

CENTRAL COAST COUNCIL

Minutes

of Ordinary Meeting

23 APRIL 2007

Note.

Minutes subject to confirmation at
a meeting of the Council to be held on
21 May 2007 2007



INDEX

119/2007	Confirmation of minutes
120/2007	Council workshops
121/2007	Mayor's communications
122/2007	Mayor's diary
123/2007	Pecuniary interest declarations
124/2007	Public question time
125/2007	Councillor reports
126/2007	Leave of absence
127/2007	Deputations
128/2007	Petitions
129/2007	Councillors' questions without notice
130/2007	Councillors' questions on notice
131/2007	Councillors' questions on notice (130/2007 - 23.04.2007)
132/2007	Development Services determinations
133/2007	Provision of monthly immunisation clinics
134/2007	Council acting as a planning authority
135/2007	Consolidation of Titles and development of an Educational Establishment (Child Care Centre) at 39 - 41 Eastland Drive, Ulverstone Application No. DEV2006.77 and SUB2006.24
136/2007	Public question time Minute No. 135/2007 continued...
137/2007	Planning Scheme Amendment - Ulverstone Wharf - Change from Recreation and Community (PP) - Public Purposes to Business (BA) -Central - Application No. AMD2006.2
138/2007	Minutes and notes of committees of the Council and other organisations
139/2007	Adoption of minutes of committees of the Council
140/2007	Proposed off-leash dog exercise area at Turners Beach
141/2007	Contracts and agreements
142/2007	Correspondence addressed to the Mayor and Councillors
143/2007	Common seal
144/2007	Financial statements
145/2007	Accounts paid
146/2007	Debtor remissions
147/2007	Ulverstone Community Plan
148/2007	Request to purchase Council land at Henslowes Road, Ulverstone
149/2007	Community Small Grants Scheme - Review of funding categories and amounts.
150/2007	Amber Court, Ulverstone - Opening of turning 'T'
151/2007	Proposed footpaths and street lighting - Henslowes Road area, Ulverstone (91/2007 - 19.03.2007)
152/2007	Proposed road closure - Old Nietta Railway Reserve, off Henslowes Road, Ulverstone (91/2007 - 19.03.2007)
153/2007	Reallocation of capital funding - Roads budget 2006-2007 (258/2006 - 07.08.06)
154/2007	Tenders for truck - F500
155/2007	Meeting closed to the public
156/2007	Adjournment of meeting
157/2007	Minutes and notes of other organisations and committees of the Council
158/2007	Adoption of minutes of committee of the Council (139/2007)
159/2007	Proposed future use of Council-owned land situated at Maskells Road, East Ulverstone (118-118A/2007 - 19.03.2007)

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, 23 April 2007 commencing at 6.01pm

Councillors attendance

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

Councillors apologies

Crs Rodney Cooper, David Dry and Ken Haines

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)

Media attendance

The Advocate Newspaper

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

119/2007 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 19 March 2007 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Deacon moved and Cr (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 19 March 2007 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

120/2007 Council workshops

The Executive Services Manager reported as follows:

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

- 26.03.2007 - Arts and Culture Strategy
- 16.03.2007 - Waste management.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

121/2007 Mayor's communications

The Mayor reported as follows:

- “ The General Management Committee of the Local Government Association of Tasmania has agreed to present a Local Government Award to Cr Rodney Cooper in the category of ‘Certificate of Outstanding Commitment and Service to Council’. The Award is for long service of a high degree.
- . I attended the Ulverstone Soccer Club's first game at the Showground following the Club's return to that venue. The game attracted a good crowd and many positive comments.
- . I invite Cr McKenna to table the trophy for the annual Municipal Bowls Competition won this year by the Central Coast Council's team.
- . Letters are proposed as follows:
 - . Tasmanian Farmers and Graziers Association and the Department of Primary Industries and Water - enquiring what drought assistance is available to local farmers;
 - . Ministers Fraternal - inviting prayers for rain; and
 - . Housing Tasmania - enquiring if the loss of its maintenance contract to Ling & Jerzyk Builders Pty Ltd will result in losses to the local economy and contractor capacity.”

122/2007 Mayor's diary

The Mayor reported as follows:

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

- . Ulverstone Primary School - Harmony Day celebration
- . Ulverstone Community House - 20th Birthday Open Day celebrations
- . Cancer Council North West Tasmania - Relay for Life
- . Ten Days on the Island - ‘Mercy’ production
- . Pulp Mill Support - Parliament House (Hobart)
- . North Motton/Preston Scouts - Annual General Meeting

-
- . Troy Barnes - Official 'Deadlight' Book Launch
 - . Riana Cricket Club - Annual Dinner
 - . Ulverstone Softball Association - Grand Final Day
 - . Ulverstone Guide Support Group - Annual General Meeting
 - . Local Government Association of Tasmania - General Management Committee meeting (Hobart)
 - . Ulverstone Soccer Club - Season Opening Game
 - . Anglican Church of Holy Trinity Ulverstone - Induction Service of new minister Rev. Canon John Tongue."

Cr Robertson reported as follows:

"On behalf of the Mayor, I attended the Penguin Surf Life Saving Club's annual dinner."

Cr Deacon reported as follows:

"On behalf of the Mayor, I attended the Rotary Club of Ulverstone's 50th anniversary celebration."

Cr Marshall reported as follows:

"On behalf of the Mayor, I attended the Ulverstone District Cricket Club's annual dinner and presentation night."

Cr McKenna reported as follows:

"On behalf of the Mayor, I attended the Penguin Bowls Club's annual dinner."

■ Cr (L) Bonde moved and Cr (J) Bonde seconded, "That the reports of the Mayor and Crs Robertson, Deacon, Marshall and McKenna be received.

Carried unanimously

123/2007 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Manager reported as follows:

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

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

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

Cr van Rooyen reported as follows:

“I will be declaring an interest in respect of Application No. DEV2006.77 and SUB2006.24 (Minute No. 135/2007).”

124/2007 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

125/2007 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 Deacon reported on a meeting of the Central Coast Chamber of Commerce and Industry Inc.

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

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

APPLICATIONS FOR LEAVE OF ABSENCE

126/2007 Leave of absence

The Executive Services Manager reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

127/2007 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

128/2007 Petitions

The Executive Services Manager reported as follows:

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

COUNCILLORS' QUESTIONS

129/2007 Councillors' questions without notice

The Executive Services Manager reported as follows:

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

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

-
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
 - (7) The chairperson may require a councillor to put a question without notice in writing.'

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

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

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

Allocation of topics ensued.

130/2007 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.

Questions on notice have been received from Crs Barker and Robertson and are listed at Minute No. 131/2007.”

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

131/2007 Councillors' questions on notice (130/2007 - 23.04.2007)

The General Manager reported as follows;

“The following questions on notice have been received:

Cr Barker - re Minute No. 81/2007 - 26.02.2007 - Five Apartments, two retail tenancies, car parking and demolition of existing house at 52 Main Road, Penguin Application No. DEV2006.53.

‘As this motion was against the qualified advice of the Planning Department of the Council, was qualified advice provided for the approval of this application by the mover and or the seconder of the motion for inclusion in the minutes as required by the *Judicial Review Act 2000*? If such information was provided why was it not included in the minutes? If no such advice or reasons were provided this makes the motion *ultra vires* and therefore an illegal motion under the above Act.’

The following answer is provided:

- The mover of the motion recorded in Minute No. 81/2007 distributed the motion in written form at the meeting. No other documentation was provided by the mover or seconder. The motion, as distributed, was recorded in the minutes. The motion contained a set of conditions, prepared by qualified Council officers, to be applied should a motion to approve the Development Application be supported by the Council.

My understanding is that the motion was based on a motion prepared under similar circumstances in mid-2006 under guidance of the Council’s legal advisor.

The Council’s legal advice does not support the assumption that an absence of reasons makes a decision of a planning authority invalid.

Cr Barker - re Minute Nos 62/2007 - 19.02.2007 and 81/2007 - 26.02.2007 moved by Cr McKenna to approve the demolition of a house at 52 Main Road, Penguin and

the erection of a new building containing two retail tenancies, five apartments and car parking.

‘As the motion was against the recommendation of the Planning Department, did you seek qualified advice for your motion as required under the *Judicial Review Act 2000*, what was that advice and the reasons for the approval of this application, was that advice and reasons supplied to the General Manager for inclusion in the minutes as required by the Act?’

The question has been forwarded to Cr McKenna for reply.

The following reply has been received from Cr McKenna for circulation at the meeting:

- ‘In reply to Cr. Barker’s question I would advise :-
 - 1 Legal advice received by the Council indicates a motion contrary to that recommended may be moved and that an absence of reasons does not make a decision of the Council acting as a Planning Authority invalid.
 - 2 The motion submitted was based on a previous similar motion prepared by the Council’s legal advisor. Qualified Council staff applied conditions of approval. The motion was therefore a legal alternative to that recommended in the agenda and provided qualified advice regarding conditions of approval.
 - 3 On the question of the legality of the decision, the Council’s Planning staff reported that the projected development fully conformed to 30 of the Central Coast Planning Scheme requirements and that there were 3 aspects that required discretionary exemption should the Council desire to approve of the development. The majority of the Council chose to use the discretionary provisions of the Planning Scheme and in doing so did not act illegally, nor breach any Statute or Regulation applicable.’

Cr Robertson - re Minute Nos 62/2007 - 19.02.2007 and 81/2007 - 26.02.2007 - Five Apartments, two retail tenancies, car parking and demolition of existing house at Main Road, Penguin - Application No. DEV2006.53.

‘At Central Coast Council meeting of 19 February 2007 (Item 62/2007) a motion seeking to approve a development at 52 Main Road Penguin was lost.

At a subsequent special council meeting on 26 February 2007 the same motion seeking approval was passed.

The motion, as put and defeated supplied to Councillors within five minutes of the meeting contained no evidence of professional advice supporting this motion.

The Development Services report on this application in both instances contained the recommendation:

“It is recommended that the proposed use and development of the site at 52 Main Road, Penguin for ‘Five Apartments, Two retail tenancies, car parking and demolition of existing house’ be refused for the following reasons:

- 1 The proposal is inconsistent with the intent of the Business (BA) - Central zone (Clause 6.2.7) of the S.46 Central Coast Planning Scheme No.1 of 1993; and
- 2 The proposal does not comply in part with Schedule 7 of the S.46 Central Coast Planning Scheme No.1 of 1993.

The report is supported.”

In the General Information for Mayor and Councillors and printed in the both agendas, the General Manager advises:

“...

The Council is forbidden (as opposed to imposing a mere obligation on the Council) from making a decision unless certain criteria apply. And it may well be that failure to comply with the criteria will render the decision invalid. The Council is not to decide on any matter which requires the advice of a qualified person without considering such advice. There is no barrier on the Council considering any matter without advice etc. at all (subject to the Meeting Procedures Regulations or a ruling of the Mayor) unless the Council actually makes a decision.

The General Manager is under a strong duty to ensure that any advice, information or recommendation which is actually given to the Council is given by a person with the required qualifications or experience before any decision is made. The Council, of course, need not comply

with the advice or make a decision based on the advice, i.e. it is not a 'rubber stamp', but it should always exercise great care if it considers departing from that expert advice (refer next paragraph).

