

Minutes

of an Ordinary Meeting
held at 6.00pm

21 SEPTEMBER 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
19 October 2009

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Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 21 September 2009 commencing at 6.00pm.

Councillors attendance

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

Councillors apologies

Cr Barker

Employees attendance

General Manager (Ms Sandra Ayton)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development & Regulatory Services (Mr Michael Stretton)
Director Engineering Services (Mr Bevin Eberhardt)
Engineering Group Leader (Mr Paul Breden)
Executive Services Officer (Miss Lisa Mackrill)
Land Use Planning Group Leader (Mr Ian Sansom)
Planning Consultant (Mr Heidi Goess)

Guest of the Council

Mr Tony King and Mr Randell Stott

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

275/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 17 August 2009 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 (J) Bonde moved and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 17 August 2009 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

276/2009 Council workshops

The Executive Services Officer reported as follows:

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

- . 24.08.2009 – TCCI presentation re Tasmanian Planning Commission
- . 31.08.2009 – Opt-in Program / Fire Abatement Policy
- . 07.09.2009 – Water & Sewerage Corporation’s Chair Geoff Willis and Mike Paine, CEO Cradle Mountain Water
- . 14.09.2009 – Cradle Coast Authority Strategic Plan / Rezoning of land at Turners Beach.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

277/2009 Mayor's communications

The Mayor reported as follows:

"I will now adjourn this meeting for approximately 15 minutes for the following purpose:

- 1 To present Certificates of Appointment to Mr Bevin Eberhardt and Mr Tony King as Municipal Coordinator and Deputy Municipal Coordinator respectively, in accordance with s.23 of the *Emergency Management Act 2006*.
- 2 To present a Certificate of Service to Mr Randell Stott in recognition of his employment with the former Ulverstone Council and the Central Coast Council over the past 22 years. Mr Stott will be leaving on Friday, 25 September 2009 and will be taking up a position at the Devonport City Council."

The meeting was resumed at this stage.

278/2009 Mayor's diary

The Mayor reported as follows:

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

- . Funeral for the late Charles Sargent (Burnie Council past Alderman) (Burnie)
- . Penguin Meals on Wheels – luncheon and annual general meeting
- . Ulverstone Basketball Association – annual dinner
- . Ulverstone Band – annual dinner
- . Community Safety Partnership Committee – meeting
- . Don College – art exhibition, Evolution
- . Cradle Coast Authority – Representatives meeting (Wynyard)
- . Visit by Senator Nick Sherry – Showground redevelopment
- . Penguin History Group – Exhibition
- . Burnie City Council – Launch of new look for Burnie Civic Centre (Burnie)
- . University of Tasmania – Science awards presentation evening (Burnie)
- . Buttons Beach – Revegetation project
- . Anglican Church Ulverstone – Ordination service
- . NTFL – Grand final and luncheon (Latrobe)

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- . Turners Beach Bowls Club – Opening day
 - . State Emergency Service – Farewell function, Bevis Dutton retirement (Burnie)
 - . Government House – Citizenship ceremony (Hobart)
 - . Cradle Coast Authority – Strategic planning day.”

Cr Robertson reported as follows:

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

- . Tasmania Health Forum
- . Imaginarium meeting.”

Cr van Rooyen reported as follows:

“I have attended the Centacare launch of ‘Dads Bag’ on behalf of the Mayor.”

Cr Howard reported as follows:

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

- . 2nd Force Support Battalion training day;
- . Forth Football Club annual dinner and trophy presentation evening.”

Cr Deacon reported as follows:

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

- . HIA and CBA Economic Outlook Presentation evening;
- . Darwin Football Association annual dinner and best and fairest count.”

■ Cr Deacon moved and Cr Howard seconded, “That the Mayor’s, Cr Robertson’s, Cr van Rooyen’s, Cr Howard’s and Cr Deacon’s report be received.”

Carried unanimously

279/2009 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 Officer reported as follows:

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

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

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

Cr McKenna reported as follows:

“I am declaring an interest in respect of Annual Tenders 2009–2010 (Minute No. 299/2009).”

280/2009 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

281/2009 Councillor reports

The Executive Services Officer reported as follows:

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

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

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

APPLICATIONS FOR LEAVE OF ABSENCE

282/2009 Leave of absence

The Executive Services Officer 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

283/2009 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

284/2009 Petitions

The Executive Services Officer reported as follows:

“Two petitions have been received as follows.”

284A/2009 Petitions – Construction of a BMX track in the township of Ulverstone

The Executive Services Officer reported as follows:

“The following petition has been received:

‘Subject matter	The subject matter of this petition is to construct a BMX track in the township of Ulverstone.
Statement of subject matter and action requested	The following petitioners ask the Central Coast Council to construct a BMX track in the township of Ulverstone to replace the one that was removed due to safety concerns. There are a lot of young people who are now possibly illegally are creating jumps and tracks in bush land to use there bikes, we believe using some space in one of the parks would make for a safer environments for them to pursue their hobby.
Signatories	There are 349 signatories to this petition.’

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

It has been referred to the Engineering Services Department for preparation of a report and the Acting Director has advised in preliminary terms as follows:

‘The BMX track at Beach Road was closed at the end of 2007 following a risk and safety assessment of the track. The main areas of concern were the steel post and mesh fence, the proximity to the road and ongoing maintenance and inspection requirements. It was concluded the track could not be made safe in the Beach Road location, and that if there was a need for the facility, it would need to be at an alternative location and constructed to appropriate standards. Since its removal, this petition has been the only correspondence received by the Council in relation to provision of a replacement track.

A thorough investigation into provision of a new track would be required prior to its consideration. As there is no current budget it is suggested that an investigation is conducted into a new track and that this is considered through the Council’s Open Space & Recreation Plan process.’”

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- Cr van Rooyen moved and Cr Deacon seconded, "That an investigation be conducted into the provision of a new BMX track in the township of Ulverstone through the Council's Open Space & Recreation Plan process."

Carried unanimously

284B/2009 Petitions – Construction of a footpath adjacent to Penguin Primary School

The Executive Services Officer reported as follows:

"The following petition has been received:

'Subject matter	Construction of a footpath adjacent to Penguin Primary School.
Statement of subject matter and action requested	The following petitioners ask the Council to provide a safe pedestrian-friendly area to cross to and from the school. At present it is a muddy, grassy paddock. The safety of children, parents and carers is put at risk by avoidance of the crossing and embarking/ disembarking from the roadside of vehicles.
Signatories	151.'

A copy is attached. The petition is in compliance with s.57 of the *Local Government Act 1993* and is accordingly able to be tabled. A report on this matter is provided at Minute No. 301/2009."

- Cr McKenna moved and Cr Howard seconded, "That the petition be received."

285/2009 Public question time

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

Questions and replies concluded at 7.00pm.

COUNCILLORS' QUESTIONS

286/2009 Councillors' questions without notice

The Executive Services Officer 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."

The allocation of topics ensued.

287/2009 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received."

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

288/2009 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of August 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

289/2009 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 & Regulatory Services has submitted the following report:

‘If any such actions arise out of Agenda Items 9.3 and 9.4, 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 Officer 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 Howard moved and Cr McKenna seconded, "That the Mayor's report be received."

Carried unanimously

290/2009 Planning Scheme Amendment – Application No. AMD2009.1

The Director Development & Regulatory Services reported as follows:

"The Planning Consultant has prepared the following report:

<i>AMENDMENT NO.:</i>	AMD2009.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Central Coast area
<i>CURRENT ZONING:</i>	Residential
<i>PROPOSED ZONING:</i>	Local Business
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning & Approvals Act 1993</i> (the Act)

PURPOSE

There are 15 local businesses located within Central Coast that can be typically categorised as a milk bar, a corner store or a service station. Under the Scheme, seven of these businesses are zoned Local Business while eight are zoned Residential.

This inconsistency in the zoning of local businesses was, in part, created when the former Resource Planning & Development Commission (RPDC) modified the draft Central Coast Planning Scheme 2005 (the draft Scheme) and directed the Council to rezone a number of local businesses from Residential to Local Business.

The Residential Zone lists many non-residential uses as prohibited. Consequently, owners of local businesses zoned Residential, with a desire to redevelop their sites, are faced with significant development restrictions. These same restrictions do not apply to local businesses zoned Local Business and highlights that there is a zoning anomaly.

Additionally, there are two further zone anomalies that have been identified and require correction by rezoning land from Residential to Local Business. These sites also involve small businesses but do not fall in the category outlined above.

The purpose of this report is to consider the merits of a draft amendment to rezone land from Residential to Local Business. The report will make an assessment with respect to this proposed rezoning of land pursuant to s.32 of the Act and recommend if the Council should initiate and certify a draft Scheme Amendment to correct these zoning anomalies.

BACKGROUND

Draft Central Coast Planning Scheme 2005 (the draft Scheme) – Proposed Zoning of Local Shops

The former RPDC certified the draft Scheme in accordance with s.24(2)(a) of the Act on 14 March 2006.

