsequent conditions of this permit;
2. Vehicle parking is to be restricted to employees of and visitors to the Simplot factory;
3. Vehicle access is permitted daily between the hours of 6:15am and 7:45pm;
4. No light emanating from the site is to adversely impact on adjoining dwellings and the placement, control and baffling of exterior lighting is to be approved by the Council's Director Assets & Engineering;
5. Landscaping is to be in accordance with the planting plan drawn by Southridge Design No: 07LO3 lwd01. Details regarding the maintenance of the landscaping are to be approved by Council's Land Use Planning Group Leader;
6. The developer is to:
 - (a) provide water supply and drainage easements;
 - (b) provide parking facilities in accordance with AS 2890.1;
 - (c) close all redundant driveways by replacing the driveway crossover with appropriate kerb profile in accordance with Council's Standard Drawing SD-1005, and to the satisfaction of the Council's Director Assets & Engineering;
7. The provision, upgrading or extension of water, sewer and drainage services to service the development is to be to the satisfaction of the Council's Director Assets & Engineering;
8. The provision, upgrading or extension of kerb & channel, footpath or road infrastructure, required as a result of the development, is to be to the satisfaction of the Council's Director Assets & Engineering;
9. The developer is to submit engineering design drawings and supporting documentation (calculations, workings, etc.) as required to the Director Assets & Engineering to obtain Engineering Approval for all infrastructure assets to be constructed and handed over to the Council at the completion of

works. Construction shall not commence until the design drawings are approved;

10. Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of Council's Director Assets & Engineering;

11. The developer is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses.

Developer to note:

Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.

Any works associated with existing kerb & channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.

Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction.

Contact the Council's Assets & Engineering Department to discuss any infrastructure work requirements, organise a Road Permit or arrange any works.'

The report is supported."

The Executive Services Manager reported as follows:

"The Annexures referred to in the consultant's report and Amendment 5/2007 have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Robertson seconded, "That:

- 1 a draft amendment (identified as Amendment 5/2007, a copy being appended to and forming part of the minutes) be initiated to the Central Coast S.46 Planning Scheme No. 1 of 1993;

- 2 the Council certify that the draft amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*; and
- 3 the application for a Car Park and Educational Cultural Establishment (staff training) at 7 Jetty Street (Application No. COM2007.2) be approved subject to the following conditions:
- (a) The design and layout of the development is to be generally in accordance with the plans listed as 7240-100P, dated August 2007 and prepared by Tasmanian Consulting Service Pty Ltd unless modified by subsequent conditions of this permit;
 - (b) Vehicle parking is to be restricted to employees of and visitors to the Simplot factory;
 - (c) Vehicle access is permitted daily between the hours of 6:15am and 7:45pm;
 - (d) No light emanating from the site is to adversely impact on adjoining dwellings and the placement, control and baffling of exterior lighting is to be approved by the Council's Director Assets & Engineering;
 - (e) Landscaping is to be in accordance with the planting plan drawn by Southridge Design No: 07LO3 lwd01. Details regarding the maintenance of the landscaping are to be approved by the Council's Land Use Planning Group Leader;
 - (f) The developer is to:
 - (i) provide water supply and drainage easements;
 - (ii) provide parking facilities in accordance with AS 2890.1; and
 - (iii) close all redundant driveways by replacing the driveway crossover with appropriate kerb profile in accordance with the Council's Standard Drawing SD-1005, and to the satisfaction of the Council's Director Assets & Engineering;
 - (g) The provision, upgrading or extension of water, sewer and drainage services to service the development is to be to the satisfaction of the Council's Director Assets & Engineering;
 - (h) The provision, upgrading or extension of kerb and channel, footpath or road infrastructure, required as a result of the development, is to be to the satisfaction of the Council's Director Assets & Engineering;

- (i) The developer is to submit engineering design drawings and supporting documentation (calculations, workings, etc.) as required to the Director Assets & Engineering to obtain Engineering Approval for all infrastructure assets to be constructed and handed over to the Council at the completion of works. Construction shall not commence until the design drawings are approved;
- (j) Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director Assets & Engineering; and
- (k) The developer is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses;

and that the applicant be further advised that:

- A any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council;
- B any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council;
- C any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction; and
- D the Council's Assets & Engineering Department is to be contacted to discuss any infrastructure work requirements, organise a Road Permit or arrange any works."

Carried unanimously

The Executive Services Manager further reported as follows:

"Approval for the draft amendment having been granted, authorization for affixing the common seal to the amendment is to be given at minute No. 446/2007."

438/2007 Development of shop and offices with an exemption from the development standards (off-street parking and vehicular access) at 52 Main Road, Penguin – Application No. DEV2007.48

Cr Howard, 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. DEV2007.48.

The Acting Director Development Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2007.48
<i>APPLICANT:</i>	J Jones on behalf of S Roche
<i>LOCATION:</i>	52 Main Road, Penguin
<i>ZONING:</i>	Business (BA) – Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	27 October 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 November 2007
<i>REPRESENTATIONS RECEIVED:</i>	21
<i>42-DAY EXPIRY DATE:</i>	26 November 2007
<i>DECISION DUE:</i>	19 November 2007

PURPOSE

The purpose of this report is to assess the merits of granting a planning approval to use and develop land for commercial purposes that has become discretionary due to the proposal not being able to achieve the required number of on-site parking spaces. There is also a general conferment on the Council to consider the other requirements of the Scheme although the specific reason for the application is for the Council to consider the car parking issue.

A copy of the application is appended as Annexure 1.

BACKGROUND

There are two previous applications for use and development on this site that have been approved by the Council. Both of these decisions (Minute Nos 81/2007 – 26.02.2007 and 286/2007 – 07.08.2007) have been set aside until the Resource Management and Planning Appeal Tribunal determines the applications. Both these are set down for a Hearing in the third week of December 2007.

These appeals are for entirely different uses with different development standards and any discussion on the current application should disregard any previous reports and decisions.

This application is to be determined on the merits of the information supplied and is to give due consideration also to the relevant content of the representations received during the 14-day statutory period.

Copies of the plans are appended as Annexure 2.

DISCUSSION

The Table of Uses in the Scheme lists “Shop”, “Office”, “Professional Office” and the like as “P1” uses. The Scheme qualifies these use categories as “P1” on the premiss that all development standards and the requirements of Part 7 and Part 8 of the Scheme are met. This means that although the use conforms to the zone the application becomes subject to the discretion of the Council if any of the requirements or standards can’t be complied with.

The only development standard that hasn’t been met in this application is the parking space requirements required under clause 7.5.2 of the Scheme. Clause 7.1.3 provides an opportunity for the applicant to demonstrate grounds of unreasonableness and impracticableness but no submission has been provided.

In regard to the actual number of parking spaces required the calculated number is derived from Schedule 5 of the Scheme. In this application the calculation of parking for “Shop”, “Offices” and “Professional Offices” is based on the numbers of people employed plus a fraction per 10m² of accessible floor area, excluding toilet facilities, being applied.

This proposal only contains retail and office space. For the purposes of calculating parking spaces there is a slight difference between “Office” space and “Professional Office” space and it is unclear from the application whether the uses will be either “Office” or “Professional Office” as defined. It wouldn’t be unreasonable to expect both uses occurring in varying degrees from time to time.