The advice given under the previous paragraph is now of greater importance since the *Judicial Review Act 2000* came into force. Where Councillors make a decision that is contrary to professional advice, the Council has to supply reasons to support the decision. An aggrieved person could request a copy of the reasons and if not satisfied could ask for a review of the decision. A judicial review would not necessarily say that the decision was wrong but that the Council should complete the process again (this paragraph particularly applies to planning processes).

...

Acting as a planning authority

The *Local Government (Meeting Procedures) Regulations 2005* require the General Manager to arrange the agenda so that the items to be dealt with by the Council as a planning authority under the *Land Use Planning and Approvals Act 1993* are sequential and the chairperson is to advise the meeting of the intention to act as a planning authority. This keeps together items that are to be dealt with as a planning authority and serves to remind the meeting of its obligations under planning law.

Councillors are reminded that the Regulations 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.

..."

Further to this the agenda of special meeting 26 February 2007 page 5 under Departmental Business states:

“DEVELOPMENT SERVICES

2.1 Council acting as a planning authority

The Mayor reports as follows:

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

The Director Development Services has submitted the following report:

“If any such actions arise out of Agenda Item 2.2, 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 reports 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.

A suggested resolution is submitted for consideration.’

■ ‘That the Mayor’s report be received.’”

I therefore seek clarification as follows:

- 1 In support of the motion passed at the special meeting on 26 February 2007 were any reasons (whether based on professional advice or not) given that led to a resolution contrary to the advice given in the report?
- 2 If reasons were given would you please:
 - (a) list them; and
 - (b) explain their absence from the minutes of special meeting 26 February 2007; and
- 3 Could our decision be reviewed under the *Judicial Review Act 2000*?

The following answers are provided:

- 1 See answer to Cr Barker’s question above.
- 2 (a) See answer to Cr Barker’s question above.

- (b) At the time no contrary legal advice had been provided to the effect that reasons ought to be given.
- 3 The Council's legal advice is that there is now virtually no scope to apply to the Supreme Court for a statement of reasons under the *Judicial Review Act 2000* because applications must be made within 28 days and there is only a limited power to extend time."

132/2007 Development Services determinations

The Director Development Services reported as follows:

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

The Executive Services Manager reported as follows:

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

■ Cr (L) Bonde moved and Cr (J) Bonde seconded, "That the Schedule of Development Services Determinations (a copy being appended to and forming part of the minutes) be received."

Carried unanimously

133/2007 Provision of monthly immunisation clinics

The Director Development Services reports as follows:

"The Environmental Health Officer has prepared the following report:

PURPOSE

To consider proposed changes to the Council's immunisation service by ceasing monthly clinics.

BACKGROUND

For many years the Council's immunisation service has included monthly clinics at both Ulverstone and Penguin, as well as a school-based immunisation program. These clinics are operated in accordance with the National Health & Medical Research Council guidelines.

The Council's immunisation program consists of the following:

Monthly immunisation clinics

These clinics are aimed at children from two months to four years of age. The vaccines administered at these clinics are also available through General Practitioners at no cost.

School clinics

These clinics are aimed at the following groups:

- . Grade 5 - Varicella (Chicken Pox)
- . Grade 6 - Hepatitis B
- . Grade 10 - dTpa (Diphtheria, Tetanus and Pertussis)

Catch-up programs

These programs are offered when a new vaccine is introduced. This involves wide-scale immunisation in order to "catch-up" groups of children with the new vaccine. In some cases, the new vaccine is only offered through Council clinics.

During 2007 and 2008, the Council will be conducting a catch-up program for the Gardasil vaccine (for cervical cancer). This is offered to all females aged between 12 and 18 years.

DISCUSSION

In 1998 the General Practice Immunisation Incentive (GPII) Scheme was introduced with the aim to improve childhood immunisation levels across Australia. As part of this Scheme, General Practitioners receive up to \$22.00 for each completed immunisation schedule entered into the Australian Childhood Immunisation Register (ACIR). Councils, however, only receive \$6.00 per completed immunisation schedule entry. A result of this Scheme has been a substantial reduction in the attendance at the Council's monthly immunisation clinics.

The table below illustrates the significant decline in monthly immunisation clinic attendance over the past 10 years. The exception to this is in 2003 and 2004 where there was an increase in numbers due to the Meningococcal C

catch-up program. The declining numbers can be largely attributed to the increasing accessibility of GP immunisation services.

Council's monthly immunisation clinics - Average clinic attendance:

YEAR	ULVERSTONE	PENGUIN
1997	14	5
1998	12	6
1999	8	4
2000	11	3
2001	6	3
2002	6	3
2003	16	7
2004	11	4
2005	4	1
2006	3	2

Considering this continuing trend, the Council's resources for immunisation would be best concentrated in providing school-based immunisation services, and conducting specific catch-up immunisation programs when required. Should the GPII Scheme cease in the future, or local GPs change the manner of the current immunisation services, it may be necessary to re-commence provision of monthly immunisation clinics.

The Council would still comply with the requirement of the *Public Health Act 1997* "... to develop and implement an approved program for immunisation ..." by monitoring the immunisation service provided by local GPs, and offering school-based and catch-up immunisation programs.

CONSULTATION

The low attendance at the current monthly clinics is an indication that the community no longer supports these clinics, and the high vaccination rates in our community indicates that GPs are adequately filling the need for this service.

Should the Council agree to cease monthly clinics, public notices will be made in the local media, and written notification will be provided to the Department of Health and Human Services (and its agencies) and Central Coast GPs.

IMPACT ON RESOURCES

Costs for each clinic include advertising, doctor, nurse and administrator salaries, as well as venue hire and medical equipment. The cost to provide these clinics varies little whether there are high or low attendance numbers.

The current cost to run the monthly clinics is approximately \$1050 per month. This can be broken down to \$510 for Penguin and \$530 for Ulverstone.

The average cost per child vaccinated at the monthly clinics is \$210. This is an exorbitantly expensive service provision, and the Council's budget allocation would be better applied to the school-based and catch-up immunisation programs.

As mentioned above, these immunisation services are available through General Practitioners at no cost to the patient or parent.

During the 2005-2006 financial year, the Council received only \$222 in rebate from the Commonwealth Government.

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
- . Provide customer focused services.

CONCLUSION

It is recommended that the Council:

- . cease providing public monthly immunisation clinics in view of the low attendance and strong community support for GP-based immunisation services;
- . continue to undertake school-based and catch-up immunisation programs; and
- . monitor the immunisation services as provided by local General Practitioners to ensure adequate immunisation rates are maintained in the Central Coast municipal area.'

The report is supported.”

- Cr van Rooyen moved and Cr Robertson seconded, “That the Council:
 - cease providing public monthly immunisation clinics in view of the low attendance and strong community support for GP-based immunisation services;
 - continue to undertake school-based and catch-up immunisation programs; and
 - monitor the immunisation services as provided by local General Practitioners to ensure adequate immunisation rates are maintained in the Central Coast municipal area.”

Carried unanimously

134/2007 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 Agenda Items 9.5 and 9.6, 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 (L) Bonde moved and Cr Deacon seconded, “That the Mayor’s report be received.”

Carried unanimously

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

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

The Director Development Services reported as follows:

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

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2006.77 and SUB2006.24
<i>OWNER:</i>	ABC Developmental Learning Centres
<i>LOCATION:</i>	39-41 Eastland Drive, Ulverstone
<i>ZONING:</i>	Residential (RA) - Closed Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	27 February 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 March 2007
<i>REPRESENTATIONS RECEIVED:</i>	Seventeen
<i>42-DAY EXPIRY DATE:</i>	23 April 2007
<i>DECISION DUE:</i>	23 April 2007

PURPOSE

The purpose of this report is to consider the merits of an application for two discretionary land uses at a site on the corner of Eastland Drive and Buttons Avenue, Ulverstone. The discretion applies to the consolidation of the titles after demolition of the existing houses on each and the subsequent development of the site for a Child Care Centre.

The report will consider:

- 1 the compliance of the application with the relevant provisions and development standards of the Scheme;
- 2 the specific objectives of the Scheme and their relevance to this application;
- 3 the specific intent of the Residential (RA) - Closed zone; and
- 4 the merits of the representations received opposing the development.

BACKGROUND

The subject properties are within an established residential area located on the north-western corner of Buttons Avenue and Eastland Drive. The lot size after consolidation of the titles will be 2426m² in area. The consolidation is required to overcome fire separation issues in building over a common boundary.

A location plan is attached as Annexure 1.

A précis of the general information provided with the application provides some detail on the origins of the ABC Developmental Learning Centres and their reason for choosing this site.

It is indicated that the proposed centre size is for 75 places (45 under three years and 30 over three years of age) with staffing comprising eleven contact and two non-contact persons. Other information indicates that the centre will run as a long-day centre, including a pre-school program and before and after-school care will also be available. Projected opening hours will be from 6.30am-6.30pm Monday to Friday but times may change depending on the needs of some parents.

On-site car parking availability will include spaces for ten staff and nine drop-off and pick-up bays. The applicants indicate that car space difference is in line with information gathered from other ABC Centres and their policy of employing juniors who wouldn't necessarily drive to work.

Copies of the relevant plans, elevations and similar details are attached as Annexure 2.

The remaining components of the application include a Disability Management Plan for staff, visitors and children, accountability details, staff training, emergency procedures and traffic assessment.

These details are attached as Annexure 3.

The component of importance to this report is traffic assessment. These details, prepared by John Piper Traffic Pty Ltd, assessed the potential of traffic and parking impacts on the site based on their experience with other ABC childcare developments.

The Council's Assets & Engineering Department indicates that the existing width of Buttons Avenue would not safely cater for on-street car parking or drop-off with the current bus movements. Pedestrian facilities, i.e. footpath, is only available on the Eastland Drive frontage and increased pedestrian movement should also be catered for on Buttons Avenue. Sight distance for traffic exiting Buttons Avenue would be impeded if parking was permitted on the Eastland Drive frontage close to the junction. Wider driveway access from Buttons Avenue would improve entry for turning traffic. Within the site angle parking is preferred to 90-degree parking for one-way circulation carparks.

The traffic assessment report and the Department's investigation has resulted in some engineering conditions that can be applied if the development is approved by the Council.

DISCUSSION

This discussion will generally follow the sequence of the four points mentioned in the introduction.

1 The compliance of the application with the relevant provisions and development standards of the Scheme.

A précis of clause 3.9.2 of the Scheme provides the appropriate matters for the Council to consider before granting or refusing a planning application. As well as considering the objectives and the intent of the zone the other matters relevant to this proposal include:

- (a) whether the proposed development is satisfactory in terms of its siting, size and appearance in relation to the existing site, adjoining land, the streetscape, and any items of historic or architectural interest; and
- (b) whether the proposal would adversely affect the existing and future uses on adjoining land and vice versa; and
- (c) whether the proposed development will be supplied with an adequate level of infrastructure and services (including the desirability to improve deficient road junctions) without detriment to existing users; and
- (d) any other matters which in the opinion of the Council should be considered.