The draft Scheme recommended that 15 local businesses (refer to Annexure 1) be zoned from Business (BB) – Satellite under the Central Coast S.46 Planning Scheme No. 1 of 1993 (previous Scheme) to Residential.

These businesses generally have a total gross floor area of less than 250m², are located along an arterial or collector road and are nestled within the residential areas of Central Coast. These provide local residents with day-to-day services including basic grocery items, take-away foods, post office services or fuel for vehicles.

Similarly, the draft Scheme recommended that a massage clinic at 44 Queen Street, West Ulverstone be zoned from Business (BB) – Satellite under the previous Scheme to Residential.

The initial strategy adopted for the rezoning of land from Business (BB) – Satellite to Residential was briefly outlined in the “Strategy and Planning Report, Central Coast Draft Planning Scheme,” which formed part of the supporting documentation for the draft Scheme.

The initial strategy, reflected by this report, indicates intent to incorporate many of the local businesses that provide day-to-day services to residents into the Residential Zone. The rationale for this strategy was substantiated by a decrease in the number of corner stores and milk bars and evidenced by the closure of businesses at the following locations:

- . 1 Eastland Drive, Ulverstone;
- . 4 Eastland Drive, Ulverstone;
- . 51 Leven Street, Ulverstone;
- . 4 Moore Street, West Ulverstone;
- . 39 Maud Street, West Ulverstone;

- . 16 Penguin Road, West Ulverstone; and
- . 2 Hogarth Road, Sulphur Creek.

It was thought at the time that because the changing spending patterns of consumers (particularly with the diversification of services offered by service stations and extended trading hours of supermarkets) that many of these sites recommended to be zoned Residential would, in time, be converted back to a residential use (this has occurred for the majority of the businesses outlined above).

The land use planning strategy at the time was also to reduce the potential for land use conflict by limiting retail development in areas which were predominantly residential. Hence the Residential Zone would assist in achieving this strategy by placing strict limitations on any future redevelopment of these sites.

While this was a strategy advocated during the preparation of the draft Scheme it is not one advocated by the Council today. The Council's current strategy is quite different to the one initially adopted during the preparation of the draft Scheme. The Council, through its Strategic Framework for Settlement and Investment (the Framework), advocates the building of neighbourhoods by providing a range of non-residential services within residential areas that will not compromise residential amenity. The initial strategy adopted by the Council is no longer considered to be valid.

Modification of the draft Scheme – Variation in Zoning for Local Shops

The certified draft Scheme was publicly notified on 1 April 2006 and placed on public exhibition from that date to 31 May 2006.

The former RPDC conducted hearings in accordance with Part 3 of the *Resource Planning and Development Commission Act 1997*. These hearings extended over 14 days, starting on 10 July 2007 and concluding on 24 October 2007. This considered all the representations that were received on the draft Scheme and resulted in a series of directions to modify the draft Scheme by the former RPDC.

The public exhibition raised 233 representations. Nine of the 233 representations received are relevant to this draft Scheme Amendment. Property owners at the following locations objected to the rezoning of their land from Business (BB) – Satellite to Residential:

- . 82 Esplanade, Turners Beach (R165);
- . 20–22 Eastland Drive, Ulverstone (R169);

- . 10 Beach Road, Ulverstone (R201);
- . 44 Queen Street, West Ulverstone (R136);
- . 54 Queen Street, West Ulverstone (R137);
- . 4 Ironcliffe Road, Penguin (R168);
- . 64 Ironcliffe Road, Penguin (R171);
- . 342 Preservation Drive, Sulphur Creek (R166); and
- . 60 River Avenue, Heybridge (R167).

The former RPDC considered the merits of each representation. At the conclusion of the hearings, the former RPDC generally determined that a Local Business Zone for these sites was appropriate and that this provided an acceptable policy for encouraging longer term retention of local shops within the municipal area. Details of the individual assessments by the former RPDC are outlined in Annexure 2. Accordingly, the zoning for eight out of the nine sites were modified by the former RPDC from Residential to Local Business.

The modifications were subsequently made and the Scheme was returned to the former RPDC for final approval. Approval of the Scheme was received on 20 March 2008.

While the former RPDC directed to modify the zoning proposed for a number of local businesses, it did not consider in its decision other local businesses of a similar size and nature that were proposed to be zoned Residential under the draft Scheme. Consequently, an anomaly has been created as some local businesses are zoned Local Business and others Residential.

Development opportunity for Local Shops

Recently this discrepancy in zoning has been further highlighted by the desire of some business owners wishing to expand and diversify their operations. Local businesses zoned Residential are faced with significant development restrictions. This zoning does not promote a land use policy that is fair or reasonable and it is considered to contravene the intent of the Framework, particularly with respect to achieving the four dimensions associated with the liveability platform. It is recommended that this anomaly be corrected through this draft Scheme Amendment. The discussion that follows will consider the options for correcting this zoning anomaly and outlines if the proposed change complies with the Framework and the requirements of the Act.

DISCUSSION

In consideration of an application to amend the Scheme, the Council must:

- . determine whether the application has sufficient merit to initiate the amendment process;
- . examine the technical integrity of the application to ensure it is correct;
- . certify that the requested amendments comply with the aims, objectives, intent and strategies of the Resource Management and Planning System, the Council's Strategic Plan and the Scheme; and
- . assess the impact of the proposal upon the use or development on adjoining properties.

The discussion below provides the rationale and purpose of the proposed rezoning of land and demonstrates that the draft Scheme Amendment is in accordance with the Act.

While it is acknowledged that there are a number non-residential uses located within the residential areas of Central Coast, the focus of this draft Scheme Amendment is only for local businesses that provide day-to-day services to residents. For the purposes of this discussion these will be referred to as "local businesses" in the text.

It is also not the intent of the draft Scheme Amendment to rezone land for small businesses zoned Commercial, Recreation and Rural as these businesses are not faced with the same restrictions as those zoned Residential.

Changing the Ordinance -v - Rezoning of Land

The purpose of this draft Scheme Amendment is to correct current zoning anomalies (outlined above) by rezoning land from Residential to Local Business. The primary driver for this draft Scheme Amendment is to achieve consistency with respect to the assessment of developments pursuant to s.57 and s.58 of the Act that involves an existing site accommodating a local business. There are two main options that the Council can consider to achieve this consistency. These are as follows:

- 1 rezone the seven local businesses zoned Local Business to Residential and modify the Residential Zone to enable the Council to consider a broader range of retail and business activities across the residential areas of Central Coast; or
- 2 rezone eight of the local businesses zoned Residential to Local Business without requiring a change to the Ordinance, enabling the

Council to consider a broader range of retail and business activities for sites under the Local Business Zone.

In essence, both of these options will achieve a level of consistency with respect to the use and development of local businesses. However, before providing a recommendation for one option over the other it is important to first summarise the uses that are permitted in the Residential and Local Business Zones.

Residential Zone

The primary purpose of the Residential Zone is to provide for Residential use or development that accommodates a range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.

A milk bar, corner store, service station, massage clinic or pharmacy may be defined into one or more of the following uses:

- . Business and professional services;
- . Food services;
- . General retail and hire; and
- . Vehicle fuel sales and service.

Clause 6.2, the Table of Use, Residential Zone lists all of these uses as prohibited. This means that anyone applying for use or development which is listed as prohibited in the Residential Zone is subject to Clause 4.14.1 of the Scheme. Clause 4.14.1 states:

“The extension or transfer of an existing non-conforming use from one part of a site to another, and any development necessary for that, is discretionary if the extension or transfer and that development:

- (a) is necessary to the continued operation of the existing non-conforming use;
- (b) will bring the use or development into greater conformity with this planning scheme, the objectives of the Act and any State Policy when taken together as a whole;
- (c) will have a less detrimental impact on adjacent uses and the amenity of the locality; and
- (d) will not substantially intensify the existing non-conforming use.”

While this Clause acknowledges that there are existing use rights, it limits the opportunity for redevelopment and certainly would prevent the diversification of a local business zoned Residential. Clause 4.14.1 only applies to existing uses and any redevelopment cannot substantially intensify the existing non-conforming use. Consequently other than this Clause, there is no other avenue for the Council to consider a redevelopment or a diversification of use for a local business.

Local Business Zone – the Scheme

The primary purpose of the Local Business Zone is to provide for retailing, offices and community services serving the local area. The local business centres provide opportunities for local community interaction and a sense of place and identity.

Business and professional services, Food services, General retail and hire (Maximum gross floor area 250m²) are listed as permitted in the Table of Use, Clause 11.2.1 of the Local Business Zone. In this same Table of Use, Hotel industry, Service industry and Vehicle fuel sales and service are listed as discretionary.

This means that an application for the redevelopment of a local business for the above uses pursuant to s.57 or s.58 of the Act can be considered by Council. Such an application will require an assessment against the Standards for Use and Development in the Local Business Zone as well the requirements outlined by Clause 4.9 of the Scheme.

