



Minutes

of an Ordinary Meeting
held at 6.00pm

14 DECEMBER 2009

Note:
Minutes subject to confirmation at
a meeting of the Council to be held on
25 January 2010.

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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, 14 December 2009 commencing at 6.00pm.

Councillors attendance

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|-----------------------------|--------------------|
| Cr Jan Bonde (Deputy Mayor) | Cr Lionel Bonde |
| Cr John Deacon | Cr Amanda Diprose |
| Cr David Dry | Cr Ken Haines |
| Cr Gerry Howard | Cr Brian Robertson |
| Cr Tony van Rooyen | Cr Philip Viney |

Cr Cheryl Fuller attended at 6.27pm.

Cr Mike Downie (Mayor) attended at 7.10pm.

Employees attendance

General Manager (Ms Sandra Ayton)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Engineering Services (Mr Bevin Eberhardt)
Executive Services Officer (Miss Lisa Mackrill)
Land Use Planning Group Leader (Mr Ian Sansom)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

389/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 November 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 Deacon moved and Cr Robertson seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 November 2009 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

390/2009 Council workshops

The Executive Services Officer reported as follows:

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

- . 30.11.2009 – Proposed Community Shed/Creditors process.

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

391/2009 Mayor’s communications

The Deputy Mayor reported as follows:

“I will adjourn this meeting for approximately 10 minutes to allow Ulverstone High School students to present a brief report on a project they have undertaken in relation to the East Ulverstone Pool.

The students are accompanied by the teacher in charge of the Environmental Science class, Kylie Waters.

The project was investigating making the pool more environmentally friendly and covers some cost and energy savings. The class has worked on the project in conjunction with Darren Howell from the Cradle Coast Authority and the Education Department.”

A PowerPoint presentation in respect of the project was made and a report on the findings was tabled.

The meeting was resumed at this stage.

392/2009 Mayor's diary

The Deputy Mayor reported as follows:

“The Mayor has provided the following report:

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

- . Local Government Association of Tasmania – General Meeting and Mayors’ Workshop (Burnie)
- . Ulverstone District Cricket Club – Sponsors Day Marquee Luncheon
- . The Penguin Seventy and Over Christmas Dinner Committee – Over 70’s Christmas luncheon
- . St Brendan–Shaw College – Presentation Night
- . Marist Regional College – Speech Night
- . Penguin Primary School – Grade 6 Leavers Assembly.”

The Deputy Mayor reported as follows:

“On behalf of the Mayor I attended the following:

- . Jobfind Centres Australia – opening of new Ulverstone Jobfind Centre
- . Leighland Christian School – opening of new classrooms
- . Mersey Emergency Management Planning Committee – meeting
- . Ulverstone Senior Citizens Club – Christmas luncheon
- . Cradle Coast Authority – annual general meeting

. Motton Preston Scout Group – family barbecue.”

- Cr Deacon moved and Cr Howard seconded, “That the Mayor’s and Deputy Mayor’s reports be received.”

Carried unanimously

393/2009 Pecuniary interest declarations

The Deputy 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.”

No interests were declared at this time.

394/2009 Public question time

The Deputy 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

395/2009 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 Diprose reported on a meeting of the East Ulverstone Swimming Pool Management Committee.

Cr (L) Bonde reported on the Annual General Meeting of the Cradle Coast Water Authority.

Cr Howard reported on a meeting of the Riana Community Centre Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

396/2009 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

397/2009 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

398/2009 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

399/2009 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.

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- (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.

400/2009 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

401/2009 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of November 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 Development & Regulatory Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

402/2009 Council acting as a planning authority

The Deputy 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 Minute No. 403/2009, 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 Haines moved and Cr Howard seconded, “That the Deputy Mayor’s report be received.”

