

CENTRAL COAST COUNCIL

# Minutes

of Ordinary Meeting

22 JANUARY 2007

*Note.*

Minutes subject to confirmation at  
a meeting of the Council to be held on  
19 February 2007



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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 22 January 2007 commencing at 6.01 pm**

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**Councillors attendance**

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

Cr Rodney Cooper attended at 6.06pm.

**Councillors apologies**

Cr Rodney Cooper (for the early part of the meeting).

**Employees attendance**

General Manager (Mrs Katherine Schaefer)  
Director Assets & Engineering (Mr Bevin Eberhardt)  
Director Corporate & Community Services (Ms Sandra Ayton)  
Director Development Services (Mr Jeff McNamara)  
Executive Services Manager (Mr Graeme Marshall)  
Administration Group Leader (Mr Cor Vander Vlist)  
Land Use Planning Group Leader (Mr Shane Warren)

**Guest of the Council**

Ms Trista Abbott

**Media attendance**

The Advocate newspaper

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### **Public attendance**

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

### **Prayer**

The meeting opened in prayer.

## **CONFIRMATION OF MINUTES OF THE COUNCIL**

### **1/2007 Confirmation of minutes**

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 11 December 2006 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Robertson moved and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 11 December 2006 be confirmed.”

Carried unanimously

## **COUNCIL WORKSHOPS**

### **2/2007 Council workshops**

The Executive Services Manager reported as follows:

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

- . 08.01.2007 - Draft Central Coast Planning Scheme 2005
  - Review of the Local Government Board
  - Regional approach to waste management.

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

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

Carried unanimously

## **MAYOR’S COMMUNICATIONS**

### **3/2007 Central Coast Youth Engaged Committee - Certificates of Appreciation**

The Mayor reported as follows:

“I will now adjourn this meeting for approximately 15 minutes to present a Certificate of Appreciation to Ms Trista Abbott in recognition of her contributions to the Central Coast Youth Engaged Committee. Ms Abbott joined Councillors for dinner prior to the meeting.

Ms Kirsty French and Ms Natalie Kamphuis, who are also to receive Certificates, are unable to be in attendance.”

Following the presentation and acceptance by Ms Abbott, the Mayor resumed the meeting.

Cr Cooper attended the meeting at this stage.

### **4/2007 Mayor’s diary**

The Mayor reported as follows:

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

- Penguin Primary School - Grade 6 leavers assembly
- Penguin High School - presentation assembly
- North West Christian School - speech night
- Central Coast Chamber of Commerce and Industry- Christmas party
- Westside Children’s Fiesta
- Premier and Minister Assisting the Premier on Local Government - meeting re Ulverstone Showground Redevelopment Master Plan (Hobart)
- Ulverstone High School - annual prize-giving ceremonies
- Midway Beach Estate (Sulphur Creek) - tour

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- . GP Rural Workforce - meeting re doctor shortage
  - . Toll Tasmania/Edwards Transport/Seaquip - 2007 Devonport Cup function (Devonport)
  - . Golf Australia - Australian Girls' Amateur Championship & Australian Girls' Interstate Teams Matches - official receptions."

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

Carried unanimously

#### **5/2007 Pecuniary interest declarations**

The Mayor reported as follows:

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

The Executive Services Manager reported as follows:

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

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

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

No interests were declared at this time.

#### **6/2007 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**

### **7/2007 Councillor reports**

The Executive Services Manager reported as follows:

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

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

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

Cr McKenna reported on a meeting of Cradle Coast Water.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **8/2007 Leave of absence**

The Executive Services Manager reported as follows:

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

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

There are no applications for consideration at this meeting.”

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## DEPUTATIONS

### 9/2007 Deputations

The Executive Services Manager reported as follows:

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

## PETITIONS

### 10/2007 Petitions

The Executive Services Manager reported as follows:

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

## COUNCILLORS' QUESTIONS

### 11/2007 Councillors' questions without notice

The Executive Services Manager reported as follows:

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

- ‘29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
  - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
  - (b) draw any inferences or make any imputations –



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except so far as may be necessary to explain the question.

- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
- (7) The chairperson may require a councillor to put a question without notice in writing.'

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

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

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

Allocation of topics ensued.

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**12/2007      Councillors' questions on notice**

The Executive Services Manager reported as follows:

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

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

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

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

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

No questions on notice have been received.”

**DEPARTMENTAL BUSINESS**

DEVELOPMENT SERVICES

**13/2007 Development Support Special Committee - Meeting dates and times (DSSC 20/2005 - 15.08.2005 and 59/2006 - 18.12.2006)**

■ Cr van Rooyen (having given notice) was invited to move, “That Development Support Special Committee meetings be held no earlier than 6.00pm to allow all Councillors to participate.”

Cr van Rooyen advised that he did not intend to proceed with this motion; rather he would move an alternative motion at a future meeting.

**14/2007 Planning & Environment determinations**

The Director Development Services reported as follows:

“A Schedule of Planning & Environment Determinations made during the month of December 2006 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

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

■ Cr Robertson moved and Cr Marshall seconded, “That the Schedule of Planning & Environment Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**15/2007 Council acting as a planning authority**

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use*

*Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development Services has submitted the following report:

‘If any such actions arise out of Minute No. 16/2007, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

**16/2007      Rezoning from Conservation (PVO) - Private Open Space and Rural (R) - General to Residential (RA) - Closed and 26-lot subdivision at CT 8179-2 and CT 8179-3 at Turners Beach Road, Turners Beach Application No. COM2006.1 (384/2006 - 20.11.2006)**

The Director Development Services reported as follows:

“The Acting Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	COM2006.1
<i>OWNER:</i>	S.M. International
<i>APPLICANT:</i>	Mr Richard Sands
<i>LOCATION:</i>	CT 8179-2 & CT 8179-3 Turners Beach Road, Turners Beach
<i>CURRENT ZONING:</i>	Residential (RA) - Closed, Conservation (PVO) - Private Open Space and Rural (R) - General
<i>PROPOSED ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	25 November 2006
<i>EXPIRY DATE:</i>	15 December 2006
<i>REPRESENTATIONS RECEIVED:</i>	Four

*PURPOSE*

The purpose of this report is to consider the merits of representations received to the application during the statutory exhibition period and any alterations that may be required to the proposed rezoning and draft permit as originally proposed (refer to Minute No. 384/2006 - 20.11.2006).

*BACKGROUND*

Section 43F.(6) of the *Land Use Planning and Approvals Act 1993* provides that where representations are received to a draft amendment during the statutory advertising process, the Council must consider the merits of each representation and the decision must be reviewed in light of any amendments that may be required. The Resource Planning and Development Commission (RPDC) is then advised of the Council's further considerations.

It is likely that the RPDC will hold public hearings on the representations. Following this, the RPDC will make a decision on the application and the permit and then issue written notification of their decision to the Council.

*DISCUSSION*

Four representations were received to the application during the statutory exhibition period (refer to Annexure 1 - Representations). The representations are summarised in Table 1 below. A response to each representation is provided in Table 1. For the purposes of this discussion a copy of the draft permit approved by the Council on 20 November 2006 for the proposed subdivision is attached (refer to Annexure 2 - Draft Permit).

Table 1: Summary of Representations and Officer Response

See page 12

Table 1: Summary of Representations and Officer Response

REP/POINT	REPRESENTATION GROUNDS	OFFICER RESPONSE
1/1	<p>Objection - Representor concerned for the permanent residents that reside at the Beach Haven Caravan Park. Particular concern is raised with respect to a family member who has been resident of the park since the 80's and will be homeless if the proposed subdivision of the land proceeds.</p>	<p>The proposed rezoning of land will not impact on continual use of the Caravan Park. However, if the proposed plan of subdivision proceeds it is inevitable that permanent residents of the Caravan Park will need to relocate. This is a matter for that needs to be resolved between the current owner of the subject land and any permanent resident of the Caravan Park.</p> <p>No change proposed.</p>
2/1	<p>Not opposed to the proposed rezoning of land or application to subdivide the land into 26 lots.</p>	<p>No Response.</p>
2/2	<p>Opposed to the proposed shortening of the existing Right of Way, as is indicated on the proposed subdivision plan (ref. drawing no. 0604-1 Rev. A).</p> <p>The Right of Way was constructed specifically to allow goods delivery vehicles ready access to our shop store area at the rear of our premises. The existing driveway accommodates access by a range of vehicles, including large trucks. It is essential to our business operations that this continue.</p>	<p>The existing Right of Way, situated over CT 3539/52 and proposed Lots 25 and 26, provides current access to the rear of the existing Shop/Service Station located at CT 3539/52 as well as the Beach Haven Caravan Park.</p> <p>The retention of the existing Right of Way is crucial in order for the existing Shop/Service Station to continue its operations.</p> <p>The Right of Way, however, will not be directly altered as a result of this amendment or associated</p>

		<p>subdivision proposal. A Sealed Plan Amendment will be required in order for the existing Right of Way over proposed Lots 25-26 to be altered. A note to this effect was added to the draft permit.</p> <p>The applicant has advised that he does not propose to alter the existing boundaries of Lots 25-26, even if the Right of Way cannot be altered.</p> <p>This may present difficulties with the future management of the Right of Way, particularly if the new land owners of Lots 25 and 26 intend to fence the boundaries.</p> <p>To assist with minimising difficulties with respect to this matter, it may be best to include the Right of Way on Lot 26. While this would not resolve this matter, this would ensure that the number of parties affected by the Right of Way is minimised. Accordingly the boundaries of proposed Lot 25 should be amended to exclude the existing Right of Way. This will ensure that only Lot 26 is affected by the Right of Way.</p> <p>While further negotiations will be required with the adjoining land owner and developer, it is recommended that a clause be added to condition 3(a) of the draft permit requiring Lots 25 and 26 to be amended. This amendment would result in minimal loss of area to Lot 25 and does not prevent obtaining the minimum lot size required by the Scheme.</p>
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<p>3/1</p>	<p>Expressed a desire for Lots 1-8 to have access to the foreshore track. This is not access to the beach directly but to the wide, cleared strip of land between the dunes that is currently a public walkway. The owner disagrees with Council's view on this.</p>	<p>Condition 3(i)(vi) requires that a Part 5 Agreement be prepared to ensure that no access tracks from proposed Lots 1-8 are to be established over the Crown Coastal Reserve to the beach. This is to ensure that pedestrian access is controlled, erosion is minimised, and the pressure for additional tracks north of Lots 1-8 is avoided. The view previously expressed with respect to this matter remains unaltered.</p> <p>No change is proposed.</p> <p>However, given the recommendation to excise a small portion of land from the subject site as Public Open Space (refer to discussion under the heading <i>Public Open Space contribution</i>), it is recommended that this condition be removed from the requirement of the Part 5 Agreement and become a stand alone condition.</p>
<p>3/2</p>	<p>The applicant does not propose any amendment to the proposal with respect to the existing Right of Way.</p>	<p>See discussion 2/2.</p>
<p>3/3</p>	<p>Objects to condition 3(g) requiring the erection of a 1.8 metre solid non-combustible fence. This requirement will have a direct impact upon the dunes and the subdivision. Expressed concern with the following aspects of this requirement:</p> <ul style="list-style-type: none"> <li>• A 1.8 metre high fence would not have any restriction upon the scrub unless pruning to prevent overgrowth is carried out on a regular</li> </ul>	<p>The applicant has made many valid points with respect to the erection of a fence along the northern boundaries of Lots 1-8.</p> <p>The purpose of this condition was to afford some fire protection and also assist with achieving the following:</p> <ul style="list-style-type: none"> <li>• Preventing access tracks being cut from each residence across the dune;</li> </ul>