For the purposes of discussion the Scheme defines “Office” as meaning:

“any land used for the administration of a business or the carrying on of an agency, including an estate agent, bank, typist/secretarial service or the like, but does not include Consulting Rooms, Domestic Business, Home Occupation, or Professional Office”.

“Professional Office” is defined as meaning:

“any land used by one or more persons engaged in the practice of their profession as accountants, architects, artists, authors, barristers, draftspersons, engineers, landscape architects, quantity surveyors, surveyors, solicitors, town planners or the like and includes the activities of any person ordinarily associated therewith”.

There is a slightly greater requirement for parking associated with the use of “Professional Office” however it is not a significant additional impost and the more conservative calculation based on “Office” has been used. As an aside the Draft Central Coast Planning Scheme 2005 clarifies the matter by defining both uses in the same category and this future parking requirement is similar to that required for “Professional Office” in the current Scheme.

However the number of people employed for the purposes of calculating parking spaces is not known or unlikely to be known until such time as the intended use and final occupation are known. The Building Code of Australia (BCA) provides a reasonable expectation of anticipated numbers by calculating the maximum number of people based on a combination of the provided toilet facilities and floor area.

For example the BCA calculation on floor area in a class V building (office) indicates that 10m² per person is the minimum acceptable office space per person. Using the second storey of 440m² as an example the BCA indicates that the storey can provide office accommodation for 44 people. On a 50/50 male/female split the proposed toilet facilities accommodate the projected numbers and the plans indicate a similar outcome on each floor level.

The question to ponder is whether an office-based business or a combination of businesses within the entire building will ever be maximised at the rate of 10m² per person. This technical calculation would on face value appear unrealistic for every proposed office space but it is quite possible that a successful business that is attracted to the site may compartmentalise a particular office space within the building to its BCA design capacity.

The following calculation is based on the maximum capacity of people that could be accommodated in an “Office” situation.

DEVELOPMENT SERVICES

Table 1 – Office

Use	Floor space calculated	@ .8 of a space per person employed @ 10m ² per person	No. req'd	Number required @ .2/10m ² of floor area	No. req'd	Totals
Retail space – 1 st storey	150m ²	3 full-time equivalent (estimated)	3	150/10 x .2	3	6
Office areas – 2 nd storey	440m ²	440/10 x .8	36	440/10 x .2	9	45
Office areas – 3 rd storey	392m ²	392/10 x .8	32	392/10 x .2	8	40
Office areas – 4 th storey incl. studio loft	267m ²	267/10 x .8	22	267/10 x .2	6	28
				Total required		119
				Number provided		10
				Deficiency		(109)

The exercise of calculating the number of the parking calculations on a more conservative basis was also undertaken using the second storey of the Council offices as a workplace example. By coincidence the second storeys of both buildings are similar in floor area. For the purposes of calculating a ratio of people per m² the floor area, the Council building (450m²) was divided by the number of staff (20) to give a rounded-up ratio of 21m² per person. This figure provides a very conservative workspace environment and is considered reasonable to apply.

As a consequence the following table (Table 2 – Council building) reflects a lower density of people in comparison to that in Table 1. Please note that the parking requirements based on the floor space parameter in column 5 are not changeable.

Table 2 – Council building

Use	Floor space calculated	@ .8 of a space per person employed @ 21m ² per person	No. req'd	Number @ .2/10m ² of floor area	required	No req'd	Totals
Retail space – 1 st storey	150m ²	3 full-time equivalent	3	150/10 x .2		3	6
Office areas – 2 nd storey	440m ²	440/21 x .8	17	440/10 x .2		8	25
Office areas – 3 rd storey	392m ²	392/21 x .8	15	392/10 x .2		8	23
Office areas – 4 th storey incl. studio loft	267m ²	267/21 x .8	10	267/10 x .2		6	16
				Total required			70
				Number provided			10
				Deficiency			(60)

Clause 7.5.5(a) of the Scheme allows the Council the discretion to grant planning approval for a development without the required number of car parking spaces by requiring parking spaces on other land in the vicinity, by payment of cash-in-lieu or a combination of both.

In this regard clause 7.5.5(a)(iii) is relevant because some spaces have been provided on site. What hasn't been factored is the availability of off-site kerbside parking and how the deficit will impact on this. Nothing has been submitted with the application to confirm any alternative parking arrangements on other land or whether there is available kerbside parking within close proximity to the development without affecting the existing parking behaviour patterns of the community and its visitors. It is concluded

that the applicant is reliant on the cash-in-lieu alternative to satisfy the Scheme requirement.

Clause 7.5.5(b) goes on to say that the amount of payment for cash-in-lieu is to be calculated on the average capital cost of providing parking spaces in the vicinity of the development including - cost of land, drainage, kerbing, pavement, surfacing, marking out, landscaping and signage as determined by the Council.

The issue of requiring cash in lieu of parking space shortfall provides an opportunity for an applicant to meet the Scheme requirements. The Council has to consider how the cumulative cash-in-lieu funds received from developments in the Business (BA) zone is utilised to provide these parking spaces. The Council also has to consider as a matter of policy what is a reasonable percentage of parking that should be provided on site by an applicant and whether cash in lieu is the panacea to the current parking deficit being experienced in Penguin. This requires a strategic approach to ensure among other matters that suitable land is identified for future purchase and development of a carpark in a suitable location. The approach also needs to consider the scale of the car park and whether the parking behaviour of the local community is something that can be modified.

This raises further questions. In simplistic terms, will the availability of and development of a large car park at one end of the town overcome the deficiency of parking at the other end? Is the more acceptable alternative to develop smaller discrete car parks behind existing commercial developments? With any scenario the appropriate traffic management and subdivision aspects also need to be considered.

From a positive perspective any larger scale developments in Ulverstone and Penguin that cannot provide on-site parking will be subjected to a cash-in-lieu contribution. This will swell the account and assist in purchase and development of land quicker than the accumulation of funds generated by the smaller occasional developments in the business districts of Ulverstone and Penguin which would only generate a modest cash-in-lieu contribution.

CONSULTATION

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

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Comments received from the Planning and Assessment Team are included in the final recommendation.

A copy of the advertisement is appended as Annexure 3.

Prior to advertising the application was subjected to a request for additional information under s.54 of the *Land Use Planning and Approvals Act 1993*. Several deficiencies were highlighted were that required to be addressed before the application could be subjected to public scrutiny and finally determined by the Council. The date of this stopclock correspondence was 16 October 2007.