Carried unanimously

403/2009 Leven River bridge replacement between Hobbs Parade and Kings Parade, Ulverstone – Application No. DEV2009.59

The Director Development & Regulatory Services reported as follows:

“The Planning Officer has prepared the following report:

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| <i>‘DEVELOPMENT APPLICATION No.:</i> | DEV2009.59 |
| <i>APPLICANT:</i> | Department of Infrastructure, Energy & Resources (DIER) |
| <i>LOCATION:</i> | Leven River bridge between Hobbs Parade and Kings Parade, Ulverstone |
| <i>ZONING:</i> | Environmental Management, Recreation and Road |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 14 October 2009 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 28 October 2009 |
| <i>REPRESENTATIONS RECEIVED:</i> | Nil (One representation received out of time) |
| <i>42-DAY EXPIRY DATE:</i> | 23 November 2009 (extension granted until 14 December 2009) |
| <i>DECISION DUE:</i> | 14 December 2009 |

PURPOSE

The purpose of this report is to consider an application for the replacement of the Leven River bridge between Hobbs Parade and Kings Parade, Ulverstone.

BACKGROUND

Proposal

Annexure 1 is a copy of the application. Annexure 2 is a location plan.

It is proposed to replace the existing ageing concrete bridge with a new concrete structure; the existing bridge was built in 1934 and now shows signs of damage and decay. The new bridge will comprise the following:

- . five spans across the river (existing bridge is seven span);
- . the new bridge would be higher (RL 7.0m above AHD) than the existing bridge (RL 6.05m above AHD);
- . two vehicular traffic lanes;
- . a 3m shared cycle and pedestrian pathway on the northern side;
- . the sides of the bridge would be twin metal rails over a concrete parapet;
- . the current bridge and abutments will be demolished.

The existing road alignment will be retained in a general sense, with some modification to the roundabout at the eastern (town centre) end, and the intersection of Tasma Parade and Hobbs Parade. In the latter case a portion of the former motel site near the intersection will be transferred from the Crown into Council ownership, which will secure the site for the proposed intersection works.

There are various potential environmental impacts identified in the application, including habitat of threatened species (the Australian Grayling), construction noise, erosion and sedimentation (banks, riverbed and stormwater) and dust. The application indicates that measures will be taken to limit impacts to reasonable levels and further that these will be detailed in a Construction Environmental Management Plan (CEMP), to be prepared prior to the commencement of demolition or construction.

Historical Background

On 23 February 1994 it was notified in the Government Gazette that under the *Local Government (Highways) Order 1994* that the Leven River bridge was to be listed under Schedule 2 as a bridge to be maintained or renewed by the State.

Following a report prepared for DIER (by GHD) in October 2006, the State Government decided to construct a replacement bridge, involving modification of the existing road alignment and demolition of the existing structure.

An Ulverstone Community Plan Workshop was held on 18 November 2006, together with a public display and survey in the Council offices, this resulted

overwhelmingly in favour of building a new bridge with no support for retention of the old bridge.

The Council agreed to making a contribution towards the construction of the Leven River bridge and associated access and landscape works at its meeting on 17 August 2009.

DISCUSSION

The bridge replacement encompasses two zones under the Scheme, the Environmental Management Zone and the Recreation Zone.

The impact of the proposed bridge and its performance against the provisions of the two Zones of the Scheme are assessed as follows:

| CLAUSE | ASSESSMENT AND COMMENT |
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| <p>2.0 Objectives for Planning 2.1(d), (e), (h), (i) and (j)</p> | <p><i>2.1(d) A safe vehicular and pedestrian network throughout the planning area is to be encouraged.</i></p> <p>This application is for the replacement of the existing road bridge with associated pedestrian footpath. The existing bridge is nearing the end of its operational life span. Also the footpath will be wider than the existing one.</p> <p><i>2.1(e) Infrastructure services are to be used and extended in an efficient manner.</i></p> <p>The bridge works will involve a realignment of Hobbs Parade and the junction between Hobbs Parade, Tasma Parade and Helen Street to improve traffic management in this area. Existing pedestrian footpaths and ramp access will be reconstructed. The current bridge will not be demolished until the new bridge is ready for use.</p> <p><i>2.1(h) Important flora and fauna habitats are to be protected from inappropriate use and development.</i></p> <p>“The List” database shows there are no native</p> |