	<p>basis;</p> <ul style="list-style-type: none"> <li>• Disturbance of the dunes and existing vegetation during the construction phase of the fence and the community response;</li> <li>• May assist in preventing access tracks being cut from each residence across the dune and yet may require one very long straight track to construct the fence;</li> <li>• Will add considerable cost to the development whilst not achieving the desired outcome;</li> <li>• Tasmania Fire Service and Coastal Marine Branch did not actually provide a written report. Inconsistency here as my evidence had to be supported in writing (re Crown Land Services) otherwise deemed invalid and the Council would not accept my application;</li> <li>• The effect a solid structure would have on the working of the sand dune;</li> <li>• Who pays for the cost of maintenance and upkeep? and</li> <li>• The effectiveness of a fence in bush fire prevention.</li> </ul>	<ul style="list-style-type: none"> <li>• Dune protection on the Crown Land Reserve from deliberate planting of exotic species;</li> <li>• Control of dogs wandering into the Reserve; and</li> <li>• Vegetation being cleared on the Reserve.</li> </ul> <p>In light of the comments presented by the applicant, the alternative option of excising a buffer strip from the northern boundary as Public Open Space would overcome many of the issues raised and still achieve the intended outcome.</p> <p>By excising a buffer strip of 6.8 metres from the northern boundary, a fence could be constructed closer to the foot of the dune rather than on the crest. This in turn would minimise damage to the dune and also reduce visual impact of a fence. Further visual intrusion of a fence may be minimised by allowing a fence height of only 1.2 metres. Maintenance and upkeep of any fence constructed may be easier by the new owners of Lots 1-8 if it is located closer to the base of the slope once the individual lots have been sold.</p> <p>It is recommended that condition 3(g) of the draft permit be amended. It should be noted that this change is also in line with the view expressed by the Turners Beach Coastcare Inc (TBC).</p>
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		Also see discussion on <i>Public Open Space contribution</i> .
3/4	Acknowledgement by the Council made of surrounding area and existing two-storey dwellings and maximum permissible building height of 10 metres. Does this imply 10 metres is permissible so long as it is not more than one storey? Surely a height of 10 metres would be the influencing factor and not the number of storeys? Concern expressed that this could have an affect on the value of the blocks, particularly Lots 1-8.	<p>This matter was specifically addressed in response to comments raised by the Coastal and Marine Branch (Department of Tourism, Arts and the Environment). Essentially this matter will be determined at the time a planning application is made for a dwelling, once the subdivision is approved. The building height of a dwelling will be assessed against the requirements of the Scheme.</p> <p>No change proposed.</p>
3/5	Concern expressed with respect to the wording of condition 3(a)(i) requiring the creation of building envelopes on Lots 1-8 at a minimum of 8 metres and parallel to the northern boundary in which no development or works are to be undertaken. Requested that this Condition be clarified given that the building envelopes will contain buildings. The 8 metre strip parallel to the north boundary is the area depicted here. Question is made as to what constitutes "Development or Works". This could be misconstrued in future. It may prevent lawful "works".	<p>The term "building envelope" referred to in this condition requires clarification. The intent of this condition is to prevent any building, works, excavation or removal of vegetation to be undertaken within 8 metres of the northern boundary of Lots 1-8. If this condition is retained some rewording will be required to address the matter raised by the representation.</p> <p>However, in light of discussion under the heading <i>Public Open Space contribution</i>, reconsideration of this issue is required with respect to the preparation of a Part 5 Agreement and whether this will achieve the desired outcome intended in this instance.</p> <p>While this condition prevents development or works</p>

		<p>within 8 metres of the northern boundaries of Lots 1-8, there are a number of unsightly structures currently existing at the rear of these lots (i.e. various retaining walls of different heights and construction materials) that the current or future land owners may wish to remove or replace.</p> <p>The removal of any of these structures would fall within the definition of works as defined by the Scheme. Accordingly, this condition will essentially prevent the removal or replacement of any unsightly structures. This could be difficult to manage and could potentially be detrimental to protecting the leeward slope of the secondary dune.</p> <p>Again by excising a buffer strip from the northern boundary of the subject land a number of these structures would be eliminated from private property. This in turn would have the following benefits:</p> <ul style="list-style-type: none"><li>• The buffer strip would be ultimately managed in conjunction with the Crown Land Reserve;</li><li>• The structures would not need to be removed, preventing further damage to the rear of the dune; and</li><li>• Current and future landowners of Lots 1-8 will not have any limitations placed on their land</li></ul>
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		<p>with respect to development and works that may be undertaken.</p> <p>Accordingly, it is recommended that conditions 3(a)(i) and 3(d) be deleted and replaced with a condition requiring the excision of a buffer strip from the northern boundary of proposed Lots 1-8 and be transferred to the Council’s ownership.</p> <p>However, in the event that the above recommendation is not adopted, the current wording of condition 3(a)(i) and 3(d) should be amended to replace the words “building envelope” with “exclusion area”.</p>
3/6	<p>Concern expressed over the wording of condition 3(d) requiring that “development, excavation or works can not be undertaken during the construction phase of the subdivision works within the described building envelopes on Lots 1-8”. A series of concerns and questions is raised with respect to this matter.</p>	<p>See comments 3/5.</p>
3/7	<p>Objection to condition 3(h) requiring “payment being provided by the subdivider, when the Final Plan is submitted for sealing, of cash in lieu of the provision of land for Public Open Space equal to 5% of the value of Lots 1 to 25 inclusive as determined by a registered valuer”. The 8 metre buffer strip required by conditions along the northern boundary would severely impact on the private land within Lots 1-8. The</p>	<p>The applicant has expressed that cash in lieu required for Public Open Space is not necessary in this instance given the 8 metre buffer strip is required along the northern boundary by conditions 3(a)(i) and 3(d).</p> <p>The cash in lieu matter is a policy decision for the Council. Whilst the 8 metre buffer does have some community benefits, this land will not be generally</p>

	<p>owners of these lots have to live with and deal with the consequences of these conditions and as such would not enjoy the full and unfettered use of the land. The benefits implied by the Council are not just to Lots 1-8 but also to the community at large for fire fighting and integrity of the dunes. The value of that buffer strip and the affect on the subdivision should be considered and taken into account in the 5% contribution clause. A suggestion is this fulfils the provision in lieu of cash.</p>	<p>accessible to any members of the public. Additionally it also does not diminish the demand for the use of the Council's open space by residents of this subdivision.</p> <p>That is, the Council maintains open space for a number of uses both active and passive recreation in settlements. Future residents of this subdivision are likely to utilise these facilities as much as any other member of the community. As such the taking of cash in lieu is considered appropriate in this instance and this condition should remain unchanged.</p> <p>However, if the alternative approach is supported, recommending the excision of 5% of the subject land as Public Open Space, this condition can be deleted. This approach is advocated over retention of condition 3(h) as this will provide positive benefits in which the Council and TBC can play an active role in the management and protection of the dune system. Excision of this land is also timely given that the Council will be preparing a Coastal Management Plan for Turners Beach in 2007.</p> <p>It is recommended that condition 3(h) be deleted and that a condition be added to the draft permit requiring the excision of a buffer strip.</p> <p>See also discussion under the heading <i>Public Open Space contribution</i>.</p>
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<p>3/8</p>	<p>Concern expressed over condition 3(i) which requires the preparation of a Part 5 Agreement. With respect to this condition - clauses (iii), (iv), (v) and (vii).</p> <p>Concern that clause (iii) may prevent lawful “works” that is part of normal subdivision process if this is implemented. Refer to earlier comments on “building envelopes” above.</p> <p>The latter three clauses are concerned about non-native plants. Concern is expressed over the conflict that may arise as (iv) says only local native plants, whilst (vii) permits native. Similarly (v) is dual conditions. See also condition 3(q).</p> <p>Clause (vii) regarding “non native plants” is not warranted to achieve what is envisaged. The surrounding area is extensively and actively covered with gardens and lawns. Escape of non-native plants from surrounding areas is difficult to prevent. This clause would effectively curtail gardening in its current form.</p> <p>Again what is the purpose and on what grounds are such restrictions placed? Francis Mowling's concern was for invasive grasses spreading across the dune system [covered by clause (ix)]. It would rule out vegetable and fruiting gardens that bring both social and economic benefits to the community. As part of</p>	<p>With respect to comments on “building envelopes” see 3/5.</p> <p>The representation has made valid points with respect to implementing a Part 5 Agreement that prevents the establishment of vegetable and fruiting gardens. The purpose of this Part 5 Agreement was to prevent the further planting of exotic species, particularly along the edge of the dune system. It is not intended to prevent vegetable and fruiting gardens throughout the subdivision.</p> <p>Accordingly, it is recommended that conditions 3(i)(iv), 3(i)(vii) and 3(i)(viii) be deleted and condition 3(i)(vi) be retained.</p>
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	<p>the restrictive covenant this would be enforceable by law and yet hard to police. Request that these clauses be revisited.</p> <p>Objection to clause (viii) with respect to the burning of any fallen trees, tree limbs, debris or vegetation on Lots 1-8. This is considered unreasonable to suggest this for a full 12 months. Recommend that a fire permit clause be included instead.</p>	
3/9	<p>Objection to condition 3(j)(iv) concerning a paved vehicular access. The subdivision is to be constructed to modern environmental and engineering standards. “Water sensitive urban design” is one approach and it may be that a conventional paved access may not be the preferred option here. Request that flexibility with respect to this matter be retained.</p>	<p>This is a standard requirement imposed on subdivision developments and is applicable to the vehicular access from the kerb and channel to the property boundary. Inside the boundary is the property owner’s responsibility and choice.</p> <p>The Municipal Standard Drawings allow for concrete and asphalt driveways, however, the Council has in the past allowed the use of pavers in urban areas. A two-coat seal is allowable in rural areas.</p> <p>No change proposed.</p>
3/10	<p>Condition 3(m) conflicts with condition 3(j)(i-iii).</p>	<p>Conditions 3(j)(i-iii) require the provision of water supply, stormwater and sewerage services to each lot. It is best engineering practice during the design process to fully service each lot with these services. However, it may become apparent that during that process that, for one reason or another, the entire lot cannot be</p>

		<p>serviced but a <i>major</i> portion can. Condition 3(m) allows for an area on a lot that cannot be serviced to be identified and endorsed on the Final Plan as not being able to be serviced.</p> <p>These conditions do not conflict but in fact complement each other because, in some instance, to service the entire lot would require more expensive engineering solutions.</p> <p>No change proposed.</p>
3/11	<p>Queried with respect to condition 3(v) what constitutes a significant event? The condition does not impose a time limit. The Council has verified that this is only applicable during the construction phase. Request that this condition be clarified.</p>	<p>It is recommended to amend condition 3(v) to ensure that this is only imposed during the construction phase.</p>
3/12	<p>Note C refers that the Final Plan will not be sealed until all conditions of approval have been met. No mention made of “Suitable Bond” provision. This should be considered to be an option.</p>	<p>The ability to submit a cost estimate, make payment or lodge a Bank Guarantee is available to the developer usually for the provision of infrastructure services. The provision of a bond to reflect the anticipated costs is often used in multi-lot subdivisions to effect the issue of Titles before the works are completed. This nullifies note C to a point. Other conditions that aren’t quantifiable by a bond requires the note to remain.</p> <p>No change proposed.</p>



4/1	Turners Beach Coastcare (TBC) does not wish to object to the proposed rezoning.	No response.
4/2	In general, TBC supports the conditions and restrictions for the subdivision. Concerned, however, with some of the detail of the Council's recommendation and question the effectiveness of the Part 5 Agreement without the provision of a supervising authority to ensure continuing compliance.	See response below.
4/3	Disappointed that the Council has chosen to accept cash payment from the developer in lieu of setting aside 5% of the area as Public Open Space. There is increasing public concern about the impacts of climate change. The proper care and protection of the dune system is of paramount importance to all residents of Turners Beach. TBC believe that public ownership is a more equitable and effective approach to achieving this than relying on the goodwill of landowners.	<p>It is agreed that public ownership of a buffer strip along the northern boundary is more equitable and effective approach to achieving this than relying on the effectiveness of a Part 5 Agreement.</p> <p>It is recommended that the permit be amended to reflect the recommendation outlined under the heading of <i>Public Open Space contribution</i>.</p>
4/4	TBC proposes that the 5% of the area be set aside as Public Open Space. The 5% be set aside as a strip along the northern boundary of the subdivision and that this be included in the Coastal Reserve to ensure protection for the leeward slope of the secondary dune. This would also enable checks to be made of the state of vegetation and the retaining walls, which would not be possible under private ownership. Including this	Agreed. It is recommended that the permit be amended to reflect these comments. Refer to discussion under the heading of <i>Public Open Space contribution</i> .