A direct reproduction of the correspondence that outlined the additional information follows:

- “1 clarification in writing of the contact details for this application. For example, the application form has not been completely filled in, but states Mr S Roche as the applicant. There is no mailing address given, and as such, the PO Box used for this letter is based on previous correspondence with Mr S Roche. In addition, the application form has been signed by Mr J Jones, not Mr S Roche;
- 2 information on how the proposed development will impact on the ability of the neighbouring property to utilise their right-of-way over 52 Main Road;
- 3 at least two additional copies of the plans AND an A3 copy, OR an electronic copy;
- 4 a report by an appropriately qualified and experienced traffic engineer to assess the impacts relating to traffic, for example ingress, egress, sight distance, turning radii, loss of on street car parking, traffic and parking generation of the proposed development, and what measures will be employed to address and/or mitigate these;
- 5 a report by an appropriately qualified and experienced engineer to assess the impacts on the Council's water reticulation as well as the impacts of the development on the stormwater and sewer networks downstream from the site, and what measures will be employed to address these impacts;

- 6 a noise and vibration report from an appropriately qualified and experienced consultant dealing with the potential impacts from the adjacent rail line;
- 7 a detailed description of the proposed lighting, landscaping and pedestrian treatments for the exterior of the proposal;
- 8 clarification of how the requirements of Part 7.5 (carparking) under the Central Coast S46 Planning Scheme 1993 are proposed to be addressed, including if necessary, adequate demonstration in response to Clause 7.1.3;
- 9 clarification of the proposed garbage disposal method/s;
- 10 information on the proposed uses of the building, as defined in Schedule 1 of the Scheme. Please also refer to Clause 3.7.2 as different and separate Uses are proposed.”

The reproduced response received on 18 October from the applicant follows. The indicated numbers on the request and the response correlate.

- “2. There are no impacts on the neighbouring property to utilise their ROW, access is designed for a small service vehicle.
3. Dale Wesley at Building Services should have 3 copies, can you ask him for them? I have attached an electronic set of architectural plans
4. We are not providing a report from a traffic engineer, we have done this on our previous application to no effect. The car park is designed in accordance with Australian Standards, which includes turning radii, site distance in no different from the existing driveway used by 52 Main Rd.
5. We have discussed this on previous applications, and have it conditioned on the permit for 109 Main Rd, a much larger development than the one proposed.
6. A report was provided for this site previously, which enabled planning staff to restart the clock. That report can be used in support of the current application. I also note the use for this building is offices
7. This development is for BA approval and has paving areas outside in the form of a driveway and access to offices and retail space. There is no need for a landscape plan.

8. This is an issue which lies with council, I note we have designed this building on advice from council with regard to parking. I also refer you to your scheme clause 7.5.5 (c) saying cash in lieu would likely be applied for developments in the BA zone.
9. The garbage disposal method is most likely to be through a trade waste agreement
10. The two uses or three if you include parking are clearly stated on the drawings, Retail and parking ground floor with all other floors offices.”

Section 54 of The *Land Use Planning and Approvals Act 1993* was amended recently to ensure that councils keep the applicant informed on progress with the issues of stopping the clock on the process. The amended section requires the Council to notify the applicant within 14 days if the request for information has not been answered to its satisfaction. The Council responded on the same day (18 October) that an assessment was being undertaken on the responses.

The applicant subsequently advised, again on the same day, that he was not providing any further information. On this advice the applicant was advised that the proposal will be assessed on the provided information and advertising of the proposal for the required 14 days commenced as a result.

In summary there are outstanding items that remain unresolved.

IMPACT ON RESOURCES

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

REPRESENTATIONS

Within the 14-day period of public scrutiny twenty-one representations were received.

The representations are appended as Annexure 4.

There were no representations received in support of the application. Each representation has been assessed and the following dot-point summary of the issues reflects the concerns.

Highlighted issues	Number of times raised
Deficient parking	12
Bulk, height, clause 3.9.2 of the Scheme	11
Proximity to church and heritage values	10
Deficient information	8
Obstruction of Right of Way	6
Traffic safety	3
Other issues including - Schedule 7 non-compliance, landscape effects, economic demand, State Coastal Policy, misleading information, traffic safety.	12

The comments are not dissimilar to those received for previous applications in Main Road, Penguin. There is still a concern on the bulk and scale of the development and its proximity to the nearby heritage-listed church.

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

Previously in the report comment was made on the primary purpose for this application. Prior to the Planning Appeal for 109 Main Road the Council was under the misapprehension that car parking or cash-in-lieu was not required for developments in the CBD areas of Penguin and Ulverstone. This was based on a resolution of the Council in 1995. The Appeal Tribunal has indicated that the resolution is invalid and cannot be applied.

However prior to this date there have been many applications for purported “permitted as of right” applications in the business areas of Penguin and Ulverstone. The resultant outcome is that unless a proposed development can provide the required on-site parking spaces the classification will become one subject to the discretion of the Council and a cash-in-lieu contribution would need to be considered.

In summary the proposed development will provide office-type uses in support of existing commercial uses within the Penguin Central Business District. The development has been assessed against the Scheme and the element of discretion to primarily consider is the substantial shortfall in the number of car parking spaces. Any discretion attached to a requirement or standard of the Scheme has to submit compelling reasons why the exemption from the requirements is impracticable, unreasonable or inequitable and not of sufficient importance in respect to the objectives of the Scheme to warrant enforcement.

The Scheme commits the Council to not consider granting an exemption unless the applicant has submitted a request and outlined the reasons as to why the particular requirement cannot be met and a statement on the likely effects of the variation on adjoining land. No submission has been made as to the effects that 60 cars, as conservatively calculated, being parked elsewhere but on the site will have on the surrounding streets and accesses.

On the applicant’s advice that no further information was going to be provided there is no option but to provide to the Council a negative recommendation because the application is deficient in the information supplied.

It is recommended that the proposed use and development located at 52 Main Road Penguin be refused for the following reasons:

- 1 The proposed development is unsatisfactory in regard to the provision of on-site car parking as required;
- 2 No submission has been made in accordance with Clause 7.1.3 of the Central Coast S.46 Planning Scheme No.1 of 1993 to support the shortfall in parking on the site;
- 3 No demonstration has been provided on the effect of traffic impacts from the development;

- 4 No demonstration has been provided on how the development impacts the beneficiaries of the Right of Way;
- 5 No demonstration has been provided to demonstrate the effects the development has on the hydraulic loading of the Council's infrastructure; and
- 6 No demonstration has been provided by an appropriately qualified and experienced consultant that deals with the potential impacts the adjacent rail line has on the development.'

The report is supported."

The Executive Services Manager reported as follows:

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

■ Cr Barker moved and Cr Fuller seconded, "That the proposed use and development located at 52 Main Road, Penguin (Application No. DEV2007.48) be refused for the following reasons."

- 1 The proposed development is unsatisfactory in regard to the provision of on-site car parking as required;
- 2 No submission has been made in accordance with Clause 7.1.3 of the Central Coast S.46 Planning Scheme No.1 of 1993 to support the shortfall in parking on the site;
- 3 No demonstration has been provided on the effect of traffic impacts from the development;
- 4 No demonstration has been provided on how the development impacts the beneficiaries of the Right of Way;
- 5 No demonstration has been provided to demonstrate the effects the development has on the hydraulic loading of the Council's infrastructure; and
- 6 No demonstration has been provided by an appropriately qualified and experienced consultant that deals with the potential impacts the adjacent rail line has on the development."

Carried unanimously

439/2007 **Development of four commercial spaces, 13 residential apartments, exemptions from Development Standards–number of car parking spaces (19 cars), height of development, number of storeys, rear setback (apartments), dedicated open space and other open space dimensions and partial demolition of existing buildings at 93 and 95 Main Road, Penguin – Application No. DEV2007.45**

Cr Howard, 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. DEV2007.45.