Schedule 1 of the Scheme defines the Use Categories. The proposal quite clearly fits within the definition of an Educational Establishment.

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

An Educational Establishment in the Residential (RA) - Closed zone is "d" - discretionary.

Schedule 5 of the Scheme defines the on-site car parking requirements for the proposed use. The schedule requires one space per person employed and one per 10m² of floor area (excluding toilet facilities). The application indicates that the Centre will employ thirteen staff. Eleven of these are contact staff and two are non-contact. The traffic impact report indicates that their calculation is based on twelve and the number of car parking spaces provided for staff on the plans is ten. It is conceded that there is a very slight inconsistency.

Discounting the toilet facilities the floor area of the building is 480m². As a consequence the calculation based on the numerical standards of Schedule 5 has determined that eighteen spaces are required for the development. The calculations by Piper Traffic Pty Ltd based on previous ABC developments indicate a demand for 16-19 spaces. The submitted plans indicate parking for nineteen vehicles. Regardless of the staff demographic the Schedule 5 requirements of the Scheme are satisfied.

Clause 7.5.3(a) of the Scheme also requires the parking spaces, accesses and turning areas to be designed to ensure that the vehicles associated with the use can enter and exit the site in a forward direction. The plans demonstrate this.

Conclusion - No further elaboration or discussion is necessary with respect to on-site car parking.

Schedule 7 contains the numerical requirements as they relate to specific development(s) within the particular zone(s). There are, however, no specific development standards for Educational Establishments.

When this occurs with a specific proposal the notes that preface the standards provide the necessary guidance. These indicate:

“The absence of any use category or the lack of any correlation between use category and zones in the table shall not be taken to imply that there are no control dimensions/figures applicable. In such cases the minimum or maximum dimensions/figures shall be determined by the Council.”

For comparative purposes the definition of “Residential Building” provides the nearest defined use class that may offer some measure of performance. For discussion purposes the definition of Residential Building means:

“any land used for human habitation in which some or all of the facilities for living are used in common by the residents and includes a guest house, boarding house...”

Although it may be agreed that this use is comparable, Schedule 7 does not provide any development standards for a Residential Building in a Residential (RA) - Closed zone. Although a somewhat tenuous link the development standards for the use in a comparable Residential (RB) - Semi zone have been utilised. This may seem confusing, however the development standards in the (RA) and (RB) zone are the same for other uses such as houses, units and apartments.

Considering the discretion available in the Schedule 7 notes they are deemed acceptable for discussion.

As a consequence the following table elaborates on the level of conformity with the development standards.

SPECIFIC STANDARD	DEVELOPMENT STANDARDS (RB) ZONE	DIMENSIONS OF PROPOSAL	COMMENTS
Minimum floor area	Nothing prescribed	Not relevant	Deemed to comply.
Front setback	6 metres	18.85 metres	Complies.

Side setback	3 metres	12 metres (scaled)	Complies.
Lateral side setback	3 metres	3 metres	Complies.
Rear setback	5 metres	6.65 metres	Complies.
Distance across	6 metres	Not relevant	Deemed to comply.
Distance between	3 metres	Not relevant	Deemed to comply.
Minimum Dedicated Open Space (DOS)	Nil	Not relevant	Deemed to comply.
Minimum width of DOS	Not applicable	Not relevant	Deemed to comply.
Minimum other Open Space	75m ²	1200m ² approx.	Complies.
Maximum height	12.5 metres	5.1 metres	Complies.
Maximum rise in storeys	3 storeys	One	Complies.
Maximum site coverage	50%	25%	Complies.

2 *The specific objectives of the Scheme and their relevance to this application.*

The objectives, although generally strategic in nature do provide some guidance as an over-arching support mechanism to ensure that zones and their intent are appropriately located and that subsequent uses and developments can be adequately controlled by the relevant planning

scheme provisions and development standards. In short, objectives provide a range of desirable outcomes.

They are not used primarily as an assessment tool but will usually provide guidance in the support of a final determination.

The Scheme has 15 objectives. Each has been examined in regard to this proposal and the three that are deemed to have some relevance for this application are objectives (a), (b) and (f).

- (a) Orderly settlement and management of population, commerce, rural production and industry.

Comment - The development of a child care centre in any location, whether permitted or discretionary, has an element of commerce in its operation. The Council's role is to establish whether it is in order to allow the development at this site.

- (b) Proper use and development of land, buildings and resources.

Comment - Although the site is located within the predominantly urban residential area of East Ulverstone there are numerous other uses within a 400m radius. These include a sports ground (Haywoods Reserve), two primary schools, an industrial estate (Dysons Lane), two satellite business sites and three motels.

It is contended that the proposed development is best suited in the situation proposed than being introduced into a dedicated residential precinct where some commercial impacts may not be amenable.

- (f) Preservation and promotion of logical, efficient and safe transport and service routes.

Comment - This objective was included due to the numbers of representations received based upon traffic conflicts. It is difficult to demonstrate unsafe conditions since Eastland Drive was recently upgraded with Federal Black Spot monies. The numbers of representations, discussed in detail later, indicate less than idyllic traffic scenarios. Engineering solutions have been formulated in the event that the Council approves the development.

3 *The specific intent of the Residential (RA) - Closed zone.*

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

Comment - The Intent of the zone doesn't provide many options to approve anything other than dwelling units. The Table of Uses (Schedule 2), however, does provide discretion. The discretionary elements which are numerical in nature have been commented on previously in this report. The only other comparable use classes discretionary in the zone that aren't conventional house developments include Residential Building, Church and Welfare Building.

The only zone where an Educational Establishment (child care centre) is a permitted use is in a village residential or a public purpose zone. Village residential zones include the villages of Forth and North Motton while the public purpose zones usually underlie existing public buildings, schools and churches.

4 *The merits of the representations received opposing the development.*

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

At the conclusion of the 14 days a total of seventeen representations had been received.

These are reproduced as Annexure 4.

Each representation covered various issues and concerns. Commonality existed in each representation to the extent where the following table was developed to précis the representations received.

DEVELOPMENT SERVICES

ISSUE	CONCERN IN REPRESENTATION	COMMENT
Road Safety	Traffic consultant's details didn't consider the other schools and users of Buttons Avenue. This concern was raised 12 times.	Comments - The traffic consultant's report showed drop-off and pick-up peak times are not in conflict with school peak times.
	Additional traffic and current waiting times for existing road users. The current intersection and waiting times are not satisfactory. This concern was raised 11 times.	Comments - The waiting times are acceptable.
	Bus conflict potential with other vehicles. Buttons Avenue is used as a bus route. Hesitation by people entering the child care site could baulk any bus and create an unseen hazard to turning traffic. This concern was raised eight times.	Comments - Engineering solutions can be implemented to mitigate this issue.
	The site is dangerous and hazardous to pedestrians. People not parking on site may introduce pedestrian/vehicle conflicts when crossing roads. This concern was raised seven times.	Comments - While impossible to ensure that every drop-off occurs within the site every endeavour will be made to educate parents and carers of the need to enter the site. This matter has been discussed with the proponents.

	Buttons Avenue site access is too close to the existing intersection. This concern was raised five times.	Comments – An engineering solution can minimise this concern.
	Tourism use of Buttons Avenue. Existing tourism signage promotes Buttons Avenue as an access to the caravan parks. Unfamiliar roads to tourists may result in traffic conflict. This concern was raised five times.	Comments - A valid point in regard to unfamiliarity. Other streets could be assigned for this purpose.
	Black Spot assignation confirms unsafe site. This concern was raised three times.	Comments - The upgrade of Eastland Drive increases safety for vehicle and pedestrian users.
	Alternative exits to the Eastland Drive/Buttons Avenue junction are used by residents, confirming the poor intersection. This concern was raised three times.	Comments - Waiting times have been previously commented on.
	Sight distance along Eastland Drive. This concern was raised 11 times. Street parking locations. This concern was raised once.	Comments - The Scheme allows for a safe intersection sight distance of 105 metres for 60km/h in urban situations.

DEVELOPMENT SERVICES

No on-site assessment done by traffic consultant	Done as a desktop assessment and doesn't reflect current intersection conditions. This concern was raised five times.	Comments - Issue previously commented on.
On-site parking deficiency	This concern was raised four times.	Comments - Discussed in body of report.
Viability of another child care centre	This concern was raised twice.	Comments - Not an issue for the Council to comment on.
Application incorrectly advertised	This concern was raised once.	Comments - The required site notices were placed in accordance with the relevant regulations.
Council should support local commerce first	This concern was raised once.	Comments - Not an issue for the Council to comment on.
Air conditioning noise	This concern was raised once.	Comments - This was one of eight concerns expressed by a neighbour living distant from the site. The method of heating isn't a planning issue and only becomes a concern if it becomes an environmental nuisance.
Devaluation of properties	This concern was raised once.	Comments - The Council can't comment on this and no evidence has been produced to demonstrate how the values of neighbouring properties may be affected.

Visual impact and noise	This concern was raised once.	Comments - This was an immediate neighbour's concern and is not a planning issue. It should be noted that the placement of trees as suggested will not reduce noise impacts.
Were other sites investigated?	This concern was raised once.	Comments - This is a commercial decision for the applicant only.
How can building occur over two blocks?	This concern was raised once.	Comments - This application includes a consolidation of titles component.

Representation summary

The majority of the issues are road-safety based. These account for 76% of the total representations received. Of this percentage 21% had concerns on the accuracy of the traffic impact data, 20% had concerns with traffic congestion, 14% with perceived bus conflicts and 12% with perceived pedestrian conflicts.

Seven percent of the representations received observed that the Traffic Impact Report was not site-specific. Perceived on-site parking deficiencies accounted for a further 5.5%.

The application as a matter of procedure was referred to the Council's Planning & Assessment Team. All comments received from the Planning & Assessment Team are assessed for inclusion in the final determination of the application. The response from the Council's Assets & Engineering Department formed an essential component of the main issues. Their response has been integrated into this report.

IMPACT ON RESOURCES

This report has no impact on resources with the exception of staff time involved in the assessment time that exceeds the value of the application fee.

CORPORATE COMPLIANCE

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

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

CONCLUSION

The application received a number of representations primarily based on road safety issues. Supporting documentation provided by the applicant and the Council's own assessment has confirmed that the site is not necessarily unsafe based on recorded vehicle movements, recent road upgrading and alterations that can occur within the road reservations to minimise conflicts.

Notwithstanding the traffic matters all other aspects of the application demonstrate satisfactory compliance with the Scheme after considering all the discretionary elements.