	part of the dune system within the subdivision also contradicts the geomorphic report.Support a minimum lot size of 700 square metres.	
4/5	<p>Question whether it is current best practice to dispose of stormwater from the subdivision directly onto the beach. However, if this cannot be avoided, we support the proposal under condition 3(b) to bore and simultaneously lay a pipe under the dunes. TBC would not support any excavation of the dunes to carry out the work and request that all care be taken to avoid damaging root systems, particularly of the larger vegetation on the dunes, such as mature coastal wattles and myoprum.</p> <p>TBC notes that some above-ground work will be needed where the existing pipe runs through the dunes, including access by truck and a mini excavator, and regarding of the affected area. Request that proposal needs to be more explicit about the access route for the truck and mini excavator and would be involved.</p> <p>Support condition 3(c). However, request that condition 3(c) be expanded to ensure that the re-vegetation is done to an acceptable standard, perhaps through supervision by the Council's NRM Officer and in consultation with TBC. Also concerned with the follow-up work that may be required in case plants fail to establish; should be funded by the developer. TBC recommends that all works be done in accordance</p>	<p>It is agreed that further detail with respect to the construction of the stormwater pipeline across the Crown Land Reserve be obtained. Based on this representation it is recommended that a condition be added to the permit requiring the applicant to provide details of the construction schedule and an environmental management plan prior to works being undertaken. The issue of revegetation is also addressed by this additional condition.</p>

	with guidelines in the Coastcare manual.	
4/6	Concerned that the stormwater works associated with the upgrading of the existing outfall do not consider the potential for backwash through the stormwater system due to projected increase in storm-surge heights. TBC recommends consideration be given to the installation of a flap or valve at the exit of the outfall to ensure that water can only flow out of and not into the outfall. It is also questioned whether the outfall itself may be more vulnerable to damage during future storm-surges and whether specifications for its reconstruction should take this into account.	<p>With the installation of a flap valve or the like on the end of the outfall there is the potential for sand movement to build up and restrict the flow from the pipe restricting the flows. The sand may even block the flap completely. The installation of a flap valve is not supported.</p> <p>The consultants have been provided with drawings of the detail required for construction of the outfall.</p> <p>No change proposed.</p>
4/7	Notes that the Geomorphic Report that “The area is subject to a 1.5% incidence of severe flooding, which is above the 1 in 100 years severe flood return”. It is questioned whether the calculations by ESK4 Development Consultants was taken into account.	<p>The ESK4 Developments Consultants design criteria for stormwater was for a 1 in 10 year ARI which is the Council standard for urban developments. To require calculation for a ARI in excess of 1 in 100 year would be too onerous on the developer and outside the design criteria the Council uses for its own designs.</p> <p>No change proposed.</p>
4/8	TBC requests that all care be taken to minimise the visual impact of the upgraded outfall.	<p>Outfalls by their nature do impact visually on the surrounding area. The outfall will be constructed to Council standards. There are limited options available in relation to the minimisation of visual impact of outfalls.</p> <p>The extent of the outfall will be the same as the</p>

		existing one.
4/9	Recommend the installation of a rubbish trap at the exit of the upgraded outfall.	<p>It is not currently the Council's practice to install or require the installation of gross pollutant traps on stormwater outfalls.</p> <p>There are implications of requiring this type of installation:</p> <ol style="list-style-type: none"> <li>1 In this application the trap would be required at the new manhole in the dunes and would then be difficult to access for maintenance and cause disturbance to the dunes in the process.</li> <li>2 The Council does not have the equipment to, at this point in time, carry out maintenance on these devices, therefore there is no capacity to carry out the required maintenance.</li> </ol> <p>No change proposed.</p>
4/10	Request for clarification requiring that stormwater contaminants entering the ocean will be minimised only during the construction phase or to the design of the permanent stormwater system for the development. Condition 3(u) refers to works carried out during construction, but there is not reference in the permit that requires the design of the permanent stormwater system to meet this condition.	<p>Generally conditions associated with stormwater management are usually only applicable to the construction phase of the subdivision. This matter should have been clarified in the initial report to the Council.</p> <p>No change proposed.</p>

4/11	Condition 3(v) fails to specify the period over which the subdivider is required to inspect the stormwater control devices after each significant rainfall. Request for clarification.	In the past such conditions usually refer to the construction period. It is recommended that condition 3(v) be amended to specify that this condition is only applicable during the construction phase.
4/12	<p>Support the access from the subdivision to the beach via the current boardwalk be closed. No objection to the removal of the section of the boardwalk that is on private land.</p> <p>Concern that condition 3(e) fails to recognise the boardwalk provides more than just access between the beach and the Caravan Park. TBC points out that the public, northern section of the boardwalk is part of a popular route with walkers, particularly at high tide, as it connects the beach with the fire trail that follows the swale between the two dunes. The boardwalk was constructed in 1998 to attempt to remediate erosion and reduce the use of unauthorised tracks. Concern that complete closure will result in a return to the former unsatisfactory situation. Strongly recommend consultation with TBC and the wider community of beach users to find a more acceptable solution.</p>	Agreed. Given that the boardwalk provides more than just access between the beach and the Caravan Park, it is recommended that the portion only on the Coastal Reserve be retained. Accordingly, condition 3(e) of the draft permit will be amended.
4/13	Support the proposal of a pedestrian access route between Lots 9 and 10. However, it needs to consider whether this pathway can support the extra foot-traffic and whether funds should be allocated for upgrading.	This issue has been noted. No change proposed.
4/14	The surveyor states that the existing small trees and	Any removal of healthy native trees or vegetation on

	shrubs will be cleared. It is not clear whether this includes the vegetation on the dune. Removal of weeds is welcome but not the native vegetation.	the land contained within 6.8 metres from the northern boundary of Lots 1-8 will be prevented. It is recommended that this matter be clarified by adding a condition to the draft permit preventing the removal of healthy native trees or vegetation.
4/15	The surveyor states that re-growth of natural vegetation in any degraded areas will be encouraged, but this is not included as a condition of approval, and there is no indication of who will fund this or time limit for its completion.	No alteration to any permit conditions is required.
4/16	Correspondence by the surveyor states that all existing structures within the Caravan Park are to be removed. Will this involve removal of the current retaining walls, which appear to be within the 6 metre distance from the northern boundary in which no development or works are to be undertaken?  TBC queries whether new property owners will be happy to retain the current walls which have developed haphazardly. TBC also queries whether the retaining walls are in good condition and whether they should be replaced to an improved standard. We argue that this is yet another reason for excising the dune from the subdivision.	Refer to 3/5.
4/17	Question the long-term effectiveness of the condition 3(i) unless a system to ensure compliance is put in place. Who will police these requirements? For this	With any Part 5 Agreement it is generally the Council's responsibility to ensure that compliance is achieved. With limited resources and time this is often

	reason the request that the 5% open space be allocated to a strip bordering the northern boundary to ensure better protection of leeward slope of the secondary dune.	a difficult task and is often reliant on members of the public bringing illegal activities to the Council's attention. It is agreed that excision of a buffer strip for Public Open Space would ensure better protection of the leeward slope of the secondary dune system. Accordingly the approach recommended under the heading of <i>Public Open Space contribution</i> is advocated.
4/18	Condition 3(i)(ii) identifies that individual lots forming part of the subdivision may potentially be vulnerable to coastal processes. TBC requests that the vulnerable lots as part of the subdivision be identified. If Lots 1-8 are among the lots, then we argue this adds weight to our proposal to use the 5% open space along the northern boundary of the subdivision.	The Geomorphic Assessment does not identify any specific lots proposed by the subdivision as being potentially vulnerable to coastal processes, instead reference is made more generally to the subject land. Accordingly it is not appropriate to identify any individual lots proposed as part of this subdivision as being more vulnerable than other lots.  No change proposed.
4/19	Concern about including condition 3(i)(ii) in the Part 5 Agreement and ask whether this is to indemnify the Council and ratepayers against future claims for damages by property owners. TBC queries if legal advice has been sought regarding its effectiveness.	This condition requires the preparation of a Part 5 Agreement. This will be prepared by the applicant's legal representative. The registration of the Agreement on the individual titles offers some measure of assurance.  No change proposed.
4/20	Support condition 3(g) for a non-combustible fence. Request that this condition be amended to ensure that access gates cannot be cut into the fence.	Refer to 3/1 and 3/3.

	<p>Concern that the construction of the fence may result in damage to the dune and any native vegetation. An advantage of including the lee slope of the secondary dune within the Coastal Reserve is that the fence could be built at the base of the dune. This would minimise damage to the dune and associated vegetation during construction of the fence and would reduce the visible impact of the fence which has concerned some people.</p>	
4/21	<p>Support condition 3(f)(i). However concerned that the requirements for elevated footing may lead to requests for increases in building heights to accommodate upper floors.</p>	<p>Refer 3/4. In addition to the above comments, building height, as defined in the Scheme, is measured from the lowest point of the proposed building prior to any siteworks commencing and not from the elevated footing.</p> <p>No change proposed.</p>
4/22	<p>Concern that the construction of an additional road accessing Turners Beach Road will lead to road safety problems, particularly during peak traffic periods.</p> <p>TBC recommends consideration of traffic calming measures of Turners Beach Road, as outlined in the original Cultural Plan for Turners Beach (1996). Believe that the developer should make some contribution to this aspect of traffic safety as the subdivision will directly contribute to the added pressure in the immediate area.</p>	<p>The issue of traffic management is undertaken in conjunction with Department of Infrastructure, Energy and Resources (DIER) during the engineering design process. Once the road design for the proposed subdivision is finalised it is submitted to DIER for comment and any requirements made by DIER will be at the developer's expense.</p> <p>No change proposed.</p>



4/23	There are threatened species registered for the subject land. This is incorrect and fails to recognise the eastern barred bandicoot which is listed as vulnerable under the <i>Environment Protection and Biodiversity Conservation Act (1999)</i> . The eastern barred bandicoot is frequently observed in this part of Turners Beach and this should be acknowledged in the documentation.	It is acknowledged that eastern barred bandicoot is frequently observed in this part of Turners Beach.  No change proposed.
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*Additional comments*

The representations received by the Council on the proposed amendment are primarily concerned with the conditions proposed for the inclusion on the draft permit should the rezoning application be approved.

The contribution of Public Open Space and the requirement for a Part 5 Agreement is the primary focus for two of the representations with the others being focussed on the existing Right of Way and proposed rezoning of land. As a result of these representations amendments to the conditions for inclusion on the permit are recommended. These have been discussed in Table 1 with further discussion on the Public Open Space contribution given below.

*Public Open Space contribution -*

As reported previously, the issue of providing an appropriate buffer from the lee slope of the secondary dune was carefully considered as part of this application. With respect to retaining a buffer to provide the maximum protection in context of the proposal, the following options were explored.

- . A 5 metre parallel buffer to be excised from the northern boundary of the subject land and be incorporated into the Crown Coastal Reserve or retained by the Council on a separate title;
- . Create a buffer of 6 metres along the northern boundary of the subject land over which a restrictive covenant is placed prohibiting the removal of any healthy vegetation whilst allowing for replanting of appropriate local native species; and/or
- . A building envelope be imposed for proposed Lots 1-8 to ensure that no building is constructed closer than 8 metres from the northern lot boundary.

The Council resolved at its meeting on 20 November 2006 to adopt the following approach:

- . The proposed plan of subdivision be amended to include exclusion areas for proposed Lots 1-8 a minimum distance of 8 metres from the northern boundary of the subject land;

- . A restrictive covenant be implemented prohibiting the removal of any healthy vegetation whilst allowing for replanting of appropriate local native species on Lots 1-8; and
- . A Part 5 Agreement be drafted ensuring a potential purchaser of land is aware of the risks associated with the subject land prior to signing a contract to purchase any of the proposed lots and that they have no claim against the Council with respect to storm-surge flooding, dune erosion or recession or landward migration of the dune system.

The issues raised by the representations have prompted the reconsideration of the above approach. From Table 1 above it is demonstrated that the current approach advocated presents many challenges and issues. For these reasons a Part 5 Agreement and restrictive covenant is no longer considered the best approach to protecting the leeward slope of the secondary dune.

The excision of a 6.8 metre buffer strip from the northern boundary of the subject land is equivalent to a 5% Public Open Space contribution (refer to Annexure 3 - Public Open Space Contribution Calculation) and can be either incorporated into the Crown Land Reserve or retained by the Council on a separate title. Access to this land could be obtained via both the Crown Land Reserve or adjoining Council-owned land to the east.