An application for a permitted or a discretionary development will require an assessment against Clause 11.3.1, Land near a Residential Zone. This will ensure that any potential for land use conflict between residential uses and the proposed activity in the Local Business Zone is carefully considered, particularly with respect to the hours of operation.

With respect to Option 1, the Table of Use would need to be substantially modified to allow uses such as Business and professional services, General retail and hire, Food services and Vehicle sales and service to be considered either as permitted or discretionary. These uses, at a small scale, are considered appropriate to be nestled within residential areas providing that these are restricted to specific locations and designed and operated to consider residential amenity. Limiting the number of businesses that can establish in the Residential Zone will ensure that current locations of local businesses remain the focal points for providing day-to-day services for local residents. Schedule 9, Home Occupation, also provides an appropriate

avenue for non-residential development in the Residential Zone and should not be compromised by the modification of the Table of Use.

Changes to the Table of Use would also require the addition of Standards for Use and Development in the Residential Zone to ensure that residential amenity is duly considered in the Zone.

Option 1 is considered problematic as it opens up the opportunity for development which may compromise the primary purpose of the Residential Zone. Therefore, Option 1 is not recommended.

Option 2 is considered the better alternative for correcting the anomaly. This option will ensure that any future retail development is restricted to existing sites and will preserve the primary purpose of the Residential Zone. This option does not require a change to the Ordinance as there are sufficient Standards for Use and Development in the Local Business Zone.

Accordingly, it is recommended that the proposed rezoning of sites outlined below is supported.

Small Businesses and Zoning

There are eight local shops proposed to be rezoned from Residential to Local Business.

Additionally, there are two anomalies at 42 and 44 Queen Street, West Ulverstone. The property at 44 Queen Street and a portion of land at 42 Queen Street are zoned Residential. These parcels of land are nestled amongst 22 businesses that are located within the Local Business Zone along Queen Street, West Ulverstone.

The site at 44 Queen Street, West Ulverstone was considered at the time of the hearings conducted on the draft Scheme and it was recommended that this parcel of land be zoned Local Business. Unfortunately this was omitted from the former RPDC's direction to modify the draft Scheme. The zoning anomaly at 42 Queen Street, West Ulverstone is as a result of a recent boundary adjustment that has occurred since the implementation of the Scheme.

A summary of each individual parcel of land to be rezoned from Residential to Local Business is detailed in Annexure 3. This includes a zone map and a photograph of each site.

Hierarchy of Retail Centres

Under the Scheme a hierarchy of centres is advocated, with primary business activity being focussed at Reibey Street, Ulverstone and Main Road, Penguin. There is one other location zoned Business and this is to the west of the Business Zone in Penguin at the corner of Crescent Street and Main Road (refer to Annexure 4). The purpose of this zone is to provide for retailing, offices and community services in a concentrated area.

Outside of these primary centres, there are two secondary local business precincts located at Queen Street, West Ulverstone and Forth Road, Forth.

The purpose of the Local Business Zone is to provide for retailing, offices and community services serving the local area. The local business precinct at Queen Street is considered to be the largest cluster of retail, business and professional services, as well as commercial activities, outside of the Business Zone.

The Local Business Zone at Forth Road is quite small by comparison to Queen Street but is the only other location where more than one business is clustered together in the Local Business Zone. The Local Business Zone at Forth is spread over two locations and mainly focuses on the provision of goods and services at a local level. Generally, the businesses at Forth provide local residents with vehicle fuel and mechanical services, postal services, fruit and vegetables and a limited range of grocery items. The Forth Community Hall and Forth Pub are also located in the Local Business Zone at Forth.

In addition to the Business and Local Business zones, there are also three hubs that are zoned Commercial. While businesses in this Zone are generally focussed on providing large area retailing and service industries, it is noted that the Commercial Zone at South Road contains a take-away food premises and the Commercial Zone at Eastland Drive accommodates a supermarket.

There are also a number of local shops contained on individual sites that are located across Central Coast. Many of these businesses are the closest local shop for residents and provide an important service, particularly those that are located outside of the two main urban centres of Central Coast.

The proposed rezoning of land from Residential to Local Business targets small businesses that have the ability to meet the day-to-day needs of the local residents they serve. Many of the local shops proposed to be rezoned by this draft Scheme Amendment comprise a use that either involves retail, food services or vehicle fuel sales.

It is noted from the Table of Use (Clause 11.2.1), Local Business Zone, that General retail and hire is restricted to a maximum gross floor area of 250m². This qualification was imposed by the former RPDC and ensures that the size of businesses is appropriately restricted.

The proposed rezoning of land of the local shops is not considered to compromise the hierarchy of centres advocated by the Scheme. The proposed rezoning of land can be supported.

Strategic Framework for Settlement and Investment

In early 2008 the Council recognised the need to take an integrated approach to land use policy, settlement management and infrastructure investment, and agreed to develop a plan to guide it towards a prosperous future. The Council also recognised the need to better understand what the realistic short, medium and long term future holds for the municipal and broader local area, and to be better positioned to make strategic settlement and investment decisions.

As a result of these recognitions, the Council developed the Framework, which is a capable of providing both future vision and current guidance to inform the Council's settlement and investment decisions and any subsequent review of the Scheme.

The Framework provides an analysis and interpretation of key trends, opportunities and risks; contextualises these within current policies, plans, and practices; and provides policy guidelines for the Council, using a participatory process focussed on working at the cutting edge of contemporary planning and development practice. It was developed through a dynamic mix of perspectives, insights and expertise from community participants, key informants, Council staff and consultants.

The Framework seeks to build on what exists in Central Coast – the characteristics and values of this unique place and its people, in their larger context – and then to develop a set of agreed consistent and strategic foci for settlement and investment.

The Framework takes a place-based approach that recognises interconnections and opportunities in this place. It is intended to underpin the Scheme, while providing a framework to inform and justify when changes and adaptations need to happen.

The Framework is designed around four key Platforms that position the Council to be on the cutting edge in terms of future trends and equip it to

take a proactive approach to change. The idea of basing the framework around Platforms is drawn from the current thinking about locality and regional development.

Platform 1: Liveability, is most relevant to this draft Scheme Amendment and "...a holistic concept that encompasses the notions such as quality of life, the 'character' of a place, the 'ease of living' in a place, the health and wellbeing of communities that live there, and the sense of security afforded by living and working in a given community..." (Page 20, the Framework).

The rezoning of local businesses from Residential to Local Business lifts the development restrictions that potentially could have a detrimental impact on the continuation of these businesses. The rezoning of land will provide the necessary opportunities for local business owners to reinvest into their businesses to enable them to diversify in a very competitive market. The continuation of local businesses that provide day-to-day services to local residents are crucial, particularly where public transport is limited and in a time where many residents are struggling to afford rising cost of fuel for vehicles.

Additionally, the location and accessibility of local shops across the urban areas of Central Coast can also contribute to an individual's propensity to be physically active and may assist in achieving improved health outcomes for a community (<http://www.healthyplaces.org.au/site/link.php>).

In turn, liveable places can attract skilled labour and investment thereby increasing the link between liveability and productivity. By recommending the proposed rezoning of land from Residential to Local Business, the Council is taking an active approach in implementing the Framework.

Objectives for Planning – the Scheme

Part A of the Scheme outlines a series of objectives which are to assist in achieving the purpose of this Scheme. The Objectives of the Scheme most relevant to this amendment are as follows:

- (a) *Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas.*

The proposed rezonings of land are located within the urban areas of the municipal area and are within the sewer district. This draft Scheme Amendment will not compromise this objective.

- (b) *The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas.*

The residential settlement strategy of the Framework acknowledges that residential areas are not just about houses. The proposed rezoning of land will provide many day-to-day services to local residents without compromising the Residential Zone. The rezoning of land is also considered to positively contribute to the liveability platform of the Framework. The draft Scheme Amendment is consistent with the intent of this objective.

- (c) *The development of a range of housing types is to be encouraged.*

The rezoning of land will not impact on this objective.

- (d) *A safe vehicular and pedestrian network throughout the planning area is to be encouraged.*

The proposed rezoning of land will not alter the current vehicular or pedestrian network. Any further redevelopment of the sites will consider safe vehicular and pedestrian networks as part of any application lodged pursuant to s.57 and s.58 of the Act. The proposed draft Scheme Amendment is in line with this objective.

- (e) *Infrastructure services are to be used and extended in an efficient manner.*

The proposed rezonings of land are located in areas that are provided with infrastructure services. There is no impact on infrastructure services anticipated from this rezoning of land. The proposed draft Scheme Amendment will not compromise this objective.

- (f) *Sufficient land and facilities for recreational and open space purposes are to be reserved for the community.*

The proposed rezoning of land will not impact on land required for recreational or open space purposes.

- (g) *The physical and biological quality of surface and groundwater is to be maintained and enhanced.*

The proposed rezonings of land are located within the urban areas of Central Coast. No impact on this objective.

