



# Minutes

of a Ordinary Meeting  
held at 6.01pm

20 OCTOBER 2008

Note:  
Minutes subject to confirmation at  
a meeting of the Council to be held on  
17 November 2008

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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, 20 October 2008 commencing at 6.01pm.**

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**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 Ken Haines	Cr Gerry Howard
Cr Terry McKenna	Cr Tony van Rooyen

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Assets & Engineering (Mr Bevin Eberhardt)  
Director Corporate & Community Services (Mr Cor Vander Vlist)  
Director Development Services (Mr Michael Stretton)  
Assets and Engineering Manager (Mr Paul Breden)  
Land Use Planning Group Leader (Theresa Williams)  
Strategic & Executive Services Manager (Sancia Noble)

**Media attendance**

The Advocate newspaper.

**Public attendance**

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

**Prayer**

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 341/2008 Confirmation of minutes

The Strategic & Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 September 2008 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Deacon moved and Cr (L) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 September 2008 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 342/2008 Council workshops

The Strategic & Executive Services Manager reported as follows:

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

- 22.09.2008 – Festival & Events Strategy + Planning Scheme Amendment process update
- 29.09.2008 – General Manager/Councillors quarterly performance review
- 13.10.2008 – Distribution of paper/information to Councillors + Wharf process + Strategic Plan process

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 343/2008 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time"

### 344/2008 Mayor's diary

The Mayor reported as follows:

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

- . Department of Immigration and Citizenship – National Citizenship Day celebration (Devonport)
- . Bride of the Year 2008 – bridal parade and judging
- . Turners Beach Bowls Club – opening of bowls season
- . Burnie City Council – House of Assembly welcome and 'Burnie Shines' launch (Burnie)
- . Roland Trefoil Guild – 30th birthday celebration
- . Emergency Management and Planning Committee – meeting (Sheffield)
- . Ulverstone Soccer Club – annual dinner
- . Tour of Tasmania – prelude luncheon for road cycling classic (Burnie)
- . Australian Broadcasting Corporation – presentation on radio and television service to North West Coast (Devonport)
- . Enormity – 'Christmas Dash' launch
- . Ulverstone Senior Citizens Club – Mayor's Cup bowls competition
- . Riana Primary School – debutante ball
- . Black Rock B&B, Howth – official opening
- . St Marys Catholic Church – centenary dinner and concert."

Cr (J) Bonde reported as follows:

"On behalf of the Mayor I attended the launch of Seniors Week."

■ Cr Roberstson moved and Cr Howard seconded, "That the Mayor's report be received."

Minute No 344/2008 continued after Minute No 345/2008.

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**345/2008     Adjournment of meeting**

The Mayor advised as follows:

“This meeting is adjourned for 5 minutes in order to retrieve more chairs for members of the public.”

The meeting adjourned from 6.04pm to 6.08pm.

**344/2008     continued....**

Motion

Carried

**346/2008     Pecuniary interest declarations**

The Mayor reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

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

Cr McKenna reported as follows:

“I am declaring an interest in respect of ‘Contracts and Agreements’ (Minutes No 366/2008)

**347/2008     Public question time**

The Mayor reported as follows:

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“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**

#### **348/2008 Councillor reports**

The Strategic & Executive Services Manager reported as follows:

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

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

Cr Fuller reported on a meeting of the Penguin Miniature Railway Committee.

Cr Deacon reported on a meeting of the Youth Council.

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

#### **349/2008 Leave of absence**

The Strategic & Executive Services Manager reported as follows:

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

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

There are no applications for consideration at this meeting.”

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## DEPUTATIONS

### 350/2008 Deputations

The Strategic & Executive Services Manager reported as follows:

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

## PETITIONS

### 351/2008 Lifting the ban on dog exercise from Victoria Street to Buttons Creek

The Strategic & Executive Services Manager reported as follows:

“The following petition has been received:

‘Subject matter:

The subject matter of this petition is to allow dogs to be exercised on the beach from Victoria Street to Buttons Creek.

Statement of subject matter and action requested:

The following petitioners ask the Council to lift the ban of a prohibited area for dogs and their owners and to bring this area into line as an exercise beach for dogs.

Signatories:

There are 146 signatories to the petition.’

The petition is in compliance with s.57 of the *Local Government Act 1993* and is accordingly able to be tabled.

It has been referred to the Director Corporate & Community Services as an expression of the petitioners’ views for a response. A report of the Director’s preliminary findings is included as a separate item for consideration in Departmental Business – Corporate & Community Services.

The petition has been tabled.”



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- Cr Haines moved and Cr Robertson seconded, “That the petition be received.”

Carried unanimously

## COUNCILLORS' QUESTIONS

### 352/2008 Councillors' questions without notice

The Strategic & Executive Services Manager reported as follows:

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

- '29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
  - (a) another councillor; or
  - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
  - (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations –  
except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
- (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

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

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

The allocation of topics ensued.

### **353/2008 Councillors' questions on notice**

The Strategic & Executive Services Manager reported as follows:

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

- '30 (1) A councillor, 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.
- (2) An answer to a question on notice must be in writing.'

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

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

No questions on notice have been received.”

CORPORATE & COMMUNITY SERVICES

**354/2008 Order of proceeding of meeting**

■ Cr Robertson moved and Cr Dry seconded, “That the Council agree to alter the order of proceedings of this meeting’s agenda to bring forward at this time the matter listed as:

- . Buttons Beach prohibited dog area.”

Carried unanimously and by absolute majority

**355/2008 Buttons Beach prohibited dog area**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

The purpose of this report is to review the dog prohibition applying to the area of Buttons Beach located between Victoria Street and Buttons Creek, Ulverstone.

*BACKGROUND*

The Council has received the following petition from 146 petitioners:

‘The subject matter of this petition is to allow dogs to be exercised on the beach from Victoria Street to Buttons Creek.

The following petitioners ask the Council to lift the ban of a prohibited area for dogs and their owners and to bring this area into line as an exercise beach for dogs. It makes sense to do so.’

The petition was raised following the issuing of a number of infringement notices to dog owners who had taken their dogs into the prohibited area of beach that currently exists between Victoria Street and Buttons Creek, Ulverstone.

Section 24 of the *Dog Control Act 2000* stipulates as follows:

‘Before a council resolves to make a declaration under this Division in relation to an area, it is to –

- (a) Notify, by public notice, the details of –
  - (i) the area; and

- (ii) any condition relating to the use of that area; and
  - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and
- (b) invite submissions to be lodged within 15 working days after the notice is published; and
- (c) consider any submissions lodged.'

*DISCUSSION*

The current prohibition relating to the area of beach between Victoria Street and Buttons Creek reflects a stance that was adopted following the introduction of the *Dog Control Act 2000*, and was confirmed with the introduction of the Central Coast Council Dog Management Policy in 2005. The Council's intention to continue the prohibition affecting the area in question was advertised on Saturday 9 February 2008 in a local newspaper and no objections to that prohibition were received at that time. A further advertisement advising that the prohibition would take effect from Tuesday 11 March 2008 was also placed in a local newspaper. Copies of these advertisements are attached.

New signage to reflect the prohibition that has been in place since 2001 has been installed for some months in an endeavour to assist responsible dog owners in identifying where dogs can be legally exercised. This information, together with maps of the area, is also readily available on the Council's website.

While the disappointment that might arise out of the issuing of infringement notices is understandable, the area in question has been restricted since the introduction of the Council's Dog Management Policy in 2001, which involved a wide range of community consultation prior to the adoption of the Policy. Similarly when the Policy was reviewed in 2005 where there were a range of public meetings and no issues were brought forward concerning the matter of current restricted areas. The Community was given another opportunity to raise any concerns as recently as February 2008 when the Council undertook to formally declare both Picnic Point Beach and part of Buttons Beach as prohibited dog areas.

The Council provides a number of popular beaches in all centres where access is shared between responsible dog owners and non-dog owners. The area in question involves some 1200 metres of beach front that includes the Ulverstone Surf Club and is the main swimming beach within the Ulverstone area. At the same time the Council provides more than 2000 metres of beach front where dogs can be exercised by responsible dog owners as well as Bicentennial and Fairway Park and Beach Road.

The Council increased patrols in the restricted beach area following a number of complaints from residents, and, as previous verbal warnings had not had the desired effect, it was felt that the issuing of infringement notices was the appropriate action at that time.

Signage clearly defining the fact that dogs are prohibited between Victoria Street and Buttons Creek has been placed at both ends of the area in question and a further sign, that can be clearly seen from the beach as you travel east from the Breakwater past the Victoria Street beach access, has been in place for some years. This sign also pictorially depicts that fact that dogs are only permitted west of the sign in question. Copies of photographs of the current signage are attached.

The Council undertook to increase patrolling of the area in question following complaints from local residents who regularly walk this beach to exercise in a dog-free area. It does not seem unreasonable that the Council should also provide some limited area where residents, who do not want to be confronted by either dogs or by their by-products, can walk in peace. There are a number of families with young children, as well as elderly citizens, who find dogs confronting and wish to relax on the beach in a dog-free area. Responsible dog owners can exercise their dogs over a wide range of parks and beaches ranging from the Leven River through to Turners Beach, as well as walking their dogs on lead on any footpath. The area between Victoria Street and Buttons Creek is the only area where people, who so desire, can be free of dogs.

During the summer months the area in question is one of the main family beaches in the Central Coast area, as well as being the site of a number of surf carnivals.

Following the concerns that have been raised the Council has undertaken to install a number of additional pictorial signs in key areas, including one on the beach itself, to assist responsible dog owners in identifying the restricted area.

All of the current dog exercise areas, as well as any restricted areas, are due for review as part of the Dog Management Policy Review in 2010.

#### *CONSULTATION*

The report details the level of consultation undertaken.

#### *IMPACT ON RESOURCES*

Should the Council choose to initiate changing the status of the current prohibition the Council is required to advertise by public notice and invite submissions at a cost of some \$150.00.

Any change to the existing prohibitions would require some change to the existing signage and to the relevant sections of the Dog Management Policy. Such changes could be achieved at a minimal cost.

The Council already patrols this area as part of its summer program so there would be no impact on personnel.

*CORPORATE COMPLIANCE*

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

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

*CONCLUSION*

It is recommended that the Council;

1. endorse the current prohibition on dogs in the beach area between Victoria Street and Buttons Creek, and
2. note that the Dog Management Policy is to be reviewed in 2010 and that all current prohibitions can be addressed as part of this review. ”

The Strategic & Executive Services Manager reported as follows:

“Copies of photographs of signage and advertisements relating to the declaration of restricted areas have been circulated to all Councillors.”

■ Cr Haines moved and Cr Howard seconded, “That the Council review the Dog Management Policy with regard to Buttons Beach and advertise its intention to replace it with the following declaration:

‘During daylight savings time, dogs are permitted on the beach between Victoria Street and Buttons Creek between the hours of 8pm and 8am on a leash. And in non-daylight savings time they be permitted any time on a leash.’