The benefits of the Council adopting this approach over the previous method are as follows:

- . Public ownership of this strip of land will allow a more equitable and effective approach to managing the portion of the dune system rather than relying on the future landowners of Lots 1-8 to comply with the requirements of a Part 5 Agreement;
- . It will enable access to the leeward slope of the dune for management and remediation purposes which may not be possible under private ownership;
- . Fencing would not need to be constructed on the crest of the secondary dune which may otherwise result in destruction of existing vegetation;
- . The creation of a buffer strip would mean that in general a fire break could be naturally created with the current position of vegetation on the sand dune (i.e. the buffer zone is effectively the fire break);
- . Management of this land can be linked with any future Coastal Management Plan for Turners Beach;
- . Ensures that vegetation cannot be removed from this portion of land; and

- . Enables control to prevent the *ad hoc* removal of retaining walls or other structures embedded into the leeward slope of the dune.

Additionally, the excision of 6.8 metres from the northern boundary of the subject land will not prevent attaining the minimum lot size of 550 square metres for Lots 1-8 as required by the Scheme (refer to Annexure 3).

This option has obtained support from Council staff responsible for natural resource management. Support for this option was also previously expressed by the Parks and Wildlife Service and Coastal and Marine Branch. In previous discussions with Crown Land Services it should be noted that they were not supportive of this approach and had preference for a restrictive covenant in facilitating the protection of the secondary dune system. However, as the land can be retained in Council ownership this should not pose an issue.

If this option is adopted, the creation of a buffer zone on the northern side of properties (southern side of the sand dune) will also have minimal impact on the Council's long-term maintenance responsibility and costs.

Accordingly, it is recommended that the draft permit be amended to require the excision of a strip of land, having a width of 6.8 m, from the northern boundary of the subject land and that this be retained by the Council on a separate title. This lot will need to be delineated as Public Open Space on the plan of subdivision.

*Implications for the amendment and planning permit -*

The subject land is proposed to be zoned Residential (RA) - Closed. The Crown Land Reserve is zoned Recreation and Community (POS) - Public Open Space. If a small portion of the subject land is excised for Public Open Space purposes it is considered that it would be more appropriately zoned the same. However this is outside the ambit of the Council at this stage of the process and is a matter for the RPDC to consider.

In light of the above discussion, a series of amendments is required to the conditions of the permit to ensure that this is reflective of the above recommendations. These changes have been incorporated below under *Recommendation*.

*CONSULTATION*

Any further consultation on the draft amendment will be conducted at the direction of the RPDC.

*IMPACT ON RESOURCES*

The application will impact on staff time associated with the statutory processes involved in the rezoning process. The scheduled application fee was provided. No other impacts on resources are anticipated.

*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 report has highlighted that no changes are required to the proposed draft amendment. However, in light of the representations received and the above discussion a series of amendments are recommended to the draft Permit which was considered by the Council on 20 November 2006.

*Recommendation*

It is recommended that the conditions associated with the draft permit approved by the Council on 20 November 2006 be replaced with the following conditions and restrictions:

- 1 The subdivision be generally in accordance with the submitted plan by Richard Sands, dated 11 June 2006, drawing numbers 0604-1 Rev. A to 0604-3 Rev. A (the Plans), with the following amendments:
  - (a) A Public Open Space lot having a width of 6.8 metres measured from the northern boundary of Lots 1-8 inclusive is to be dedicated as a Public Open Space on the Final Plan and transferred to Council at the time of registration of the titles;

- (b) Amend the lot boundary between Lots 1 and 25 to meet the minimum frontage dimension of 6 metres on Lot 1;
  - (c) Amend the lot boundary between Lots 8 and 9 to meet the minimum frontage dimension of 6 metres on Lot 8;
  - (d) Amend the southern lot boundary of Lot 26 to meet a building set-back distance of 1.5 metres from the boundary of Lot 23;  
and
  - (e) Amend the boundaries between Lots 25 and 26 to ensure that the “Right of Way” is contained on Lot 26 only;
- 2 The lot to be assigned as Public Open Space on the Final Plan is to be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Central Coast Council with all documentation in relation to discharges of any mortgages, caveats or the like, and all relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office and duty fees and charges;
- 3 No construction of tracks from the northern boundary of Lots 1-8 to be established over the Public Open Space lot or the Crown Coastal Reserve to the beach;
- 4 The stormwater pipeline on the Crown Coastal Reserve is to be bored under the sand dunes in accordance with the requirements and conditions imposed by Crown Land Services;
- 5 Any vegetation on the Crown Coastal Reserve being disturbed as a result of the stormwater pipeline construction is to be re-established with appropriate local native species;
- 6 The applicant is to lodge a construction schedule and environmental management plan for the placement of the required stormwater pipeline on the Crown Coastal Reserve. Construction is not to commence until the plan has been considered and approved by the appropriate authorities and stakeholders. Re-establishment of the site is to occur before sealing of the Final Plan unless a satisfactory bond is submitted. This can be released upon the site being remediated to the satisfaction of the Council;

- 7 The existing boardwalk is to be modified to prevent direct pedestrian access to and from Lot 3;
- 8 A suitable covenant is to be included in the Schedule of Easements to specifically restrict all floor levels of dwelling units developed on Lots 1-25 being below the 3.6 m Australian Height Datum;
- 9 A fence being constructed from non-combustible materials on the revised northern boundary of Lots 1-8 inclusive not less than 1200mm in height and of a colour that will blend with the adjacent environment;
- 10 A Part 5 Agreement being prepared at no cost to the Council by a legal professional to provide the following:
  - (a) The subdivider and future landowners acknowledging and accepting that the proposed plan of subdivision is in close proximity to the coast and that individual lots forming part of the subdivision may potentially be vulnerable to storm-surge flooding, sandy shoreline erosion and regression, or landward migration of the frontal dune which may result in the loss of buildings constructed on individual lots; and
  - (b) Prevent the use of chemicals (including fertilisers) on Lots 1-8, except registered herbicides or pesticides or both and only where necessary for control of exotic species that threaten the natural values of the land;
- 11 The subdivider providing:
  - (a) water supply reticulation and connection and meter to each lot;
  - (b) sewerage reticulation and connection point to each lot;
  - (c) underground stormwater reticulation and connection point to each lot;
  - (d) a paved vehicular access together with kerb and channelling crossover to each lot;

- (e) removal of all existing sewer and stormwater lines that do not suit the proposed layout;
  - (f) separate underground power mains and services to each lot together with associated street lighting standards; and
  - (g) installation of footpath (full width) in the walkway from the new cul-de-sac to the existing walkway;
- 12 Existing services, disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath being reinstated to the satisfaction of the Council's Director Assets & Engineering;
- 13 The provision (where necessary) of water supply and drainage easements;
- 14 The Final Plan to be endorsed to show any area that cannot be serviced by existing or new reticulated sewer or stormwater;
- 15 Relocation (where necessary) by the subdivider of house connection drains and services to within respective lot boundaries;
- 16 The design and construction of the road by the subdivider in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;
- 17 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 18 Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of a least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 19 Every effort must be made to stabilise stockpiles of topsoil and overburden. This stabilisation may include vegetative seeding, mulches, plastic mesh or netting or another appropriate method;



- 20 Appropriate dust control measures are to be implemented to ensure that dust is not permitted to cross any point of the property boundary so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 21 The disposal of solid and liquid waste on the site is prohibited;
- 22 The subdivider is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses; and
- 23 The subdivider must inspect the stormwater control devices after each significant rainfall event during the construction phase and take appropriate action to ensure the integrity of the system;

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

- A this Permit expires two years from the date advice of this decision is received unless the subdivision has substantially commenced. Substantial commencement is considered as the sealing of the Final Plan;
- B this Permit is based on information and particulars set out in Application No. COM2006.1. Any variation may require a further application for planning approval of the Council;
- C the Final Plan will not be sealed until all conditions of approval have been met;
- D where survey pegs are disturbed during the provision of services, a re-peg survey must be undertaken by a registered surveyor;
- E for their own planning purposes, appropriate advice should be conveyed to the appropriate telecommunication and power supply authorities;
- F in relation to condition 4 the stormwater outfall will require to be bored under the sand dunes in accordance with the requirements and prior approval of Crown Land Services. In relation to condition 11(c), any alternative stormwater disposal method may be subject to a separate application for a discretionary Planning Permit;

- G the stormwater connection to the existing outfall is to be to the satisfaction of the Director Assets & Engineering;
- H the existing caretaker's house (new Lot 26) must be serviced by individual water, sewerage and stormwater connection points and be connected;
- I any works undertaken on the existing house connections must be in accordance with the requirements of the Council's Senior Plumbing Inspector;
- J any works undertaken within the Road Reservation requires a Road Reservation Permit to be submitted and approved prior to construction;
- K any proposed pedestrian access to the beach does not form part of this approval. Any new track proposed across the Crown Coastal Reserve by the subdivider will require a further application for planning approval to be considered. It is recommended that prior to making an application that the subdivider consults with the local Coastcare group. It is also recommended that this consultation consider:
  - (i) the track being aligned away from the direction of the prevailing wind to reduce "funnelling" of the wind through a narrow opening; and
  - (ii) zig zagging across the frontal dune;
- L connection of rainwater tanks to future dwellings on the subject land is encouraged to minimise potential of flood risk and to provide an opportunity for the purpose of on-site sustainable irrigation;
- M a separate application for a Sealed Plan Amendment will be required for altering the existing "Right of Way" over proposed Lots 25 and 26; and
- N the Council supports and encourages the planting of native species and discourages the planting of non-native species.'

The Acting Town Planner has prepared the following additional report:

'Another site inspection of the Turners Beach Caravan Park has been undertaken to confirm/verify the location and heights of the existing retaining

walls that exist in one form or another along the northern boundary of Lots 4-8. This assessment was done in relation to the requirement of the 6.8m wide buffer strip as referred to in agenda item 9.4.

This confirmed that many of the retaining walls were constructed without a Building Permit and those lesser in height not requiring a Building Permit may be in danger of collapse. Generally there is no continuity of either height or construction method used for these retaining walls along this section of the subject land.

The walls need to be removed and replaced with a uniform structure to ensure that any maintenance or management of the Public Open Space with respect to any retaining walls remaining within the buffer strip is minimised. This will also ensure that retaining walls are constructed in an environmentally sensitive way. Accordingly the following condition is recommended for inclusion on the permit:

- 24 The existing retaining walls are to be removed and replaced with approved and uniform structures. These walls are to be considered in conjunction with the fencing to be constructed on the revised northern boundary of Lots 1-8 inclusive. The applicant prior to the commencement of the new retaining walls and fencing is to lodge a construction schedule and environmental management plan prepared by a suitably qualified person. Construction is not to commence until the plan has been considered and approved by the appropriate authorities and stakeholders. The final structure is to be completed prior to the Final Plan being sealed.

Point 4/14 also suggested that any removal, damage, poisoning of any healthy trees or vegetation within the 6.8 metre buffer strip be prevented. This was in response to comments from Turners Beach Coastcare. A similar condition was included in the original permit forming part of this application. The scope of an environmental management plan will need to include vegetation protection and remediation provisions where applicable. Accordingly the following condition is recommended for inclusion on the permit:

- 25 During the construction phase of the subdivision there is to be no removal of any healthy native vegetation in the vicinity of the buffer strip that may affect the approval process of the environmental management plan.

With respect to Note “N”, the following should be added:

“Additionally, *Kikuyu*, *Couch* and *Buffalo* grasses are not to be planted on Lots 1-26.”’

The reports are supported.”