The Acting Director Development Services reported as follows:

“Korlan Pty Ltd has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2007.45
<i>APPLICANT:</i>	Wayne Ellis
<i>LOCATION:</i>	93 and 95 Main Road, Penguin CT6761/1, CT225284/1
<i>ZONING:</i>	Business (BA) – Central
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	20 October 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 November 2007
<i>REPRESENTATIONS RECEIVED:</i>	26 Heritage 55 Development
<i>42-DAY EXPIRY DATE:</i>	23 November 2007
<i>DECISION DUE:</i>	19 November 2007

1.0 Introduction

This planning assessment report prepared by Geoff Davis from Korlan Pty Ltd assesses an application to develop 13 residential apartments, 4 commercial spaces, basement car parking (19 cars), partial demolition of existing buildings and exemptions from Development Standards–number of car parking spaces, height of development, number of storeys, rear setback (apartments), dedicated open space and other open space dimensions.

1.1 Planning Instrument

Central Coast S.46 Planning Scheme No.1 of 1993

2.0 Description of Site and Surrounds

The site which is relatively flat contains two heritage-listed buildings and has street frontage onto Main Road. The rear of the site which faces north has uninterrupted views to the sea and adjoins the north-west rail line. North of

the rail line is a small access road to the beach. Adjoining uses in Main Road are commercial in nature, except for the adjoining single-storey strata-titled units at 91 Main Road.

A location plan is appended as Annexure 1.

2.1 Adjoining Zoning

The adjoining zoning along Main Road is Business (BA) – Central.

2.2 Road Access and Movements

Access to the site is directly off Main Road.

2.3 Cultural Heritage

The site contains the listed heritage buildings Browns Bakery (93 Main Rd) and the H.E Thomas building (95 Main Rd).

2.4 Fauna and Flora

No threatened fauna or flora species are listed for the site which is understandable considering it has been developed for a number of years.

2.5 Sewer

Sewage from the existing buildings is connected to Council's reticulated system.

2.6 Water

The site is supplied with reticulated water.

2.7 Stormwater

Stormwater drainage is facilitated by discharge into stormwater drains that ultimately flow into the sea.

2.8 Power

Electricity is supplied from the State supply grid.

2.9 Telecommunications

The site is serviced with telecommunications.

3.0 Development Application

3.1 Proposal

The proposal is for 13 residential apartments, 4 commercial spaces and basement car parking for 19 cars. Exemptions are required for the height of the development, the number of storeys, the number of car spaces provided,

the rear setback (apartments), dedicated open space and other open space dimensions.

The application documents are appended as Annexure 2.

3.2 Design

The proposed building has several design components. Firstly the existing facades of the heritage buildings will be retained and continue to address the Main Road frontage. The awnings will be replaced and the ground floor will be divided into four commercial spaces ranging in area from 66m² to 178m².

The next three levels are apartments which have been set back from the historical facades in an attempt to not overwhelm the existing building with bulk. The next four levels consist of a tower with each level containing one unit.

The building virtually covers the whole site with car access being off Main Road into the basement car park via a two-way ramp. Residents will gain access off Main Road to a lift via a dedicated residents lobby. There is also a lift operating from the car park.

The architect has stated that the intention is to develop a building which draws attention to itself, will identify the CBD and give Penguin an iconic attraction as well as acknowledging and retaining the heritage features.

3.2.1 Materials

Building materials consist of glass, rendered finished walls and aluminum framed windows and doors. No details were provided in relation to colours.

3.2.2 Signs

No signage concepts have been developed. A separate application will need to be made for signage.

3.2.3 Height

The proposed height is 28 metres.

3.2.4 Landscaping

No plans were submitted as the building virtually covers all of the site.

4.0 Planning Scheme Provisions

4.1 Definitions

The Scheme defines the applied for uses as follows;

. Commercial tenancies

The applicant has stated that the proposed uses for the 4 commercial tenancies are unknown at this stage and will require a separate application. However considering the location and floor area (less than 250sq.m) the P1 uses allowed in the zone suggest the possible uses could include Office, Domestic Business, Restaurant, Supermarket. The application makes passing reference to the possibility of a restaurant and office space.

. Apartment

The residential apartments are within this use class definition which is defined as;

means any land used for more than one dwelling unit but does not include Grouped House, Holiday Cabin, Holiday Flat/Unit, House, House and Ancillary Apartment or Residential Building.

4.2 Use Classification

The Table of Uses (Table S2) establishes the status of a defined use in each of the zones of the Scheme.

The application includes 4 commercial tenancies. Clarification about the tenancies was sought from the applicant who responded that they were undesignated and may be subject to separate DAs at a later stage. Unfortunately this makes it difficult to determine car parking requirements. Within the Business (BA) – Central zone commercial tenancies could include a “shop, office, restaurant, service centre ” which are classified as P1 which means they can be undertaken without the application for and issue of planning approval provided that the development complies with all the relevant development standards. As all relevant standards are not met such uses are discretionary.

The “apartment” use is classified as discretionary which means the uses have to be advertised and Council has discretion to refuse or permit them.

4.3 Treatment of Mixed Use

The Scheme at clause 3.7 sets out how a development comprising a mixture of uses is to be treated.

The proposed development consists of a mixture of uses where one use is not predominant and the other uses are subordinate or conducted in such a manner which supports the predominant use.

The Scheme recognises such a situation (cl. 3.7.2) and states that the uses shall be treated as different and separate uses. This means that there are two distinct use classes which need to be separately assessed against the Scheme standards.

5.0 Assessment Criteria

5.1 The Planning Scheme sets out (at cl. 3.9.2) a number of criteria which the Council if it considers appropriate must take into consideration when assessing an application.

- (a) the objectives of the Scheme, the intent of the zoning and any relevant development standards or other relevant requirements of the Scheme;
- (b) the requirements of any relevant State Policy;
- (c) any development plans and relevant development standards the requirements of any public authority;
- (d) whether any part of the site is subject to flooding, landslip, bushfire proximity to a Scheduled premise;
- (e) whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to:
 - (i) existing site features,
 - (ii) adjoining land,
 - (iii) streetscape or landscape,
 - (iv) natural environment,
 - (v) items of historic architectural or scientific interest,
 - (vi) isolation separation from other lands;
- (f) adequacy of infrastructure and services (e.g. roads, water, sewerage and electricity) without detriment to existing users;
- (g) whether the proposed development would adversely effect the existing and possible future use of adjacent land, and vice versa;
- (h) the provision of adequate landscaping, amenity facilities and illumination and treatment of the site generally;
- (i) the desirability or need to impose time periods for the use, a period within which the use or development must commence or cease and the commencement and completion of the development stages; and

- (j) any other matters in the opinion of the Council that should be considered.

5.2 Scheme Objectives

The Scheme sets out various objectives of which the following apply to this application.

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

The site is serviced with sewer, water, power and telecommunications. The sewer capacity which is unknown is discussed later.

(c) enhancement of the environmental "quality of life" of residents and visitors by attention to aesthetics and landscape impact and general pollution effects;

The proposed development will provide an opportunity for residents to experience a "quality of life" experience living adjacent to the sea and within the local business district. Conversely the size and height of the development will impact on the current streetscape.