- (h) *Important flora and fauna habitats are to be protected from inappropriate use and development.*

The subject sites are located in urban areas. No impact on this objective.

- (i) *The environmental qualities of the coastal and river systems are to be protected.*

The subject sites are located in urban areas. No impact on this objective.

- (j) *Development of land and its use is to be carried out in a way so as to minimise environmental harm.*

The subject sites are located in urban areas. No impact on this objective.

- (k) *Rural land is to be primarily used for resource development and conservation purposes.*

Not applicable as none of the subject sites are Rural land.

- (l) *Rural land is to be protected from inappropriate residential, industrial and commercial development.*

Not applicable as none of the subject sites are Rural land.

- (m) *Residential use or development in the rural areas is to be encouraged in the existing settlements of North Motton, South Riana and Sprent. The compact and limited growth of each of these settlements is to occur only within those areas that are zoned Mixed Use.*

Not applicable as none of the subject sites are on Rural Land.

- (n) *Infill and consolidation of development within the Rural Living Zone is to be encouraged.*

Not applicable.

- (o) *The cultural heritage, including Aboriginal relics, protected sites and objects and registered places are protected.*

There is no knowledge of cultural heritage concerning any of the sites.

The Act

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

- . seek to further the objectives of the Act;
- . be prepared in accordance with State Policies;
- . it may make provision which relates to the use, development, protection or conservation of any land;
- . must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to adjacent area; and
- . must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The Act establishes the following Objectives, which must be furthered by planning schemes and amendments:

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

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

All sites recommended for rezoning are contained within the urban areas of Central Coast and have been developed for one or more of the following uses:

- . Business and professional services;
- . Food services;
- . General retail and hire; and
- . Vehicle fuel sales and service.

The rezoning of land will not compromise the natural and physical resources or the maintenance of ecological processes and genetic diversity. The draft Scheme Amendment is in line with this Objective.

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

The draft Scheme Amendment meets this Objective. The proposed rezoning of land will correct a zoning anomaly. A number of local businesses are zoned Local Business while others are zoned Residential. Local businesses zoned Residential are faced with unnecessary development restrictions. This rezoning of land will ensure that these businesses will be treated fairly under the Scheme.

The Local Business Zone also ensures that land use conflict with residential land is duly considered for any application under s.57 or s.58 of the Act.

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

Discussions with the individual owners of local businesses are currently being conducted with respect to the proposed re-zoning of land. The community and government agencies will be able to formally comment on the draft Scheme Amendment during the public exhibition period.

Furthermore, the platforms advocated by the Framework are based on an extensive range of strategies, documents, workshops with stakeholders and the community. The proposed rezoning of land is aligned with this Objective.

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

The draft Scheme Amendment meets the Objectives set out in paragraphs (a), (b) and (c).

“There are slightly over 1400 private sector businesses located in Central Coast of which a large proportion (81%) comprises microenterprises (businesses hiring fewer than 5 employees). Indeed, the majority (58%) of Central Coast businesses are very small, owner operated enterprises that do not hire labour.” (Page 10, the Framework).

These private sector businesses make a significant contribution to the private employment base.

The draft Scheme Amendment will facilitate economic development through the rezoning of land allowing owners the ability to invest,

diversify or redevelop their businesses to assist with the long term retention of local shops.

- (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 Scheme Amendment is consistent with this Objective. The public exhibition period of this amendment will provide for further opportunity for community, government and industry contribution throughout the approval process of the draft Scheme Amendment.

Part2 – Objectives of the Planning Process Established by the Land Use Planning and Approvals Act

The Objectives are:

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

The draft Scheme Amendment is aligned with the Framework. This document provides a sound basis for a co-ordinated approach to land use policy, settlement management and infrastructure investment. Accordingly, the draft Scheme Amendment meets this Objective.

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

The proposed Scheme Amendment meets this Objective. The proposed Scheme Amendment seeks to provide a consistent approach with respect to the zoning for small businesses. The development standards of the Local Business Zone should not compromise the amenity of adjoining residential land. This draft Scheme Amendment will uphold the Objectives for Planning and ensure that adjoining residential land will not be compromised.

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

The draft Scheme Amendment meets this Objective. The proposed rezoning upholds the intent of the Framework. Providing support for the continuation of local businesses within residential areas builds on

the liveability platform. There is a known link between liveability and economic prosperity.

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

The draft Scheme Amendment is consistent with this Objective. The issues being considered by this draft Scheme Amendment are focussed on local area planning and building on the concept of neighbourhoods. The rezoning of land promotes a land use policy that reinvests into the long term future of local businesses in residential areas. This in turn provides many social benefits to residents by providing day-to-day services to residents where cost of fuel for vehicles continues to rise and there is limited access to public transport. Local businesses can also be an important meeting place for local residents. The proposed changes will not impact on State policies and the Scheme Objectives.

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

The proposed draft amendment is consistent with this Objective. Applications will be processed in accordance with the Act.

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

The draft Scheme Amendment upholds this objective by encouraging non-residential development that meets the day-to-day requirements of local residents to occur in specific locations across the residential areas. While local businesses provide an important service to local residents, the proposed locations of the Local Business Zone also ensures that the risk of residential amenity being compromised is limited. The proposed rezoning of land will ensure that a range of local services are offered to residents and that the pleasant living environment of residential areas is preserved.

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

Any land with known scientific, historical or special cultural value will be identified through the development assessment process.

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

The draft Scheme Amendment will allow re-investment back into facilities for the community. The draft Scheme Amendment will not impact on any public infrastructure requirements.

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

The draft Scheme Amendment is consistent with this Objective as it will not result in any amendments that will impact adversely on the Objectives of the Scheme or the purpose of each Zone or Schedule.

State Policies

State Coastal Policy 1996 (the Policy)

The Policy contains three principles:

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

The Policy lists a series of expected outcomes. The proposed rezoning of land is situated within the existing urban areas of Central Coast. The proposed draft Scheme Amendment will not compromise this Policy.

Policy on the Protection of Agricultural Land 2007

The rezonings of land are located within the urban areas of Central Coast. The Policy for the Protection of Agricultural Land is not impacted by this proposed rezoning.

State Policy on Water Quality Management 1997

The purpose of this Policy is to protect surface and groundwater resources from pollution. The draft Scheme Amendment does not alter the provisions which relate to the planning and design of the stormwater and sewage system.

The proposed draft Scheme Amendment is not in conflict with this Policy.

National Environmental Protection Measures

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

Thus the following need to be considered:

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

Given that proposed changes will apply generally across the zones, no additional assessment of individual sites has been undertaken to ascertain any site contamination issues. If an application for development is on land that is contaminated then this will be a matter for consideration at the assessment of an s.57 or s.58 application pursuant to the Act.

Requirements for preparation of amendments

Section 32 (1)(e) of the Act requires that an amendment of a planning scheme must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to adjacent area.

The draft Scheme Amendment proposes to rezone land from Residential to Local Business. As discussed earlier, the Local Business Zone will consider residential land within 50m of the subject site where an application for the re-development of a business pursuant to s.57 and s.58 of the Act is lodged with the Council.

The draft Scheme Amendment is considered to be consistent with s.32(1)(e) of the Act.

Section 32 (1)(f) of the Act requires that an amendment of a planning scheme must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The proposed rezoning of land will have a positive impact on the use and development of the region. The rezoning of land will ensure that these businesses can be treated in a fair and orderly manner. Local businesses are an important component of any neighbourhood. This is particularly true where residents have very limited access to shops and services (Heybridge, Sulphur Creek, Turners Beach). This rezoning of land will have positive flow-on effects as the chances for redevelopment is increased.

The draft Scheme Amendment is consistent with s.32 (1)(f) of the Act.

CONSULTATION

The application will be formally advertised as required by the Act. Additionally individual land owners impacted by this draft Scheme Amendment will be contacted to gauge their support.

IMPACT ON RESOURCES

The application will impact on the Planning Consultant's and staff time and administrative costs associated with the statutory processes involved in the rezoning processes. No other impacts on resources are anticipated.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

A Connected Central Coast

- . Improve community wellbeing

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Effective communication and engagement
- . Strengthen local–regional connections

CONCLUSION

The Residential Zone restricts local businesses from redevelopment, expansion or diversification. This has prompted a review of local businesses zoned Residential. Accordingly, the discussion has demonstrated that there is sufficient merit to initiate and certify the proposed draft Scheme Amendment.

This rezoning of land from Residential to Local Business is an important undertaking with respect to implementing the Framework. While the Council has no control over the operation of these local businesses, this rezoning of land is seen to be essential for their long–term retention.

The report has demonstrated that the proposed rezoning of land will achieve the following outcomes:

- . ensure consistency with respect to the zoning of local businesses across the municipal area and in turn correct a zoning anomaly;
- . implement a land use planning policy that encourages the longer term retention of local businesses and building on the concept of neighbourhoods;
- . provide local business owners, whose sites were zoned Residential, with the confidence to proceed with redevelopment of their current operations; and
- . ensure that the Objectives of the Scheme, the strategic direction of Council and the Objectives of the Resource Management and Planning System of Tasmania are upheld.