And further that the Central Coast Council provide and maintain suitable excrement bags and bins at access locations to the beach for the removal of dog excrement.”

Minute No 355/2008 continued after Minute No 356/2008.

**356/2008 Public question time**

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

Questions and replies concluded at 7.13pm.

**355/2008 continued...**

Voting for the motion

(5)

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Voting against the motion

(7)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr McKenna

Cr van Rooyen

Motion

Lost

■ Cr Barker moved and Cr Robertson seconded and amendment, "That the Council;

1. endorses the current prohibition on dogs in the beach area between Victoria Street and Buttons Creek, and
2. note that the Dog management Policy is to be reviewed in 2010 and that all current prohibitions can be addressed as part of this review."

Voting for the motion

(8)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Dry

Cr McKenna

Cr van Rooyen

Voting against the motion

(4)

Cr Deacon

Cr Fuller

Cr Haines

Cr Howard

Motion

Carried

**DEPARTMENTAL BUSINESS**

DEVELOPMENT SERVICES

**357/2008 Development Services determinations**

The Director Development Services reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

**358/2008 Assessment of Low-Risk Permitted Development under the Central Coast Planning Scheme 2005**

The Director Development Services reported as follows:

*PURPOSE*

The purpose of this report is to consider the adoption of a modified assessment process and associated fee for low-risk permitted development applications under the Central Coast Planning Scheme 2005 (‘the Scheme’).

*BACKGROUND*

On 20 March 2008 the Council received a Notice to Modify the Central Coast Planning Scheme 2005 from the Resource Planning and Development Commission (RPDC). The modifications were subsequently made by the Council’s Land Use Planning Group and the Scheme was returned to the RPDC for final approval by the Minister. Approval of the Scheme was received on 20 July 2008.

Since the implementation of the Scheme, there has been a substantial increase in the number of applications for permitted development (Table 1).



Table 1

	Discretionary	Permitted
2004–2005	139	10
2005–2006	113	9
2006–2007	116	10
2007–2008	138	118
Since 20 March '08	69	126
2008–2009 (1 July – 12 September 08)	34	44

Of the 126 permitted applications received since the Scheme came into effect:

- 28% comprised applications for pergolas, decks, carports, verandas, sheds, garages and/or extensions to existing dwellings in Residential, Low Density Residential Zones;
- 10% comprised applications for sheds (machinery and storage) associated with an agricultural activity in a Rural Resource Zone.

These forms of development are considered to be of low-risk as they have minimal impact on land use planning outcomes and are anticipated in a residential type zone (Residential, Low Density Residential & Rural Living) or Rural Resource Zone.

Since the implementation of the Scheme, the following issues have been identified:

- Additional demand has been placed on council resources;
- This additional demand is creating difficulties for the Council to meet its functional responsibilities;
- Staff attention is being diverted away from larger scale development and strategic issues in order to deal with day-to-day assessment tasks; and
- The planning process is generally seen to be too onerous and in turn may increase the erection of illegal development within the municipal area.

#### *DISCUSSION*

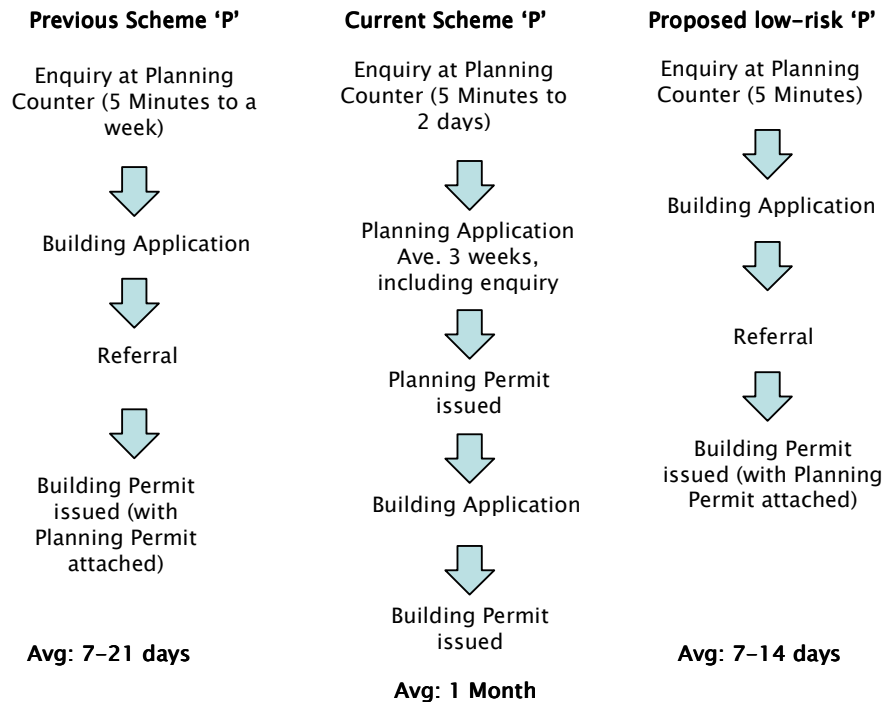
The Land Use Planning Group would like to achieve the following outcomes in respect to the assessment of applications for development:

- Improve the efficiency of time and resources spent by staff assessing applications allowing staff to focus on large scale development and strategic matters for the benefit of the Central Coast community;
- cost and time savings for applicants in obtaining all relevant permits (planning, building and plumbing);
- encourage persons wishing to undertake development to participate in the planning process rather than undertaking illegal development due to too much red tape; and
- meet the Council's legal obligations in ensuring that a planning permit is issued for all permitted development.

To assist in achieving these objectives it is proposed to modify the operational procedures for the assessment of a limited range of low-risk permitted development applications. Low-risk development includes:

- Carport, Garage and Pergolas, Verandas and extensions to residential buildings providing that it:
  - meets site coverage provisions;
  - is set behind the main façade facing frontage;
  - is single storey and does not exceed the height of main residential building;
  - meets all Acceptable Solutions of the Scheme.
- Decks providing that they do not exceed more than 500mm above natural ground level.
- Sheds for resource development in a rural resource zone that do not exceed 130m<sup>2</sup> providing that it:
  - meets all required setback requirements;
  - the building does not exceed 4m in height; and
  - does not encroach on any easement.
- Fences – Industrial Zone

It is proposed to modify the current assessment process to create an integrated building/planning assessment process for low-risk permitted development applications. The following flow chart highlights the differences between the internal processes:



It is considered that the proposed modification of internal processes for low-risk development will have significant benefits for both Council staff and applicants in terms of time and cost. As part of the modified assessment process, it is proposed that a reduced fee be charged for low-risk permitted development applications.

Currently these applications attract a basic fee of \$160.00. Based on the staff time and basic costs (paper, printing) involved, it is proposed that a fee of \$60.00 be charged for assessing a low-risk permitted development application.

*CONSULTATION*

This is an administrative matter and consultation is not required.

*IMPACT ON RESOURCES*

The proposal will reduce the amount of staff time taken in assessing low-risk permitted development applications.

*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 note the modified assessment process and approve a fee of \$60.00 for the consideration of an application for a low-risk permitted development.”

- Cr van Rooyen moved and Cr Fuller seconded, “That the Council note the modified assessment process and approve a fee of \$60.00 for the consideration of an application for a low-risk permitted development.”

Carried unanimously

**359/2008 Planning Scheme Amendment and Planning Permit – Rezoning from Residential to Business and conversion of an existing residential building to business and professional services at CT94808/12, 11 King Edward Street, Ulverstone – Application No. COM2008.1 (249/2008 – 21.07.2008)**

The Director Development Services reported as follows:

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

<i>‘AMENDMENT NO.:</i>	2/2008
<i>LOCATION:</i>	11 King Edward Street Ulverstone CT94808/121
<i>OWNERS:</i>	Esk George St. Pty Ltd
<i>APPLICANT:</i>	Esk George St. Pty Ltd
<i>PROPOSED ZONING:</i>	Business Zone
<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. COM2008.1.

*BACKGROUND*

On 21 July 2008 (Minute No. 249/2008) the Council initiated and certified draft Amendment 2/2008 and the associated permit for the above-mentioned purposes.

The draft Amendment was advertised on 6 August 2008 and 9 August 2008. No representations were received.

*DISCUSSION*

The combined Scheme amendment and permit was forwarded to the Commission. The Commission has now advised that the combined Scheme amendment and permit has been approved and came into operation on 10 October 2008.

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

Carried unanimously

**360/2008 Council acting as a planning authority**

The Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Agenda Item 9.3, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

**361/2008 Item referred from Development Support Special Committee  
Residential house (variation to height and setbacks)  
at 162 Upper Maud Street, Ulverstone – Application No. DEV2008.37**

The Director Development Services reported as follows:

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

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2008.37
<i>APPLICANT:</i>	S von Stieglitz
<i>LOCATION:</i>	162 Upper Maud Street, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	20 September 2008
<i>REPRESENTATIONS EXPIRY DATE:</i>	4 OCTOBER 2008

<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	29 October 2008
<i>DECISION DUE:</i>	13 October 2008

*PURPOSE*

The purpose of this report is to consider:

- the merits of the representations; and
- whether the development performs in relation to the Scheme (variations to height and setbacks).

*BACKGROUND*

The site is a Residential lot, sloping from the northwest corner to the southeast corner. The lot to the west (160 Upper Maud) has been developed with a single house, as has the land at 154 Upper Maud. The Council has not yet received an application to develop 158 or 156 Upper Maud Street.

A location plan is appended as Annexure 1.

*DISCUSSION*

The Scheme provides that the proposal is for the following use:

“Residential”, defined as “use of land for one or more dwellings providing long term accommodation”.

The proposed development is for a house and falls within the definition of Residential. A new house in the Residential zone is Permitted, unless it requires consideration of the exercise of discretion, which this proposal does.

Application documents are provided as Annexure 2.

As per Section 4.9 of the Scheme, in determining an application for a permit, the Council must:

- (a) seek to further the objectives of the *Land Use Planning and Approvals Act 1993*;

- (b) act in accordance with the requirements of a State Policy;
  - (c) give effect to any direction from the (Resource Planning and Development) Commission under s.28(1)(a) or s.41(a) of the Act in accordance with s.51(3)(b) and (c) of the Act; and
  - (d) give effect to all relevant standards and any other requirements specified in the Scheme;
- and must have regard to:
- (e) the objectives for planning as set out in Part A;
  - (f) the purpose of the relevant zone;
  - (g) the purpose of the relevant schedule;
  - (h) any advice, information or recommendation with respect to the application that it seeks from a person who has the necessary qualifications or experience; and
  - (i) any representations received as a result of notification under s.57 of the Act.

An application for a planning permit requires that the above considerations be addressed. The Discussion is divided into two sections: "Objectives of the Act" and the "Specifics of the Scheme". The individual State Policies are not discussed in this report as these have been incorporated into the Scheme.