Recommendation

It is recommended that the representations be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. DEV2006.77 and SUB2006.24 be approved subject to the following conditions and restrictions:

General

- 1 The development generally conforming with the drawings and other documentation submitted with this application - reference RD06218 dated December 2006 - unless altered by subsequent conditions of this Permit;
- 2 The proposed landscaping and site treatments indicated are to:
 - (a) enable planting of species of local provenance where possible; and
 - (b) ensure the final layout, species to be planted and maintenance regimes, including mulching and water reticulation methods to be used, ensure 70% stem retention rate after two years;
- 3 The landscaping and other site treatments are to be implemented, including all paving, drainage plantings, mulches and reticulation being installed, prior to commencement of the activity;
- 4 Prior to the occupancy of the development, the parking and manoeuvring spaces identified on the submitted plans must be:
 - (a) designed in accordance with the Australian Standard *AS2890.1 Off Street Parking Part 1 – Car Parking Facilities*;
 - (b) constructed to the satisfaction of the Council; and
 - (c) paved with an acceptable impervious material;

Engineering

- 5 The developer:

- (a) disconnecting and removing one of the water supply connections and meter from the site;
 - (b) providing a vehicle access in accordance with the Council's Standard Drawing No. SD-1012. Satisfactory markings are to indicate one-way conditions;
 - (c) modifying the Buttons Avenue access to be 6.0 metres wide at the kerb and located 20 metres from the junction of Eastland Drive;
 - (d) realigning and installing a new kerb on the Buttons Avenue frontage to Locket Street to maximise pavement width including footpath, kerb ramps and associated works;
 - (e) reconfiguring the carpark to allow for angle parking;
 - (f) extending the internal 1200mm wide access path from the drop-off parking area eastward to the Buttons Avenue boundary;
 - (g) providing an 18 metre length of No Parking zone in Eastland Drive west of Buttons Avenue toward the site exit point; and
 - (h) providing and installing four semi-mature naturestrip trees on the Eastland Drive frontage. and
- 6 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

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

- A any infrastructure extensions or upgrades required to service the development are at the developer's expense;
- B in regard to condition 5(d) the design and final alignment is to be determined in consultation with the responsible officer from the Council's Assets & Engineering Department;
- C in regard to condition 5(g) the required signage is to be approved by the Department of Infrastructure, Energy & Resources and any installation costs are to be met by the developer;

- D any works undertaken within the Road Reservation requires a Road Permit to be issued by the Assets & Engineering Department prior to construction;
- E an application for a Building Permit is required for the construction of the new development and the demolition of existing buildings; and
- F this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.'

The report is supported.”

The Executive Services Manager reported as follows:

“The Annexures referred to in the Land Use Planning Group Leader’s report having been circulated to all Councillors.”

■ Cr Robertson moved and Cr Deacon seconded, “That the representations be deemed to have sufficient merit on planning grounds to justify refusal of the Application.”

Continued after Minute No. 136/2007...

136/2007 Public question time

The time being 6.42pm, the Mayor introduced public question time.

Questions and replies concluded at 6.53pm.

Minute No. 135/2007 continued...

Voting for the motion

(7)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Voting against the motion

(1)

Cr McKenna

Cr Deacon
Cr Marshall

Motion

Carried

Cr van Rooyen returned to the meeting at this stage.

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

The Director Development Services reported as follows:

<i>“AMENDMENT NO.:</i>	2/2007, Application No. AMD2006.2
<i>LOCATION:</i>	Off Kings Parade and Crescent Street, Ulverstone.
<i>OWNERS:</i>	Central Coast Council, the Crown, and Marine and Safety Tasmania (MAST).
<i>APPLICANT:</i>	Central Coast Council.
<i>PROPOSAL:</i>	To initiate and certify a draft amendment to change the zoning for the Ulverstone Wharf from Recreation and Community (PP) - Public Purposes to Business (BA) - Central and insert special area provisions for the area.
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme).
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act).
<i>PURPOSE</i>	

This report considers the merits of a Scheme amendment (see Annexure A) for the Ulverstone Wharf.

BACKGROUND

The community has identified the Ulverstone Wharf as a significant strategic asset.

There were recurring themes arising from the 2004 Leven River Precinct Study that the community wanted certain values protected. These were then used to guide the development of the Ulverstone Wharf Master Plan (Master Plan).

To accommodate this feedback from the community, the Council included in its Draft Central Coast Planning Scheme 2005 a provision that prohibited “all development within the Leven River wharf area (shown cross hatched on the plan) until the planning scheme is amended to reflect the rezoning with special area provisions that correlates with the Master Plan.”

Korlan Pty Ltd was commissioned to develop the proposed Outline Development Plan and associated amendment to the Planning Scheme (see Annexure A), based on the community values identified in the Master Plan.

DISCUSSION

The Draft Central Coast Planning Scheme 2005 is currently the subject of review by the Resource Planning and Development Commission (RPDC) with respect to the public hearings stage. It is anticipated that these hearings will be held sometime in the near future.

However, the time between the hearings and actual introduction of the Draft Planning Scheme may be many months away, and perhaps as much as a year.

There are external influences creating time pressures to have the Ulverstone Wharf matter resolved in the near future.

It is not feasible to wait until the Draft Planning Scheme is in place to introduce the Outline Development Plan.

It is therefore proposed that the Council proceed with an amendment to its current Planning Scheme and, if approved, request the RPDC to insert the amendment and associated Outline Development Plan into the Draft Central Coast Planning Scheme 2005 during its public hearings.

Korlan Pty Ltd reports as follows:

‘This report has been prepared by Korlan Pty Ltd for the Central Coast Council.

1. Introduction

This report supports a request to introduce special area provisions for an area of approximately 1.6 Ha located off Kings Parade & Crescent Street, Ulverstone.

2. Applicant

Central Coast Council.

3. Owners

- . Central Coast Council; and
- . The Crown & Marine and Safety Tasmania (MAST).

4. Relevant Planning Document

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

5. Title Description

The site is covered by a number of Titles:

CT Vol. 125629/2-Crown

CT Vol.139534/2-Crown

CT Vol.139534/1-Crown

PID 1763157-Crown

PID 6976709-Crown (MAST)

CT Vol. 138124/1- Central Coast Council

6. Location and Character of the Site and Surrounds

The subject site is bounded by the Leven River, Kings Parade and Crescent Street. The site is flat but it initially falls sharply away from Crescent Street. The site is occupied by a large painted wharf shed, wharf area, a brick band room, a small weatherboard meeting room and informal gravel and bitumen vehicle parking areas. The wharf area is used intermittently for recreation vessels.

The site adjoins the commercial area of Reibey Street.

Of particular interest in the commercial area are Lancaster House and the River Arms Hotel. The buildings themselves were identified in the Master Plan as providing a focal point from the Leven Bridge and the western shore.

The subject site has two access points however redevelopment of the site will require an upgrade and re arrangement of access to the site.

The subject site is serviced with sewer, water, stormwater, power and phone.

7. Council's Strategic Plan and Studies

The Central Coast Strategic Plan and economic strategy (2004-2009) identifies amongst its future directions:

the encouragement of tourism development with a major objective to enhance the Ulverstone Wharf area

The Ulverstone Cultural Planning Study 1996 recommended that a master plan be developed for the future of the Ulverstone wharf and riverside precinct.

In 2004 the Council commissioned the Leven River Precinct Study which identified the Ulverstone wharf area as having a special sense of place and redevelopment potential where Ulverstone could build a closer relationship with the river. Extensive public consultation was undertaken during the study.

In 2005 the Council commissioned the Ulverstone Wharf Redevelopment Plan which identified public concerns, issues, planning principles; a values based precinct model and two scenarios for how the site could be redeveloped.

8. Reason for Scheme Amendment

The Ulverstone wharf is no longer a working wharf and MAST has indicated its desire to relinquish control to the Council. The community facilities on the wharf are surplus to Council's requirements and there would be no point in the wharf being transferred to Council unless the area can be redeveloped to provide a broader community and economic benefit.

More importantly, numerous consultant studies in association with the community have identified the redevelopment of the wharf area as providing social, recreational and economic benefits to the community. The community has expressed conditional support for redevelopment based on certain values being protected.

However for the area to be developed in a controlled manner, the planning scheme needs to be amended by inserting a specific development overlay for the area.

9. Current and Requested Zoning

The current zoning is Recreation and Community (PP) Public Purposes Zone.

The Objective of the Recreation and Community (PP) Public Purposes Zone is:

'is primarily intended to accommodate facilities and installations for social activities, religious, welfare, health and educational purposes and public utilities.'

The Recreation and Community (PP) Public Purposes Zone was generally applied to areas owned or controlled by the Crown, Council or churches. As indicated in the zone intent and uses allowed it is not a zone which encourages economic development.

The amendment proposes a zoning change to Business (BA) Central, however as indicated in the zone objective and uses permitted as of right or permitted; simply zoning the area to Business (BA) Central is considered not appropriate as the uses are too broad and the development standards not specific enough.

For example, the objective of The Business (BA) Central zone is:

'primarily intended to accommodate retail and commercial business, offices and agencies and public and private community services.'

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

- (i) the central business districts of the major towns of Ulverstone and Penguin are consolidated and contained; and
- (ii) the function of the central business district by-pass routes in Ulverstone-viz Main Street and the western sections of Alexandra Road and Leven Street, is not jeopardized by congesting commercial activity.

The following table compares the uses allowed under the existing zone compared with Business Central zone.

Recreation & Community Public Purposes	Business (BA) Central
<i>Permitted as of Right</i>	<i>Permitted as of Right</i>
Public utility installation	Public Utility installation
Passive Recreation	Passive Recreation
	Office
	Professional Office
	Restaurant
	Service Centre
	Shop

	Shop(Major)
	Supermarket
	Service Industry
	Domestic Business
	Public Building
<i>Permitted Uses</i>	<i>Permitted Uses</i>
Church	Domestic Workshop Store
Community/Civic Building	Home Occupation
Educational/Cultural Establishment	Outbuilding
Health & Fitness Centre	Truck Parking
Hospital	Community/Civic Building
Public Building	Consulting Rooms/Health Centre
Public Utility Depot	Amusement Machine Centre
Recycling Centre/Waste Transfer Station	Car Park
Stadium	Garden Centre/ Nursery
Car Park	Hire Car Premises/Taxi Depots
<i>Discretionary Uses</i>	Licensed Establishment
Apartments	
Residential building/Guest house	Motel
Active Recreation	Saleyard
Caravan Park/Camping Ground	Service Station
Consulting Rooms/Health Centre	Shop (Local)
Institutional Building	Shop(Takeaway Food)
Welfare Building	Showroom
Amusement Machine Centre	Store
Tourist operation	Transport Depot
Transport depot	Service Industry
	<i>Discretionary Uses</i>
	Apartment
	Residential Building/ Guest House
	Educational/ Cultural Establishment
	Health & Fitness Centre
	Tourist Operation
	Public Utility Depot
	Motel(Unlicensed)

	Timberyard
	Veterinary Establishment
	Warehouse
	Contractors Depot
	Miscellaneous

Both zones allow uses which are contrary to the values and characteristics identified in the various studies for the area.

For example the Ulverstone Wharf Redevelopment Study recommended that any development of the site should ensure the following values are protected:

The wharf area

- . *Is a place which prides its heritage;*
- . *Is an integral part of the foreshore open space corridor;*
- . *Reconnects the community with the river;*
- . *Is safe, vibrant and a friendly place to visit;*
- . *Has a commercial focus;*
- . *Provides benefits for visitors and locals alike;*
- . *Focuses on high yield, niche markets;*
- . *Contributes to the local workforce and community;*
- . *Retains the visual character of Ulverstone;*
- . *Is not a financial burden to the community.*

Based on identified community value statements a set of planning principles have been developed to guide any redevelopment of the wharf area.