For these reasons the proposed re–zoning of land should be supported.

RECOMMENDATION

It is recommended that the Council, in accordance with the requirements of the *Land Use Planning and Approvals Act 1993*, initiate and certify the draft Scheme Amendment, known as Amendment 2/2009, to rezone land from Residential to Local Business.’

The Planning Consultant’s report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures have been circulated to all Councillors.”

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

- 1 a draft amendment (identified as Amendment 2/2009, a copy being appended to and forming part of the minutes) be initiated to the Central Coast Planning Scheme 2005 to change the zoning for various properties from Residential to Local Business; and
- 2 the Council certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.”

The Executive Services Officer further reported as follows:

“Approval for the draft amendment having been granted, authorisation for affixing of the common seal to the amendment is given at Minute No. 293/2009.”

Carried unanimously

291/2009 Items referred from Development Support Special Committee

The Director Development & Regulatory Services reported as follows:

“In the event that any items listed for consideration by the Development Support Special Committee at its scheduled meeting on 14 September 2009 are referred, under its terms of appointment, to the Council or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be placed before the Council at this time while it is acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.”

The Executive Services Officer reported as follows:

“No items from the Development Support Special Committee meeting held on 14 September 2009 have been referred to this meeting.”

GENERAL MANAGEMENT

292/2009 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

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

- . Local Government Association of Tasmania - General Management Committee meeting held on 7 May 2009;
- . Local Government Association of Tasmania - General Meetings held on 10 June 2009 and 12 August 2009;
- . East Ulverstone Swimming Pool Management Committee - meeting held on 30 July 2009;
- . Youth Engaged Steering Committee - meeting held on 20 August 2009;
- . Penguin Miniature Railway Committee - meeting held on 25 August 2009;
- . Central Coast Community Safety Partnership Committee - meeting held 26 August 2009;
- . Cradle Coast Authority - meeting of Representatives held on 27 August 2009.

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

■ Cr Deacon moved and Cr (J) Bonde seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

293/2009 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 August to 21 September 2009 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 Officer reported as follows:

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

■ Cr Deacon moved and Cr Haines seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document.”

Carried unanimously

294/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 August 2009 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

295/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

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

PROPERTY NO. 100895.0100
PROPERTY ADDRESS 10 Kilowatt Court, Ulverstone
REMISSION \$133.56
REASON Numbers 8 and 10 Kilowatt Court consolidated
3 September 2009.

PROPERTY NO. 101390.1640
PROPERTY ADDRESS 68 Queen Street, Ulverstone
REMISSION \$328.02
REASON House demolished.

PROPERTY NO. 504870.0600
PROPERTY ADDRESS 254 Ironcliffe Road, Penguin
REMISSION \$144.00
REASON Remit waste management charge as collection not feasible in
this area.

The Executive Services Officer reported as follows:

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

■ Cr Deacon moved and Cr McKenna seconded, “That the following remissions be approved:

- . Property No. 100895.0100 – \$133.56
- . Property No. 101390.1640 – \$328.02
- . Property No. 504870.0600 – \$144.00.”

Carried unanimously and by absolute majority.

ENGINEERING SERVICES

296/2009 Engineering Services determinations

The Director Engineering Services reported as follows:

“A Schedule of Engineering Services Determinations made between the months of June and August 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

297/2009 Tenders for plant – F907

The Acting Director Engineering Services reported as follows:

PURPOSE

The purpose of this report is to consider tenders and recommend a replacement for plant item F907 – 2002 Hitachi ZX120 excavator.

BACKGROUND

The Works Group Leader reports as follows.

‘Tenders were called on 8 August 2009 and closed on 25 August 2009.

Tenders were received as follows:

TENDERER	MAKE	GROSS PRICE \$ (EXC. GST)	TRADE-IN PRICE \$ (EXC. GST)	NETT PRICE \$ (EXC. GST)
JF Machinery P/L	JCB JS130	162,500.00	46,000.00	116,500.00
D & L Morrison Machinery Spares P/L	Kobelco SK135SR-2	193,538.00	40,000.00	153,538.00

ENGINEERING SERVICES

Farm Machinery Tasmania	Case CX135SR	225,719.00	68,000.00	157,719.00
Farm Machinery Tasmania	Case CX130B	225,719.00	68,000.00	157,719.00
Hitachi Construction Machinery	Hitachi ZX120-3	193,800.00	30,000.00	163,800.00
D & L Morrison Machinery Spares P/L	Kobelco SK135SR-2 Offset Boom	206,038.00	40,000.00	166,038.00
William Adams P/L	Caterpillar 311D LRR	208,000.00	40,000.00	168,000.00
Komatsu Australia P/L	Komatsu PC138US-8	196,250.00	26,250.00	170,000.00
Hitachi Construction Machinery	Hitachi ZX135-3	201,800.00	30,000.00	171,800.00
Onetrak Equipment P/L	Hyundai R140LCD-9	209,963.40	35,000.00	174,963.40
CJD Equipment	Volvo EC140CLC	215,000.00	30,500.00	184,500.00
Lindsay Yost	Purchase Only		36,000.00	
<i>ESTIMATE</i>		<i>175,000.00</i>	<i>50,000.00</i>	<i>125,000.00</i>

DISCUSSION

Suppliers offered 11 options in the tender process. All of the tenders were evaluated by the Works Group Leader, Construction Supervisor and Fleet Management Officer before proceeding with inspections. The inspection process also then incorporated the Works Safety Officer and the current operator.

The tender specification included the fitting of a thumb/grapple device to the excavator boom but on further consideration during the inspection process it was determined that this device not be pursued at this stage.

Only four of the 11 options were considered for inspection due to price. Revised figures for those units considered without the price of the thumb/grapple unit were as follows.

TENDERER	MAKE	GROSS PRICE \$ (EXC. GST)	TRADE-IN PRICE \$ (EXC. GST)	NETT PRICE \$ (EXC. GST)
JF Machinery P/L	JCB JS130	157,682.00	46,000.00	111,682.00
D & L Morrison Machinery Spares P/L	Kobelco SK135SR-2	183,129.00	40,000.00	143,129.00
Farm Machinery Tasmania	Case CX135SR	219,719.00	68,000.00	151,719.00
Farm Machinery Tasmania	Case CX130B	219,719.00	68,000.00	151,719.00

On inspection it was considered there were no significant advantages offered by the Case unit that could justify the additional outlay over and above that of the Kobelco unit.

Of the two lowest priced options, the Kobelco SK135SR-2 with a standard format boom (less the thumb/grapple device) was preferred. This machine has improved ergonomics for the operator, a primary safety advantage when performing works on carriageways given the “zero swing” configuration and it is perceived this machine would return a preferred resale value on disposal. The Council currently operates a larger Kobelco excavator at the Resource Recovery Centre with proven reliability and excellent service support. The Council also currently hires in a similar Kobelco zero swing excavator for works which the current Hitachi ZX120 excavator cannot perform.

CONSULTATION

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

IMPACT ON RESOURCES

Only the lowest priced tender was within the budget estimate. The preferred option is to purchase the Kobelco SK135SR-2 unit from D & L Morrison Machinery Spares Pty Ltd (\$143,129.00 exc. GST, nett changeover).

The larger plant items are considered at the start of the year due to uncertainty in pricing. The balance of \$18,129.00 will be accommodated within the plant replacement budget through a reassessment of the major plant replacement programme for 2009–20.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision

CONCLUSION

It is recommended that the Council:

- 1 accept the tender from D & L Morrison Machinery Spares Pty Ltd for plant item F907, being a Kobelco SK135SR–2 Geospec excavator, in the amount of \$201,442.00 (including GST); and
- 2 accept the trade-in offer from D & L Morrison Machinery Spares Pty Ltd for plant item F907, being a 2002 Hitachi ZX120 excavator in the amount of \$44,000.00 (including GST).'

The Works Group Leader's report is supported."

■ Cr (L) Bonde moved and Cr Haines seconded, "That:

- 1 the tender from D & L Morrison Machinery Spares Pty Ltd for plant item F907, being a Kobelco SK135SR–2 Geospec excavator, in the amount of \$201,442.00 (including GST) be accepted; and
- 2 the trade-in offer from D & L Morrison Machinery Spares Pty Ltd for plant item F907, being a 2002 Hitachi ZX120 excavator in the amount of \$44,000.00 (including GST) be accepted."

Carried unanimously

298/2009 Tenders for plant – F601

The Acting Director Engineering Services reported as follows:

“PURPOSE

The purpose of this report is to consider tenders and recommend a replacement for plant item F601 – 1995 MacDonald Johnston 605 Series sweeper.

BACKGROUND

The Works Group Leader reports as follows.