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| | <p>TasVeg communities on either side of the River and both banks are comprised of urban and exotic parklands. Some vegetation will need to be removed and this will be rehabilitated in landscape work that will be undertaken after completion of the bridge.</p> <p><i>2.1(i) The environmental qualities of the coastal and river systems are to be protected.</i></p> <p>It is proposed to protect aquatic flora and fauna through the use of silt curtains and particular construction techniques to limit the benthic disturbance footprint and minimise and contain sediment mobilisation.</p> <p><i>2.1(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm.</i></p> <p>Mitigation measures designed to minimise potential impacts on the environment are covered in the recommended Permit conditions and will be further detailed in the CEMP. With the CEMP in place the overall impact to the environment is expected to be satisfactory.</p> |
| <p>ENVIRONMENTAL MANAGEMENT ZONE</p> | |
| <p>14.1 Zone Purpose</p> | <p>Complies.</p> <p>The purpose of the Zone is to provide for the protection and management of areas of environmental value which includes water catchments and to protect the visual attractiveness and ecological values of sensitive and significant coastal, wetland, hinterland or remote locations.</p> <p>The proposed bridge will be in a similar location as the existing one. The environmental impact on the area will be managed by Permit conditions and implementation of the proposed CEMP.</p> |

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| 14.2.1 Use Table | <p>Utilities means the use of land for:</p> <ul style="list-style-type: none"> (a) telecommunications; (b) transmitting or distributing gas, oil, or power; (c) transport networks; (d) collecting, treating, transmitting, storing or distributing water; or (e) collecting, treating, or disposing of storm or floodwater, sewage or sullage. <p>“Utilities” is a discretionary use in the Environmental Management Zone.</p> |
| 14.3.1 Water quality | <p>Complies.</p> <p>Pursuant to s.35.1 of the <i>State Policy on Water Quality Management 1997</i>, all road construction works must employ measures to prevent erosion and the pollution of streams and waterways by runoff from sites of road construction. Works within the River will be undertaken in accordance with the <i>Wetlands and Waterways Works Manual</i> (DPIWE 2003) in order to minimise environmental harm.</p> <p>Some of the measures the applicant proposes to undertake are the use of silt curtains, suitable capture and control mechanisms below the bridge, before demolition, to collect any debris that may fall and the use of marine equipment to minimise the potential of marine pest introduction.</p> <p>The Permit will be conditioned to control pollutants and sediment going into the stormwater system, waterbodies or watercourses.</p> |
| 14.4.3 Building design and siting | <p>Complies.</p> <p>The bridge height is RL 7.0m AHD at its highest point.</p> <p>It will be constructed from reinforced and</p> |

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| | <p>prestressed concrete which is non-reflective.</p> <p>Cut and fill will be approximately the same as the current situation. Following construction, landscaping will be provided.</p> <p>Overhead street lighting and “architectural lighting” will be installed on the bridge. Architectural lighting will highlight the horizontal elements of the bridge structure; the applicant claims that the nature of the lighting will be such that spill is minimised to adjacent properties.</p> |
| <p>14.4.4 Building Access and Services</p> | <p>Complies.</p> <p>All existing services will be provided for including power, water and Telstra services. Services ducts will be accommodated within road traffic barriers as well as conduits provided underneath the footpath.</p> <p>Replacement of the existing water main will be required to be negotiated with Cradle Mountain Water.</p> |
| <p>14.4.5 Wetlands and watercourses</p> | <p>Complies.</p> <p>The objective of this clause is to ensure that wetlands and watercourses are protected from being adversely affected by use or development.</p> <p>The applicant proposes to address any problems of sedimentation and erosion by the use of construction techniques that limit the benthic disturbance footprint and contain sediment mobilisation. Sedimentation control will be part of the CEMP to be provided by the contractor. The CEMP is to be approved by the Council’s Director Development & Regulatory Services.</p> |
| <p>14.4.6 Vegetation protection</p> | <p>Complies.</p> <p>The objective of this clause is to ensure that</p> |

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| | <p>development respects the biodiversity of native vegetation.</p> <p>Although some vegetation will need to be removed, the application states that there are no native TasVeg communities on either side of the river (according to “The List” database).</p> |
| 14.4.7 Coastal protection | <p>Complies.</p> <p>The objective of this clause is to maintain the ecology and natural processes in coastal locations.</p> <p>The applicant has incorporated measures to be undertaken to prevent adverse impacts on the riverbank. Any further required measures will be identified in the CEMP.</p> |
| 14.4.8 Skylines and exposed slopes | <p>Does not apply to development within declared towns.</p> |
| Recreation Zone | |
| 16.1 Purpose | <p>Complies.</p> <p>Proposal is for the replacement of a road bridge within the existing urban area.</p> |
| 16.3.1 Emissions | <p>Complies.</p> <p>The objective of this clause is to ensure that there is no unreasonable reduction in residential amenity due to noise, traffic, light spillage or odour or other emissions.</p> <p>The noise from the bridge construction and demolition has the potential to cause an environmental nuisance to surrounding residents. One of the most significant noise and vibration concerns will be caused by the pile driving process.</p> <p>The Permit will be conditioned to ensure that the noise and vibration emissions will be suitability</p> |