The discretion in relation to this proposal relates to the setback to the front boundary (6.3.3 A4), the overall height of the house and the setback of the building to the western side boundary, covered by Cl. 6.3.3 A1 of the Scheme. These issues are discussed in more detail below.

#### Objectives of the Act

This section provides the Objectives of the Resource Management and Planning System of Tasmania and an assessment of the proposal against these objectives:



- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The property is situated within an existing residential area. This is in keeping with the concept of sustainable development to encourage infill development where possible. The land has already been modified to such an extent that there are no ecological processes to be maintained, other than the management of stormwater, and no genetic diversity to be protected.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

Generally, infill development such as this is seen as fair, orderly and sustainable, subject to the specifics of the Scheme. Section 6.0 of the Scheme provides more specifics on how to assess this Objective for this proposal.

- (c) *to encourage public involvement in resource management and planning;*

The proposal is subject to advertising required under the Act, and has received two representations. Relevant public involvement also occurred at the time of the writing of the Scheme.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

Guidance on how to assess this is provided by the detail in the Scheme, assessed later in this report.

- (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;*

In this case, the sharing of responsibility has occurred in the writing of the Scheme, the approval of the Scheme by a State Government body and the participation of the community throughout this process as provided for by the Act.

Given the framework of the planning system in Tasmania, much of the assessment in relation to the Objectives has been completed by the certification of the Scheme by the Resource Planning and Development

Commission. The detail of the certified Scheme is assessed later in this report.

Specifics of the Scheme

REFERENCE	DETAIL AND COMMENT (WHERE REQUIRED)
2.7	<p>To achieve the purpose of this planning scheme the following objectives apply:</p> <p><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas;</i></p> <p>The proposed development is situated within an existing urban area.</p> <p><i>(b) The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas;</i></p> <p>Comments as per (a) above.</p> <p><i>(c) The development of a range of housing types is to be encouraged;</i></p> <p>The proposal is a house in the Residential Zone. The relevant zone provisions provide more specific guidance on what is acceptable in this zone and are addressed later in this report.</p> <p><i>(d) A safe vehicular and pedestrian network throughout the planning area is to be encouraged;</i></p> <p>The proposal accesses an existing Council-maintained road. Assets and Engineering staff have provided comments on the safe vehicular access to and from the site. This is discussed in further detail below.</p> <p><i>(e) Infrastructure services are to be used and extended in an efficient manner;</i></p> <p>The development would be required to upgrade as necessary and take into consideration the services on the site and/or</p>

	<p>nearby. Assets &amp; Engineering staff have provided comments on the matters and these are discussed in further detail below.</p> <p><i>(f) Sufficient land and facilities for recreational and open space purposes are to be reserved for the community;</i></p> <p>The proposal has no impact on this Objective.</p> <p><i>(g) The physical and biological quality of surface and groundwater is to be maintained and enhanced;</i></p> <p>Clause 6.3.4 provides guidance on the management of surface waters in residential areas through conditions and services. The memo from Assets &amp; Engineering staff provides the wording for conditions in the event of a permit being issued.</p> <p><i>(h) Important flora and fauna habitats are to be protected from inappropriate use and development;</i></p> <p>There is no significant vegetation on the site.</p> <p><i>(i) The environmental qualities of the coastal and river systems are to be protected;</i></p> <p>The proposal has little to no capacity to impact on the coastal and river systems, beyond that addressed by the comments for (g) above.</p> <p><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm;</i></p> <p>The site is zoned for residential use, and standard conditions and other legislative documents provide protection for the environment during development and subsequent use of the house.</p> <p><i>(k) Rural land is to be primarily used for resource development and conservation purposes;</i></p> <p>N/A</p>
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	<p><i>(l) Rural land is to be protected from inappropriate residential, industrial and commercial development;</i></p> <p>N/A</p> <p><i>(m) Residential use or development in the rural areas is to be encouraged in the existing settlements of North Motton, South Riana and Sprent. The compact and limited growth of these settlements is to occur only within those areas that are zoned Mixed Use;</i></p> <p>N/A</p> <p><i>(n) Infill and consolidation of development within the Rural Living zone is to be encouraged;</i></p> <p>The proposal is not within the Rural Living zone.</p> <p><i>(o) The cultural heritage, including Aboriginal relics, protected site and objects and registered places are protected.</i></p> <p>No known Aboriginal relics or values are known on this site.</p>
6.1	Purpose of Residential Zone.
6.1.1	<p><i>To provide for Residential use or development that accommodates a range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.</i></p> <p>The proposed development is within an existing residential area, fully serviced by all infrastructure. The Standards for Development in the Residential zone provide greater specifics on how to measure compliance with this Purpose.</p>
6.1.2	<p><i>To achieve a high standard of Residential amenity across the range of dwelling types.</i></p> <p>The proposal is for a single dwelling and therefore is subject to assessment under the relevant development standards to determine compliance with 6.1.2. Generally, compliance with the relevant Acceptable Solutions is considered to be in</p>

	keeping with 6.1.2.
6.1.3	<p><i>To provide for limited Tourist accommodation.</i></p> <p>No tourist accommodation is proposed.</p>
6.1.4	<p><i>To ensure that energy conservation principles apply to all development.</i></p> <p>For more detail refer to 6.3.3 A12.</p>
6.2.1	<p><i>Table of Use</i></p> <p>The proposal is for a Permitted use in the zone, however the non-compliance with the Acceptable Solutions requires a discretionary application subject to assessment of the relevant Performance Criteria.</p>
6.3.1	<i>N/A Relates to subdivision only.</i>
6.3.2	<i>N/A Relates to Strata Schemes only.</i>
6.3.3	<p><i>Building siting and design</i></p> <p><i>Objective: To ensure that the height, setbacks, siting and design of buildings:</i></p> <ul style="list-style-type: none"> <li><i>(1) complement the streetscape;</i></li> <li><i>(2) provide adequate privacy, separation, open space and sunlight for residents;</i></li> <li><i>(3) minimise the opportunity for crime to occur; and</i></li> <li><i>(4) complement energy efficiency development.</i></li> </ul> <p>The relevant development standards, in the form of Acceptable Solutions and Performance Criteria, provide guidance on how to interpret these Objectives.</p>
6.3.3 A1	<p><i>A building must not exceed:</i></p> <ul style="list-style-type: none"> <li><i>(a) a maximum building height of 8m; and</i></li> <li><i>(b) a maximum wall height for residential building:</i></li> </ul>

	<p>(i) <i>not exceeding 4, within 2m of a side boundary; or</i></p> <p>(ii) <i>a minimum side boundary setback of ½ the height of the wall where the wall height is greater than 4m.</i></p> <p>The building is over 8m, thus the proposal does not comply with this Acceptable Solution and 6.3.3 P1 applies.</p> <p>The western wall is 8m high, scaled from the plans provided. Thus it is required to be 4m from the western boundary to meet this Acceptable Solution. At the closest point it is setback 3.4m from the western boundary and as such the proposal does not comply with this Acceptable Solution either.</p>
<p>6.3.3 P1</p>	<p><i>Buildings for... (c) Residential... must:</i></p> <p>(i) <i>not cause unreasonable shading of or unreasonable loss of privacy to, adjoining properties used for residential purposes;</i></p> <p>(ii) <i>have a design that is reasonably in keeping with the streetscape character; and</i></p> <p>(iii) <i>for a residential building not exceed a maximum building height of 10m.</i></p> <p>Assessment of compliance with 6.3.3 P1 requires a few definitions included in the Scheme to be articulated and discussed:</p> <p><i>Building height: means the vertical distance from natural ground level to the roof or parapet at any point.</i></p> <p><i>Unreasonable shading: means shading of an adjoining lot between the hours of 10.00am and 3.00pm on the 21<sup>st</sup> of June that would be greater than caused by a building on the lot the subject of the application:</i></p> <p>(a) <i>of the same floor plan;</i></p> <p>(b) <i>built to the frontage and side setbacks in accordance</i></p>

	<p><i>with the relevant acceptable solutions; and</i></p> <p><i>(c) the maximum building height of which at the setback from the boundary with the adjoining lot is at least 2m less than the maximum building height in accordance with the relevant acceptable solution.</i></p> <p>Comments:</p> <p>General: The plans brought to Council for a preliminary assessment were over the 10m maximum height limit and did not include a shadow diagram. Advice to the developer at that stage was that the proposal must be redesigned to comply with the height limits, taking into consideration the definition of building height which relies on clarification of natural ground level, despite whatever excavations may be proposed. The developer was also advised that shadow diagrams would be needed as per the definition of ‘unreasonable shading’ to allow for assessment as to the application of discretion for the height. The application was lodged, with shadow diagrams showing unreasonable shading. These have been revised after the original application was withdrawn and the current application was lodged with revised shadow diagrams.</p> <p>6.3.3 P1 (c) (i):</p> <p>The shadow diagrams provided demonstrate a comparison in overshadowing between the proposed building and a 6m high building, as per the requirements of the Scheme.</p> <p>The application includes comments about the impact of the design on privacy for neighbours. It is accepted that any house on this site would likely impact on privacy for the neighbouring properties. However, the height of this proposal is likely to exacerbate the extent of this impact.</p> <p>It is noted that privacy was not addressed in any detail in the report for the previous application on this site. This does not mean that it was any less of an issue in the previous application, rather that shading was the limiting factor for non-compliance in that case.</p> <p>The proposal does not demonstrate compliance with 6.3.3 P1</p>
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	<p>(c) (i).</p> <p>6.3.3 P1 (c) (ii):</p> <p>The assessment of this Officer is that the proposal will present as a 3 storey building. The façade will present as varying from 6.5m to 10m. Not all lots in the area have been developed, so there is no established streetscape with which to compare, other than the development standards that exist in the Scheme. It is therefore logical that these should form the established streetscape. It is noted that the existing houses present as single or double storey to the street.</p> <p>The proposal does not demonstrate compliance with 6.3.3 P1(c)(ii).</p> <p>6.3.3 P1 (c) (iii):</p> <p>The case presented by the developer and draftsman is that the building will not exceed the maximum 10m above natural ground level. This is supported by the plans provided.</p> <p>The plans demonstrate compliance with 6.3.3 P1 (c) (iii).</p>
<p>6.3.3 A2</p>	<p><i>Site coverage for other than Utilities, multiple dwelling or cluster house must not exceed... 45% for sites greater than 650m<sup>2</sup>.</i></p> <p>The site is 685m<sup>2</sup> as marked on the title documents, thus site coverage is allowable to 308m<sup>2</sup>, for which this proposal complies easily.</p>
<p>6.3.3 A3</p>	<p><i>The external area of a dwelling unit adjacent to its front door must be:</i></p> <p>(a) <i>visible from:</i></p> <p>(i) <i>a part of a road within 50m of that door; or</i></p> <p>(ii) <i>the inside of another dwelling unit within 20m of that door;</i></p> <p>(b) <i>provided with artificial lighting operated by a sensor or from within the dwelling unit; and</i></p>