The Executive Services Manager reported as follows:

“Copies of Annexures 1-3 identified in the Town Planner’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Haines seconded, “That the conditions associated with the draft permit for Application No. COM2006.1 approved by the Council on the 20 November 2006 be replaced with the following conditions and restrictions:

- 1 The subdivision be generally in accordance with the submitted plan by Richard Sands, dated 11 June 2006, drawing numbers 0604-1 Rev. A to 0604-3 Rev. A (the Plans), with the following amendments:
  - (a) A Public Open Space lot having a width of 6.8 metres measured from the northern boundary of Lots 1-8 inclusive is to be dedicated as a Public Open Space on the Final Plan and transferred to Council at the time of registration of the titles;
  - (b) Amend the lot boundary between Lots 1 and 25 to meet the minimum frontage dimension of 6 metres on Lot 1;
  - (c) Amend the lot boundary between Lots 8 and 9 to meet the minimum frontage dimension of 6 metres on Lot 8;
  - (d) Amend the southern lot boundary of Lot 26 to meet a building set-back distance of 1.5 metres from the boundary of Lot 23; and
  - (e) Amend the boundaries between Lots 25 and 26 to ensure that the ‘Right of Way’ is contained on Lot 26 only;
- 2 The lot to be assigned as Public Open Space on the Final Plan is to be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Central Coast Council with all documentation in relation to discharges of any mortgages, caveats or the like, and all relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office and duty fees and charges;

- 3 No construction of tracks from the northern boundary of Lots 1-8 to be established over the Public Open Space lot or the Crown Coastal Reserve to the beach;
- 4 The stormwater pipeline on the Crown Coastal Reserve is to be bored under the sand dunes in accordance with the requirements and conditions imposed by Crown Land Services;
- 5 Any vegetation on the Crown Coastal Reserve being disturbed as a result of the stormwater pipeline construction is to be re-established with appropriate local native species;
- 6 The applicant is to lodge a construction schedule and environmental management plan for the placement of the required stormwater pipeline on the Crown Coastal Reserve. Construction is not to commence until the plan has been considered and approved by the appropriate authorities and stakeholders. Re-establishment of the site is to occur before sealing of the Final Plan unless a satisfactory bond is submitted. This can be released upon the site being remediated to the satisfaction of the Council;
- 7 The existing boardwalk is to be modified to prevent direct pedestrian access to and from Lot 3;
- 8 A suitable covenant is to be included in the Schedule of Easements to specifically restrict all floor levels of dwelling units developed on Lots 1-25 being below the 3.6 m Australian Height Datum;
- 9 A fence being constructed from non-combustible materials on the revised northern boundary of Lots 1-8 inclusive not less than 1200mm in height and of a colour that will blend with the adjacent environment;
- 10 A Part 5 Agreement being prepared at no cost to the Council by a legal professional to provide the following:
  - (a) The subdivider and future landowners acknowledging and accepting that the proposed plan of subdivision is in close proximity to the coast and that individual lots forming part of the subdivision may potentially be vulnerable to storm-surge flooding, sandy shoreline erosion and regression, or landward migration of the frontal dune which may result in the loss of buildings constructed on individual lots; and

- (b) Prevent the use of chemicals (including fertilisers) on Lots 1-8, except registered herbicides or pesticides or both and only where necessary for control of exotic species that threaten the natural values of the land;
- 11 The subdivider providing:
- (a) water supply reticulation and connection and meter to each lot;
  - (b) sewerage reticulation and connection point to each lot;
  - (c) underground stormwater reticulation and connection point to each lot;
  - (d) a paved vehicular access together with kerb and channelling crossover to each lot;
  - (e) removal of all existing sewer and stormwater lines that do not suit the proposed layout;
  - (f) separate underground power mains and services to each lot together with associated street lighting standards; and
  - (g) installation of footpath (full width) in the walkway from the new cul-de-sac to the existing walkway;
- 12 Existing services, disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath being reinstated to the satisfaction of the Council's Director Assets & Engineering;
- 13 The provision (where necessary) of water supply and drainage easements;
- 14 The Final Plan to be endorsed to show any area that cannot be serviced by existing or new reticulated sewer or stormwater;
- 15 Relocation (where necessary) by the subdivider of house connection drains and services to within respective lot boundaries;
- 16 The design and construction of the road by the subdivider in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;

- 17 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 18 Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of a least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 19 Every effort must be made to stabilise stockpiles of topsoil and overburden. This stabilisation may include vegetative seeding, mulches, plastic mesh or netting or another appropriate method;
- 20 Appropriate dust control measures are to be implemented to ensure that dust is not permitted to cross any point of the property boundary so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 21 The disposal of solid and liquid waste on the site is prohibited;
- 22 The subdivider is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses;
- 23 The subdivider must inspect the stormwater control devices after each significant rainfall event during the construction phase and take appropriate action to ensure the integrity of the system;
- 24 The existing retaining walls are to be removed and replaced with approved and uniform structures. These walls are to be considered in conjunction with the fencing to be constructed on the revised northern boundary of Lots 1-8 inclusive. The applicant prior to the commencement of the new retaining walls and fencing is to lodge a construction schedule and environmental management plan prepared by a suitably qualified person. Construction is not to commence until the plan has been considered and approved by appropriate authorities and stakeholders. The final structure is to be completed prior to the Final Plan being sealed; and
- 25 During the construction phase of the subdivision there is to be no removal of any healthy native vegetation in the vicinity of the buffer strip that may affect the approval process of the environmental management plan;

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

- A this Permit expires two years from the date advice of this decision is received unless the subdivision has substantially commenced. Substantial commencement is considered as the sealing of the Final Plan;
- B this Permit is based on information and particulars set out in Application No. COM2006.1. Any variation may require a further application for planning approval of the Council;
- C the Final Plan will not be sealed until all conditions of approval have been met;
- D where survey pegs are disturbed during the provision of services, a re-peg survey must be undertaken by a registered surveyor;
- E for their own planning purposes, appropriate advice should be conveyed to the appropriate telecommunication and power supply authorities;
- F in relation to condition 4 the stormwater outfall will require to be bored under the sand dunes in accordance with the requirements and prior approval of Crown Land Services. In relation to condition 11(c), any alternative stormwater disposal method may be subject to a separate application for a discretionary Planning Permit;
- G the stormwater connection to the existing outfall is to be to the satisfaction of the Director Assets & Engineering;
- H the existing caretaker's house (new Lot 26) must be serviced by individual water, sewerage and stormwater connection points and be connected;
- I any works undertaken on the existing house connections must be in accordance with the requirements of the Council's Senior Plumbing Inspector;
- J any works undertaken within the Road Reservation requires a Road Reservation Permit to be submitted and approved prior to construction;
- K any proposed pedestrian access to the beach does not form part of this approval. Any new track proposed across the Crown Coastal Reserve by the subdivider will require a further application for planning approval to be considered. It is recommended that prior to making an application that the subdivider consults with the local Coastcare group. It is also recommended that this consultation consider:
  - (i) the track being aligned away from the direction of the prevailing wind to reduce 'funnelling' of the wind through a narrow opening; and
  - (ii) zig zagging across the frontal dune;



- L connection of rainwater tanks to future dwellings on the subject land is encouraged to minimise potential of flood risk and to provide an opportunity for the purpose of on-site sustainable irrigation;
- M a separate application for a Sealed Plan Amendment will be required for altering the existing 'Right of Way' over proposed Lots 25 and 26; and
- N the Council supports and encourages the planting of native species and discourages the planting of non-native species. Additionally, *Kikuyu*, *Couch* and *Buffalo* grasses are not to be planted on lots 1-26."

Carried unanimously

GENERAL MANAGEMENT

**17/2007 Minutes and notes of committees of the Council and other organisations**

The Executive Services Manager reported as follows:

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

- Ulverstone Local History Museum Committee - meetings held on 24 October and 14 November 2006
- Cradle Coast Authority - Annual General Meeting held on 23 November 2006
- Cradle Coast Water - meeting of Representatives and Annual General Meeting held on 6 December 2006
- Local Government Association of Tasmania - meeting of General Management Committee held on 7 December 2006
- Youth Engaged Steering Committee - meeting held on 14 December 2006
- Forth Community Representatives Committee - meeting of Council officers with Committee representatives on 14 December 2006
- Development Support Special Committee - meeting held on 18 December 2006
- Central Coast Community Safety Partnership Committee - meeting held on 20 December 2006.

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

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

Voting for the motion

(11)

Cr Downie

Cr Robertson

Cr Barker

Cr Bonde

Cr Deacon

Cr Dry

Cr Edwards

Cr Haines

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr Cooper

Motion

Carried

**18/2007      Review of the Operations and Functions of the Local Government Board**

The General Manager reported as follows:

*“PURPOSE*

To provide comment in response to the Issues Paper on the Review of the Operations and Functions of the Local Government Board.

*BACKGROUND*

The Local Government Office has invited comments on the Issues Paper regarding a review of the operations and functions of the Local Government Board. The Paper was distributed to all Councillors on 24 November 2006. The Premier has established a Steering Committee to evaluate the effectiveness and functions of the Local Government Board. Submissions to that Committee are to be received by 9 February 2007. Councillors informally considered the Issues Paper at a workshop on 8 January 2007.

*DISCUSSION*

Specifically the Issues Paper seeks the Council’s views on the issues shown in italics below, for which the following comments have been prepared:

- . *What you consider to have been the outcomes for Local Government and for the community that have been delivered by the process of general reviews, and/or aspects of the current general review processes that you would like to see retained;*
  - . The review provided an external objective insight into Council performance which was necessary at the time following the amalgamation process.
  - . As Central Coast was the first Council to be reviewed the process was a useful insight of how the Council was performing at the time. However, over time our understanding is that the process has become resource-intensive for all stakeholders, without a commensurate set of tangible returns.
  - . Since 1999 there have been changes to the Local Government Act and other legislation which has improved councils’ statutory reporting obligations. Councils administer their roles and responsibilities under

a wide range of legislation and each has its own set of compliance requirements.

- . The Council does not advocate for the retention of the current general review process, but it does recommend the need for a Local Government Board or its equivalent with sufficient powers to perform its duties.
- . Information gained during the review process is currently available in other statutory reporting documents and therefore it is a waste of resources to duplicate the provision of that information.
- . *Which aspects of Council's operations and processes should be regularly reviewed;*
  - . All core business processes of the Council should be reviewed but this doesn't mean by an external body. The Business Improvement Program that our Council has commenced will see every core business process reviewed over a three-year period. It is based on the *Best Value* approach and aims at continuously improving the way we do business.
- . *If you support retention of the current system of comprehensive general reviews by the Board, whether an eight year cycle should apply or an alternative timeframe and what other changes should be made, eg to scope of reviews, Board membership, etc;*
  - . The Council doesn't support the retention of the current system. A review every eight years is meaningless and viewed by many to be purely compliance focused rather than on genuine continuous improvement of Council performance.
  - . Councils should conduct self-reviews on a three-yearly cycle. The Board or its equivalent could design a self-evaluation program which councils should complete. These self-reviews would be audited by the Board or its equivalent. This could be modelled on the CMP audit process and, additionally, the outcomes of the reviews should be made public.
  - . The Board or its equivalent should conduct targeted systemic reviews, e.g. review of councils' water and sewerage infrastructure, or specific reviews, e.g. councillor numbers, Government initiated reviews, e.g. responding to sustained community unrest.

- The Council has no issue with the current membership requirements.
- *Which processes or combination of processes (model) would best achieve review of the matters that you consider should be reviewed, including which matters should be reviewed by the Board and which, if any should become the responsibility of Councils, other Local Government bodies or other oversight bodies, eg Auditor-General;*
  - Core business processes of councils – this should be part of the three-year self-review cycle.
  - The Government’s focus should be on a council’s compliance with its statutory and regulatory roles and functions. The Government can only intervene where there is non-compliance, fraudulent activity, financial mismanagement or where there is widespread community revolt with a council.
  - The Local Government Association of Tasmania (LGAT) should continue to provide advocacy, promotion, support, advice and assist councils in their pursuit of best practice as an industry.
- *To perform the role you consider the Board should have, what alternative processes, if any, should be used and what the Board membership should be;*
  - In addition to the three-yearly self-review process the Board or its equivalent could examine the following annual statutory reporting documentation as a basis for identifying issues which may initiate specific or targeted reviews:
    - Annual Reports;
    - Financial Statements;
    - the Auditor-General’s Report to Parliament; and
    - the State of Environmental and Public Health Reports.
  - Other documentation which provides a rich source of information on council activities and performance that the Board or its equivalent could access include:
    - the *Measuring Council Performance in Tasmania*;
    - meeting agendas and minutes;
    - Customer Service Charters;
    - Strategic Plans;
    - Partnership Agreements with the State Government; and
    - Media reports on issues engaging Councils and their communities across the State.

- *Alternative approaches to ensure effective public participation and input into reviews of Councils' operations and processes.*
  - Effective public participation is something we constantly strive to deliver. Councils adhere to their Customer Service Charter. Opportunity is provided for the community to participate in:
    - policy formulation, e.g. Dog Management Policy;
    - strategic planning process;
    - community plan development;
    - planning schemes development;
    - public question time in council meetings; and
    - Annual General Meetings.
  - Changes to the *Local Government Act 1993* have strengthened the rigour of council consultation obligations, e.g. Customer Service Charters.
  - The Board or its equivalent could commission on a bi-annual or tri-annual basis a comprehensive customer satisfaction survey which is tailored to provide both a Statewide and individual council area community perspective. The sample size would need to be large enough to be statistically sound. It needs to be more comprehensive than the current survey commissioned by LGAT.

*CONSULTATION*

The Local Government Office has distributed the Issues Paper for public comment; therefore no additional consultation is required to be undertaken by individual councils.