These include:

- . Provision should be made for appropriate commercial activity to complement the Reibey Street shopping strip.
- . The commercial activity should where possible provide for depth and quality in tourism related and hospitality services.
- . Residential development should only be permitted above the ground floor of any building.

- . The redevelopment should where possible reflect the maritime and agricultural heritage of the wharf.
- . The redevelopment should contribute to and preserve the visual character of Ulverstone.
- . The area should provide community foreshore access and continuity of the open space corridor.
- . Redevelopment, including related infrastructure development, must complement and / or enhance the health of the river e.g. car parking should be sympathetic and not include reclamation of the river.
- . The redevelopment should be sympathetic to the river.
- . The redevelopment should retain its relationship with the river through the retention of annual mooring licenses, controlled vehicular access to the wharf face and commercial water based recreation opportunities.
- . Civic spaces should provide a safe, vibrant and a friendly place for people to visit both night and day.
- . Civic spaces should include the capacity to host community and cultural events.

Part 8 of the planning scheme provides that special areas can be identified and overlaid on the zones on the Plan and referenced to Part 8 of the scheme. Special Areas can be accorded special provisions to reflect the intention and sensitivity of the area. The provisions can be additional to, in lieu of, or varying those otherwise applying to the zone underlying the special area.

Considering the above factors it is recommended the zoning for the area be changed from Recreation and Community (PP) Public Purposes to Business (BA) Central, and identified as a special area with appropriate provisions attached. Because a commercial element is being considered for the area it is considered the Business (BA) Central zone is more appropriate than the existing zoning which is seen as being essentially devoid of any commercial activity.

The draft amendment varies the building height standards, protects the values identified by the community in the objectives, and allows Council to work in conjunction with developers when considering developments.

Clause 3.17.2 of the planning scheme provides that from Leven Bridge for a distance of 340 metres and a width of 30 metres from high water mark on the eastern bank shall be zoned Recreation and Community (PP) Public

Purposes. The draft amendment will make this clause redundant and it is recommended that this be reflected in the draft amendment.

10. Planning Scheme Objectives

The following planning scheme objectives support the amendment:

- . orderly settlement and management of population, commerce, rural production and industry;
- . proper use and development of land buildings and resources;
- . enhancement of the environmental 'quality of life' of residents and visitors by attention to aesthetics and landscape impact and general pollution effects;
- . provision of adequate space for both active and passive recreation;
- . provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services;
- . encouragement of (appropriately sited and planned) activities which would expand opportunity for development of skills, increase local employment, enhance or establish natural or created attractions and broaden and diversify the economic base;
- . development and promotion of a compact, healthy, vibrant and attractive central business district with a balanced regard for the needs of people on foot or in motor vehicles.

As stated earlier the Council intends to encourage the redevelopment of the subject area as an attractive commercial and passive recreation area.

11. State Policies

Protection of Agricultural land

The Land Capability Survey of Tasmania identifies the land as being exempt from the policy.

Water Quality

As the area is serviced with water, sewer and stormwater the draft amendment is not affected by this policy.

Coastal Policy

The proposed amendment includes consideration of the State Coastal Policy and is in accordance with the Policy.

The subject area has been used as a wharf and storage area. It is intended to redevelop in a manner that public access along the foreshore and to the river is retained. It is also intended to allow access to existing moorings and the berthing of recreational vessels along side the wharf. The site is serviced with reticulated services and no adverse environmental impact will occur.

National Environmental Protection Measures (NEPM)

The NEPMs include:

- . Ambient air quality
- . National pollutant inventory
- . Movement of controlled waste
- . Use of packaging materials
- . Assessment of site contamination;

No formal assessment has taken place but given the history of use it is unlikely the site is contaminated.

- . Diesel vehicle emissions

The NEPMs have no impact on the proposed amendment.

12. Land Use Planning and Approvals Act 1993

An amendment is required to further the Objectives set out in the *Land Use Planning and Approvals Act 1993*:

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

The subject land can be serviced with water and sewer and there are no known ecological processes or fauna or flora which should be protected. The area has been partially landscaped and covered with gravel and bitumen for a number of years. Several buildings occupy the site including a brick building used as a band room, a small timbered building used for meetings and a large wharf shed used by community groups such as the naval cadets and the Coastal Search and Rescue Group. Redevelopment will not convert a site considered to contain high environmental values.

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

The subject area is serviced with reticulated water, stormwater and sewerage and will allow the orderly extension to an existing commercial zone. The draft amendment will allow an area which has been identified by the Council in conjunction with the community as being a site which should be redeveloped to complement the adjoining uses by providing limited commercial and passive recreation uses without adversely impacting on the river and the adjoining commercial area.

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

The amendment process provides the community with the opportunity to comment on the draft amendment. The community has already played a significant role in assisting Council in identifying the areas, values and principles which need to be applied to any redevelopment of the area.

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

The proposed amendment will encourage economic development for an area which currently generates little economic activity.

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

The draft amendment is a result of collaboration between the community, MAST and Council, and therefore is in keeping with the intent of this objective.

Part2

Relevant objectives are:

- . *to ensure that effects on the environment are considered and provide explicit consideration of social and economic effects when decisions are made about the use and development of land;*
- . The proposed amendment will have no adverse impacts on the environment and will allow for the economic development of a site whilst retaining social and recreational activities.
- . *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and*

resource management policies at State, regional and municipal levels;

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

- . *to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The land has no recognised scientific, historical or special cultural value worthy of preservation. It is noted a collated history of the Wharf area is available.

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

Infrastructure services can be readily extended or expanded onto the site.

- . *to provide planning framework which fully considers land capability*

The subject land is capable of supporting a range of developments and uses and the proposed amendment will allow this capacity to be realised.

13. Conclusion

The proposed rezoning:

- . furthers the objectives of the *Land use Planning and Approvals Act 1993*;
- . is supported by the planning scheme objectives and Council's Strategic Plan; and
- . is in accordance with the State Policies.

14. Recommendation

That the Council, in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*, initiates and certifies a draft amendment to change the zoning for the Ulverstone wharf area from Recreation and Community (PP) - Public Purposes to Business (BA) - Central and insert special area provisions for the area.'

CONSULTATION

A planning scheme amendment involving Crown land requires a planning authority to obtain the written authority from the Minister for Crown Land (or authorised delegate). Written authority has been sought and obtained (see Annexure B).

Extensive public consultation was conducted as part of the 2004 Leven River Precinct Study, and the feedback and community values expressed in this study have been incorporated into the proposed amendment.

If the proposed amendment is initiated and certified by the Council, it must be advertised and representations must be considered by the Council and referred to the RPDC, with statements as to the merits of the representations.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the rezoning process. Consultancy fees are applicable for the development of the amendment, and have been budgeted for in the Ulverstone Wharf Redevelopment. 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 proposed rezoning:

- . furthers the objectives of the *Land Use Planning and Approvals Act 1993*;
- . is in keeping with and supported by the Planning Scheme objectives and the Council's Strategic Plan; and
- . is in accordance with the State Policies.

It is therefore recommended that the Council, in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*, initiates and certifies a draft amendment to change the zoning for the Ulverstone wharf area from Recreation and Community (PP) - Public Purposes to Business (BA) - Central and insert special area provisions for the area."

The Executive Services Manager reported as follows:

“Copies of Annexures A and B referred to in the Director’s report have been circulated to all Councillors.”

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

- 1 a draft amendment (identified as Amendment 2/2007, a copy being appended to and forming part of the minutes) be initiated to the Central Coast S.46 Planning Scheme No.1 of 1993 to change the zoning for the Ulverstone Wharf from Recreation and Community (PP) - Public Purposes to Business (BA) - Central and insert special area provisions for the area; and
- 2 the Council certify that the draft amendment meets the requirements of section 32 of the *Land Use Planning and Approvals Act 1993*.”

Carried unanimously

The Executive Services Manager further reported as follows:

“Approval for the draft amendment having been granted, authorisation for affixing the common seal to the amendment is given at Minute No. 143/2007.”

GENERAL MANAGEMENT

138/2007 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:

- . Riana Community Centre Committee - Annual General Meeting held on 23 August and meeting held on 8 November 2006
- . Ulverstone Online Access Centre Committee - meeting held on 10 October 2006
- . Cradle Coast Water - special meeting held on 19 February 2007 and general meeting held on 15 March 2007
- . Cradle Coast Authority - Representatives meeting held on 22 February 2007
- . Ulverstone Local History Museum Committee - meetings held on 27 February and 27 March 2007
- . Central Coast Community Safety Partnership Committee - meeting held on 28 February 2007
- . Castra-Sprent-Nietta Community Advisory Committee - meeting held on 5 March 2007
- . Youth Engaged Steering Committee - meeting held on 15 March 2007
- . Development Support Special Committee - meeting held on 26 March 2007.

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

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

Carried unanimously

139/2007 Adoption of minutes of committees of the Council

The Executive Services Manager reported as follows:

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

- . Economic Development Planning Committee - meeting held on 29 March 2007.

The minutes identified as confidential are listed for adoption at Minute No. 158-158A/2007.

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

- Cr McKenna moved and Cr (L) Bonde seconded, “That the (non-confidential) minutes be adopted.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

140/2007 Proposed off-leash dog exercise area at Turners Beach

Motion on notice by Cr (L) Bonde withdrawn.

141/2007 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 March 2007 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Manager reported as follows:

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

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

Carried unanimously

142/2007 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 March 2007 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

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

- Received 01.03.2007 - Letter requesting an update of certain information relating to parking and other matters in Penguin.

- Received 01.03.2007 - Letter suggesting alternative to rock sculpture on Bass Highway at Penguin.
- Received 01.03.2007 - Letter concerning requirements of Central Coast Planning Scheme.
- Received 05.03.2007 - Email concerning planning decision in Penguin.
- Received 06.03.2007 - Letter advising of public meeting concerning Tasmanian Heritage Act.
- Received 09.03.2007 - Letter concerning the Council's parking policy.
- Received 14.03.2007 - Letter concerning foreshore building.
- Received 26.03.2007 - Letter of thanks relating to overnight stay at Hall Point.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

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

Carried unanimously

143/2007 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 March to 23 April 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 Robertson moved and Cr (L) Bonde 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

144/2007 Financial statements

The Director Corporate & Community Services reported as follows:

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

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

The Executive Services Manager reported as follows:

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

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

Carried unanimously

145/2007 Accounts paid

The Director Corporate & Community Services reported as follows:

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

The Executive Services Manager reported as follows:

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

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

Carried unanimously

146/2007 Debtor remissions

The Director Corporate & Community Services reported as follows:

“The following debtor remission is proposed for the Council’s consideration:

<i>DEBTOR NO.</i>	6977496
<i>PROPERTY ADDRESS</i>	260 South Road, West Ulverstone
<i>REMISSION</i>	\$51.66
<i>REASON</i>	Leaking water pipe running underground - as per Council policy (Minute No. 383/2003 - 13.10.2003).”

■ Cr Robertson moved and Cr Deacon seconded, “That the following remission be approved:

- . Debtor No. 6977496 - \$51.66.”