	<p>(c) <i>visible from within the dwelling unit while the main front door is closed which may be achieved through:</i></p> <p>(i) <i>nearby windows;</i></p> <p>(ii) <i>transparent glass in the main front door or adjoining panels;</i></p> <p>(iii) <i>a security keyhole viewing device in the main front door;</i></p> <p>(iv) <i>a security door on the outside of the main front door; or</i></p> <p>(v) <i>any other manner that is as effective as any of the above.</i></p> <p>The proposal complies with (a). Clauses (b) and (c) are included as standard conditions on any permit issued for a new house in the Residential zone.</p>
<p>6.3.3 A4</p>	<p><i>Residential (except Cluster houses) and Tourist accommodation buildings must be setback at least:</i></p> <p>(a) <i>4.5m from the frontage; or</i></p> <p>(b) <i>N/A not a rear lot</i></p> <p>(c) <i>N/A no secondary frontage</i></p> <p>(d) <i>1.5m from a side boundary; and</i></p> <p>(e) <i>4.5m from the rear boundary.</i></p> <p>The proposal complies with all of these other than (a). Note that (d) is overridden for the side boundary due to 6.3.3 A1.</p> <p>For the front boundary, the plans show the house being built to the front boundary in the form of a raised deck, thus 6.3.3 P4 applies.</p>
<p>6.3.3 P4</p>	<p><i>Residential (except cluster houses) and Tourist</i></p>

	<p><i>accommodation buildings may have a lesser setback where the AS cannot be satisfied due to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the irregular shape of the lot;</i></li> <li><i>(b) the lot having less than the minimum area or dimensions required by this planning scheme;</i></li> <li><i>(c) unsuitable topography;</i></li> <li><i>(d) the location of Utilities on the lot; or</i></li> <li><i>(e) the location of existing buildings on the lot;</i></li> </ul> <p><i>if:</i></p> <ul style="list-style-type: none"> <li><i>(i) for a front setback, it is in keeping with the general building alignment and streetscape character.....</i></li> </ul> <p>The lot does not qualify for consideration of a variation under (a), (b), (d) or (e).</p> <p>The lot does have what could be called ‘unsuitable topography’ as allowed by (c), thus the variation can be considered as per the requirements of 6.3.3 P4 (c) (i).</p> <p>6.3.3 P4 (c) (i) requires that the general building alignment and streetscape character be considered. As previously mentioned in this report there is limited development in the area. However, the lot directly to the west has been developed with a 5m setback from the front boundary. This development proposes a 0m setback to the same boundary (dwg 1c of 15), which is a significant difference. Given this, and the fact that the area is not fully developed, the only ‘character’ in the area can be considered to be the setback required by the Scheme, which the proposal does not comply with. This is exacerbated by the combination of the setback and the height of the building.</p>
6.3.3 A5	<i>N/A No cluster house proposed</i>
6.3.3 A6	Complies.
6.3.3 A7	<i>N/A</i>

6.3.3 A8	N/A
6.3.3 A9	N/A
6.3.3 A10	N/A No Utilities proposed.
6.3.3 A11	N/A No other buildings proposed.
6.3.3 A12	Residential development must provide a north facing room as a living area.  Complies.
6.3.4 A1	<p>The site must:</p> <ul style="list-style-type: none"> <li>(a) have an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1003;</li> <li>(b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;</li> <li>(c) be connected to a reticulated sewerage system;</li> <li>(d) be connected to a reticulated stormwater system; and</li> <li>(e) be connected to telecommunications and electricity supply by either underground service or in a manner consistent with the supply to which it is connected.</li> </ul> <p>The site is within an established residential area and is capable of connection to these services. The Assets and Engineering staff have advised that there are a number of conditions and notes to be applied to any planning permit that may be issued for the proposed development. These have been detailed in Annexure 3, and are either standard conditions or specific to the site where the development will be in close proximity to Council services and has the potential to impact on the services if not correctly treated.</p>
Schedules	Not Applicable and / or complies with applicable Schedules.

*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. Any relevant comments received from the Planning and Assessment Team are included in the assessment of the application above.

*Representations*

Two representations were received within the prescribed time.

The representations are appended as Annexure 4.

The issues raised in the representations are detailed as follows and have been numbered for ease of reference:

ISSUE#	CONCERN (PARAPHRASED)	COMMENT
Representation received 30 September 2008.		
I	Non-compliance with 6.3.3, Objectives 2 and 4.	Noted. Refer to comments above in the body of the report.
II	Overshadowing and privacy.	The 6.3.3 "Building design and sitting" provisions of the Scheme provide the guidance on how setbacks and height are best utilised to achieve acceptable levels of overshadowing and privacy in the Residential zone. These are addressed in more detail in the above assessment.
III	Fair and just reasoning.	The processing of the application has been in compliance with all requirements of the relevant

		legislation.
Representation received 2 October 2008.		
I	Excessive shading caused by height	Noted. Refer to comments for 6.3.3 A1 and P1 in the above assessment.
II	Impact on privacy due to excessive height	The 6.3.3 "Building design and sitting" provisions of the Scheme provide the guidance on how setbacks and height are best utilised to achieve acceptable levels of privacy in the Residential zone. These are addressed in more detail in the above assessment.
III	Accuracy of plans	The applicant is responsible for providing accurate plans as these are the documents that are used for assessment.
IV	Traffic impact	No traffic impact assessment is required for this proposal. Exact driveway locations are covered in Assets and Engineering memos and conditions.
V	Proposal does not complement existing buildings in the area.	Noted. The Scheme provides some assessment of this in 6.3.3, which is referred to above.
VI	Acceptable Solution, the BCA and planning scheme requirements.	Noted. The Scheme specifies what information is required, regardless of the site characteristics.
VII	Creating a precedent.	Noted. This is discussed in more detail in the assessment under 6.3.3.

In summary, the issues raised by the representations support the assessments earlier in this report. The proposal is for a use which relies on

compliance with a number of performance criteria which it is assessed not to have met.

### *IMPACT ON RESOURCES*

This report has no impact on resources notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal is unknown.

### *CORPORATE COMPLIANCE*

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

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

### *CONCLUSION*

The discretion in regards to this application applies to the height and setbacks (front and side). Assessment reveals that the proposal does not comply with a number of these, nor the more strategic and general aspects of the Scheme.

### *Recommendation*

It is recommended that the representations have sufficient merit and the combination of discretions required are deemed to be inappropriate to a degree that warrants refusal and that Application No. DEV2008.37 be refused on the basis that it:

- does not comply with 6.3.3 A1(a) or (b), nor the related 6.3.3 P1(c) as the proposal will cause additional loss of privacy, and is not in keeping with the streetscape character defined by the standards in the Scheme; and
- does not comply with 6.3.3 A4 (a), nor the related 6.3.3 P4 (c) (i),

And that by non-compliance with these provisions the proposal does not comply with:

- Objective (b) of the Resource Management and Planning System of Tasmania listed in the Land Use Planning and Approvals Act 1993;
- Objective (c) for Planning in the Scheme; nor
- 6.1.1 nor 6.1.2 of the Scheme.’

The report is supported.”

■ Cr McKenna moved and Cr Haines seconded, “That the representations nor the variation to height and setbacks are deemed to have sufficient merit to warrant refusal and that Application DEV2008.37 be approved on the basis that:

▪ The sloped topography of the subject site creates a situation where any house on the site would be likely to impact on the privacy of neighbouring properties. With suitable controls the proposed multi-storey house will have no greater impact on the privacy of adjoining properties than a single storey house on the site (i.e. any house will overlook adjoining properties). Therefore, subject to condition number 2, it is determined that the proposal will not cause unreasonable loss of privacy to adjoining properties and accordingly demonstrates compliance with 6.3.3 P1 (c) (i);

▪ The house is proposed to be developed to suit the sloped topography of the site with suitable site modifications (i.e. excavations). The house will present as a two-storey building when viewed from the street. While it is acknowledged that the house may present as a three-storey building when viewed through the 3.8 metre wide driveway opening, this is not considered to be the predominant presentation, as it will only be apparent in the area immediately North of the driveway. Given that the existing houses in the vicinity present as single or double storey to the street the proposal is in keeping with the streetscape character and demonstrates compliance with 6.3.3 P1 (c) (ii); and

▪ The raised deck being deleted from the proposal subject to condition number 3.

And subject to the following conditions:

1. The development generally conforming with the documents submitted with this application by Stephen and Rebecca von Stieglitz, labelled as:

(a) Planning Application Notes, Milton Smith building design, dated 15/09/2008; and

(b) Proposed New House @ 162 Upper Maud Street, Ulverstone, drawings no's 1C, 3, 4A, 5A, 6B, 7B, 8B, 16, 17B and 19, Dated 16-09-08, unless otherwise altered by subsequent conditions of this permit;

2. Prior to the issuing of a Building Permit, amended plans must be submitted to the Council demonstrating a balustrade screen along the proposed deck on the eastern side of the third level of the building. This screen must demonstrate to the satisfaction of the Director Development Services that other adjoining lots will not suffer an unreasonable loss of privacy;

3. Prior to the issuing of a Building Permit, amended plans must be submitted to the Council which do not include a deck forward of the residential building;

4. Provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003 (copy enclosed);

5. Remove any driveway made redundant by the proposed development and reinstate the verge to the satisfaction of the Council's Director Assets & Engineering;

6. Provide an absolute minimum cover of 300mm over the Council DN300 Stormwater main with 50mm thick pavers in the court yard area shown on Drawing No.1B and Drawing No.19 ;

7. The Stormwater Pit (SP1) shown in the courtyard is to be located on the downhill side of the Council Stormwater Main;

8. All run-off from the site is to discharge to the approved connection point for the property;

9. A minimum clearance must be maintained of 1.2m from the nearest edge of any building or deck footing to the centre of the Council's stormwater mains in accordance with the Council's Standard Drawing No. SD-5004;

10. Footings located in the zone of influence of the Council main will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the line of influence or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:

(a) the potential effects of a future failure of the stormwater main; and,

(b) a potential requirement to physically access the stormwater pipeline for the purpose of repair or replacement activity which may involve excavation;



11. The proposed decking or dwellings are to be at least 1.5m clear of the Council manhole on the property;

12. Conduct a camera survey of the Council Stormwater main prior to, at the completion of works. Any damage to the Council main will be rectified by the Council at the developers cost;

13. 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 at the applicant's expense.

Developer to note:

A. In relation to condition 1(a) & (b) - This condition only relates to the provision, relocation, extension or removal of the existing vehicle access. Also, the Council only permits one 6.0m or two 3.6m vehicle accesses to a lot within the road reserve. Any other arrangement is discretionary and subject to the approval of the Council's Director of Assets & Engineering.

B. In relation to condition 2 - The cover is measured from the top of the pipe to the underside of the pavers.

C. In relation to condition 4 - The approved connection point is located in the south-east corner of the block.

D. In relation to condition 8 - The camera survey will be undertaken by the Council at the applicants cost and a private works authority will need to be signed.