(e) provision of adequate space for both active and passive recreation;

Each apartment is provided with a private open space (balcony) and is within a location where there are various areas of public open space (e.g. esplanade, beach).

(l) provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services;

The proposed development will provide a new residential opportunity and lifestyle.

(m) encouragement of (appropriately sited and planned) activities which would expand opportunity for development skills, increase local employment, enhance or establish natural or created attractions and broaden and diversify the economic base;

The proposed development will create new economic opportunities for local suppliers and builders.

(n) development and promotion of a compact, healthy, vibrant and attractive business district with a balanced regard for the needs of people on foot or in motor vehicles.

As shown later in this report there is a large shortfall in car parking spaces provided. This has an adverse impact on people using motor vehicles to visit the town centre.

5.3 Zone intent

The intent of the Business (BA) – Central zone;

“is primarily to accommodate retail and commercial business, offices and agencies and public and private community services”.

Furthermore, clause 6.1.1 of the Scheme states that;

“activities which are not within the prime intent but which may receive approval in accordance with provisions of this Scheme, are subject to evaluation on the basis that the prime intent is not significantly affected or jeopardized.”

A range of commercial uses fall within the zone intent.

The use “Apartment” is discretionary in the scheme. Apartments or flats in the Central Coast business areas are generally located above shops and have been ancillary to the predominant use. The Scheme is constructed as such and does not effectively deal with mixed multi-storey uses which in some instances are viewed as a positive way of creating redevelopment and economic activity. Nevertheless the prime intent of the zone is for commercial activity and not residential which this development largely consists of.

Based on the floor space of the proposed development, 79 percent of it is for residential use.

In support of the zone intent the uses allowed or permitted in the Business zone include a number which potentially cause conflict with residential amenity.

Given the magnitude of the residential component the zone intent is not met.

5.4 Development Standards

5.4.1 Standards for Apartments

The Planning Scheme at clause 7.10 establishes a number of provisions which apply to apartments.

(a) the design of buildings and the layout of the land generally, including the definition and means of separation of private and common entrances, footpaths, parking spaces, driveways and other areas of dedicated and other open space shall be such that the reasonable privacy of the occupants is ensured by the provision of remoteness from potential interference and each dwelling unit on the land and on adjoining land shall be capable of receiving a reasonable amount of daylight.

Access for residents is via a lift in the car park or a lift via a residents lobby off Main Road. Each unit has a balcony which has a northly aspect. Screening of adjoining balcony decks and the design of the building should provide reasonable privacy for the occupants.

(b) no pedestrian path or vehicle driveway giving access to a dwelling shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway;

This criterion has no impact on the proposed development because of its high-rise nature and access via a lift.

(c) in the preparation of the land for building construction purposes or when landscaping the land, reasonable effort shall be made to retain existing trees and shrubs which are suitable for the development.

There are no significant trees or landscaping features on the site.

(d) any area of open space that is not dedicated open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of all or any residents of the Grouped House development;

Open space is provided by each unit having a balcony, which given the multi-storey nature of the building is reasonable.

(f) suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals;

This requirement is met. A disposal area in the basement garage will be provided for the residents. Collection will be conducted by a private contractor. The commercial tenancies will have a holding room on the ground level linked to the Main Road via a service corridor.

(g) satisfactory provision shall be made for clothes drying facilities and mail and newspaper receptacles;

Clothes drying will rely on mechanical facilities. Provision of newspaper and post receptacles can be a permit condition.

(i) in buildings of more than one storey, all pipes, ducts and vents servicing the building shall be concealed from public view; and

If a development permit is issued it can be conditioned to ensure this criteria is met.

(j) where practicable, a common TV antenna shall be provided in lieu of additional antennae for each dwelling unit.

If a development permit is issued it can be conditioned to ensure this criteria is met.

5.4.2 Requirements – size, siting, height and open space requirements for apartments and commercial uses – Schedule 7

Standard	Scheme Requirement	Development
Minimum floor area per apartment.	30m ²	Floor areas range from 143 to 155m ² . The requirement is met.
Front setback.	Nil	
Side and rear setback. (Apartment.)	Side – Nil Rear – 3.5	Apartments are set back 2.5 to 3.0 metres at rear. Discretion is required.
Commercial.	Nil	
Lateral distance across.	Nil	
Lateral distance between the walls of separate buildings.	Nil	
Open space – Min. dedicated space per apartment. ¹	10m ²	Private open space relies on the balcony attached to each apartment. Balcony area ranges from 45m ² to 50m ² .
Open space – Minimum width of dedicated open space per apartment.	1.2m	If the balcony argument is accepted then the standard is met.
Min other open space per unit.	25m ²	If the balcony argument is accepted then the standard is met.

Maximum height per apartment.	12.5m	28m	Standard not met. Given the extent of the discretion required it is recommended none be given.
Maximum height Commercial.	- 15.5m	Standard met.	
Number of storeys Apartment.	- 3	8	Standard not met
Number of storeys Commercial.	- 4	2	Standard met
Site coverage Apartment.	- 25% for category or group	use	The Planning Scheme does not adequately deal with mixed uses. It is noted the ground floor only consists of commercial development which the Scheme allows 100% coverage. Given this it is reasonable to exercise discretion.
Site Coverage Commercial.	- 100%	Standard met.	

¹ The scheme defines dedicated open space as “any unroofed area adjoining a dwelling unit that could reasonably be used for domestic purposes by the residents of that dwelling unit as a yard, garden, recreation area or the like but does not include vehicle passage, parking ...” This definition applies to villas, and townhouse-type developments and it is impractical to be applied to multi-storey apartment buildings.

5.5 Car Parking Requirements –Schedule 5

The Planning Scheme sets out the requirements for the design and required numbers of car spaces for various specified uses. Although the commercial uses are not listed this is covered by clause 7.5.2 (d) *Where the development is for uses not listed in Table S5 in Schedule 5 ...,the minimum number of parking spaces which shall be provided on the subject land shall be that determined by the Council.*

The proposal consists of 13 apartments and 4 commercial tenancies.

Under the Central Coast S.46 Planning Scheme No. 1 of 1993, Table S5 of Schedule 5 sets out the minimum number of parking spaces to be provided as part of any development. In relation to this development, the commercial tenancies have been assumed to be shops, thus the following categories and provisions are deemed to apply

Apartments - 1.30 parking spaces per dwelling unit

Shop - 0.5 parking spaces per person employed plus 0.20 parking spaces per 10m²

Shops -

Shop 1 - 3 staff - 132m² = 4.14

Shop 2 - 3 staff - 178m² = 5.06

Shop 3 - 2 staff - 66m² = 2.32

Shop 4 - 3 staff - 164m² = 4.78

(Note the number of employees was supplied by the applicant's architect. The application mentions the possibility of a restaurant with an outdoor eating area and the possibility of office space. If this occurs the car parking requirements will dramatically increase.)

In accordance with clause 7.5.2(b), the parking requirements are summarised in Table 1.