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| | monitored and appropriate controls implemented to effectively mitigate any adverse impacts on nearby residences and structures. |
| 16.4.3 Building design and siting | Complies. Addressed in 14.4.3 above. |
| 16.4.4 Building access and services | Complies. Addressed in 14.4.4 above. |
| RELEVANT SCHEDULES | |
| Road and Rail | <p>The Schedule applies as it would involve a material change to traffic using an existing deficient junction. From this point on however, the Schedule is not a lot of assistance. The roads involved are Category 5 roads, but there are no provisions in the Schedule that relate specifically to bridges or to pedestrian and cycle access.</p> <p>During the course of assessment of the application, some observations were made regarding details associated with cycle and pedestrian movement that should be considered by the servicing authorities involved (including the Council). These observations have been forwarded to the Engineering Services Department to be considered in the detail design of the shared pathway access involving pedestrian and cyclist movements, in conjunction with the final bridge design.</p> |
| Coastal and Riparian | The purpose of this Schedule it to ensure that use or development in a coastal or riparian location is not adversely affect by sea level rise, storm surge, shoreline recession or flooding and respects the aesthetic, environmental and recreational values of the locality. |
| | A limited environmental impact assessment was included in the application documentation and is |

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| | <p>provided within Annexure 1.</p> <p>The application indicates that no specific assessment of the proposal has been made in relation to climate change impacts. It argues that the bridge would be higher than the existing bridge and designed to withstand flood events with an Annual Recurrence Interval (ARI) of 2,000 years, and remain serviceable in a flood of 20 years ARI (consistent with the <i>Australian Standard AS5100 Bridge Design Code</i>).</p> <p>It is not clear whether this design standard is adequate in the light of expected climate change in this particular location. The change could involve an increase in sea level of about 1m by 2100 and an increase in the frequency and severity of severe storm events.</p> <p>It also argues that the land on either side of the bridge is already identified as vulnerable coastal land.</p> <p>There are no specific provisions in the Coastal and Riparian Schedule that relate to climate change and bridge (and similar) infrastructure. The most relevant is S6.4.3 Coastal and Riparian Infrastructure (P1) which requires that such development be only for public, community group or commercial purposes, and be accompanied by an environmental impact report that demonstrates that the siting and design will minimise adverse environmental and aesthetic effects. These are not particularly helpful in relation to climate change impacts.</p> <p>Consequently, it should be suggested to DIER that it satisfy itself fully that the proposed bridge is designed to meet the longer term impact of likely climate change.</p> |
| Heritage | The Heritage Schedule does not apply in this instance – the bridge is not listed under the |

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| | <p><i>Historic Cultural Heritage Act 1995</i> or the <i>Aboriginal Relics Act 1975</i>.</p> <p>However, the current bridge is a feature of the historic and cultural development of Ulverstone and the broader region and for this reason it should be recognised. The Council has decided to erect an historic display of bridges in the municipal area in the vicinity of the new bridge and this is appropriate.</p> <p>In addition though, it would be appropriate to ensure that an adequate record of the existing bridge is created and retained.</p> <p>The applicant should be requested to develop a comprehensive photographic record of the current bridge prior to any works being undertaken, particularly demolition, and of the various stages of construction of the new bridge and removal of the current bridge.</p> |
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CONSULTATION

DIER conducted a public consultation exercise in July 2009. Fourteen responses were received. These are summarised and responded to in the application document.

The planning application was notified in accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993* (the Act) involving:

- . posting of two site notices;
- . sending of letters to adjoining owners;
- . advertisement in the Public Notices section of The Advocate newspaper.

The application was referred to the Council's Planning and Assessment Team. Comments of the Planning and Assessment Team are included in the recommendation of the application.