Carried unanimously

147/2007 Ulverstone Community Plan

The Director Corporate & Community Services reported as follows:

“PURPOSE

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

BACKGROUND

The draft Community Plan for Ulverstone was developed using the outputs of a Community Planning Workshop held at the Ulverstone Rowing Club on Saturday, 18 November 2006.

The workshop was attended by 56 community members who came together to:

- . set the vision of where they’d like Ulverstone 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 as not all the works can be undertaken immediately.

DISCUSSION

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

Four replies (copies attached) were received on the Plan. Comments on those replies are as follows:

Mrs B Jennings has made comment that the Community Plan accurately reflects the discussions at the Workshop, however she has concern that the issue of economic development and opportunities for young people has not been addressed in the Plan. The redevelopment of the waterfront along with growing a vibrant commercial retail area were the areas of economic development identified by the participants in the Workshop as being important for Ulverstone. Other plans (including the Local Visitor Strategy and the draft Arts & Culture Strategy) have identified other areas of economic development for Central Coast and these will be pursued through those plans. The review of the Youth Policy to be undertaken in 2007-2008 as highlighted in the Plan along with the work undertaken with the Youth Engaged Steering Committee should also address some of the other issues identified by Mrs Jennings.

Mrs A Segger has made comments in regard to the development of the arts and cultural precinct in Ulverstone and those comments have been passed on to the Community Development Officer as he is undertaking the planning of that area.

Mrs H Rockliff has written supporting the Plan and has made further comments in regard to the implementation of some of those strategies. Mrs Rockliff's comments will be taken into account when addressing the areas she has identified.

Mr J McGuinness has written expressing his view that tourism is the area that we need to be working with to stop Ulverstone from stagnating. Mr McGuinness has views on how we could develop the Showground for further use by tourists. The strategies in the Ulverstone Community Plan are to help provide a more vibrant CBD and includes the development of the Wharf area. While Mr McGuinness' idea did not receive the support from the rest of the participants it is noted that both the Council and participants do see potential for tourism in the Ulverstone area and this is addressed by strategies throughout the Plan.

CONSULTATION

The draft Ulverstone 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 Ulverstone 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:

"Copies of the comments received from Workshop participants and a copy of the draft Ulverstone Community Plan have been circulated to all Councillors."

■ Cr Barker moved and Cr Deacon seconded, “That the Council adopt the draft Ulverstone 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.”

Voting for the motion

(8)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Marshall

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

148/2007 Request to purchase Council land at Henslowes Road, Ulverstone

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

To consider a request by Riverlinks Pty Ltd (formerly Riverlinks Tasmania) to purchase land currently held under lease in Henslowes Road.

BACKGROUND

In September 2005 the Council passed the following motion (Minute No. 300/2005 - 19.09.2005):

“That the Council agree to lease certain land in Henslowes Road, being all or part of Titles 213160/1, 213167/1 and 237608/1, to Riverlinks Tasmania for a period of twenty-one years, with an option to buy, for the purpose of an environmental tourism development subject to:

- 1 Riverlinks Tasmania undertaking to meet all infrastructure costs related to the development;

- 2 the Council charging a commercial rental assessed annually based on a valuation by a registered valuer; and
- 3 any necessary terms and conditions being finally negotiated by the General Manager.’

As the result of that motion the Council and Riverlinks entered into a lease for the Council’s land located at the western end of Henslowes Road.

The Council has now been advised by Riverlinks “that a solid pre agreement to purchase the land is necessary for the long-term viability of the business and to secure finance for the future.”

DISCUSSION

All Councillors have received a copy of the letter from Riverlinks. This letter deals with a number of issues relating to the definition of “option to buy”. While this might be a matter for discussion, the feeling of the Councillors throughout the debate on the original motion was quite clear and the lease offered to Riverlinks reflected that debate. The Council was quite clear at the time that it did not want to be forced to sell the property but was quite happy to give Riverlinks first option should it ever choose to sell the land.

It is felt that, while the land in question is not defined as public land, it is of sufficient importance to the community that any decision to sell the land should be a choice made by the Council, having considered all of the ramifications such a sale might engender.

The land is currently zoned as Rural (R) General and it is proposed that it be zoned as Environmental Management under the Draft Central Coast Planning Scheme 2005. The land borders a Crown reserve at Henslowes Park as well as the Gawler River and provides a significant green belt at the edge of the urban fringe.

The Council may be concerned that the natural values of this area should be maintained and that any sale of the property should only go ahead if this can be assured. While the current proposal for the use of the land is supported by the Council, should the land be sold and the proposed project fail, the future use of the land may be far different from the current proposal. With the current zoning the Council’s opportunity to direct the future use of the land is limited and while the proposed future zoning under the Draft Planning

Scheme is more restrictive, there is no guarantee that this will be adopted, or that it will remain in place into the future.

The location of the land in question, and its relevance and sensitivity within the context of the Leven River Precinct Plan and the Wharf Redevelopment Master Plan, are significant and any decision to sell the land would need to recognise this. While the Council fully supports the concept proposed by Riverlinks for the use of the land, until the Wharf Redevelopment Master Plan is finalised any decision to sell the land, with the resultant loss of control, would appear premature.

The land has been valued on the basis of its current zoning as a rural lot. It is possible that this valuation would be affected by any rezoning of the property.

The land involved is made up of a number of titles which, according to the title information currently available, appear to also include several small parcels of land adjacent to the Leven River reserve. The sale of the land would require a full survey of the property and most likely the issuing of a new title.

CONSULTATION

Limited consultation has been undertaken.

IMPACT ON RESOURCES

Should the Council decide to sell the property, costs involved include the cost of revaluing the property. It is anticipated that an amount of approximately \$250 would be required to cover those costs.

The property will also require surveying and the possible issuing of a new title prior to any sale. Costs in the region of \$2,500 to \$5,000 are anticipated in this area.

Further legal costs would be incurred by the sale process.

CORPORATE COMPLIANCE

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

- . Provide effective management of recreation facilities and open space
- . Provide transparent, accountable public policy and decision making

- Plan for and develop a sustainable community.

CONCLUSION

It is recommended that the Council not agree to the sale of its land in Henslowes Road at this time and that the relevant clause within the current lease with Riverlinks Tasmania be reaffirmed as follows, that:

“If at any time the Council decides to sell all or part of the property, the Council guarantees Riverlinks an option to buy at the current market value of the property as determined by a registered valuer, based on the site value only together with any improvements made by the Council, but not including the value of the improvements made by Riverlinks to the demised property or Riverlinks’ equipment or business.”

The report is supported.”

The Executive Services Manager reported as follows:

“A location plan of the property has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Barker seconded, “That the Council not agree at this time to the sale of its land in Henslowes Road, and that the relevant clause within the current lease with Riverlinks Tasmania be reaffirmed as follows, that:

‘If at any time the Council decides to sell all or part of the property, the Council guarantees Riverlinks an option to buy at the current market value of the property as determined by a registered valuer, based on the site value only together with any improvements made by the Council, but not including the value of the improvements made by Riverlinks to the demised property or Riverlinks’ equipment or business.’.”

Voting for the motion

(6)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr McKenna

Cr van Rooyen

Voting against the motion

(3)

Cr (L) Bonde

Cr Deacon

Cr Marshall

Motion

Carried

149/2007 Community Small Grants Scheme - Review of funding categories and amounts.

The Director Corporate & Community Services reported as follows:

“The Administration Group Leader has prepared the following report:

PURPOSE

To review the current categories and funding guidelines of the Community Small Grants Scheme and align them with the Central Coast Strategic Plan.

BACKGROUND

The Community Small Grants Scheme is an established grants program recognised within the Central Coast community as a funding opportunity for local community organisations. The Scheme has been designed and administered to encourage community partnerships between organisations and the Council through granting of money. The core value of this grant scheme is the improvement of local leadership to enable better management of community projects, activities and facilities. Particular focus is placed upon projects that would otherwise not be eligible for alternative sources of government funding.

DISCUSSION

The Council has been providing funding for certain community projects, activities and facilities, for some time. A review of the Small Grants Scheme has been undertaken to consider the effectiveness of the program, to see if it is reaching those areas that it targets and to see if the Council is maximising opportunities for groups to avail themselves of the Scheme. A comparison of schemes run by other councils in our area has also been undertaken.

A review of the areas where grants have been provided shows a significant bias towards sporting and community groups while funding for arts activities had fallen well behind these other two areas. Over the past three rounds of grants allocated, some \$27,933.00 has been allocated to sport, \$40,439.00 has gone to community groups, while only \$4,513.00 has been allocated to arts. A study of the applications has shown that this also reflects the number and nature of applications for funding. It would seem that the Council could be more effective in promoting the use of the Small Grants Scheme to arts groups.

Projects funded under the Community Small Grants Scheme are currently divided into the following categories:

- . Minor Capital Works;
- . Equipment;
- . Community Development Programs; and
- . Events, Programs and Tourism.

It is proposed the aforementioned categories be altered in order to incorporate cultural arts projects and bring the categories into alignment with the Central Coast Strategic Plan 2004-2009.

The proposed categories are as follows:

- . Minor Capital Works;
- . Culture and Events;
- . Community Health and Well-being; and
- . Recreation and Open Space.

Projects are currently funded at one-third the total cost of the project, with projects limited to a maximum of \$10,000.00. The maximum grant amount is therefore \$3333.00. It is proposed this amount be revised and limited to \$3000.00 and be no more than half the value of the project. This limit matches a number of other council schemes in our area.

A set of Guidelines has also been drafted to reflect this change, should it be adopted, a copy of which is attached. The new Guidelines would specify the following:

“Applicants are to complete an application form, ensuring that the project meets the criteria required. All grants are limited to 50% of the total cost of the project. Proposed projects must meet all the following criteria:

Criteria for assessment

- . Outcomes to be aligned with the Central Coast Strategic Plan 2004-2009;
- . Demonstrable benefit to the community;
- . Enhance community life;
- . Encourage community co-ordination, co-operation and ownership;
- . Where possible, showcase innovation;

- . Where appropriate, provide regional outcomes; and
- . Where appropriate, provide one-off seed funding to assist in the development of a project.

Projects not considered

Grants will not be considered for:

- . projects where applicants have not clearly identified how they will fund their contribution;
- . ongoing administration (recurrent salary and operational costs) of the organisations;
- . ongoing service delivery;
- . projects which are eligible for funding from a more appropriate source(s);
- . donations or prizes;
- . reimbursement of previously commenced works;
- . duplication of successful local services/facilities/programs; and
- . organisations that received funding in the previous grant round.”

It is intended that these changes will make the Small Grants Scheme more “user friendly”, as well as providing greater flexibility and clarity for both applicants and panel members reviewing the applications, and more importantly matching the aims of the Scheme to the Council’s Strategic Plan 2004-2009.

In support of this move to make the Scheme more “friendly” it is proposed that the Council will proactively promote the Scheme by forwarding a copy of the Community Small Grants Scheme Information and Guidelines to every group that might be eligible for such a grant located within the Central Coast area in conjunction with the usual advertising program for the 2007-2008 round of grants.