DEVELOPMENT/USE	NO. OF REQUIRED SPACES	NO. OF PROVIDED SPACES	SHORTFALL
Apartments	17	17	-
Commercial tenancies	17	2	15
<i>Total</i>	<i>34</i>	<i>19</i>	<i>15</i>

Table 1.
Central Coast S.46 Planning Scheme No. 1 of 1993
Parking requirements in accordance with clause 7.5.2(b)

The reason given by the applicants for the car parking shortage was the basement car park has been compromised by virtue of retaining the historical buildings and it is not feasible to successfully undermine the existing

footings and substructure. On-ground car parking was not considered preferable to commercial floor space hence the shortage of car spaces.

In accordance with clause 7.5.2(c), the parking requirements for a development can be reduced where the development is for more than one use and the separate uses operate at separated times of the day/week, which may be applicable in this instance. However in this instance the shortage relates to the commercial uses in an area where on-street car parking pressure is increasing and will increase with the recent approval of a nearby development which relies to some extent on kerbside parking. The Resource Management and Planning Appeal Tribunal in a recent decision on 109 Main Road also noted that "future development potential needs to be taken into account and a proper planning approach taken."(J No. 268-2007 p.11)

In terms of parking, the development does not meet the Central Coast Council Planning Scheme requirements for car parking provision. While the Council could seek a cash-in-lieu contribution from the developer to provide the shortfall of the car parking requirements off site in the general vicinity of the development, it is currently not possible to alleviate the problem as no vacant land or suitable redevelopment sites have been identified.

5.6 State Coastal Policy

Overlying the provisions of the Planning Scheme are the provisions of the State Coastal Policy 1996. Because the subject land is within 1 kilometre of the high water mark, it lies within the State Coastal zone, and development of the land must also accord with the State Coastal Policy.

However decisions by the Resource Management and Planning Appeal Tribunal appear to support the view that the Coastal Policy is not to be used as a test of individual development in the assessment as to whether or not the development application should be approved or refused.

The Planning Scheme contains a clause relating to the implementation of Coastal Policy but the Tribunal is of the view it is *ultra vires* in terms of the *State Policies and Projects Act 1993*.

Even if this proposition is incorrect it is noted the proposed development is located within the existing Penguin town centre and the Policy supports the infill of existing zoned urban areas.

5.7 Is the development satisfactory in terms of;

- (i) existing site features,
- (ii) adjoining land,

- (iii) streetscape or landscape,
- (iv) natural environment,
- (v) items of historic architectural or scientific interest,
- (vi) isolation separation from other lands.

Existing site features

There are no known issues why the site should not be redeveloped. Heritage matters are discussed below.

Streetscape or landscape

The existing development along Main Road is low scale and hugs the foreshore which is unique for a Tasmanian town. Because of its location and scale it has a coastal village feel but the disparate design of the buildings leads to the streetscape lacking harmony and unity. Based on the representations, there is no doubt that for some people Main Road represents a particular sense of place which should be protected. Unfortunately a sense of place is difficult to define and it cannot be quantified and measured. It often relates to feelings and connections an individual may have with a place as well as the form and scale, which in Penguin is one of pedestrian scale. Most of the buildings are less than 10m high with the Brown building being slightly over 10m. The nearby Neptune and Penguin hotels are less than 10 metres high. The highest building in Main Road is the church located at 50 Main Road which is 12m to the top of the roof and 16.6 m to the top of the spire. Traditionally important public buildings were higher than surrounding ones. The more recent contemporary buildings in Main Road are single storey.

What is being proposed will dramatically change the existing form and scale found along Main Road. The height and bulk of the building which will visually dominate various views found along Main Road and from various points in the town and coastline is untypical of the buildings found in the town. It bears no relation to the existing low scale development along Main Road.

Unfortunately, apart from this clause allowing some form of general consideration of streetscape there is nothing in the Scheme which supports the proposition that the streetscape, as it currently is, should remain that way. Nevertheless the proposed development is not responsive to the existing character of Main Road.

In effect the definitive standards for this clause reside in Schedule 7 which deals with height, number of storeys, setbacks and site coverage.

Heritage

The Scheme's provisions relating to heritage have been surpassed by the State heritage legislation.

In terms of heritage, the heritage features of the listed buildings located on the subject site are to be retained.

The Heritage Council is required to report on the application. In an effort to expedite the application a joint advertising period was conducted, however the Heritage Council has been granted an extension of time by the applicant and the Heritage Council's comments will not be available until after this Council meeting.

5.8 Adequacy of infrastructure

Impact on the Council services (water, sewer and stormwater)

The proposal is a significant change in the use and intensification of use of the site.

As such, this may impact on the Council's sewer, stormwater and water networks in Main Road and its ability to meet current and future requirements in the area.

As part of the request for additional information, the proponent was requested to supply a report by an appropriately qualified and experienced engineer to assess the impacts on the Council's water reticulation as well as the impacts of the development on the stormwater and sewer networks downstream from the site.

Whilst the Council can condition this on any approval, the assessment work will need to be done by the developer prior to obtaining building approval and will be subject to the approval and satisfaction of the Director Assets & Engineering.

It must be noted however that the capacity of the existing sewer mains to service the development is suspect and a feasibility study should have been conducted before the planning application was made in order Council could consider the matter in accordance with clause 3.9.2 (f).

Impact on the traffic and pedestrian use of the street

A report by an appropriately qualified traffic engineer to assess the impacts relating to access, traffic generation and parking issues was requested but was not provided.

The Council Services Engineer reports as follows;

“The proponent advises this requirement can be conditioned. The request of a TIA prior to obtaining a Planning Permit is consistent with requests of other recent proposed developments of a similar type that will generate or bring additional consumer traffic to the area. From the submitted information, no car parking provision for customers has been made on site, which will increase demand for the existing number of on-street car parking spaces. Also, it is not known how the increase in traffic will impact on the existing situation or adjoining street networks.

Therefore, unless the Traffic Impact Assessment is provided, the Assets and Engineering Department is unable to assess the proposed development at the Planning Permit stage.”

5.9 Effect on existing and possible future use of adjacent land, and vice versa

As discussed in the zone intent section, the amenity of the residential apartment component, particularly noise, could be affected by neighbouring commercial uses and vice versa. This has become a recurring problem where residential uses have developed in business areas.

Because of the adjoining rail line a noise and vibration report was requested but the proponent responded by stating the issue could be addressed by permit conditions.

Considering the residential nature of the proposed development and the strategic importance of the rail line, it would have been preferable to have had a noise assessment report accompany the application to ensure this criterion is met.

5.10 Landscaping, amenity facilities and illumination and treatment of the site

No landscaping or lighting plans were submitted.

5.11 Time frames

Not relevant.

6.0 Representations

The Planning Scheme reiterates that Council shall have regard to any representation received in relation to an application which has required public notification.

The application was advertised and 55 representations against the development were received. No representations supporting the development were received.

A copy of the advertisement is appended as Annexure 3.

The representations raise issues relating to;

Zone intent

- . It would jeopardise the intent of the Business Central zone.
- . The proposed building is clearly a residential building in which the commercial components are secondary in priority and allocation of amenity e.g. car parking. Meeting the commercial interests of the CBD does not require a 28 metre tower.

Heritage

- . The proposal does not enhance the heritage facades as the structure will dominate and subsume their significance.
- . Retention of the heritage facades is not sufficient justification for exemption from setbacks, height and car parking.
- . The proposed building dwarfs the heritage buildings on site; it does not complement them in colour, architectural style nor construction.
- . The two heritage buildings have been sensitively adapted to new commercial roles for which the developer deserves credit.