Correspondence was received from Leven River Tours after the expiration of the 14-day notification period regarding its sign which is located on Council owned land at the corner of Tasma Parade and Hobbs Parade. The

representors requested that the sign be resited once bridge and roadworks are complete.

This objection does not comment directly on the bridge proposal. The sign is sited on Crown land and is a matter to be resolved between the Crown and Leven River Tours.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

The proposal is consistent with these strategies and key actions.

CONCLUSION

There are no standout issues that would cause any significant concern about the proposed bridge. The proposal complies with all the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The design and associated issues were identified and dealt with in a process of consultation and negotiation between the State Government and the Council over the past couple of years, particularly on engineering matters.

Detailed consideration of the proposal has raised some additional points that the Council should raise with DIER and its engineers as matters it should consider in the preparation of detailed drawings. Those matters are:

- . that DIER undertake adequate investigations to satisfy itself fully that the proposed bridge is designed to meet the longer term impact of likely climate change;
- . some possible modifications to pedestrian access provision should be explored, that would improve access and usability; and
- . to develop a comprehensive photographic record of the current bridge prior to any works being undertaken, particularly demolition, and of the various stages of construction of the new bridge and removal of the current bridge.

RECOMMENDATION

It is recommended that the application is approved, with the conditions and notes listed below:

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this Permit;

Environment & Health

- 2 The activity endorsed by this Permit must be carried out in accordance with the requirements of the *Environmental Management & Pollution Control Act 1994*, and Regulations made thereunder;
- 3 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this Permit relates, then the person responsible for the activity (or activities) must:
 - (a) immediately take all practicable action to minimise any adverse environmental effects from the incident; and
 - (b) as soon as reasonably practicable, but not later than 24 hours after becoming aware of the incident, notify the Council's Environment & Health Group of the incident by a telephone call to (03) 6429 8900 (business hours) or (03) 6429 8999 (after hours); and
 - (c) not later than 24 hours after becoming aware of the incident, provide a report to the Council's Environment & Health Group

by facsimile to (03) 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. (This report must be provided irrespective of whether the person responsible for the activity [or activities] has reasonable grounds for believing that the incident has already come to the notice of the Council's Environment & Health Group or any officer engaged in the administration or enforcement of the *Environmental Management and Pollution Control Act 1994*);

- 4 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;
- 5 The hours of operation of the activity must only be Monday to Saturday between 7.00am and 7.00pm. Pile driving must only be undertaken between 8.00am to 5.00pm Monday to Friday and between 9.00am and 5.00pm on Saturdays. Work on public holidays or outside the stipulated hours, except for priority work, will only be undertaken with the prior approval of the Central Coast Council's Director Development & Regulatory Services. No work is to occur on 25 April 2010 under any circumstances;
- 6 The developer is to undertake a condition of survey of all structures located within at least 200m of pile driving activities, in accordance with AS4349 – Building Inspections. The developer is to undertake any works necessary to rectify any adverse impacts from pile driving activities;
- 7 Suitable controls are to be implemented to contain any lead-based paint released during the bridge demolition onsite for disposal at a landfill disposal site which is approved by the Director of Environmental Management under the *Environmental Management & Pollution Control (Waste Management) Regulations 2000* to receive controlled waste;
- 8 No liquid or other than unpolluted rainwater are to be allowed to discharge or drain to the Council's stormwater system or receiving waterbodies or watercourses;

- 9 Suitable capture and control mechanisms are to be installed below the bridge before demolition works to collect any fallen debris;
- 10 Bridge construction and demolition techniques that limit the benthic disturbance footprint are to be used;
- 11 Bridge construction and demolition techniques that minimise and contain sediment mobilisation are to be used;
- 12 Where sand or loam is removed during the bridge construction and demolition works, sufficient topsoil is to be retained to cover the area disturbed to a depth of at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 13 Every effort must be made to stabilise stockpiles of materials (i.e. topsoil, gravel and the like);
- 14 Appropriate dust control measures are to be implemented during the bridge construction and demolition works to ensure that dust is not permitted to become a proven environmental nuisance to the occupiers of properties nearby;
- 15 The developer is to utilise stormwater control devices during the bridge construction and demolition works to prevent the deposition of sediment from the site into stormwater drains and/or the Leven River;
- 16 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;
- 17 All solid/inert waste materials generated by the activity are to be disposed of to a waste disposal facility which is approved by the Director of Environmental Management under the *Environmental Management & Pollution Control (Waste Management) Regulations 2000*;
- 18 A Construction Environmental Management Plan must be submitted to the Council and approved by the Council's Director Development & Regulatory Services prior to the commencement of bridge construction or demolition works;

Engineering

- 19 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, at the owner's/developer's/applicant's expense.