‘Tenders were called on 8 August 2009 and closed on 25 August 2009.

Tenders were received as follows:

TENDERER	MAKE	GROSS PRICE \$ (EXC. GST)	TRADE-IN PRICE \$ (EXC. GST)	NETT PRICE \$ (EXC. GST)
MacDonald Johnston	VS500 Single Engine	262,404.00	36,365.00	226,039.00
Schwarze Industries Aust.	A6500XL Isuzu FSR850	268,486.00	25,000.00	243,486.00
MacDonald Johnston	VT605 Dual Engine	285,827.00	36,365.00	249,462.00
Rosmech Sales & Service	Scarab Mistral UD MK6	276,219.00	20,000.00	256,219.00
Rosmech Sales & Service	Scarab Mistral Hino 500 FG 1527	286,719.00	20,000.00	266,719.00
<i>ESTIMATE</i>		<i>250,000.00</i>	<i>50,000.00</i>	<i>200,000.00</i>

DISCUSSION

Five options were offered in the tender process. All of the tenders were evaluated by the Works Group Leader, Maintenance Supervisor and Fleet Management Officer before proceeding with inspections. The inspection

process then incorporated the Works Safety Officer and the current operator/s.

The preference from these evaluations and inspections is for the purchase of the MacDonald Johnston VS500 and that this machine be fitted with the optional rear-mounted directional safety lightbar (\$1,336.00). The VS500 is environmentally friendly being Euro 5 compliant, has features for ease of operation in tight work areas, is quiet in operation and has excellent operator ergonomics. It is the lowest priced nett changeover option and it is agreed that this machine is the most suitable for the operational requirements.

CONSULTATION

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

IMPACT ON RESOURCES

The preferred option is to purchase the VS500 unit fitted with the optional rear mounted directional safety lightbar from MacDonald Johnston Pty Ltd (\$227,378.00 exc. GST, nett changeover).

The larger plant items are considered at the start of the year due to uncertainty in pricing.

The balance of \$27,378.00 will be accommodated within the overall plant replacement budget through a reassessment of the major plant replacement programme for 2009–10.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

A Connected Central Coast

- . Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance
. Improve service provision

CONCLUSION

It is recommended that the Council:

- 1 accept the tender from MacDonald Johnston Pty Ltd for plant item F601, being a MacDonald Johnston VS500 Sweeper unit, including rear mounted directional safety lightbar, in the amount of \$290,117.30 (including GST); and
- 2 accept the trade-in offer from MacDonald Johnston Pty Ltd for F601, being a 1995 MacDonald Johnston 605 Series sweeper unit in the amount of \$40,000.00 (including GST).'

The Works Group Leader's report is supported."

■ Cr Robertson moved and Cr (J)Bonde seconded, "That:

- 1 the tender from MacDonald Johnston Pty Ltd for plant item F601, being a MacDonald Johnston VS500 sweeper unit, including rear-mounted directional safety lightbar in the amount of \$290,117.30 (including GST) be accepted and;
- 2 the purchase offer from MacDonald Johnston Pty Ltd for plant item F601, being a 1995 MacDonald Johnston 605 Series sweeper unit for the amount of \$40,000.00 (including GST), be accepted."

Carried unanimously

299/2009 Annual Tenders 2009–2010

Cr McKenna, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Annual Tenders 2009–2010.

The Acting Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to consider the annual tenders for the supply of bitumen emulsion, supply of hotmix, and supply and delivery of ready-mixed concrete for the 2009–10 financial year.

It also includes the expressions of interest for asphalt surfacing, sprayed bituminous surfacing, plant hire and quarry and landscaping materials.

BACKGROUND

The Council calls for tenders for the above supplies on an annual basis. Tenders were called on 8 August 2009 and closed on 2 September 2009.

Tenders were received from the following companies:

- 1 *Supply of bitumen emulsion –*
 - . Downer EDI Works.
- 2 *Supply of hotmix asphalt –*
 - . Venarchie Contracting;
 - . Roadways;
 - . Downer EDI Works.
- 3 *Ready-mixed concrete –*
 - . Hanson Construction Materials;
 - . Quickmix Concrete;
 - . Boral Construction Materials.

Expressions of interest were received from the following companies:

- 4 *Hotmix asphalt surfacing –*
 - . Venarchie Contracting;
 - . Hardings Hotmix;
 - . Roadways;
 - . King & Harding Excavation and Seal;
 - . Downer EDI Works.
- 5 *Sprayed bituminous surfacing –*
 - . Venarchie Contracting;
 - . Hardings Hotmix;
 - . Roadways;
 - . Downer EDI Works.
- 6 *Plant hire –*
 - . Brilor Transport;

- . D & G Marshall;
- . Equity Labour Services;
- . William Adams – CAT Rental;
- . King & Harding Excavation and Seal;
- . A1 Tree Services;
- . Jamie Smith Automotive ;
- . Greg Rawlings Bulldozing Contractor;
- . LK Bourke; LK Bourke & Sons Excavations;
- . Pearce Civil;
- . G J French Excavator Hire;
- . Hardings Hotmix;
- . Danny French Investments;
- . Scott Leonard Contracting.

7 Quarry and landscaping materials –

- . Padgetts Pine Bark;
- . Wynyard Contracting Services;
- . LK Bourke; LK Bourke & Sons Excavations;
- . Lloyds North;
- . D & G Marshall;
- . Barwicks Landscaping Supplies;
- . Jamie Smith Automotive;
- . BIS;
- . Scott Leonard Contracting.

DISCUSSION

1 Supply of bitumen emulsion

Downer EDI Works is the only tenderer for supply of bitumen emulsion.

The rate this year is 10% higher than last year.

The tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value expended under this contract last year was \$67,653 which included external sales of the product.

2 Supply of hotmix asphalt

Tenders from Downer EDI Works, Venarchie Contracting and Roadways were received for supply of hotmix asphalt. The tenders from both Downer EDI Works and Venarchie Contracting are an average of 8% lower than Roadways, however, due to

the additional distance, cost and time involved in travelling to Launceston, these tenders are not considered further.

The rates this year from Roadways are around 3.2% higher than last year.

The Roadways tender appears to meet the requirements for the Occupational Health and Safety Schedule.

The value of works expended under this contract last year was \$130,118.

3 Supply and delivery of ready-mixed concrete

Tenders were received from Quickmix Concrete, Boral Construction Materials and Hanson Construction Materials for supply and delivery of ready-mixed concrete. All companies have serviced the Council in past years, meet the tender requirements and would be considered acceptable.

Hanson Construction Materials has also opted to use their own conditions of purchase rather than the standard conditions of contract currently used by the Council on all of its annual tenders.

Assessment is based on a standard set of criteria, the most weighting given to value for money. Other criteria include compliance, experience, personnel, references and OHWS systems and record. Using the selection criteria, Boral Construction Materials has been selected as preferred supplier. The rates this year for orders of over 3m³ are between 1.5% and 3.5 % higher than last year.

The value of works expended under this contract last year was \$96,998.

Expressions of Interest –

4 Hotmix asphalt surfacing; and

5 Sprayed bituminous surfacing

Suppliers are listed on a multiple-use register following assessment in accordance with the Council's Purchasing and Procurement Policy. Quotations are requested from all registered suppliers when projects are ready. Because we already have all the relevant information from the suppliers, we can limit our assessment at the time of quotation to price and availability. This system has proved successful and has therefore been continued this year.

Expressions of interest were received from the previously listed contractors. Following assessment and confirmation of their suitability, their names will be

placed on a multiple-use register and the listed contractors will be requested to provide quotations for projects as required. This includes the urban and rural reseat programmes.

The value of works expended under these contracts last year was \$880,331.

6 Plant hire

Expressions of interest were received from the previously listed contractors. Following assessment and confirmation of their suitability, their names will be placed on a supplier list and may be selected for projects as appropriate and required.

7 Quarry and landscaping materials

Expressions of interest were received from the previously listed contractors. Following assessment and confirmation of their suitability, their names will be placed on a supplier list. Materials will be selected to suit the requirements of the individual projects. This process has been adopted to give us flexibility to select the material best suited to the purpose and/or who has the best quality, price or availability.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Use of tendered materials is included within capital works and maintenance budget items.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

The following tenders are recommended for acceptance by the Council:

- 1 *Supply of bitumen emulsion*
 - . Downer EDI Works
- 2 *Supply of hotmix asphalt*
 - . Roadways
- 3 *Supply of ready-mixed concrete*
 - . Boral Construction Materials
- 4 *Hotmix asphalt surfacing*

Expressions of interest received for hotmix asphalt surfacing will be placed on a multiple-use register.

- 5 *Supply of ready-mixed concrete*

Expressions of interest received for sprayed bituminous surfacing will be placed on a multiple-use register.

- 6 *Plant hire*

Expressions of interest received for plant hire will be placed on supplier lists.