*IMPACT ON RESOURCES*

There is no additional impact on resources other than officers' time in preparing this response.

*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
- Inform the community of Council and local government matters.

*CONCLUSION*

It is recommended that the Council endorse the comments in response to the Issues Paper on the review of the operations and functions of the Local Government Board.”

■ Cr Edwards moved and Cr Bonde seconded, “That the Council endorse the following comments in response to the Issues Paper on the Review of the Operations and Functions of the Local Government Board:

- *What you consider to have been the outcomes for Local Government and for the community that have been delivered by the process of general reviews, and/or aspects of the current general review processes that you would like to see retained;*
- The review provided an external objective insight into Council performance which was necessary at the time following the amalgamation process.
- As Central Coast was the first Council to be reviewed the process was a useful insight of how the Council was performing at the time. However, over time our understanding is that the process has become resource-intensive for all stakeholders, without a commensurate set of tangible returns.
- Since 1999 there have been changes to the Local Government Act and other legislation which has improved councils’ statutory reporting obligations. Councils administer their roles and responsibilities under a wide range of legislation and each has its own set of compliance requirements.
- The Council does not advocate for the retention of the current general review process, but it does recommend the need for a Local Government Board or its equivalent with sufficient powers to perform its duties.
- Information gained during the review process is currently available in other statutory reporting documents and therefore it is a waste of resources to duplicate the provision of that information.
- *Which aspects of Council’s operations and processes should be regularly reviewed;*

- . All core business processes of the Council should be reviewed but this doesn't mean by an external body. The Business Improvement Program that our Council has commenced will see every core business process reviewed over a three-year period. It is based on the *Best Value* approach and aims at continuously improving the way we do business.
  
- . *If you support retention of the current system of comprehensive general reviews by the Board, whether an eight year cycle should apply or an alternative timeframe and what other changes should be made, eg to scope of reviews, Board membership, etc;*
  - . The Council doesn't support the retention of the current system. A review every eight years is meaningless and viewed by many to be purely compliance focused rather than on genuine continuous improvement of Council performance.
  
  - . Councils should conduct self-reviews on a three-yearly cycle. The Board or its equivalent could design a self-evaluation program which councils should complete. These self-reviews would be audited by the Board or its equivalent. This could be modelled on the CMP audit process and, additionally, the outcomes of the reviews should be made public.
  
  - . The Board or its equivalent should conduct targeted systemic reviews, e.g. review of councils' water and sewerage infrastructure, or specific reviews, e.g. councillor numbers, Government initiated reviews, e.g. responding to sustained community unrest.
  
  - . The Council has no issue with the current membership requirements.
  
- . *Which processes or combination of processes (model) would best achieve review of the matters that you consider should be reviewed, including which matters should be reviewed by the Board and which, if any should become the responsibility of Councils, other Local Government bodies or other oversight bodies, eg Auditor-General;*
  - . Core business processes of councils – this should be part of the three-year self-review cycle.
  
  - . The Government's focus should be on a council's compliance with its statutory and regulatory roles and functions. The Government can only intervene where there is non-compliance, fraudulent activity,



financial mismanagement or where there is widespread community revolt with a council.

- The Local Government Association of Tasmania (LGAT) should continue to provide advocacy, promotion, support, advice and assist councils in their pursuit of best practice as an industry.
- *To perform the role you consider the Board should have, what alternative processes, if any, should be used and what the Board membership should be;*
  - In addition to the three-yearly self-review process the Board or its equivalent could examine the following annual statutory reporting documentation as a basis for identifying issues which may initiate specific or targeted reviews:
    - Annual Reports;
    - Financial Statements;
    - the Auditor-General's Report to Parliament; and
    - the State of Environmental and Public Health Reports.
  - Other documentation which provides a rich source of information on council activities and performance that the Board or its equivalent could access include:
    - the *Measuring Council Performance in Tasmania*;
    - meeting agendas and minutes;
    - Customer Service Charters;
    - Strategic Plans;
    - Partnership Agreements with the State Government; and
    - Media reports on issues engaging Councils and their communities across the State.
- *Alternative approaches to ensure effective public participation and input into reviews of Councils' operations and processes.*
  - Effective public participation is something we constantly strive to deliver. Councils adhere to their Customer Service Charter. Opportunity is provided for the community to participate in:
    - policy formulation, e.g. Dog Management Policy;
    - strategic planning process;
    - community plan development;
    - planning schemes development;
    - public question time in council meetings; and
    - Annual General Meetings.

- . Changes to the *Local Government Act 1993* have strengthened the rigour of council consultation obligations, e.g. Customer Service Charters.
- . The Board or its equivalent could commission on a bi-annual or tri-annual basis a comprehensive customer satisfaction survey which is tailored to provide both a Statewide and individual council area community perspective. The sample size would need to be large enough to be statistically sound. It needs to be more comprehensive than the current survey commissioned by LGAT.”

Carried unanimously

#### **19/2007 Council amalgamations**

The General Manager reported as follows:

*“PURPOSE*

To seek the Council’s response to a letter from the Devonport City Council proposing a meeting to discuss the issue of amalgamations.

*BACKGROUND*

A copy of the letter received from Devonport City Council is appended. Councillors have previously received a copy of the letter. The letter advises that the Devonport City Council meeting on 20 November resolved as follows:

‘That the Devonport Council seek dialogue with the neighbouring Councils with a view to amalgamation of municipalities.’

The letter invites representatives from our Council to a proposed meeting in February to discuss the issue.

*DISCUSSION*

The Central Coast Council’s policy position on Local Government amalgamations [Minute No(s) 179/98 - 25.5.98; 227/98 - 9.6.98; 336/98 - 10.08.98 and 385/98 - 21.9.98] is as follows:

- ‘That this Council unanimously endorses its early submission to the Local Government Advisory Board that if the Central Coast municipal area is to be amalgamated then it should be within a greater “Braddon” council.
- That the Council confirm its principal position as regards local government amalgamations; i.e. to stand alone as Central Coast...
- That the Council maintain its stated position regarding local government amalgamations that it is opposed at this point in time to any amalgamation whatsoever as it has demonstrated that it exists as a viable council entity.
- That this Council place on record its support in making local government an efficient industry; however, in the case of Central Coast which came about as a result of fairly recent amalgamations (we’ve been there and done that and the runs are on the board) it opposes any major changes to Central Coast, it being noted:
  - 1 that Central Coast is financially sustainable;
  - 2 that the creation of Central Coast has reduced the number of councillors per capita for this area;
  - 3 that Central Coast is widely recognised as an industry leader;
  - 4 that Central Coast provides a wide range of works and services;
  - 5 that Central Coast is prepared to work in partnership with other councils (particularly with Burnie and Devonport) to achieve proven economies of scale; and
  - 6 that the area, total budget and population of Central Coast is not inconsistent in size with that of Tasmania or other councils, i.e. it is neither too small nor too large, and is currently seen as the seventh largest council of 29 in the State.’

In addition to the Council’s policy position, the Local Government Association of Tasmania (LGAT) has commissioned a study into the Sustainability of Local Government. The LGAT report is expected to be available by March 2007. Given similar studies undertaken by other states and territories and the Australian Local Government Association, the report is likely to identify a number of recommendations other than council amalgamations that the Association and councils may pursue.

Given the Council’s policy position and the pending LGAT sustainability study our attendance at the proposed meeting is a decision for the Council. Attendance at the meeting would not necessarily commit the Council to any policy directions.

## GENERAL MANAGEMENT

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### *CONSULTATION*

Consultation with the community has not been undertaken given the Council's existing policy position.

### *IMPACT ON RESOURCES*

There is no additional impact on resources other than officers' time in preparing this response.

### *CORPORATE COMPLIANCE*

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

- Provide transparent, accountable public policy and decision making
- Meet our statutory and regulatory obligations
- Inform the community of Council and local government matters.

### *CONCLUSION*

The Council is invited to decide if it wishes to attend the proposed meeting.”

The Executive Services Manager reported as follows:

“A copy of the Devonport City Council invitation has been circulated to all Councillors.”

■ Cr Cooper moved and Cr Edwards seconded, “That the invitation of the Devonport City Council to attend a meeting to discuss municipal amalgamation issues be declined.”

Continued after Minute No. 20/2007...

### **20/2007      Public question time**

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

There were no questions from the public.

**Minute No. 19/2007 continued...**

Motion

Carried unanimously

**21/2007 Regional approach to waste management**

The General Manager reported as follows:

“The Director Development Services has submitted the following report:

*PURPOSE*

To consider a proposal from the Cradle Coast Authority (copy attached) regarding a regional waste management strategy and funding.

*BACKGROUND*

The Cradle Coast Authority (CCA) recently made a presentation to its Representatives’ meeting regarding a proposal to satisfy the State Government’s push for the three Tasmanian regions to deliver a waste management framework by July 2007.

Two key issues are the kind of “organisation” needed to manage this framework, and the option of funding this organisation through a waste levy.

The concept of a levy to fund various waste management strategies has been around for at least 10 years.

It was never fully embraced by local government because it was seen as just another tax that local government (and ratepayers) were forced to levy without any influence over the way it was charged or spent.

There may not be as much opposition to a levy that is raised by the regions and spent by the regions (e.g. through joint authorities owned by councils).

The idea of a levy has come and gone several times since it was first raised.

*DISCUSSION*

A couple of years ago it was agreed between State and local government that two things would happen:

- Department of Primary Industries, Water and Environment (now Department of Tourism, Arts and the Environment, or DTAE) would

finalise a State waste management strategy. This has not been done; it is still in draft form, and is out of date.

- Local government would create regional waste strategy authorities. This has been done in the south by the Southern Waste Strategy Authority (SWSA) and partially done in the north and north-west.

The result of not having either a state waste management strategy or fully functioning waste strategy authorities in each region is a fractured approach to waste management, a lack of clear direction for the future, and being in the hands of either DTAE staff or the Minister of the day.

### *Waste streams*

Across Australia research has shown that the average waste generated per person is about 1 tonne per year. Where a council has a transfer station instead of a landfill, this figure drops to about 0.5 tonnes per person per year.

The Tasmanian situation is reasonably similar to the national model, and as such it can be used for the purpose of forecasting or extrapolating the revenue generated by different models for a waste levy.

### *Recent developments*

The levy issue has been raised again recently by DTAE as a way to fund waste management strategies such as education campaigns, recycling programs, and special waste collections.

Many people in local government are sceptical about these strategies, as the strategies don't necessarily have a good track record of long-term benefits. And the levy could end up being spent on strategies or programs not agreed to by local government.

At a Local Government Association of Tasmania meeting in late 2005, and by follow-up letter in early 2006, the previous Minister for the Environment raised the idea of a "producer pays" levy. This came out of the blue and was potentially a big impost on business (and therefore customers, councils, and ratepayers).

Local government has strongly opposed this levy.

The SWSA has estimated that this producer pays levy, based on the \$/tonne suggested by the previous Minister, would be in the order of \$4.6 million in Year 5 of its operation.

By comparison, the SWSA raises its revenue through a voluntary levy of all its member councils on a per tonne basis (with each council's total tonnage imputed from the estimated average waste/person/year), then topped up with external funds from State and national programs.

The SWSA has estimated it needs about \$370,000/year to fund its programs and activities, and this works out to be about \$2/tonne (made up of about \$1.35/tonne levy and \$0.65/tonne in "grants"). So the worst case scenario for SWSA member councils is \$2/tonne if external funding sources disappeared.

Extrapolating these figures gives \$700,000 for the whole State.

This is dramatically less than the levy proposed by the previous Minister.

Some councils were so aggrieved with the previous Minister's proposal that they passed resolutions totally opposing any sort of waste levy. This has created a real problem for the other councils in the regions where this has happened, because it may now be very difficult to change the minds of the opposing councils.

*Where to from here?*

A levy of some sort seems inevitable.

Tasmania (along with every other state) has signed national agreements on waste management, and the only way to achieve the outcomes required of these agreements is to acquire funding, and the most equitable way to raise that funding is through a levy.

If ratepayers were charged through rates they would be subsidising industry and business, as council kerbside waste collections represent only about 65% of waste disposed of at landfills such as Dulverton.

The SWSA has proposed the following model:

- The State Government to finalise its State waste management strategy, but restricted to *its own* responsibilities, and fund its programs through GST money; and
- The local government industry develop its own waste management strategies on a regional basis through regional waste strategy authorities that can run lean and perhaps be under the auspices of existing regional bodies with funding to come from a levy.