CORPORATE COMPLIANCE

The Small Grants Scheme satisfies the Council’s strategic purpose of *improving the quality of community life in Central Coast by providing targeted community grants*. It is proposed the grants be aimed at providing assistance in four categories aligned with the Central Coast Strategic Plan.

Minor Capital Works

- . Develop and manage sustainable infrastructure.

Culture and Events

- . Create a municipal area that is productive and socially and aesthetically attractive
- . Support an accessible, diverse and rich range of community arts and cultural activities
- . Promote events and major festivals that build our cultural identity.

Community Health and Well-being

- . Encourage the coordination of services for seniors
- . Improve the services available to children and young families
- . Provide opportunities for the development and growth of young people.

Recreation and Open Space

- . Coordinate management of reserves and tracks from Coast to Cradle
- . Foster partnerships to improve shared use of reserves and tracks
- . Provide effective management of recreation facilities and open space.

CONCLUSION

It is recommended that the following changes be made to the Community Small Grants Scheme:

- 1 That the Small Grant Scheme consist of four categories:
 - . Minor Capital Works;
 - . Culture and Events;
 - . Community Health and Well-being; and
 - . Recreation and Open Space; and
- 2 That Small Grants be limited to a maximum of \$3000.00 and be no more than half the total cost of the project;

and that the Council take appropriate steps to promote the Scheme throughout the Central Coast community;

and further, that for the 2007-2008 round of grants, three Councillors be appointed to meet with two staff members of the Corporate & Community Services Department to assess and recommend for approval, via the Estimates process, the Community Small Grants Scheme applications.'

The report is supported.”

The Executive Services Manager reported as follows:

“A copy of the Community Small Grants Scheme 2007-2008 Information & Guidelines has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr (L) Bonde seconded, “That the following changes be made to the Community Small Grants Scheme:

- 1 That the Small Grant Scheme consist of four categories:
 - Minor Capital Works;
 - Culture and Events;
 - Community Health and Well-being; and
 - Recreation and Open Space; and
- 2 That Small Grants be limited to a maximum of \$3000.00 and be no more than half the total cost of the project;

and that the Council take appropriate steps to promote the Scheme throughout the Central Coast community.”

Carried unanimously

■ Cr Robertson moved and Cr McKenna seconded, “That for the 2007-2008 round of Community Small Grants, Crs Barker, Marshall and van Rooyen meet with two staff members of the Corporate & Community Services Department and assess and recommend for approval, via the Estimates process, the Community Small Grants Scheme applications.”

Carried unanimously

ASSETS & ENGINEERING

150/2007 Amber Court, Ulverstone - Opening of turning 'T'

The Director Assets & Engineering reported as follows:

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

- Amber Court, Ulverstone - Turning ‘T’

Developed by Central Coast Council.”

The Executive Services Manager reported as follows:

“A plan of the Amber Court, Ulverstone - Turning ‘T’ has been circulated to all Councillors.”

■ Cr Robertson moved and Cr McKenna seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982* the Council open as a highway Amber Court, Ulverstone - Turning ‘T’ (a plan of the street being appended to and forming part of the minutes).”

Carried unanimously

151/2007 Proposed footpaths and street lighting - Henslowes Road area, Ulverstone (91/2007 - 19.03.2007)

The Executive Services Manager, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of proposed footpaths and street lighting in the Henslowes Road area.

The Director Assets & Engineering reported as follows:

“PURPOSE

To consider a proposal for footpaths and street lighting in the area of Henslowes Road and Adaihi Street, Ulverstone.

BACKGROUND

The Forward Program for 2010-2011 provided an allocation of \$70,000 for the construction of a footpath in Henslowes Road. A petition (reproduced in part) has been received from residents with a total of 142 signatories as follows (Refer Minute No. 91/2007 - 19.03.2007):

'To improve pedestrian access and safety in the Henslowes Road residential area and to Henslowes Park.

1. The provision of paved footpaths and improved lighting along Adaihi Street and Henslowes Road equal to those in the adjoining new subdivisions...'

DISCUSSION

The Asset Management Group Leader reports as follows:

'The Council's five-year footpath program has been prioritised into the following categories:

- Priority 1 - arterial streets or streets within 1km of the CBD of Ulverstone or Penguin;
- Priority 2 - through-streets that are non-arterial; and
- Priority 3 - cul-de-sacs and no-through streets.

The program has been limited to Priority 1 and 2 footpaths only at this stage.

The Council's 2010-2011 Forward Program includes allocations for the construction of a footpath on one side of Henslowes Road, Ulverstone. Henslowes Road has been classed as a Priority 3.

The Henslowes Road area is currently serviced by a footpath from the Bass Highway underpass to No. 12 Henslowes Road.

Recent subdivision works have taken place in Southern Cross Drive, Maisie Place and Debbie Court and this is serviced with footpath as part of the subdivision requirements.

This leaves a gap in the network from the existing footpath to the new subdivision area.

The petition calls for a footpath along Adaihi Street to Lovett Street, however there is an existing footpath under the Highway to Trevor Street and this is the

more appropriate direction for pedestrians to travel. A footpath in Henslowes Road could be constructed in two stages from the existing footpath at No. 12 Henslowes Road to the Old Nietta Railway Reserve/Henslowes Park. This would be as follows:

Section A from end of the existing at No.12 Henslowes Road to Southern Cross Drive at an estimated cost of \$85,000.

Section B from Southern Cross Drive to the Old Nietta Railway Reserve/Henslowes Park at an estimated cost of \$65,000.

Total Estimate for Sections A & B: \$150,000.

The Assets Officer - Data & Systems is currently undertaking a condition and hazard assessment of the entire footpath network. This information will enable the Council to more accurately determine where footpath funds should be expended.

The assessment will determine where the gaps are in the network, where renewals/replacements are required and where new assets should be constructed to fill the footpath gaps in the network.

It is recommended that the construction of a footpath in Henslowes be listed in the forward estimates in line with the condition assessment and the network gap analysis to be carried out prior to the 2007-2008 Estimates.

Street lighting in the area is generally in accordance with the policy of a street light on every second pole, however some deficiencies exist and the Engineering Officer - Roads & Traffic is pursuing this with Aurora.'

The Officer's report is supported.

CONSULTATION

Residents, by petition, have initiated the request for the footpath to be constructed.

IMPACT ON RESOURCES

Estimated cost for provision of footpaths in Henslowes Road and Adaihi Street as per the petition request is as follows:

SECTION	ESTIMATE
Section A: From existing to Southern Cross Drive	\$85,000
Section B: From Southern Cross Drive to Old Nietta Railway Reserve/Henslowes Park	\$65,000
Section C: Adaihi Street from existing to Lovett Street	\$85,000
<i>Total Estimate - Sections A, B & C</i>	<i>\$235,000</i>

Allocations in the forward program will be considered as part of the 2007-2008 Estimates.

CORPORATE COMPLIANCE

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

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

CONCLUSION

It is recommended that the construction of a footpath in Henslowes Road be listed in the forward estimates in line with the condition assessment and the network gap analysis to be carried out prior to the 2007-2008 Estimates.”

■ Cr (L) Bonde moved and Cr Deacon seconded, “That the construction of a footpath in Henslowes Road be listed in the forward estimates in line with the footpath condition assessment and the network gap analysis to be carried out prior to the 2007-2008 Estimates.”

Carried unanimously

152/2007 Proposed road closure - Old Nietta Railway Reserve, off Henslowes Road, Ulverstone (91/2007 - 19.03.2007)

The Executive Services Manager, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of proposed road closure of the Old Nietta Railway Reserve, off Henslowes Road.

The Director Assets & Engineering reports as follows:

“PURPOSE

This report provides an investigation into the proposal for closure of the Old Nietta Railway Reserve access road at the junction of Henslowes Road and the Henslowes Park access road.

BACKGROUND

The Natural Resource Management Officer reports as follows:

‘A petition was received by the Council on 19 March 2007 (Minute No. 91/2007) requesting (in part) the provision of a footpath along Henslowes Road and that the road that runs parallel to Henslowes Road in the Old Nietta Railway Reserve be closed off to unauthorised vehicular access.

A total of 142 signatories was collected from the area supporting the provision of a footpath and the road closure. Problems in the past such as hoons, vandalism, dumping of rubbish and garden waste and burglaries have lead to community safety concerns.

The proposal for road closure has a varied history summarised as follows:

1986 At a Council meeting the public requested that the road be closed to public use by motor vehicles.

The Council considered the closure of the road and decided it would not be a practical or desirable action. It was proposed to install three to four speed humps to assist in deterring hoons.

1994 An officer from Crown Land Services gave support to close off the access at the southern entrance into the Old Nietta Railway Reserve and Henslowes Park. The support covered the erection of a boom gate by the Council opening and closing it at its discretion.

1998 The closing off of the access to Henslowes Park and the Old Nietta Railway Reserve was considered by the Planning Officer and it was determined that there were no requirements for closing it off. The Senior Engineering Officer determined that the access could be closed by placing boom gates over each road to allow for parking and a turning circle.

Legal advice was provided stating that the Council has the power to erect boom gates to limit access into the area with approval from Crown Land Services. The advice also suggested that it would be difficult for anyone to argue that the Council does not have the power.

2007 The access road into Henslowes Park was closed to vehicular traffic to prevent further dumping of rubbish after cleaning up the illegal rubbish dump on the mudflats of the Leven River. Pedestrian access is still provided.

The Council currently has a recreational lease over the river reserve at Henslowes Park and Old Nietta Railway Reserve. The road is located on Crown Land and is not classed as a road reserve.

DISCUSSION

The Council had the *Bushland Management Plan 2004* developed for the Old Nietta Railway Reserve which highlights the importance of the area and the need to conserve it, identifies the management issues that require attention and provides a five-year implementation plan. The Council is gradually implementing the recommendations identified.

The recommendations in the *Bushland Management Plan* are to:

- . avoid damage to native vegetation and mature trees;
- . retain logs and dead trees for habitats while maintaining fire management;
- . control the dumping of rubbish through further signage, more inspections, perhaps controlling vehicular access with a boom gate;
- . remove weeds and exotic garden species;
- . allow for revegetation and natural regeneration to prevent erosion and assist in weed control;
- . develop, control and maintain access tracks;
- . promote community involvement in maintenance of the park with assistance from qualified people; and
- . provide fire management.

The Council will provide protection for this area as it is required as a duty of care to the environment. The closure of the access road into the Old Nietta Railway Reserve will assist in the prevention of damaging native vegetation and dumping of rubbish and garden waste which will in turn help with weed and vermin control.

Verbal approval was given by an officer of Crown Land Services on 20 March 2007 to close the access road into the Old Nietta Railway Reserve. Formal approval will be sought when required. Provided pedestrian access is available the Council can use the access road at its convenience and open and close the gates at its discretion.

Legal advice on 28 July 1998 has confirmed that the Council has the power to close off the access and stated it would be difficult for anyone to argue against it. The residences that back onto the Old Nietta Railway Reserve all have their designated property entrances off Henslowes Road.

As the Council requires access for maintenance of trees in the area and to attend to the pump station at the end of the Old Nietta Railway Reserve access road, it is proposed that a lockable boom gate be installed and that the Council control the access. The gate will be locked at all times and the Council will use the access at its discretion.