- 7 *Quarry and landscaping materials*

Expressions of interest received for quarry and landscaping materials will be placed on supplier lists.”

■ Cr van Rooyen moved and Cr Robertson seconded, “That the following annual tenders for the 2009–2010 financial year be accepted in accordance with the schedules of rates submitted:

- 1 *Supply of bitumen emulsion*
 - . Downer EDI Works
- 2 *Supply of hotmix asphalt*
 - . Roadways

3 *Supply and delivery of ready-mixed concrete*

- . Boral Construction Materials

and that the following suppliers be placed on a multiple-use register:

4 *Hotmix asphalt surfacing*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways;
- . King & Harding Excavation and Seal;
- . Downer EDI Works

5 *Sprayed bituminous surfacing*

- . Venarchie Contracting;
- . Hardings Hotmix;
- . Roadways;
- . Downer EDI Works

and that the following suppliers be placed on a suppliers list:

6 *Plant hire*

- . Brilor Transport;
- . D & G Marshall;
- . Equity Labour Services;
- . William Adams – CAT Rental;
- . King & Harding Excavation and Seal;
- . A1 Tree Services;
- . Jamie Smith Automotive;
- . Greg Rawlings Bulldozing Contractor;
- . LK Bourke; LK Bourke & Sons Excavations;
- . Pearce Civil;
- . G J French Excavator Hire;
- . Hardings Hotmix;
- . Danny French Investments;
- . Scott Leonard Contracting.

7 *Quarry and landscaping materials*

- . Padgetts Pine Bark;
- . Wynyard Contracting Services;

- . LK Bourke; LK Bourke & Sons Excavations;
- . Lloyds North;
- . D & G Marshall;
- . Barwicks Landscaping Supplies;
- . Jamie Smith Automotive;
- . BIS;
- . Scott Leonard Contracting.”

Carried unanimously

Cr McKenna returned to the meeting at this stage.

300/2009 Tenders for Greenwaste Mulching – Resource Recovery Centre

The Acting Director Engineering Services reported as follows:

“PURPOSE

The purpose of this report is to consider the tenders received for the mulching of greenwaste at the Council’s Resource Recovery Centre.

BACKGROUND

The Environmental Engineer reports as follows.

‘The mulching and processing of greenwaste has been undertaken by the Council at the main waste disposal facilities for about 15 years. In that time the amount of raw material deposited at sites has increased whilst the level of demand for the mulched product has declined.

Under the current arrangement the raw material is mulched about three times per year. The final product often remains at the Resource Recovery Centre for long periods of time until a use is found for it. In the past this has resulted in the mulch piles becoming a fire hazard, particularly over summer.

Over the past year officers from several Councils on the coast, Central Coast included, had been discussing ways to improve the economics of greenwaste mulching and the potential end use of markets for such material.

During this time Dulverton Waste Management were looking to secure supply of appropriate quality mulch feedstock for a proposed composting operation.

A combined approach was considered to be a practical solution to meet both the needs of the Council and Dulverton Waste Management.

DISCUSSION

The public tender process, including preparation of tender documentation, liaison with tenderers and assessment of tenders, was conducted by Dulverton Waste Management on behalf of the four member councils. An extract from the Dulverton Waste Management tender report, dated August 2009, is provided below.

'1 BACKGROUND

Dulverton Waste Management (DWM) prepared and called tenders for the "Mulch Only or Mulch and Removal of Green Waste" on behalf of the Central Coast, Devonport City, Latrobe and Kentish Councils. This tender was called for a three year period with an option for an additional three year period.

The facilities included:

- . Lobster Creek Resource Recovery Centre (RRC);
- . Spreyton Waste Transfer Station (WTS);
- . Port Sorell WTS; and
- . Sheffield WTS.

The four Councils currently have the green waste that is collected and stored at their facilities mulched; however, they are all under separate contracts or on an as required basis. Being able to tender for all four sites will enable some economies of scale to come into effect along with the option to remove mulched green waste to the Dulverton Organics Recycling Facility (DORF) where currently only the product from Spreyton WTS is received.

DWM is also able to offer a rebate to Councils whose facilities take the offer of mulching and removal of green waste. This product will be transported to the DORF and be utilized in the composting process (reuse).

DWM proposes to provide contract administration services for this contract, along with receiving invoices, forwarding on each facilities portion, paying the reimbursement back to Councils and organising the contractor to site.

2 DULVERTON WASTE MANAGEMENT REBATE PROGRAM

DWM, through its organics facility will be able to assist its members Councils by enabling a reimbursement to those facilities that accept the mulch and

remove option for mulched green waste that is delivered to the organics facility.

The reimbursement is up to the value of \$100,000.00.

This will be broken down to a per cubic metre rate of \$3.00 for every cubic metre of green waste delivered to the DORF.

This will be payed on a six monthly basis to Councils.

3 CALLING TENDERS

Tenders were called on Saturday June 4th 2009, with advertisements appearing in the Advocate Newspaper. Tender documents were requested by the following organisations:

- . Soil First Pty Ltd
- . Barwick's
- . Fieldwicks
- . Onroad Offroad
- . Jones Enviro Services
- . BR & IJ Knight
- . Scott Leonard
- . Treloars
- . Haulaway Recyclers
- . Radford Enterprises
- . Mark Beattie Excavations

4 CLOSING OF TENDERS

At the close of tenders on Thursday 30th July 2009, five tenders were received as follows:

- . Fieldwicks
- . BR & IJ Knights
- . Soil First Pty Ltd
- . Onroad Offroad
- . Barwick's

5 CENTRAL COAST COUNCIL

5.1 Background

Central Coast Council currently has mulch only service at the Lobster Creek Resource Recovery Centre (RRC), current charges for this service is \$10.78 per cubic metre off the belt (plus 10% GST).

This service is conducted by Onroad Offroad as a mulch only service, with the finished product left at the RRC.

Approximately 4,000 cubic metres of finished product is produced at the RRC per annum.

Total cost per annum is \$43,120.00.

5.2 Tenderers Pricing

Table 5.1 shows the prices from all Tenderers, for mulch only and mulch and remove.

Table 5.1 Tender Summary

<i>CENTRAL COAST COUNCIL</i>		
<i>TENDERER</i>	<i>MULCH</i>	<i>MULCH & REMOVE</i>
Fieldwicks	\$7.25	\$13.45
BR & IJ Knight	\$12.25	\$17.45
Soil First Pty Ltd	\$9.00	\$15.50
Onroad Offroad	\$10.00	\$16.80
Barwick's	\$11.75	\$20.75

Note: All prices above are plus 10% GST, and per cubic metre off the belt (mulched).

5.3 Tender Assessment (Mulch Only)

The tenders were checked for arithmetical correctness and conformity to the General Conditions, Technical Specification and Notice to Tenderers during the tender period.

Table 5.2 Assessment Detail – Mulch Only

<i>CRITERIA</i>	<i>WEIGHT</i>	<i>FELDWICKS</i>	<i>SOIL FIRST</i>
OHS and Systems	15	15	12

ENGINEERING SERVICES

Tendered Price (Mulch)	45	45	36.45
Demonstrated Experience and Knowledge	15	7	15
Quality of Mulch	25	25	25
<i>TOTAL</i>	<i>100</i>	<i>92</i>	<i>88.45</i>

5.4 Highest Weighted Score (Mulch Only)

Fieldwicks scored 92. They have offered:

- . The lowest overall tender value and have confirmed to the requirements of the General Conditions, Technical Specification and Notice to Tenderers issued during the tender period.
- . Offer a new Morbark 300 mulcher/shredder. If one is not available in Australia it will be sourced from America with a 12 week delivery timeframe.
- . If mulching is required before the Morbark machine arrives, Fieldwicks have stated they will hire a machine. Any additional costs will be absorbed by Fieldwicks.
- . Whilst experience in the green waste mulching is limited, Fieldwicks have over ten years experience in the mobile crushing equipment industry.

5.5 Second Highest Weighted Score (Mulch Only)

Soil First Pty Ltd scored 88.45. They have offered:

- . The second lowest overall tender value and have confirmed to the requirements of the General Conditions, Technical Specification and Notice to Tenderers issued during the tender period.
- . Have experience as they mulch for other Councils and also use green waste that they mulch for their own composting facility at Oatlands.
- . Have requested a Diesel Fuel Surcharge be built into the price, review period to be discussed.
- . Have the capability to start this contract as soon as required.

5.6 Other Tenderers (Mulch Only)

BR & IJ Knights, Barwick's and Onroad Offroad do not offer any basis for further consideration based on both Fieldwicks and Soil first Pty Ltd tenders.