Any organisation that facilitates the function of a regional waste strategy authority should ideally have expertise in the technical areas of engineering and waste management.

The model proposed by the CCA indicates that this expertise would need to be acquired, and the associated costs would significantly reduce the available pool of funds for projects (up to two-thirds of the levies raised would be spent on overheads).

Organisations such as the Dulverton Regional Waste Management Authority already have in-house expertise in these disciplines, along with basic administrative and operational resources. There should therefore be lower overhead costs in running a regional waste strategy authority through such an organisation.

### *CONSULTATION*

The State Government is consulting with local government on this matter through the regional bodies.

The CCA is consulting with its member Councils as mentioned above.

The Local Government Association of Tasmania (LGAT) has also been presented with options by the previous Minister for Environment and the Director of Environmental Management of DTAE, and waste management has been an agenda item for LGAT meetings on numerous occasions.

### *IMPACT ON RESOURCES*

Any levy will impact on the Council's resources, and can be passed on through waste management fees and charges so that it is equitably distributed to all who contribute to the waste stream in Central Coast.

The CCA paper proposes a \$2/tonne levy.

The Dulverton landfill receives a total of about 35,000 tonnes per year, of which approximately 3,200 tonnes comes from the Central Coast Council.

Approximately 8,000 tonnes per year is disposed of at the Council's Lobster Creek Road Resource Recovery Centre.

Based on these figures the Central Coast levy would be about \$6,500 per year if only the Dulverton waste was levied, and another \$16,000 per year if the Resource Recovery Centre waste was also levied.



The three existing waste disposal sites in the north west (Dulverton, Burnie and Port Latta) each receive non-council wastes, which would also need to be levied at the determined rate per tonne to ensure that funding was shared equitably by all users, not just councils.

*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 support the following:

- . The State Government to finalise its State waste management strategy which must be restricted to its own responsibilities, and fund its programs through its own resources;
- . The local government industry to develop its own waste management strategies on a regional basis through regional waste strategy authorities operating within existing regional bodies (such as the Dulverton Regional Waste Management Authority); and
- . Any levy to fund regional waste strategy authorities and associated activities to be raised and controlled by the regions.'

The report is supported.”

The Executive Services Manager reported as follows:

“A copy of the Cradle Coast Authority’s proposal regarding a regional waste management strategy and funding has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Haines seconded, “That the Council support the following:

- . The State Government to finalise its State waste management strategy which must be restricted to its own responsibilities, and fund its programs through its own resources;
- . The local government industry develop its own waste management strategies on a regional basis through regional waste strategy authorities operating within existing

## GENERAL MANAGEMENT

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regional bodies, and in the case of the North-West region, the Dulverton Regional Waste Management Authority; and

- . Any levy to fund regional waste strategy authorities and associated activities is to be raised and controlled by the regions.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**22/2007 Corporate & Community Services determinations made under delegation**

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of December 2006 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

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

■ Cr Marshall moved and Cr Edwards seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**23/2007 Contracts and agreements**

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of December 2006 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

**24/2007 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*“PURPOSE*

To inform the meeting of any correspondence received during the month of December 2006 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 21.12.2006 - Email raising concerns over newspaper article relating to Penguin development.
- Received 22.12.2003 - Letter supporting the proposed walking and cycling track between Ulverstone and Turners Beach.

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

Carried unanimously

**25/2007 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 12 December 2006 to 22 January 2007 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Manager reported as follows:

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

- Cr Edwards moved and Cr Haines 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

**26/2007 Financial statements**

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 November 2006 and 31 December 2006 are submitted for consideration:

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

The Executive Services Manager reported as follows:

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

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

Carried unanimously

**27/2007 Accounts paid**

The Director Corporate & Community Services reported as follows:

“A Schedule of Accounts Paid during the month of December 2006 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities. Councillors are invited to direct any questions on the Schedule to me at a convenient time prior to the meeting.”

The Executive Services Manager reported as follows:

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

■ Cr Deacon moved and Cr Haines seconded, “That the Schedule of Accounts Paid (a copy

being appended to and forming part of the minutes) be received.”

Carried unanimously

**28/2007 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>	504935.0080
<i>PROPERTY ADDRESS</i>	Jordans Road, North Motton
<i>REMISSION</i>	\$36.00
<i>REASON</i>	Forestry Tasmania incorrectly charged for Fire Protection.

<i>PROPERTY NO.</i>	505890.1560
<i>PROPERTY ADDRESS</i>	Wilmot Road, Alma
<i>REMISSION</i>	\$120.00
<i>REASON</i>	Property exempt from rates – now classified as State Reserve.”

The Executive Services Manager reported as follows:

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

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

- . Property No. 504935.0080 - \$36.00
- . Property No. 505890.1560 - \$120.00.”

Carried unanimously and by absolute majority

**29/2007 Turners Beach restricted dog area (421/2006 - 11.12.2006)**

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

*PURPOSE*

To review the dog restrictions applying to Turners Beach.

*BACKGROUND*

At the Council meeting held on 11 December 2006 the Council received the following petition from 320 petitioners (Minute No. 421/2006):

“The following petitioners ask the Council to re-consider the limitations on the dog exercise area at Turners Beach. They seek a shared usage arrangement of the beach, whereby dogs may be walked along the entire length of the beach during an early morning and late evening time period in the summer months and have unrestricted access during the winter months.

Many residents have for a long time enjoyed the opportunity to walk their dog along Turners Beach. Turners Beach Coast Care and the undersigned hereby request the Central Coast Council reconsider the banning of dogs on Turners Beach. We seek a shared usage arrangement whereby dogs may be exercised along the entire length of the beach during early morning and late evening time periods in the summer months, and unrestricted access during the winter months.”

Some pages of the petition (containing 247 signatures) were not submitted in accordance with the provisions of the *Local Government Act 1993*. However, the remainder of the package was in compliance with the Act and is able to be considered.

The petition was raised by residents of Turners Beach following the installation of signage at the major access points to Turners Beach as part of the Council’s Dog Management Policy. The signage reflected certain restrictions that resulted from community consultation in 2000-2001; these restrictions were reinforced after a review of the restricted areas in 2005.

The Council has also received a range of letters supporting and opposing the exercising of dogs on the main part of Turners Beach. Comments have been received as follows (reproduced in part).

From those in favour of a change;

“There have been very few problems, if any with dogs on the beach, that we are aware of. The status quo of disregarding the regulations with proper sensible dog care seems to have generally worked, thus far. However the problem manifests itself if and when the Council wishes to enforce the regulations, which we feel are too restrictive. May we respectfully suggest a more sensible regulation that could be a win/win situation for all concerned ---

ie-Restrict dogs by all means in the Summer months to early morning and late evenings and without any restrictions in the Winter months.”

and

“Older people need the feeling of safety having a dog large or small gives us. So please reconsider your stand on this matter it will be appreciated by many, many owners.”

And from those opposing any change;

“I notice there is a petition circulating at Turners Beach whereby some residents are seeking a shared usage arrangement where dogs may be exercised along the ENTIRE beach at certain times and unrestricted during winter months. I wish to express my objection to this arrangement. My experience as a resident and frequent user of Turners Beach is that the majority of dog owners are irresponsible, The majority of dogs are not on a leash but are left to do as they like with their proud owners smiling happily as their dog charges towards you jumping up on you and petrifying you..”

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*

While the current restrictions reflect a stance that was arrived at 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, it would seem that the Turners Beach community’s attitude to the restrictions may have changed and that the majority of the community would be comfortable with some easing of the current restriction.

The Council already has a number of popular beaches where restricted access has been provided to enable the beach to be shared between responsible dog



owners and non-dog owners. Penguin Beach and Midway Beach are both restricted during the months of December, January and February such that dogs are only allowed on the beach before 9.00am and after 7.00pm.

The current area available for exercising dogs in Turners Beach, being that area east of Boyes Street is limited by the Forth River where high tide severely restricts the area available. The Council is also aware that a number of residents have chosen to exercise their dogs within the restricted area in the past, ignoring what limited signage had been placed previously. One of the reasons for installing more significant signage was to enable Council officers to police the area in question.

The *Dog Control Act 2000* provides for a process that will enable all of the residents of Turners Beach to put forward their view and have that view considered by the Council when considering the declaration of the area as an area where the exercising of dogs is permitted with certain restrictions.

The acceptance by the public of any change to the current restriction is dependent on dog owners acting responsibly and obeying all of the provisions of the *Dog Control Act 2000*. The Council has installed dog bag dispensers at strategic access points to the beach which should assist in reducing what has been one of the major complaints regarding dogs accessing the beach area.

#### *CONSULTATION*

The report details the level of consultation undertaken.

#### *IMPACT ON RESOURCES*

Should the Council choose to initiate the process that would enable it to considering changing the status of the current restriction, the Council is required to advertise by public notice and invite submissions – at a cost of some \$150.00.

Any change to the existing restrictions 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 polices the Turners Beach 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 initiate the process required to consider the alteration of the current dog restriction for Turners Beach to enable dogs to be exercised off-leash under certain conditions.’

The report is supported.”

The Executive Services Manager reported as follows:

“A copy of the complying pages of the petition have been circulated to all councillors.”

■ Cr Haines moved and Cr Edwards seconded, “That the Council initiate the process required to consider the alteration of the current dog restriction for Turners Beach to enable dogs to be exercised off-leash under certain conditions.”

Carried unanimously

**30/2007 North Reibey Street Car Park - Parking limits (217/2005 - 18.07.2005)**

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

*PURPOSE*

To provide a report on the conversion of six car parking spaces in the North Reibey Street Car Park from two-hour to 15-minute parking.

*BACKGROUND*

At the Council Meeting held on 18 July 2005 the Council passed the following motion (Minute No. 217/2005):

“That the Council convert the first six car parking spaces on the eastern boundary of the North Reibey Street (Woolworths) Car Park (between Clarkes Lane and the Lifeline building) into 15-minute parking, subject to review at the conclusion of a 12-month monitoring period.”

For the past twelve months the Council has monitored the public response to the spaces that were converted and for the past six months the Council has been closely monitoring the number of tickets issued within the North Reibey Street Car Park and has been able to compare the number of tickets issued on the 15-minute spaces as well as the remainder of the Car Park where a two-hour limit is in place. The Council has also been monitoring responses to infringement notices issued on the 15-minute spaces.

As part of the overall parking monitoring program Council officers check on vehicles parked within the Car Park on average at least twice a week. There are some 150 car park spaces located within the Car Park of which 6 or 4% are limited to 15-minute parking while the remaining 94% are restricted to two-hour parking. During the past six months (July to December) 101 infringement notices were issued for “parking for longer than permitted by sign” within the Car Park, of which 37 or 37 % were issued on the 15-minute car parking spaces.

#### *DISCUSSION*

While the Council’s inspection program is designed to target problem areas, it is of concern that such a significant percentage of the tickets issued within the Car Park are being issued on such a limited number of spaces.

When reviewing communications received from persons either objecting to the ticket issued, or requesting that the Council consider that their circumstances warrant withdrawal of the notice, it is significant that the majority of such communications are from persons attending the Patrick Street Clinic. While it might be argued that it should be generally recognised by the public that doctors’ appointments are more often than not going to take longer than half an hour, the Council has received a number of objections from aggrieved persons who claim that the 15-minute space was the only space available and that such a limit is not realistic in an area adjacent to the Clinic.

Similarly there is likely to be a correlation between those needing to visit the Clinic on a regular basis, and the aged and infirm who are unable to walk to the Clinic from any great distance when the Clinic car park is full.

*CONSULTATION*

The report details the level of consultation undertaken.

*IMPACT ON RESOURCES*

Any change to the existing restrictions would require new signage to be installed.

*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
- Foster an integrated transport and planning system.

*CONCLUSION*

It is recommended that, for the sake of amenity, those spaces within the North Reibey Street Car Park currently limited to 15-minute parking be altered to two-hour parking in keeping with the parking limit that applies to the remainder of the Car Park.'

The report is supported.”

- Cr Haines moved and Cr Cooper seconded, “That those spaces within the North Reibey Street Car Park currently limited to 15-minutes parking be retained without change.”