Traffic management

- . The access off Main Road to the basement car park would be difficult whilst the potential access over the railway line could be dangerous.

Urban design

- . The majority of buildings along Main Road are two storeys or less and this development will subsume the streetscape.
- . The streetscape can be seen from a great distance from the coast road and such a bulky high structure will dominate the built environment on Penguin's coastline, to the detriment of the coastal scenic values.
- . During the winter months buildings across the road will be in shade for most of the day because of the height of the building.

- . The proposal will overshadow any focus on the beach and coastline and will deny most of Penguin the Tasmanian seaside experience.
- . The “village” environment and the “period charm” which is one of the town’s main assets as a tourist attraction will be destroyed.
- . Development in the town should have a height limit of 8 metres.

Planning scheme objectives

- . The proposed development is not compatible with the existing CBD streetscape and will diminish current amenity and streetscape. The majority of existing commercial buildings in the CBD are below 8m and the tallest commercial buildings are below 10m.

Car parking

- . The development will create additional pressure on parking in the vicinity of other approved developments which have a shortfall.
- . This development has a shortfall of car spaces and there is already a shortage in the town.
- . Asking for payment in lieu of parking provisions would not be sufficient to overcome the shortfall.
- . Concerned the ratepayers will bear the brunt of the costs for the parking-in-lieu arrangements.

Height and scale, site coverage

- . The development at 28m and eight storeys is out of proportion to the other buildings in the town. Even the bulk of the building at four storeys is too high.
- . The intent of the proposed building is to not only visually dominate and overpower the heritage facades but the entire streetscape detracting from the other key heritage sites in the town as well as the natural features such as the beach.
- . The height of the development is nearly twice the allowable limit set by the current guidelines.
- . The development exceeds the 25 percent site coverage limit.
- . There are insufficient setbacks.

- . Providing employment and commercial development would only benefit a minority and can be achieved with a smaller scale building which would fit within the existing planning scheme.

Duty of Council

- . This application relies heavily on exemptions and discretion. The applicant has made little attempt to conform to the planning scheme. Clause 1.6.1 requires Council to implement the Planning Scheme.
- . The developers were aware of the existing Planning Scheme at the time of purchase and should not expect compensation or exemption from car parking setbacks, open space, scale, size and usage or compromise traffic flow and vehicle access.

State Coastal Policy

- . The proposed development does not respect or maintain the culture, values and lifestyle of this Coastal Policy.
- . Non-compliance with the Draft Central Coast Planning Scheme 2005 was raised but the Scheme is still only in draft form and the application has to be assessed against the existing Planning Scheme. Reference was also made to the Community Consultation Plan and the Cultural Plan but as these are not statutory documents they are unable to be used for assessment purposes.

The issues raised have generally been addressed in various sections of the report.

Copies of the representations are appended as Annexure 4.

7.0 Demolition

The Planning Scheme requires the demolition of a building to be treated as a discretionary approval unless demolition or partial demolition:

- (a) is for the purpose of a development which has been granted planning approval;
- (b) is for the purposes of a P1 development;
- (c) is of a minor structure only, the creation of which would not require a permit under the Tasmanian Building Regulations;
- (d) does not involve a change of use of the land; or

(e) is required pursuant to Part XVI of the Act.

The application involves a change of use and partial demolition of the buildings; thus Council approval is required. The buildings are also heritage listed and the requirements of the Heritage Council have to be met.

8.0 Conclusion

There is no doubt that the proposed development would have some positive economic benefits (e.g. construction).

Based on this assessment the development meets various standards such as unit size but it is deficient in areas such as height and parking. Also the zone intent and various assessment criteria such as size in relation to the existing landscape and adjoining land are not satisfied. Furthermore, despite requests to the applicant for more information, the application is deficient in the amount of information supplied.

The applicant has maintained the Scheme standards should be ignored because of the requirement to preserve the heritage buildings and sufficient economic return can only be achieved by maximizing the site coverage and extending the building height plus a reduction in the number of required car parking spaces. Council however is required to assess the development against the requirements of the Planning Scheme and the retention of the heritage facades is not sufficient justification to ignore the Planning Scheme standards. In particular, the relaxation of the height standard as requested is well beyond the Scheme standard.

9.0 Recommendation

It is recommended that the proposed use and development located at 93 and 95 Main Road Penguin for the partial demolition and the development and use of commercial space, residential apartments (13), and car parking (19 spaces) be refused for the following reasons:

- 1 The application is deficient in accordance with clause 3.8.1 (information supplied) of the Central Coast S.46 Planning Scheme No. 1 of 1993.
- 2 The proposed development is unsatisfactory in terms of Schedule 7 of the Planning Scheme in terms of height and the number of storeys.
- 3 The proposed development is unsatisfactory in that there is insufficient provision of on-site car parking.

- 4 The proposed development is inconsistent with clause 6.2.7 of the Planning Scheme as it would jeopardize the attainment of the zone intent.
- 5 The proposed development is unsatisfactory in terms of clause 3.9.2(e) (siting, size, appearance) of the Planning Scheme.'

The report is supported.”

The Executive Services Manager reported as follows:

“The Annexures referred to in the consultant’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Robertson seconded, “That the proposed use and development located at 93 and 95 Main Road, Penguin for the partial demolition and the development and use of commercial space, residential apartments (13), and car parking (19 spaces) (Application No. DEV2007.45) be refused for the following reasons:

- 1 The application is deficient in accordance with clause 3.8.1 (information supplied) of the Central Coast S.46 Planning Scheme No. 1 of 1993;
- 2 The proposed development is unsatisfactory in terms of Schedule 7 of the Planning Scheme in terms of height and the number of storeys;
- 3 The proposed development is unsatisfactory in that there is insufficient provision of on-site car parking;
- 4 The proposed development is inconsistent with clause 6.2.7 of the Planning Scheme as it would jeopardize the attainment of the zone intent; and
- 5 The proposed development is unsatisfactory in terms of clause 3.9.2(e) (siting, size, appearance) of the Planning Scheme.”

Voting for the motion

(10)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Dry

Cr Fuller

Cr Haines

Voting against the motion

(1)

Cr Deacon

Cr McKenna
Cr van Rooyen

Motion

Carried

Cr Howard returned to the meeting at this stage.

Cr (J) Bonde left the meeting at this stage.

GENERAL MANAGEMENT

440/2007 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:

- . Central Coast Chamber of Commerce & Industry – meeting held on 19 September 2007
- . Forth Community Representatives Committee – meeting of Council officers with Committee representatives on 11 October 2007
- . Ulverstone Local History Museum Committee – meeting held on 16 October 2007
- . Youth Engaged Steering Committee – meeting held on 18 October 2007
- . Development Support Special Committee – meeting held on 29 October 2007.

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

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

Carried unanimously

Cr (J) Bonde returned to the meeting at this stage.

441/2007 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups at Minute No. 442/2007, it is appropriate that I adjourn the meeting to enable the Schedule to be workshopped prior to resumption of the meeting and formal resolution of the agenda item.”

Following the workshop the Mayor resumed the meeting.