E. Two Council DN300 Stormwater Mains exist on the property and appear to be located in proximity to the proposed development. It is recommended the applicant contacts the Council's Assets & Engineering Department to discuss prior to lodging plans for a building permit.

F. In reference to the Local Government (Building and Miscellaneous Provisions) Act 1993, Section 248, (1) A person must not -

(a) erect or construct a building, wall, bridge, fence, mound, embankment, excavation, tunnel or other work in, upon, over or under a sewer or drain of a council or a sewer or drain connected to a sewer or drain of a council without the council's consent in writing; or

(b) obstruct, fill in or divert a sewer or drain of a council without its consent in writing;

## DEVELOPMENT SERVICES

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G. If you wish to undertake any works over the Council main, consent will need to be obtained by the Council and the issuing of the Planning Permit does not provide such consent.

H. Any works (e.g. driveway construction) undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies.

I. Contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure work requirements.

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

Carried unanimously

GENERAL MANAGEMENT

**362/2008 Minutes and notes of committees of the Council and other organisations**

The Strategic & Executive Services Manager reported as follows:

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

- . Cradle Coast Water – meeting held on 28 August 2008
- . Central Coast Chamber of Commerce and Industry – Annual General Meeting held on 1 September 2008
- . Youth Engaged Steering Committee – meeting held on 25 September 2008

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

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

Cr Dry left the meeting at this stage.

Carried unanimously

**363/2008 Proposed reform of Tasmania’s water and sewerage sector – Corporation membership (287/2008 – 18.08.2008)**

The General Manager reported as follows:

“The following report has been prepared by the Director Assets & Engineering/ Project Manager WST (NWR).

*PURPOSE*

This report has been provided to consider and determine a requirement for the Council to provide formal consent to be a member of the company to be known as the Tasmanian Water and Sewerage Corporation (North-Western Region) Pty Limited.

*BACKGROUND*

The Acting Secretary, Department of Treasury and Finance writes as follows:

“...The constitutions for each of the water and sewerage corporations, which were recently considered and endorsed by the majority of councils, were tabled by the Minister for Primary Industries and Water in the House of Assembly on 24 September 2008. The Treasurer tabled the constitutions in the Legislative Council on 26 September 2008...

...in accordance with the W&S Corporations Act, the next step in the process of establishing the new businesses is for each council to provide its written consent to be a member of the relevant Regional Corporation – this is a procedural step and while requiring formal council consent, it should not require any policy consideration once the constitutions are approved by Parliament. It is important that elected members understand this does not relate to the transfer of assets, liabilities and employees...”

### *DISCUSSION*

The agreed Water & Sewerage Reform Project timeline requires that the Regional Corporations are established by the end of October 2008, with the Common Services Corporation to be established by the end of November 2008.

There are a number of steps that need to occur prior to the establishment of the Corporations. The Council has a key role in three of the steps involved in incorporation, these being:

- 1 the appointment of Owners Representatives;
- 2 the settling of the constitutions of the Regional Corporation and the Common Services Corporation; and
- 3 the incorporation of the Regional Corporation.

The Council has attended to the first two steps and must now address the third. This is a formality which simply confirms the decision the Council has already made to be part of a regional local government-owned Water & Sewerage Corporation.

Following incorporation, the Council will also be required to:

- . endorse the Shareholders Letter of Expectation in due course; and
- . agree to a line of credit to be guaranteed by councils to provide the Corporation with start-up funding in advance of 1 July 2009. A

report will be provided to the Council regarding this matter in the near future.

*CONSULTATION*

Consultation has been based on the previous meetings, reports and motions on the formation of the Tasmanian Water and Sewerage Corporation (North-Western Region) Pty Limited.

*IMPACT ON RESOURCES*

Approving this motion has no impact on resources beyond that contained in the *Water and Sewerage Corporations Act 2008*.

*CORPORATE COMPLIANCE*

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

- . Develop innovative strategies to foster business opportunities
- . Foster strategic partnerships across industry sectors and establish industry clusters
- . Promote best practice environmental management of the hinterland and coast
- . Encourage sustainable land management
- . Participate in water and catchment management
- . Develop river precinct studies to determine sustainable land-use opportunities
- . Foster partnerships and strategic alliances
- . 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 provide formal consent to be a member of the Tasmanian Water and Sewerage Corporation (North-Western Region) Pty Limited.'

The report and recommendations are supported.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That the Council provides formal consent to be a member of the Tasmanian Water and Sewerage Corporation (North-Western Region) Pty Limited.”

Carried unanimously

Cr Dry returned to the meeting at this stage.

### **364/2008 Annual Report for the year ended 30 June 2008**

The General Manager reported as follows:

#### *PURPOSE*

The purpose of this report is to approve the Annual Report for the year ended 30 June 2008.

#### *BACKGROUND*

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

An Annual Report for the period 2007–2008 has been prepared as required and a copy has been circulated to all Councillors as a separately bound document.

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

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

#### *DISCUSSION*

Discussion has been provided within the Annual Report.

#### *CONSULTATION*

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

Community reporting will take place as part of the Annual General Meeting which is scheduled to be held in the Council Chamber at the Administration Centre at 7.30pm on Tuesday 18 November 2008.

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

Preparation of the Annual Report is a statutory requirement.

*CONCLUSION*

The Annual Report is recommended for approval.”

The General Manager reported as follows:

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

■ Cr McKenna moved and Cr Howard seconded, “That the Annual Report for the year ended 30 June 2008 be approved.”

Carried unanimously

**365/2008 Central Coast’s Strategic Framework for Settlement and Investment**

The General Manager reported as follows:

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

*‘PURPOSE*

The purpose of this report is for the Council to endorse the *Central Coast’s Strategic Framework for Settlement and Investment*.

*BACKGROUND*

The *Local Government Act 1993* requires each council to prepare five-year Strategic Plans. Effective planning helps the community to respond to change rationally and to do its best to shape and build its desired future. This means being better informed on:

- Economic and social drivers;
- Forces and trends that will influence the character, composition and requirements of future residents;
- Community needs and expectations;
- Economic activities and circumstances; and
- Public policy.

As the end of this strategic planning cycle is approaching, preparations are about to commence for the next cycle which is due for adoption in 2009–2010.

As a consequence of the first Strategic Plan, the Council is better positioned to respond to the future change patterns of urban and rural settlement as well as the implications for its own local service delivery. However, Central Coast still needs a plan that will guide it towards a prosperous future. This plan needs to be achievable, sustainable and relevant to future needs, capabilities and potential of the Council and the municipal area.

While it is appropriate to look back and acknowledge what has been achieved over the last five years, it is prudent to take stock to better understand what the realistic short, medium and long term future holds for the municipal and broader local area.

With this in mind, the Council commissioned a consortium consisting of The Institute of Regional Development (part of Cradle Campus of UTAS) and Landscape and Social Research to prepare a Framework for Settlement and Investment that would:

- Provide an analysis and understanding of the trends, drivers and forces influencing the future of the Central Coast municipal area;
- Assess local capacity and potential for change, growth and development in response to such factors;
- Inform the strategic decision making of the Council with respect to land use and sustainable land allocation, economic and community planning, associated infrastructure development and investment.

### *DISCUSSION*

The resulting *Strategic Framework for Settlement and Investment* is a tool for meeting the 'big challenges' facing Central Coast. It provides a strategic focus for the Council, one which describes and seeks to leverage the distinctiveness of Central Coast to achieve its community's own aspirations.



It also provides guidance on how to move from strategy to implementation.

Settlement and investment decision-making needs a framework through which components can be linked, connected and effectively leveraged in a way that responds to community needs and aspirations, with a consistent set of messages about where and how investment (meaning Council and community energy and enthusiasm as well as financial and physical resources) will be channelled. The Strategic Framework seeks to build on what exists in the Central Coast (eg. the characteristics and values of this unique place and its people, in their larger context) and then to develop a focus for consistent and strategic development.

The Strategic Framework is comprised of four “Platforms for the Future” and associated “Strategic Directions” and “Outcomes”. The four Platforms are launching pads for future economic and social development in Central Coast. They seek to leverage the area’s unique attributes in ways that both respond to community aspirations and tap into opportunities that are increasingly apparent at a national and global scale. These Platforms sit at the cutting edge of thinking about local economic development, competitiveness, and place-based development more broadly. Associated with these Platforms are a series of specific Strategic Directions and associated recommendations for the Council – guidance for acting where it matters most.

The *Strategic Framework for Settlement and Investment* takes a place-based approach that recognises interconnections and opportunities in this place. It draws together the Council’s detailed planning (eg the suite of strategies) and associated consultation over the last five years. It takes into account the emerging local and regional issues and has tested the validity of its assumptions and suggested direction through a series of community and Council workshops.

The Framework does not try to provide all of the answers. Instead it provides the strategic guidance to council decision-making across its portfolios. It is intended to inform council planning and action in the core areas of its operations. It provides the Council with a basis for engaging with the community in achieving the communities’ own aspirations and has been designed to support the Council’s Strategic Planning process.

The document is broken into three distinct sections:

- i. The Summary – this gives a brief overview and visual representation of the Strategic Framework;
- ii. The Final Report – this provides a more detailed explanation, analysis of key issues and includes suggested strategies to guide decision making. It is

envisaged that this will be predominantly an internal working document (Related Plan)

- iii. Implementation Guidelines - a separate suite of supporting documents to address specific policy implications arising from the Framework. At present, there are 6 Implementation Guidelines, although this number will increase as the need arises

### *CONSULTATION*

The Consultants have had access to the extensive consultation documentation associated with the many planning activities conducted over the last five years (including the 2004 Search Conference, Leven River Precinct, Wharf and Showground Master Plans, Community Plans and so on).

Three staged workshops were conducted with targeted members of the community to gather their input and test the validity of assumptions and suggested directions. Three Council staff workshops and one Councillor workshop sought the Council's input.

The Strategic Framework will guide the development of the Council's next Strategic Plan, which includes a consultative process that will allow for the further testing and validation of the Framework.

### *IMPACT ON RESOURCES*

The project was completed within the allocated budget and staff resources. The Strategic Framework provides a substantial component of the preplanning required for the development of the new strategic planning cycle, which effectively means that Council is now well into the staged development of the 2009 - 2014 Strategic Plan.

### *CORPORATE COMPLIANCE*

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

- . Meet our statutory and regulatory obligations
- . Provide transparent, accountable public policy and decision making
- . Foster community leadership
- . Enable community participation in strategic directions

- . Plan for and develop a sustainable community

*CONCLUSION*

The development of the *Strategic Framework for Settlement and Investment* has been an excellent example of the Council collaborating with another key agency within the region. The Institute for Regional Development has been able to draw on a substantial amount of local content, but has also brought a substantial amount of expertise to develop the Strategic Framework. The implications for the Strategic Framework locally and regionally should not be underestimated. Using the place based / Platforms approach, the Institute is also working with the members of the Cradle Coast Authority on the Regional Planning Initiative and Regional Social Atlas projects. This means that the Council will be at the forefront of development within the region.