Table 5.3 Assessment Detail – Mulch & Remove

<i>CRITERIA</i>	<i>WEIGHT</i>	<i>FIELDWICKS</i>	<i>SOIL FIRST</i>
OHS and Systems	15	15	12
Tendered Price (Mulch)	45	45	39
Demonstrated Experience and Knowledge	15	7	15
Quality of Mulch	25	25	25
<i>TOTAL</i>	<i>100</i>	<i>92</i>	<i>91</i>

5.7 Highest Weighted Score (Mulch & Remove)

Fieldwicks scored 92. They have offered:

- . The lowest overall tender value and have confirmed to the requirements of the General Conditions, Technical Specification and Notice to Tenderers issued during the tender period.
- . Offer a new Morbark 300 mulcher/shredder. If one is not available in Australia it will be sourced from America with a 12 week delivery timeframe.
- . If mulching is required before the Morbark machine arrives, Fieldwicks have stated they will hire a machine. Any additional costs will be absorbed by Fieldwicks.
- . Whilst experience in the green waste mulching is limited, Fieldwicks have over ten years experience in the mobile crushing equipment industry.

5.8 Second Highest Weighted Score (Mulch & Remove)

Soil First Pty Ltd scored 91. They have offered:

- . The second lowest overall tender value and have confirmed to the requirements of the General Conditions, Technical Specification and Notice to Tenderers issued during the tender period.
- . Have experience as they mulch for other Councils and also use green waste that they mulch for their own composting facility at Oatlands.
- . Have requested a Diesel Fuel Surcharge be built into the price, review period to be discussed.
- . Have the capability to start this contract as soon as required.

5.9 Other Tenderers (Mulch & Remove)

BR & IJ Knights, Barwick's and Onroad Offroad do not offer any basis for further consideration based on both Fieldwicks and Soil first Pty Ltd tenders.

5.10 Conclusion – Central Coast Council

Currently Central Coast Council has a mulch only service, at a fee of \$10.78 per cubic metre off the belt (plus 10% GST).

Based on the 4,000 cubic metres per annum budgeted for the following assumptions are;

Currently (Mulch Only):	4,000 x \$10.78 = \$43,120
Fieldwicks Tender (Mulch Only):	4,000 x \$7.25 = \$29,000
Fieldwicks Tender (Mulch & Remove):	4,000 x \$13.45 = \$53,800
Less \$3/m3 DWM Rebate:	4,000 x \$3.00 = \$12,000
<hr/>	
<i>TOTAL</i>	<i>\$41,800</i>

Based on the above information, with the Fieldwicks tender, the Central Coast Council will actually save money on the mulching, or pay an additional \$10,680 per annum for the green waste to be removed off site.

With the inclusion of the DWM rebate of \$3.00 per cubic metre (\$12,000 based on 4,000 cubic metres), the Central Coast Council could in fact have the mulched green waste removed off site at no additional cost (compared to current costs).¹

CONSULTATION

A public tendering process was implemented for the tender.

IMPACT ON RESOURCES

The amount expected to be spent on this contract can be accommodated within the 2009–10 budget allocation for the processing and mulching of greenwaste.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment

Council Sustainability and Governance

- . Improve corporate governance
- . Strengthen local-regional connections

CONCLUSION

It is recommended that Fieldwicks be awarded the tender for greenwaste mulching services at the GST inclusive tender rate of \$7.975 per m³ for the mulch only and \$14.795 per m³ for mulch and removal.'

The Environmental Engineer's report is supported."

- Cr Fuller moved and Cr Haines seconded, "That Dulverton Waste Management Authority be advised the tender from Fieldwicks for a greenwaste mulching service at the GST inclusive rate of \$7.975 per m³ for mulch only and \$14.795 per m³ for mulch and removal be accepted."

Carried unanimously

301/2009 Petitions – Construction of footpath adjacent to Penguin Primary School

The Acting Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to consider the petition and letter of support for a footpath in Ironcliffe Road opposite the Penguin Primary School.

BACKGROUND

A petition for provision of a footpath adjacent to the crossing in Ironcliffe Road was received on 2 September 2009 and presented to this meeting, at Minute No. 284B/2009.

A letter from the Penguin Primary School Parent Group was also received on 2 September 2009 requesting provision of the path and outlining several reasons. A copy of the letter is appended to this report.

A pedestrian crossing in Ironcliffe Road was provided in February 2009 following a request to the Department of Infrastructure, Energy and Resources from the school for the safety of those crossing the road.

DISCUSSION

A preliminary assessment of this request suggests there is merit in the project as the crossing would be used to its fullest potential with improved amenity of access from both the north and south.

Prior to making a decision on provision of this facility the following issues need to be considered.

The Council has recognised, in its adoption of the Asset Management Strategy, that sound asset management practices will ensure Central Coast continues to meet current and future needs in a sustainable manner.

The annual capital construction programme is approved in June each year. Throughout the year numerous requests are received for the provision of various infrastructure including footpaths. It is normal practice to acknowledge these requests and to consider them with the following years' budget unless there are urgent health and safety issues associated with the request. These requests are then assessed on both the reasons presented by the proponents and also on sound asset management practices. This avoids an adhoc reactive approach to construction of new infrastructure and allows for thorough consideration of each request.

It has also been discovered that a preliminary development enquiry has been made for the vacant land adjacent to this section. If this proceeds to a Development Application, it is likely a footpath would be a requirement of the subdivision. The proposal includes a roadway and several driveway accesses which will have a major impact on available parking spaces in this section. It would also mean that any infrastructure constructed at this stage would be affected by the development when it proceeds. If a decision is made to construct the path this year it should be done in such a way as to minimise the impact of the potential subdivision. This may mean a lesser priced temporary option such as gravel or seal.

Neither the petition nor the letter of support indicate the extent of the path. Further investigation would be required to assess the cost implication of the petition. A meeting between the Mayor and school group advised a 60m section of path in the

vicinity of the crossing may be sufficient. This would cost in the order of \$10,000. To construct a concrete path from Lester Road to the driveway south of the crossing would require 175m of footpath and cost in the order of \$30,000.

The area is, and will continue to be, mowed by the Council's maintenance section approximately every three weeks which should address the long grass and health and safety concerns mentioned in the support letter. The naturestrip was in a mown condition with little evidence of being uneven, muddy or slippery when visited on 8 September 2009 to investigate these concerns.

CONSULTATION

Further consultation with the school, school groups and the prospective subdivider of the adjacent land will be required to determine the extent of works and impacts of the subdivision.

IMPACT ON RESOURCES

A budget does not exist for this project for the 2009–10 financial year or in future programmes. Deferral of programmed projects would be required for this project to proceed this year.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

A Connected Central Coast

- . Provide for a diverse range of movement patterns
- . Connect the people with services
- . Improve community wellbeing

The Environment and Sustainable Infrastructure

- . Contribute to a safe and health environment
- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve service provision

CONCLUSION

It is recommended that construction of the path is considered during the 2010–11 Estimates process to ensure all issues and factors outlined above are taken into account. ”

ENGINEERING SERVICES

- Cr McKenna moved and Cr Howard seconded, “That funds be reallocated within the 2009-10 Capital Estimates to ensure a 60m section of pathway in the vicinity of the pedestrian crossing opposite the Penguin Primary School at Ironcliffe Road, Penguin is constructed.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

302/2009 Adjournment of meeting

The Mayor reported as follows:

“This meeting is adjourned for five minutes.”

The meeting adjourned at 8.10pm, the Mayor resumed the meeting at 8.17pm.

303/2009 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Purchase of Council-owned land at Maskells Road, Ulverstone – Variation of Option Agreement; and
- . Ulverstone Caravan Park lease.

These are matters relating to:

- . information provided to the council on the condition it is kept confidential;
- . proposals for the council to acquire land or an interest in the land or for the disposal of land; and
- . the personal affairs of any person.”

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

- . information provided to the Council on the condition it is kept confidential;
- . proposals for the council to acquire land or an interest in the land or for the disposal of land; and
- . the personal affairs of any person;

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;
- . Purchase of Council-owned land at Maskells Road, Ulverstone – Variation of Option Agreement; and
- . Ulverstone Caravan Park lease.”

Carried unanimously and by absolute majority.

The Executive Services Officer further reported as follows:

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

2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

GENERAL MANAGEMENT

304/2009 Minutes and notes of other organisations and committees of the Council

The Executive Services Officer 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.”

305/2009 Lease of former Penguin Council offices

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

“The purpose of this report is to consider the disposal of certain Council-owned property that is considered to be surplus to council requirements.

...

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

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

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

CORPORATE & COMMUNITY SERVICES

306/2009 Ulverstone Caravan Park lease

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

“The purpose of this report is to reconsider a request from the current lessee of the Ulverstone Caravan Park to mortgage the lease.

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 8.50pm.

CONFIRMED THIS 19TH DAY OF OCTOBER, 2009.

Chairperson

(Imm:dil)

Appendices

- Minute No. 288/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 290/2009 – Planning Scheme Amendment – Application No. ADM2009.1
- Minute No. 293/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 294/2009 – Financial statements
- Minute No. 296/2009 – Schedule of Engineering Services Determinations Made Under Delegation

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 recommendations provided to the Council in or with the following agenda:

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

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

Sandra Ayton
GENERAL MANAGER