442/2007 Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups (379/2005 – 21.11.2005)

The General Manager reported as follows:

“The Executive Services Manager has prepared the following report:

PURPOSE

This report considers a review of the Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups (but not including staff working groups and teams).

BACKGROUND

Immediately following the Local Government Elections, the Council undertakes a review of its Schedule of Appointments. The Schedule, as intermittently amended since its last full review on 21 November 2005 (Minute No. 379/2005), currently provides appointment details as follows:

Statutory appointments

- . Code of Conduct Panel Nominees
- . Cradle Coast Authority – Representatives Group
- . Cradle Coast Water – Representatives Group
- . Dulverton Regional Waste Management Authority – Representatives Group
- . Local Government Association of Tasmania – Annual General Meeting and Members Conferences
- . Local Government Association of Tasmania – General Management Committee

Groups and organisations

- . Bush Watch Western District Committee
- . Central Coast Chamber of Commerce and Industry Inc.
- . Cradle Coast Area Taskforce
- . Dial Sports Club Management Committee
- . Leven Fire Management Area Committee
- . Mersey Region Emergency Management Planning Committee
- . North West Action for Youth Committee

- . Penguin Surf Life Saving Club
- . Ulverstone Band
- . Ulverstone Surf Life Saving Club

Council and Special Committees

- . Castra-Sprent-Nietta Community Advisory Committee (Special)
- . Development Support Committee (Special)
- . East Ulverstone Swimming Pool Management Committee (Special/Agreement)
- . Economic Development Planning Committee (Special)
- . Penguin Miniature Railway Management Committee (Special)
- . Riana Community Centre Committee (Special)
- . Ulverstone Local History Museum Committee (Special)

Community Advisory Groups

- . Central Coast Community Safety Partnership Committee

Working Groups

- . Australia Day Awards Committee
- . Central Coast Council Bursary Working Group
- . General Manager Performance Review Panel
- . Pricing Policies Working Group
- . Small Grants Panel

A copy of the Schedule is attached. The listings are current as at 6 November 2007 and are now subject to review.

DISCUSSION

The Council's practice of providing a governance/management structure based on a combination of Council meetings and delegations has proven to be substantially superior in efficiency and effectiveness as opposed to the management of business through a committee-based system. Committees are extremely resource hungry and inefficient in terms of day-to-day decision making and should only be created when all other alternative considerations have been exhausted and there is a clear need to do so.

Review of existing committees and appointments is ongoing and, should changes be required or warranted prior to the next Local Government Elections, they will be dealt with as they arise.

Advice has been received that some committees, e.g. the Penguin Miniature Railway Management Committee, are no longer meeting and/or operating in the manner in which they were set up. The Director Corporate & Community Services is considering how this operation can now be best effected and she will report at the earliest opportunity. Once other committees are reviewed as to the means by which they are best able to meet the needs and aspirations for which they were appointed, further reports and recommendations will be referred to the Council for consideration.

CONSULTATION

Consultation is only required in terms of confirming current membership of special committees and advisory groups

IMPACT ON RESOURCES

This is a governance matter. The Estimates provide for the governance operations of the Council.

CORPORATE COMPLIANCE

The *Local Government Act 1993* provides for the establishment of council committees and special committees.

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

- . Meet our statutory and regulatory obligations
- . Enable community participation in strategic directions.

CONCLUSION

The Schedule is submitted for review. Amendments made at this meeting will then be reflected in the Schedule to be appended to the minutes as part of the decision.'

The report is supported.”

The Executive Services Manager reported as follows:

“A copy of the current Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups has been circulated to all Councillors.”

GENERAL MANAGEMENT

- Cr Robertson moved and Cr van Rooyen seconded, “That the Schedule of Appointments to Statutory Bodies, Groups and Organisations, Council and Special Committees, Community Advisory Groups and Working Groups be and is hereby amended as provided for within the Schedule (a copy being appended to and forming part of the minutes).”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

443/2007 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

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

Carried unanimously

444/2007 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 October 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 McKenna moved and Cr Robertson seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

445/2007 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

"PURPOSE

This report is to inform the meeting of any correspondence received during the month of October 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 12.10.2007 – Letter thanking the Council for fencing the children's playground in Main Road, Penguin.
- . Received 16.10.2007 – Letter requesting that the Council take action to protect large gum tree located in south-east corner of proposed development in 48A Water Street.
- . Received 22.10.2007 – Letter raising concerns over the increase in capeweed.
- . Received 26.10.2007 – Letter responding to concerns over the protection of the large gum tree at 48A Water Street.

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 (J) Bonde seconded, "That the Director's report be received."

Carried unanimously

446/2007 Common seal

The Mayor, 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 authorising use of the common seal.

The Deputy Mayor assumed the chair in the Mayor's absence

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 16 October to 19 November 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 McKenna 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

The Mayor returned to the meeting and resumed the Chair.

447/2007 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 October 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 Robertson moved and Cr McKenna seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

448/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

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

Carried unanimously

449/2007 Rate remissions

The Director Corporate & Community Services reported as follows:

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

PROPERTY NO. 100430.0140
PROPERTY ADDRESS Ellis Street, Ulverstone
REMISSION \$699.68
REASON Incorrectly rated – property revalued.

PROPERTY NO. 504490.0321
PROPERTY ADDRESS Dial Road, Penguin
REMISSION \$31.00
REASON Incorrectly rated – Forestry Department properties are exempt from Fire Service Levy.

PROPERTY NO. 504490.0322
PROPERTY ADDRESS Dial Road, Penguin
REMISSION \$40.45
REASON Incorrectly rated – Forestry Department properties are exempt from Fire Service Levy.

PROPERTY NO. 504935.0080
PROPERTY ADDRESS Dial Road, Penguin
REMISSION \$31.00
REASON Incorrectly rated – Forestry Department properties are exempt from Fire Service Levy.”

The Executive Services Manager reported as follows:

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

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

- . Property No. 100430.0140 – \$699.68
- . Property No. 504490.0321 – \$31.00
- . Property No. 504490.0322 – \$40.45
- . Property No. 504935.0080 – \$31.00.”

Carried unanimously and by absolute majority

Cr Dry left the meeting at this stage.

CLOSURE OF MEETING TO THE PUBLIC

450/2007 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 matter be discussed in a closed meeting:

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

This is a matter relating to:

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

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

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

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

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

Carried unanimously 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.”

Cr Dry returned to the meeting at this stage.

GENERAL MANAGEMENT

451/2007 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.”

Closure

There being no further business, the Mayor declared the meeting closed at 9.30pm.

CONFIRMED THIS 17TH DAY OF DECEMBER, 2007.

Chairperson

(gjm:dil)

Appendices

- Minute No. 422/2007 – Drawing No. 1433.02
- Minute No. 430/2007 – Schedule of Development Services Determinations
- Minute No. 436/2007 – Amendment 4/2007
- Minute No. 437/2007 – Amendment 5/2007
- Minute No. 442/2007 – Schedule of Appointments
- Minute No. 443/2007 – Schedule of Corporate and Community Services Determinations Made Under Delegation
- Minute No. 444/2007 – Schedule of Contracts & Agreements
- Minute No. 446/2007 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 447/2007 – Financial Statements
- Minute No. 448/2007 – Schedule of Accounts Paid

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