The Strategic Framework will substantially inform the development of Council's next Strategic Plan as well as providing the basis for engaging the community and other regional players to shape and build a prosperous future for Central Coast.'

The report is supported."

- Cr (J) Bonde moved and Cr Dry seconded, "That the Council endorse the *Central Coast's Strategic Framework for Settlement and Investment*."

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**366/2008 Contracts and agreements**

*Cr McKenna, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of contracts and agreements.*

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of September 2008 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

Cr McKenna returned to the meeting at this stage.

**367/2008 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

This report is to inform the meeting of any correspondence received during the month of September 2008 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

*CORRESPONDENCE RECEIVED*

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

- . Received 16.09.2008 – Letter concerning various matters relating to when the ramps of Castra road will be sealed, Bi-Centenary Park pond cleaning and the installation of a weather Station in Ulverstone.
- . Received 29.09.2008 – Letter inviting the Mayor and Councillors to attend the 2<sup>nd</sup> Tasmanian Weed Conference to be held on 16–17 October 2008.

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

ASSETS & ENGINEERING

**368/2008 Order of proceeding of meeting**

■ Cr Robertson moved and Cr Haines seconded, “That the Council agree to alter the order of proceedings of this meeting’s agenda to bring forward at this time the matter listed as:

- . Central Coast Memorial Park.”

Carried unanimously and by absolute majority

**369/2009 Central Coast Memorial Park**

■ Cr McKenna (having given notice) moved and Cr Dry seconded:

“That the Council investigates the adoption of a practice relative to any internment in the Central Coast Memorial Park, requiring action to be taken by cemetery maintenance staff to ensure that any grave is lawned within three months of burial date.”

In support of the above resolution Cr McKenna submitted the following information:

“Currently no positive action is taken to provide lawned graves at the newly opened section of the Memorial Park, evidenced by the fact that burials that have taken place in this section some ten months ago have not been topped in lawn grass.

There are a number of graves where burial took place some five or six months ago that are in the same situation as above.

Relatives and friends have apparently made representation to Council staff for some action to be taken with no results.

I have personally been approached by relatives for action to be taken and despite this matter being referred to Council staff a month ago, the only comment I have received is to indicate that something will be done within the next few weeks.

A personal inspection of the newly developed section of the Park indicates that no effort has been made to turf graves for some time. Recent graves are unsightly with wreath and flower bearing equipment laying in graves (2). The site looked more like a gravel pit and debris around indicated an appearance of a garbage tip. Hence, I can understand the concern of the relatives and friends.

The Central Coast Memorial Park interment fees are the second highest on the North West Coast, some \$200–\$300 higher.

The initial development of the Park, that west of Allan's Road, never at any time took on the appearance that the new section has taken on.

As one of the initiators in the establishment of this lawn cemetery, done in conjunction with the late Bob Gane I am personally disappointed with the current situation.

It would appear that Council staff needs to arrange for lawn turf to be available at all times of the year and action needs to be taken to consolidate graves with additional filling and consolidation compaction prior to grassing.

Photos of the graves site are provided to give the Council an appreciation of the appearance of graves and the area.

If there are insufficient funds in the budget to undertake this work the Council is duty bound to provide the funding required.”

The Assets & Engineering Manager reported as follows:

*“PURPOSE*

This report considers a motion on notice from Cr McKenna for the Council to investigate the adoption of a practice to any interment in the Central Coast Memorial Park, requiring action to be taken by cemetery maintenance staff to ensure that any grave is lawned within three months of burial date.

*BACKGROUND*

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

Cr McKenna approached the Assets & Engineering Department on 9 September 2008 to request whether turf could be provided to cover grave sites at the Central Coast Memorial Park. Advice was sought from those involved in the rehabilitation of the surface following burials as to why the sites were taking this long to be reinstated and if turf could be considered. A reply memo was forwarded to Cr McKenna on 23 September 2008 indicating that due to the amount of funerals and weather conditions of late, employees have not been able to complete this work as quickly as they would have liked. The area concerned will be prepared and it is expected the turf will be laid within a fortnight.

Since forwarding the memo, the turf has been ordered and the work has been programmed to be undertaken on Wednesday, 15 October 2008.

*DISCUSSION*

In this instance, turf has been organised to rectify the current condition of this area. It should be noted that the new section of Memorial Park is situated on a very gravelly area of land and there is little topsoil available on site for reinstatement. Combined with the wet weather conditions and number of burials in recent months, it has been difficult to re-grass the sites.

In order to prevent the reoccurrence of this situation, a long-term solution is required. This may have cost and resource implications.

For information with regard to Central Coast interment fees, the following table is provided.

COUNCIL	SINGLE \$	DOUBLE \$	REOPEN \$	INCL. PLAQUE INSTALLATION
Central Coast	1,140	1,160	945	Y
Burnie	1,140	1,220	1,140	Y
Devonport (old section)	869	1,089	869	N - \$55
Devonport (new section)	869	1,089	869	N - \$88
Waratah/Wynyard	1,100	1,100	1,000	Y

*CONSULTATION*

This matter is an operational issue and as such consultation is not required.

*IMPACT ON RESOURCES*

The outcomes of the investigation may reveal an impact on resources to achieve a required service level. This will not be known until the investigation is complete.

*CORPORATE COMPLIANCE*

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

- . Meet our statutory and regulatory obligations



- . Develop and manage sustainable infrastructure.

*CONCLUSION*

The situation which has arisen is regrettable, however a long term solution needs to be investigated in conjunction with asset management plans, service levels and procedures.

Cr McKenna's motion is submitted for consideration."

Motion

Carried unanimously

Cr McKenna left the meeting at 8.59pm.

CORPORATE & COMMUNITY SERVICES (cont)

**370/2008 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 16 September to 20 October 2008 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Strategic & Executive Services Manager reported as follows:

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

■ Cr (J) Bonde moved and Cr Dry 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

**371/2008 Financial statements**

The Director Corporate & Community Services reported as follows:

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

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

The Strategic & Executive Services Manager reported as follows:

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

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

Carried unanimously

**372/2008 Rate remissions**

The Director Corporate & Community Services reported as follows:

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

<i>PROPERTY NO.</i>	100640.0480
<i>PROPERTY ADDRESS</i>	6A Heathcote Street, Ulverstone
<i>REMISSION</i>	\$896.45
<i>REASON</i>	Property revalued 9 April 2008 – now house only (previously valued as two units).
<i>PROPERTY NO.</i>	101000.1460
<i>PROPERTY ADDRESS</i>	54 Leven Street, Ulverstone
<i>REMISSION</i>	\$569.97
<i>REASON</i>	Property rated as house – should be vacant land.
<i>PROPERTY NO.</i>	101080.0380
<i>PROPERTY ADDRESS</i>	31 Main Street, Ulverstone
<i>REMISSION</i>	\$756.36
<i>REASON</i>	Property revalued – now house only (previously valued as two units).
<i>PROPERTY NO.</i>	202200.0530
<i>PROPERTY ADDRESS</i>	67A Turners Beach Road, Turners Beach
<i>REMISSION</i>	\$130.00
<i>REASON</i>	Waste Management charge incorrectly raised – house not completed.
<i>PROPERTY NO.</i>	504000.0250
<i>PROPERTY ADDRESS</i>	Albert Road, Howth
<i>REMISSION</i>	\$393.24
<i>REASON</i>	Property split in error by valuation department, should have been rated with 50400.0280.
<i>PROPERTY NO.</i>	504880.0820
<i>PROPERTY ADDRESS</i>	262 Isandula Road, Gawler
<i>REMISSION</i>	\$69.00

*REASON* Property receives untreated water (charged 80% of treated water rate)

*PROPERTY NO.* 505820.0360

*PROPERTY ADDRESS* 32 West Gawler Road, Gawler

*REMISSION* \$69.00

*REASON* Property receives untreated water (charged 80% of treated water rate)

*PROPERTY NO.* 505860.0860

*PROPERTY ADDRESS* 198 Whitehills Road, Penguin

*REMISSION* \$69.00

*REASON* Property receives untreated water (charged 80% of treated water rate)

The Strategic & Executive Services Manager reported as follows:

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

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

- . Property No. 100640.0480 – \$896.45
- . Property No. 101000.1460 – \$569.97
- . Property No. 101080.0380 – \$756.36
- . Property No. 202200.0530 – \$130.00
- . Property No. 504000.0250 – \$393.24
- . Property No. 504880.0820 – \$69.00
- . Property No. 505820.0360 – \$69.00
- . Property No. 505860.0860 – \$69.00.”

Carried unanimously and by absolute majority

ASSETS & ENGINEERING (cont)

**373/2008 Tree Removal on Kings Parade**

■ Cr (L) Bonde (having given notice) moved and Cr Deacon seconded;

“That the Council discuss the possible removal of the trees in front of the Anglican Church and also some of the trees in Kings Parade.”

Cr (L) Bonde, in support of his motion, submitted as follows:

“Some 58 members of the congregation as concerned parishioners of the Anglican Church have signed their names to a letter asking for the removal of the trees, as well as some ratepayers along Kings Parade are also asking that the trees in front of their properties be removed.

There are numerous reasons why the trees are not popular.

1. They obstruct or will grow to obstruct the view from the church and houses. The houses in Kings Parade have for many years been disadvantaged by the palm trees that were there for many years. Since the removal of the palm trees the ratepayers concerned have enjoyed their freedom from trees and have really enjoyed their open view of the river and do not want to return to the hazards of the past.
2. Deciduous trees leave a mess of leaves every year in the autumn and when the leaves get wet on the footpath they can be very slippery.
3. Trees planted in the lawns create a problem for people mowing the grass. The lawns in front of the church are cared for with voluntary labour and so they should be as convenient as possible and free of obstacles as far as possible.
4. It is my thought that ratepayers concerns should be considered where trees are to be planted and plantings should not happen if very strong constructive opinion against the planting is expressed by the ratepayers directly concerned with the upkeep of the area under discussion. When all is said and done the Council would like to think that all ratepayers will mow the grass and take care of their naturestrips, so we should get the cooperation of the ratepayers where possible.
5. It has been suggested to me by interested Council staff that the ratepayers don't own the view, but I refute that to some extent, as the ratepayers combined certainly between them own a large section of the land in the district or municipality.

I am aware of a letter sent to 2 ratepayers in Kings Parade by the Assets and Engineering Manager. I refer to the latter part of the letter in which is written as follows:

‘It is also important to remember that street trees are necessary in an urban environment for social, environmental and economic benefits. Research shows, but is not limited to:

1. Street trees enhance aesthetics of an area. They add to the landscape character, soften harsh lines of paving and roads.
2. Increase property values in tree lined streets.
3. Street trees provide a healthy environmental and control air pollution.
4. Have sensitive physiological benefits including lower rates of mental illness, violence and crime.
5. Provide shade in summer.’