Voting for the motion

(6)

Cr Barker

Cr Bonde

Cr Cooper

Cr Deacon

Cr Dry

Cr Haines

Voting against the motion

(6)

Cr Downie

Cr Robertson

Cr Edwards

Cr Marshall

Cr McKenna

Cr van Rooyen

Motion

Lost

- Cr van Rooyen moved and Cr Robertson seconded, “That, for the sake of amenity, those spaces within the North Reibey Street Car Park currently limited to 15-minute parking be

altered to two-hour parking in keeping with the parking limit that applies to the remainder of the Car Park”

Voting for the motion

(7)

Cr Downie

Cr Robertson

Cr Barker

Cr Dry

Cr Edwards

Cr McKenna

Cr van Rooyen

Voting against the motion

(5)

Cr Bonde

Cr Cooper

Cr Deacon

Cr Haines

Cr Marshall

Motion

Carried

**31/2007 Recognition of George Roland Cruickshank at Leven Canyon Reserve**

The Director Corporate & Community Services reported as follows:

“The Senior Administrative Officer has prepared the following report:

*PURPOSE*

To consider recognising a principal motivator involved in the establishment of the Leven Canyon Reserve and Lookout, George Roland Cruickshank, by the creation and naming of an appropriate feature within the confines of the Leven Canyon Reserve.

*BACKGROUND*

The Council has been approached to recognise one of the key founders of the Leven Canyon Reserve in some way.

The late George Roland Cruickshank played a key role in the establishment of the Leven Canyon Reserve and Lookout in a number of ways. He was an active member of the Leven Tourist and Progress Association that was primarily responsible for the establishment of the Leven Canyon Lookout. He supplied cut logs to establish a bridge to give access to the Canyon Reserve and, together with fellow Tourist Association members, carved two walking tracks to the Canyon and barrowed concrete, mixed on the site, to the lookout area to create the original permanent lookout.

As a local landowner George Cruickshank was instrumental in the process that led up to the Ulverstone Council completing the transfer to public ownership of some 5.2 hectares of land that now makes up a key part of the Leven Canyon Reserve. According to information supplied to the Council, Mr Cruickshank intended to donate a large parcel of his land holdings to the Council for the establishment of the Reserve but unfortunately passed away before this undertaking could be completed.

The Council has recognised other pioneers who played key roles in the Central Coast area in the past through the naming of roads, parks and reserves, and through the erection of cairns and plaques identifying certain notable achievements. Examples of this include the cairn erected to the memory of George Fenton in Gables Reserve, the plaque at Braddons Lookout commemorating Sir Edmund Braddon and more recently the renaming of Zvoni Gornik Lions Park in Penguin.

#### *DISCUSSION*

It is fitting that the Council recognise the efforts of George Cruickshank in some way.

It is not considered appropriate to rename the Leven Canyon Reserve as the current naming has significant tourism impact.

Within the confines of the existing Leven Canyon Reserve there are a number of ways in which the Council can recognise the contribution of George Cruickshank to the area. The placement of a plaque, the naming of a particular feature or part of the Reserve are all worthy of consideration.

The current nature of the picnic areas adjacent to the car park area of the Reserve does not lend itself to the naming of one particular area as Cruickshank Memorial Reserve or Cruickshank Park. The naming of a reserve within a reserve does not seem appropriate and the shared ownership of these areas between the Council and the Crown could also create some difficulties. The placement of a memorial plaque alone is readily achievable but limits the impact of the memorial.

The Leven Canyon Lookout is one significant feature within the Reserve that does lend itself to being renamed and, considering the involvement of the man, the renaming of the lookout to Cruickshanks Lookout, together with the installation of a suitable interpretive plaque, does not seem inappropriate.

Should the Council favour this option the Council would need to get State Government support as the Lookout itself is currently on Crown Land.

*CONSULTATION*

The report details the level of consultation undertaken.

*IMPACT ON RESOURCES*

The cost of signage and the placement of a plaque would be estimated at \$1,500.00.

*CORPORATE COMPLIANCE*

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

- . Facilitate strategic alliances to enhance tourism services
- . Provide effective management of recreation facilities and open space.

*CONCLUSION*

It is recommended that the Council undertake the necessary steps to rename the Leven Canyon Lookout as Cruickshanks Lookout and install an appropriate interpretive plaque commemorating the late George Roland Cruickshank.'

The report is supported.”

■ Cr van Rooyen moved and Cr McKenna seconded, “That the Council undertake the necessary steps to rename the Leven Canyon Lookout as ‘Cruickshanks Lookout’ and install an appropriate interpretive plaque commemorating the late George Roland Cruickshank and including a credit for the work undertaken at the Lookout by the Leven Tourist and Progress Association.”

■ Cr Robertson moved and Cr Dry seconded an amendment, “That the Council undertake the necessary steps to rename the Leven Canyon Lookout as ‘The Cruickshank Lookout at the Leven Canyon’ and install an appropriate interpretive plaque commemorating the late George Roland Cruickshank and including a credit for the work undertaken at the Lookout by the Leven Tourist and Progress Association.”

Amendment withdrawn by Cr Robertson with the meeting's agreement.

Motion

Carried unanimously

**32/2007 Forth Community Plan**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

The purpose of this report is to present the draft Forth Community Plan to the Council for consideration.

*BACKGROUND*

The draft Community Plan for Forth was developed using the outputs of a Community Planning Workshop held at the Forth Hall on Saturday, 7 October 2006.

The workshop was attended by 35 community members who came together to:

- set the vision of where they'd like Forth to be in the next ten years;
- identify the values to guide choice and behaviour along the way; and
- the future directions to follow to reach the destination.

The Senior Management Team along with staff who attended the Workshop have used this information along with other relevant plans and documents to develop this draft strategic framework for moving forward.

The Community Plan is a strategic document that works at a high level. The plan includes a Vision, Values, Future Directions and Strategic Objectives (including performance measures).

When identifying performance measures, staff have worked through a process to undertake these Objectives in a workable timeframe. The Council is also subject to external influences which may prolong our identified timeframes. The Community Plans are to guide us over the next ten years and not all the works can be undertaken immediately.



*DISCUSSION*

The draft Forth Community Plan (copy attached) was sent out to all Workshop participants for comment prior to this report being presented to the Council.

No comments or objections were received.

*CONSULTATION*

The draft Forth Community Plan has been sent out to all Workshop participants for comment. If the Council adopts in principle the Plan, it will then be put on public display for 30 days.

*IMPACT ON RESOURCES*

Expenditure to date has been from within approved estimates. All future works will be subject to the Council Estimates process.

*CORPORATE COMPLIANCE*

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

- Provide transparent, accountable public policy and decision making
- Foster partnerships and strategic alliances
- Plan for and develop a sustainable community
- Enable community participation in strategic directions
- Create a community area that is productive and socially and aesthetically attractive.

*CONCLUSION*

It is recommended that the Council adopt the draft Forth Community Plan in principle and make it available for comment for a period of 30 days, after which if there are no objections the Plan be deemed fully adopted.”

The Executive Services Manager reported as follows:

“A copy of the draft Forth Community Plan has been circulated to all Councillors.”

- Cr Edwards moved and Cr Deacon seconded, “That the Council adopt the draft Forth Community Plan in principle and make it available for comment for a period of 30 days, after which if there are no objections the Plan be deemed fully adopted.”

Carried unanimously

ASSETS & ENGINEERING

**33/2007 Dial Street traffic calming (94/2005 - 21.03.2005)**

The Director Assets & Engineering reported as follows:

*“PURPOSE*

This report considers the Dial Street traffic calming project.

*BACKGROUND*

Traffic calming is the attempt to achieve calm, safe and environmentally improved conditions on streets.

A history of unsafe speeds and reckless driving was identified on Dial Street, Ulverstone. A traffic calming scheme incorporating angled slow points and kerb islands was produced (Drawing No. 1098.01). At the Council meeting on 21 March 2005 (Minute No. 94/2005), the proposed plan for Dial Street traffic calming was adopted.

*DISCUSSION*

The Engineering Officer - Roads & Traffic reports as follows:

‘Notification was sent to residents and the scheme has been trialled for three months. The feedback received during this trial has been valuable in determining the appropriate level of treatment for the street.

The results of the survey showed that following the trial 57% of residents are not favour of traffic calming. The survey identified that over 70% want the devices removed.

When asked about driver behaviour during the trial, 76% said there had been no improvement, with 43% saying driver behaviour had actually become worse.

The reaction to these kinds of results might be to abandon the idea of traffic calming in Dial Street altogether and remove all the devices immediately.

However, the results of the resident survey are contrasted by those of the Ulverstone Community Workshop where 74% of the 35 respondents voted in favour of permanently installing the angled slow points.

An appropriate level of treatment is still required in Dial Street. The dividing island at the curve has been proven successful along with the kerb outstand at Water Street. As with road humps, angled slow points can attract inappropriate or “hooning” behaviour. This appears to have been the case at the slow points in Dial Street and though it may taper off, it would likely be a continual source of angst for the residents and pose the potential for property damage or injury due to reckless driving.

Feedback suggests that the eastern section of Dial Street rarely experienced problems with hooning behaviour in the past. This is likely to be the case again now that the angled slow points have been removed (at its 11 December 2006 meeting, the Council was advised of the planned removal of the three angled slow points). Some physical measure for speed reduction would still be required on the southern section of Dial Street as strong evidence supports this as the problem area.

The proposed wharf development includes improvements for access at Main Street/Dial Street. The intersection treatment shown on the Ulverstone CBD River Precinct Master Plan would greatly improve the safety of this junction and reduce vehicle speeds into Dial Street.’

The Engineering Officer’s report is supported.

#### *CONSULTATION*

Notification was sent to residents and the scheme has been trialled for three months.

#### *IMPACT ON RESOURCES*

A budget amount of \$25,000 is included in the current Works Program. The total expenditure at completion of the works is estimated to be \$22,000.

With pressure being exerted on the Council to install a splitter island to prevent heavy vehicles crossing the centreline in Trevor Street at the junction with Lovett Street, this estimated surplus of \$3,000 would be most beneficially spent there.

*CORPORATE COMPLIANCE*

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

- Improve community safety
- Develop and manage sustainable infrastructure.

*CONCLUSION*

It is recommended that:

- 1 the revised Dial Street traffic calming scheme consist of a dividing island at the curve, a kerb outstand at Water Street, linemarking and signage;
- 2 a measure at the junction with Main Street to reduce vehicle speeds into Dial Street be investigated and implemented within this scheme or as part of the wharf redevelopment; and
- 3 surplus funds from this project be reallocated to the provision of a splitter island at the junction of Trevor Street and Lovett Street.”

■ Cr Robertson moved and Cr Deacon seconded, “That:

- 1 the revised Dial Street traffic calming scheme consist of a dividing island at the curve, a kerb outstand at Water Street, linemarking and signage;
- 2 a measure at the junction with Main Street to reduce vehicle speeds into Dial Street be investigated and implemented within this scheme or as part of the wharf redevelopment; and
- 3 surplus funds from this project be reallocated to the provision of a splitter island at the junction of Trevor Street and Lovett Street.”

Voting for the motion

(11)

Cr Downie

Cr Robertson

Cr Barker

Cr Bonde

Cr Cooper

Cr Deacon

Cr Edwards

Voting against the motion

(1)

Cr Dry

Cr Haines  
Cr McKenna  
Cr Marshall  
Cr van Rooyen

Motion

Carried

Cr Bonde left the meeting at this stage.

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## CLOSURE OF MEETING TO THE PUBLIC

### 34/2007 Meeting closed to the public

The Executive Services Manager reported as follows:

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

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

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

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

This is a matter relating to:

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

■ Cr Edwards moved and Cr McKenna seconded, “That the Council close the meeting to the public to consider the following matter, it being a matter relating to:

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

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

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

Carried unanimously and by absolute majority

The Executive Services Manager further reported as follows:

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

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- 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.”

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GENERAL MANAGEMENT

**35/2007      Minutes and notes of other organisations and committees of the Council**

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

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

...

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

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

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



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## **Closure**

There being no further business, the Mayor declared the meeting closed at 8.23pm.

CONFIRMED THIS 19TH DAY OF FEBRUARY, 2007.

## **Chairperson**

(gjm:dil)

## **Appendices**

Minute No. 14/2007 - Schedule of Planning & Environment Determinations

Minute No. 22/2007 - Schedule of Corporate & Community Services  
Determinations Made Under Delegation

Minute No. 23/2007 - Schedule of Contracts & Agreements

Minute No. 25/2007 - Schedule of Documents for Affixing of the  
Common Seal

Minute No. 26/2007 - Financial statements

Minute No. 27/2007 - Schedule of Accounts Paid

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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.

Katherine Schaefer  
GENERAL MANAGER