A constructed parking area and turning circle should be provided at the junction of the access roads into Henslowes Park and Old Nietta Railway Reserve.

CONSULTATION

During the last 20 years numerous complaints have been received by the Council about the area including hoons driving along the road, vandalism and burglary of properties and the dumping of rubbish and garden waste.

IMPACT ON RESOURCES

The estimated cost to provide a boom gate, car park and turning circle is \$15,000. An allocation could be given consideration in the 2007-2008 Estimates.

CORPORATE COMPLIANCE

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

- . Improve community safety
- . Coordinate management of reserves and tracks from Coast to Cradle
- . Provide effective management of recreation facilities and open space

- . Promote best practice environmental management of the hinterland and coast
- . Encourage sustainable land management.

CONCLUSION

The closure of the Old Nietta Railway Reserve access road is feasible, as legal advice obtained supports the closure and Crown Land Services has provided verbal approval. The access road should be closed at the Henslowes Road junction with a lockable boom gate. The gate will be locked at all times and the access is to be controlled by the Council. A constructed parking area and turning circle should be provided.

The closure should assist in improving community safety and preventing damage to native vegetation and the dumping of rubbish and garden waste which will result in weed and vermin control.’

The Officer’s report is supported.”

■ Cr Barker moved and Cr (L) Bonde seconded, “That the Old Nietta Railway Reserve at the rear of properties in Henslowes Road be closed to unauthorised vehicular traffic with a lockable boom gate at the Henslowes Road junction, and that a car park and turning circle be constructed and the provision of \$15,000 for this purpose be considered in the 2007-2008 Estimates.”

Carried unanimously

153/2007 Reallocation of capital funding - Roads budget 2006-2007 (258/2006 - 07.08.06)

The Director Assets & Engineering reported as follows:

“The Project Management Group leader has prepared the following report:

‘PURPOSE

To seek approval to delete the road works on the corner of West Pine Road and Nine Mile Road and the corner of Castra Road and Top Gawler Road from the 2006-2007 Capital Works Program, and to reallocate the capital funds to Intersection Improvements (Roads - Rural Sealed) and Top Gawler Road and Picketts Road junction.

BACKGROUND

Allocations of \$15,000 for road works at the junction of West Pine Road and Nine Mile Road and \$30,000 at the junction of Castra Road and Top Gawler Road were approved in the 2006-2007 Capital Funding Program, subsequently adopted in the Estimates in the Roads, Street and Bridges (Roads - Rural Sealed) account (Minute No. 258/2006 - 07.08.2006).

DISCUSSION

The junction of West Pine Road and Nine Mile Road has been listed for several years as a candidate for sight distance improvement works. It has been investigated in more detail as part of this year's Design and Capital Works Program and found to be compliant with current sight distance requirements. The funding can be utilised to complete junction improvement works at the corner of Stotts Road and Chellis Road in Riana which commenced last year but did not have budget allocation this year. This will be undertaken as part of intersection improvements.

The junction of Castra Road and Top Gawler Road was to be improved to facilitate trucks turning from Castra Road to Top Gawler Road in order to reach the Lovett Street highway-access ramps. As the Castra Road/Bass Highway ramps are now set to be constructed, this turning manoeuvre will no longer be as crucial. This funding can be reallocated to cover a potential shortfall now the Picketts Road/Top Gawler Road junction design and detailed estimate has been completed.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

The detailed estimate for Picketts Road/Top Gawler Road junction is now \$180,000 compared with the budget estimates of \$80,000. An allocation of \$120,000 is proposed in 2007-2008 for upgrading Top Gawler Road. The proposed works will be able to be reduced as the result of the Castra Road/Bass Highway ramps and it is suggested additional funds (\$70,000) for the Picketts Road/Top Gawler Road junction be provided next year from the Top Gawler Road upgrade allocation from Roads to Recovery funding.

CORPORATE COMPLIANCE

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

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

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

CONCLUSION

It is proposed that the road works at the junctions of West Pine Road and Nine Mile Road, and Castra Road and Top Gawler Road be deleted, and that the capital funds of \$45,000 be reallocated to Intersection Improvements (\$15,000) and the budget of Picketts Road/Top Gawler Road junction (increased by \$30,000), and that the estimated shortfall of \$70,000 for the Picketts/Top Gawler Roads junction be provided from Roads to Recovery funding reallocations from the Top Gawler Road upgrade.'

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

■ Cr (L) Bonde moved and Cr van Rooyen seconded, "That the road works at the junctions of West Pine Road and Nine Mile Road, and Castra Road and Top Gawler Road be deleted from the Roads, Streets and Bridges (Roads - Rural Sealed) capital account, and that the funds of \$45,000 be reallocated to Intersection Improvements (\$15,000) and the budget of Picketts Road/Top Gawler Road junction (increased by \$30,000), and that the estimated shortfall of \$70,000 for the Picketts/Top Gawler Roads junction be provided from Roads to Recovery funding reallocations from the Top Gawler Road upgrade."

Carried unanimously

154/2007 Tenders for truck - F500

The Director Assets & Engineering reported as follows:

“PURPOSE

To consider tenders received for truck number F500.

BACKGROUND

This tender is based on the estimates to replace a tandem truck and trailer (F500/F1100) with a twin-cab tipper truck more suited for maintenance and reconstruction works.

F500 - Roads - trade-in 1998 Freightliner FL112 tandem tipper truck with 300,000km (approx.), Registration No. DS 3287

F1100 - White trailer Registration No. NT 3178.

Tenders for a medium tipper truck were advertised on 10 March 2007 and closed on 28 March 2007.

Tenders received are as follows:

TENDERER	MAKE	GROSS PRICE \$ EXC. GST	LESS TRADE-IN \$ EXC. GST	NETT PRICE \$ EXC. GST
Co-Operative Motors	Hino Ranger Pro 9	102,497.78	74,090.91	28,407.07
CJD Equipment	Mitsubishi/Fuso FM61	112,370.00	49,090.91	63,279.09
Motors Pty Ltd	Isuzu FRR500	86,294.55	0.00	86,294.55
Motors Pty Ltd	Isuzu FTR900	113,816.36	0.00	113,816.36
Mead Con	<i>Purchase only</i>	0.00	73,481.82	0.00
Wagga Trucks	<i>Purchase only</i>	0.00	65,912.73	0.00
Brigold Pty Ltd	<i>Purchase truck only</i>	0.00	46,646.36	0.00
<i>Estimate</i>		<i>110,000</i>	<i>80,000</i>	<i>30,000</i>

DISCUSSION

The Fleet Management Officer reports as follows:

‘Given the age and condition of the truck and trailer these could be considered good offers.

The tenders from Co-Operative Motors and CJD Equipment both were slightly over the specifications tendered whilst the unit offered from

Motors Pty Ltd was at the very lower end of the figures. On consultation with the Capital Works Supervisor the smaller unit offered by Motors was considered too small for the intended tasks.

After agreement with the Works Management Group Leader, to ensure a level playing field, a request was made to Motors to offer pricing on a larger unit to match the specifications of the other two larger units offered.

The Works Management Group Leader had no issues with any of the offered larger units. The Capital Works Supervisor and Fleet Management Officer jointly assessed the supplied specifications and allocated points to score the units, the main criteria being horsepower and torque, quoted legal payload, servicing and warranty. The Hino Ranger Pro 9 scored the highest.

The previous history for the units from all the manufacturers in the current or previous Council fleet indicates that all could be expected to be good reliable units and on the data available the most overriding factors in previous purchases has been mainly based on suitability for the designated tasks and on the lowest offered nett changeover. In this case the Hino Ranger Pro 9 from Co-Operative Motors is both deemed the most suitable unit offered and has the lowest nett changeover option by a considerable margin.

The Capital Works Supervisor and Fleet Management Officer's visual inspections and discussions relating to the same or similar units offered by the suppliers showed no outstanding features between the three units that could justify a selection other than the Hino given the nett price difference. Indeed, in terms of operator and passenger comfort only confirmed the Hino Ranger as the most suitable choice for council operations.

There were no OHW&S issues apparent with any of the offered units.

It is recommended the purchase of the Hino Ranger Pro 9 unit as offered by Co-Operative Motors including trade-in of the truck and trailer for the nett sum of \$28,407.07 excluding GST. The recommended unit falls within the budget estimate of \$30,000.'

The Fleet Management Officer's report is supported.

CONSULTATION

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

IMPACT ON RESOURCES

The preferred option can be accommodated within the plant replacement estimates.

CORPORATE COMPLIANCE

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

- Develop and manage sustainable infrastructure.

CONCLUSION

It is recommended that the Council:

- 1 accept the tender from Co-Operative Motors for F500, being a Hino Ranger Pro 9, in the amount of \$112,747.78 (including GST); and
- 2 accept the trade-in offer from Co-Operative Motors for F500 and F1100, being a Freightliner FL112 tandem tipper truck and White trailer in the amount of \$81,500.00 (including GST)."

■ Cr Robertson moved and Cr Marshall seconded, "That the Council accept:

- 1 the tender from Co-Operative Motors for plant item F500, being a Hino Ranger Pro 9 medium tipper truck in the amount of \$112,747.78 (including GST); and
- 2 the trade-in offer from Co-Operative Motors for plant items F500 and F1100, being a Freightliner FL112 tandem tipper truck and White trailer, in the amount of \$81,500.00 (including GST)."

Carried unanimously

Cr Deacon left the meeting at this stage.

CLOSURE OF MEETING TO THE PUBLIC

155/2007 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;
- . Adoption of minutes of committees of the Council; and
- . Proposed future use of Council-owned land situated at Maskells Road, East Ulverstone.

This is a matter relating to:

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

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Adoption of minutes of committees of the Council; and
- . Proposed future use of Council-owned land situated at Maskells Road, East Ulverstone.”

Carried unanimously and by absolute majority

The Executive Services Manager further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

Cr Deacon returned to the meeting at this stage.

156/2007 Adjournment of meeting

The Mayor advised as follows:

“This meeting is adjourned for five minutes to clarify security of the Administration Centre following activation of the security alarm.”

GENERAL MANAGEMENT

157/2007 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.”

158/2007 Adoption of minutes of committees of the Council (139/2007 - 23.04.2007)

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

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

...

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

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

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

CORPORATE & COMMUNITY SERVICES

**159/2007 Proposed future use of Council-owned land situated at Maskells Road,
East Ulverstone (118-118A/2007 - 19.03.2007)**

The Director Corporate & Community Services reported (reproduced in part) as follows:

“PURPOSE

The purpose of this report is to report the outcomes of the meeting of the Economic Development Planning Committee...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 9.10pm.

CONFIRMED THIS 21ST DAY OF MAY, 2007.

Chairperson

(gjm:dil)

Appendices

Minute No. 132/2007 - Schedule of Development Services Determinations

Minute No. 137/2007 - Amendment 2/2007

Minute No. 141/2007 - Schedule of Contracts & Agreements

Minute No. 143/2007 - Schedule of Documents for Affixing of the
Common Seal

Minute No. 144/2007 - Financial statements

Minute No. 145/2007 - Schedule of Accounts Paid

Minute No. 150/2007 - Plan of Amber Court

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