I strongly refute clauses 2, 3, 4 for the following reasons:

- 2 – Not all people want to inherit the control of trees in naturestrips as is evidence by the large number of signatures.
- 3 – Street trees at leaf falling time can cause blocked spoutings and messy pavements that are costly to clean up.
- 4 – I don’t agree with this clause because it can have exactly the opposite effect to what is written if a strong personal objection develops in the mind of the ratepayer. Every time the lawn is mowed could cause a raging discomfort if the situation arises.

I have many trees on our block of ground but I have no trees in my lawns and I can mow my lawns in comfort.

While I commend the letter to the ratepayers by Council Assets & Engineering as I feel they have put their case very well, but I am totally opposed to some of their views. I have very recently met with a popular member of the Anglican Church who suggested to me the following:

‘As you come out of the church and engage yourself in the lovely view looking out over the river all your worries and concerns can temporarily be forgotten. Why would we as a Council want to put that view in danger of being denied in any way? There are opportunities galore for the planting of trees throughout the municipality

but help us preserve this wonderful open space view that has eventuated, by the removal of trees in this area.”

The Assets & Engineering Manager reported as follows:

*“PURPOSE*

This report considers a motion on notice from Cr (L) Bonde proposing the possible removal of the trees in front of the Anglican Church and also some of the trees in Kings Parade.

*BACKGROUND*

Cr (L) Bonde’s supporting comments provide background to his motion.

The Natural Resource Management Officer provides the following report:

‘In November 2007 the six Phoenix palms that were located on the southern side of Kings Parade, were relocated. The Palms were providing a large roosting habitat for approximately 2,000 starlings which resulted in noise and odour issues and an unsightly mess from the excrement.

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

The bird population roosting in the palms continued to grow and although the Council has employed numerous methods over the years, the long term elimination of the birds from the palms was unsuccessful.

At the Council meeting on 18 June 2007 (Minute No. 232/2007, it was decided to:

“...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.”

Affected residents in Kings Parade were advised by correspondence dated 20 November 2007 of the Council’s decision, which included information about the replacement of the palms with a suitable urban tree species. The Council did not receive any comment regarding the re-establishment of street trees until the trees were planted.

In 2006, the Council commenced works to improve traffic and pedestrian safety along Kings Parade, incorporating improvements around the entrance to the Holy Trinity Anglican Church as requested by the local Reverend. This work necessitated the removal of three established Claret Ash trees from in front of the Church to enhance parking along this section.

The re-establishment of street trees along this section of Kings Parade was always proposed by the Council. Originally there was to be no grass naturestrip, with the street trees to grow in a mulched area. However, the control of weeds in the mulched area proved difficult and it was decided to revert back to a grass naturestrip. The Church Reverend enquired as to the lack of progress in respect to the landscaping in February 2008.

The Church was notified by correspondence dated 1 May 2008 that “...established naturestrip trees will be planted along Kings Parade from Lovett Street through to the Church of England carpark. These will replace the trees that have been removed...”. Once again no comment was received until after the trees had been planted in June 2008.

#### *DISCUSSION*

Street trees are an issue for every council, generally because of the negative aspects associated with trees such as root damage to infrastructure, dropping of leaves and fruit, loss of view for residents, shading, birds roosting and allergies.



The replacement plantings along the eastern and southern side of Kings Parade are supported by the *Ulverstone Cultural Planning Study 1996* and the resulting *Ulverstone Strategy and Community Plan 1996*, along with the *Ulverstone Streetscape Guidelines 1998* which identified the major streets in Ulverstone for street tree landscaping.

The following comments are made in respect to Cr Bonde's points as to "why the trees are unpopular":

1. The species of tree selected for planting along Kings Parade is *Gleditsia triacanthos* var. *inermis* Sunburst. The *Gleditsia* was selected because it can withstand the conditions of the urban environment, has a small root system which limits its impact on surrounding infrastructure, can withstand formative pruning to uplift the canopy, will not impact on overhead powerlines and is deciduous so as to provide shade in summer and allow the sun through in winter.

Some research indicates that after 20 years of growth in optimum conditions the trees will grow to a height of eight metres and a canopy width of eight metres. Advice to the Council is that as the trees will be exposed to salt-laden north-westerly winds they are only expected to grow to about six metres in height with a four metre wide canopy. The trees located along Crescent Street, outside the Woolworths Supermarket, are local examples of this species after about seven years of growth.

The eight *Gleditsia* trees along the Church frontage have been planted about eight metres apart and will not form a hedge the front of the Church or the properties in Kings Parade as suggested in the petition from the Church. Initially the view will be filtered through the canopy, noting that this tree species does not have leaves for about half of the year. Once the trees reach maturity the view should be able to be seen under the canopy line.

2. The *Gleditsia* does not have a large canopy which means that leaf litter in autumn will be limited in both amount and duration (3-6 weeks of the year) and there will be insufficient room or cover for birds to roost.

3. All newly established advanced street trees will receive intensive maintenance for a minimum of five years, including watering, weeding, formal pruning, canopy lifting if required, and maintenance to the tree surround, stakes and ties. Maintenance of the trees by residents will not be required. The new tree surrounds used outside the Church and proposed for use outside the properties in Kings Parade sit flush with the grass and have been selected so as to facilitate easy mowing and maintenance of the naturestrip.

An understanding of the types of benefits trees provide is essential to making sound decisions and judgments which effect trees. The social, environmental and economic benefits of street trees are wide and varied. Tree-lined streets contribute to aesthetic improvements, climatic modifications, a healthy environment and social well being. A literature review has been undertaken and researched the main benefits of street trees around Australia and the world. The benefits of street trees should be considered as the benefit to the whole community, including visitors, and not to individuals. Some of these benefits include:

*Health*

- Views of nature can relate to feelings of satisfaction, wellbeing, coping, personal effectiveness and optimism.
- Green surroundings reduce mental tiredness while enhancing concentration and attention, leading to an improved ability to cope and make positive decisions.
- Creating positive psychological benefits, including lower rates of mental illness, violence and crime.
- Trees reduce exposure to ultraviolet light, lessening risk of associated health problems such as skin cancer and cataracts.

*Social*

- Residents walk more on streets that are lined with trees.
- Greenery helps people to relax and renew, reducing aggression leading to less violence.
- The proximity of trees to dwellings has an effect on residents' use of outdoor space – the closer the trees, the higher the usage.
- Many more people are involved in social activities in green environs than in areas that have few or no trees and shrubs.
- Gardens and other plantings contribute to residents feeling safer, more supported and satisfied with their surroundings.

- Green spaces bring residents together more often, promoting chance meetings and encounters. Residents get to know one another, producing stronger, more cohesive neighbourhoods.
- Public safety – areas with higher levels of planting experience lower levels of crime because it creates pride and care of place, which results in ownership.
- Road safety – tree-lined streets are perceived as narrower, resulting in reduced speeds. Trees along streets provide a buffer between pedestrians and vehicles.
- Surveys of landscaped and non-landscaped community areas have shown that the incidence of crime, vandalism and graffiti is many times lower in areas planted out with greenery.

#### *Aesthetic*

- Beautifying and softening streetscapes, the appearance and general environment of many streets is improved considerably by the presence of trees.
- Trees soften harsh lines of paving, kerbs and screen the ever-present and monotonous “Hydro” pole.
- Frame good views and vistas.
- Trees provide seasonal interest and natural beauty through foliage and their interesting leaf patterns, flowers, bark, fruit and canopy.
- Provide a welcome contrast to long stretches of asphalt road.
- Play a significant role in determining the urban character of the townships and a sense of place.
- They enhance architecture; there are few buildings which do not look better in the company of suitable trees.

#### *Economic*

- Research indicates an increase in property values from high amenity, well-treed areas. A garden adds to the aesthetic appeal of your home and neighbourhood, and it adds real monetary value to your home. It is estimated that property value can increase between 5% and 20%.
- Roads and footpaths with good tree canopy cover are protected from the sun and last longer.

#### *Environmental*

- Provide wildlife habitat and food sources and preserve biodiversity.

- Trees are critical in the maintenance of a healthy environment as they produce oxygen, trap airborne pollutants in their leaves (such as nitrous oxide and ozone) and absorb carbon dioxide.
- Trees have a positive effect on the environment by the transpiration of water and the emission of oxygen by photosynthesis.
- Tree roots keep the soil porous which allows the stormwater to be absorbed rather than flow into the drain and sea.
- Plantings around buildings are a proven method of reducing the demand for artificial heating and cooling with a resultant, and important, lower use of fossil fuels.
- They provide shade in summer. Trees can reduce asphalt temperatures of carparks by as much as 13°C, and vehicle cabin temperatures by 17°C.
- Provide buffers/wind breaks from strong winds.

It should be noted that there is no perfect street tree and that every selection has some compromise between positive and negative values. The key is to minimise the negative values and ensure that the tree makes a positive contribution to environmental, social, aesthetic and economic values. The Council uses a number of selection criteria, including environmental tolerance and impact, functional and biological attributes, aesthetics and design criteria and proximity to infrastructure to assist with selecting the tree species.

Any decision to remove a tree should not be taken lightly and serious consideration must be given to the impacts of its removal. If in this case, the trees are removed because of concerns associated with filtered views then this will open the door to the Council receiving and having to oblige other requests to remove trees because a resident wants a view. This will result in less tree cover in the urban area and a disjointed street character.

It should also be noted that the palms were removed from Kings Parade due to issues associated with the starlings roosting and not because of blocked views; if the birds were not a serious issue then the palms would not have been relocated.

Due to the volatile issues surrounding street trees there is a need for a co-ordinated, consistent and strategic approach to street tree management, a new Street Tree Strategy is being developed under the revised Vegetation Management Strategy to achieve this outcome.

The aim of the Strategy is to:

- Preserve and manage existing street trees in a safe and healthy condition for future generations.
- Plant and manage new trees that will be beneficial to the community.
- Improve the aesthetic quality of the streetscape for residents and visitors.
- Promote the principles of sustainability.
- Increase the number of street trees in the urban areas.

In addition to this Strategy, the Ulverstone Urban Design Guidelines are also being developed, which should also provide some direction in respect to streetscapes.

*CONSULTATION*

Consultation has been held between the Council and two residents along Kings Parade and the Rev Cannon John Tongue from the Holy Trinity Anglican Church. All parties were notified of the proposed tree plantings prior to the work being undertaken and follow-up discussions have been held.

*IMPACT ON RESOURCES*

No impact on current resources is noted.

*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
- Encourage sustainable land management
- Improve visitor numbers to the municipal area.’

The Natural Resource Management Officer’s report is supported.

*CONCLUSION*

Whilst trees play an important role in the urban landscape, it is also recognised that trees of the wrong type, or growing in the wrong place, can create problems and risks that are not reasonable in the urban environment. The Assets & Engineering Department believes that it has overcome the major issues surrounding street trees by its improved planting methods and tree species selection. The benefits of street trees should not be underestimated and the decisions made now should consider future generations.

Cr (L) Bonde's motion is submitted for consideration."

Voting for the motion  
(2)  
Cr Downie  
Cr (L) Bonde

Voting against the motion  
(9)  
Cr Robertson  
Cr Barker  
Cr (J) Bonde  
Cr Deacon  
Cr Dry  
Cr Fuller  
Cr Haines  
Cr Howard  
Cr van Rooyen

Motion

Lost

**374/2008 Assets & Engineering determinations**

The Director Assets & Engineering reported as follows:

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

The Strategic & Executive Services Manager reported as follows:

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

■ Cr Haines moved and Cr Howard seconded, "That the Schedule of Assets & Engineering Determinations (a copy being appended to and forming part of the minutes) be received."

Carried unanimously

**375/2008 Opening of Southern Cross Drive (in part) and Daydawn Court, Ulverstone**

The Director Assets & Engineering reported as follows:

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

- . Southern Cross Drive, Ulverstone (in part); and
- . Daydawn Court, Ulverstone.”

The Strategic & Executive Services Manager reported as follows:

“A plan of Southern Cross Drive (in part) and Daydawn Court, Ulverstone, has been circulated to all Councillors.”

■ Cr Robertson moved and Cr (J) Bonde seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Southern Cross Drive (in part) and Daydawn Court, Ulverstone (a plan of the streets being appended to and forming part of the minutes).”

Carried unanimously

**376/2008 Southern Cross Drive (in part) and Daydawn Court, Ulverstone – Certificate of completion**

The Director Assets & Engineering reported as follows:

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

- . Southern Cross Drive, Ulverstone (in part); and
- . Daydawn Court, Ulverstone.”

The Strategic & Executive Services Manager reported as follows:

“A plan of Southern Cross Drive (in part) and Daydawn Court, Ulverstone, has been circulated to all Councillors.”

■ Cr Robertson moved and Cr (J) Bonde seconded, “That, the Council certify under the hand of the Corporation’s engineer that Southern Cross Drive (in part) and Daydawn Court,

Ulverstone (a plan of the streets being appended to and forming part of the minutes) have been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

**377/2008 Budget reallocations for the year ending 30 June 2009 (224/2008 – 30.06.08)**

The Director Assets & Engineering reported as follows:

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

*PURPOSE*

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

*BACKGROUND*

The process of budgeting this year was brought forward to produce preliminary budgets at an earlier time. Preliminary budgets were presented to Council at a workshop on 2 June 2008 and for approval at the Council Meeting on 30 June 2008 (Minute No. 224/2008).

*DISCUSSION*

In order to prepare budgets prior to 30 June it is necessary to project spending for incomplete projects. In some cases this is difficult to determine. It is only when final figures are committed to projects that a true indication of available funding is known. We have now been through this process and have reallocated budgets. Projects which are deferred are prioritised. New works are generally deferred before renewal works as it is deemed more important to maintain existing assets prior to creating new ones. We have also been successful in gaining Blackspot Funding of \$100,000 for a section of Castra Road.

Minor alterations have not been included and changes are as follows:

*Roads – Rural Sealed*

Castra Road – Ulverstone to Sprent (Blackspot) – Increased from \$0 to \$100,000



Seal extension – subject to gravel road review and dust suppression trials –  
Reduced from \$30,000 to \$0

*Footpaths*

Fielding Street to Mission Hill link – Reduced from \$10,000 to \$0'

The Assets & Engineering Manager's report is supported.

*CONSULTATION*

The revised budgets have been determined and balanced by the Assets & Engineering Department and Corporate & Community Services Department.

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

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

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

*CONCLUSION*

It is recommended the following proposed budget reallocations for capital funding be accepted and approved by the Council.

*Roads – Rural Sealed*

Castra Road – Ulverstone to Sprent (Blackspot) – Increased from \$0 to \$100,000

Seal extension – subject to gravel road review and dust suppression trials – Reduced from \$30,000 to \$0

*Footpaths*

Fielding Street to Mission Hill link – Reduced from \$10,000 to \$0.”

- Cr Robertson moved and Cr Fuller seconded, "That the capital budget reallocations of:

*Roads – Rural Sealed*

Castra Road – Ulverstone to Sprent (Blackspot) – Increased from \$0 to \$100,000

Seal extension – subject to gravel road review and dust suppression trials – Reduced from \$30,000 to \$0

*Footpaths*

Fielding Street to Mission Hill link – Reduced from \$10,000 to \$0

for the 2008–2009 financial year be accepted and approved."

Carried unanimously

**378/2008 Tenders for proposed Wastewater Treatment Plant offices and storage building**

The Director Assets & Engineering reported as follows:

*"PURPOSE*

This report considers tenders for the proposed Wastewater Treatment Plant (WWTP) offices and storage building.

*BACKGROUND*

The Assets Officer – Buildings & Facilities has prepared the following report.

'The new office and storage building is proposed to be constructed approximately 10.0m north-west of the existing control building at the WWTP at 22 Knights Road, Ulverstone.

The site is owned by the Council and is bounded by the Leven River, Bass Highway and a privately owned property at 18 Knights Road.

The requirement for an office and storage building on this site was identified to aid the transition of water and sewerage from local government to the new authority.

There are three parts to the construction program.

- 1 concrete slab construction;
- 2 supply and delivery of the building; and
- 3 erection and fit-out of the building.

The quotation method of pricing was chosen for Part 1 – concrete slab construction and Part 2 – supply and delivery of the building. The contracts for this work have already been awarded.

Tenders were called for the erection and fit-out of the building on Saturday, 13 September 2008 in The Advocate newspaper, with the advertised close of tenders being Monday, 6 October 2008.

Tenders for the erection and fit-out of the building were received as follows:

TENDERER (ERECTION AND FIT-OUT OF BUILDING)	NETT PRICE \$ (INC. GST AND \$15,000 CONTINGENCY)
De Jong & Sons Constructions	249,150.00
Supersteel Tasmania	263,946.10
Fairbrother	301,780.60
<i>BUDGET ESTIMATE (INCLUDING ENGINEERING COSTS)</i>	<i>300,000.00</i>

#### *DISCUSSION*

This item has followed a public tendering process and consideration has been given to the three tenderers as stated above.

All tenders were found to be conforming. The tenders were evaluated and reviewed within the Assets & Engineering Department with De Jong & Sons Constructions determined to be the preferred tenderer for this project.

#### *CONSULTATION*

Consultation was undertaken by Universal Designers, the Council's Engineering Project Management group and appropriate users of the future facility. The approved design of the proposed building is to cater for current

and future needs and to provide an architectural link to the existing surrounding buildings on the site.

*IMPACT ON RESOURCES*

Overall costing expectations are as follows:

PROJECT/COMPONENT	TENDERER/CONTRACTOR	NETT PRICE \$ (EXC. GST)
Concrete slab construction	De Jong & Sons Constructions	32,500.00
Supply and delivery of building	Rainbow Building Solutions	65,727.27
Erection and fit-out of building	De Jong & Sons Constructions	226,500.00
External site works	Central Coast Council	24,000.00
Engineering costs	Central Coast Council	21,000.00
<i>TOTAL</i>		<i>369,727.27</i>

The project budget allocation is \$300,000. The overall cost will be \$370,000. An additional \$70,000 will be required to undertake the works as currently specified in the design documentation for the completion of the building.'

The Assets Officer's report is supported.

As per the above information, an additional amount of \$70,000 is required to undertake the works. The Environmental Engineering Group Leader has indicated that this amount can be accommodated within the Capital Sewerage budget by deferring the installation of telemetry at both the West Forth Pump Station (\$10,000) and the Turners Beach Lagoons (\$25,000), along with reducing the Miscellaneous extensions budget by \$20,000 and not proceeding with the Industrial Drive sewer extension (\$15,000) which is no longer required by the developer.

*CORPORATE COMPLIANCE*

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

- . Foster partnerships and strategic alliances
- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Develop and manage sustainable infrastructure.

*CONCLUSION*

It is recommended that the tender from De Jong & Sons Constructions for the erection and fit-out of the office and storage building at the Ulverstone Wastewater Treatment Plant in the amount of \$249,150.00 (inc. GST) be accepted; and further, that the capital funds of \$70,000 be reallocated to the Ulverstone WWTP enhancement from Forth - West Pump Station Telemetry (\$10,000), Turners Beach Lagoons Telemetry (\$25,000), Extension - 7 Industrial Drive, Ulverstone (\$15,000) and Miscellaneous extensions (\$20,000)."

■ Cr Robertson moved and Cr Dry seconded, "That the tender from De Jong & Sons Constructions for the erection and fit-out of the office and storage building at the Ulverstone Wastewater Treatment Plant in the amount of \$249,150.00 (inc. GST) be accepted; and further, that the capital funds of \$70,000 be reallocated to the Ulverstone Wastewater Treatment Plant enhancement from Forth - West Pump Station Telemetry (\$10,000), Turners Beach Lagoons Telemetry (\$25,000), Extension - 7 Industrial Drive, Ulverstone (\$15,000) and Miscellaneous extensions (\$20,000)."

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## CLOSURE OF MEETING TO THE PUBLIC

### 379/2008 Meeting closed to the public

The Strategic & Executive Services Manager reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council; and
- . The Ulverstone Wharf Redevelopment

This is a matter relating to:

- . information provided to the Council on the condition it is kept confidential;
- and
- . proposals for the Council to acquire land or an interest in the land.

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

- . information provided to the Council on the condition it is kept confidential;
- and
- . proposals for the Council to acquire land or an interest in the land;

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

- 
- . Minutes and notes of other organisations and committees of the Council; and
  - . The Ulverstone Wharf Redevelopment.”

Carried unanimously and by absolute majority

The Strategic & Executive Services Manager further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.  
  
Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.
- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

GENERAL MANAGEMENT

**380/2008 Minutes and notes of other organisations and committees of the Council**

The Strategic & 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.”

**381/2008 Ulverstone Wharf Redevelopment – Termination of Joint Venture and Expressions of Interest Process**

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

“This report is to advise the Council that the Joint Venture between the Council and Crown and the Ulverstone Wharf Redevelopment Expression of Interest Process are now terminated.

...

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

- (b) 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.”

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 10.47pm.

CONFIRMED THIS 17TH DAY OF NOVEMBER, 2008.

### **Chairperson**

(sgn:vjl)

### **Appendices**

- Minute No. 357/2008– Development Services Determinations
- Minute No. 366/2008– Contracts and Agreements
- Minute No. 370/2008– Schedule of Documents for Affixing of the Common Seal
- Minute No. 371/2008– Financial statements
- Minute No. 374/2008– Assets and Engineering Determinations
- Minute No. 375/2008– Plan of Southern Cross Drive (inpart) and Daydown Court, Ulverstone
- Minute No. 376/2008– Plan of Southern Cross Drive (inpart) and Daydown Court, Ulverstone

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## QUALIFIED PERSON'S ADVICE

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

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

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

(i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton  
GENERAL MANAGER