Please note:

- A This Permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council.
- D Prior to the preparation of detailed design drawings, consideration be given to the following matters:
- (i) that DIER undertake adequate investigations to satisfy itself fully that the proposed bridge is designed to meet the longer term impact of likely climate change;
 - (ii) some possible modifications to pedestrian access provision should be explored that would improve access and usability; and
 - (iii) development of a comprehensive photographic record of the current bridge prior to any works being undertaken, particularly demolition, and of the various stages of construction of the new bridge and removal of the current bridge.'

The report is supported."

“A copy of the Annexures referred to in the Land Use Planning Group Leader’s report have been circulated to all Councillors.”

- Cr van Rooyen moved and Cr Haines seconded, “That the proposal be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this Permit;

Environment & Health

- 2 The activity endorsed by this Permit must be carried out in accordance with the requirements of the Environmental Management & Pollution Control Act 1994, and Regulations made thereunder;
- 3 If an incident causing or threatening serious or material environmental harm from pollution occurs in the course of the activity (or activities) to which this Permit relates, then the person responsible for the activity (or activities) must:
 - (a) immediately take all practicable action to minimise any adverse environmental effects from the incident; and
 - (b) as soon as reasonably practicable, but not later than 24 hours after becoming aware of the incident, notify the Council’s Environment & Health Group of the incident by a telephone call to (03) 6429 8900 (business hours) or (03) 6429 8999 (after hours); and
 - (c) not later than 24 hours after becoming aware of the incident, provide a report to the Council’s Environment & Health Group by facsimile to (03) 6425 1224, or by hand delivery, outlining the nature of the incident, the circumstances in which it occurred and the action taken to deal with the incident. (This report must be provided irrespective of whether the person responsible for the activity [or activities] has reasonable grounds for believing that the incident has already come to the notice of the Council’s Environment & Health Group or any officer engaged in the administration or enforcement of the *Environmental Management and Pollution Control Act 1994*);
- 4 The applicant must not in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm;

- 5 The hours of operation of the activity must only be Monday to Saturday between 7.00am and 7.00pm. Pile driving must only be undertaken between 8.00am to 5.00pm Monday to Friday and between 9.00am and 5.00pm on Saturdays. Work on public holidays or outside the stipulated hours, except for priority work, will only be undertaken with the prior approval of the Central Coast Council's Director Development & Regulatory Services. No work is to occur on 25 April 2010 under any circumstances;
- 6 The developer is to undertake a condition of survey of all structures located within at least 200m of pile driving activities, in accordance with AS4349 - Building Inspections. The developer is to undertake any works necessary to rectify any adverse impacts from pile driving activities;
- 7 Suitable controls are to be implemented to contain any lead based paint released during the bridge demolition onsite for disposal at a landfill disposal site which is approved by the Director of Environmental Management under the *Environmental Management & Pollution Control (Waste Management) Regulations 2000* to receive controlled waste;
- 8 No liquid or other than unpolluted rainwater are to be allowed to discharge or drain to the Council's stormwater system or receiving waterbodies or watercourses;
- 9 Suitable capture and control mechanisms are to be installed below the bridge before demolition works to collect any fallen debris;
- 10 Bridge construction and demolition techniques that limit the benthic disturbance footprint are to be used;
- 11 Bridge construction and demolition techniques that minimise and contain sediment mobilisation are to be used;
- 12 Where sand or loam is removed during the bridge construction and demolition works, sufficient topsoil is to be retained to cover the area disturbed to a depth of at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 13 Every effort must be made to stabilise stockpiles of materials (i.e. topsoil, gravel and the like);
- 14 Appropriate dust control measures are to be implemented during the bridge construction and demolition works to ensure that dust is not permitted to become a proven environmental nuisance to the occupiers of properties nearby;

- 15 The developer is to utilise stormwater control devices during the bridge construction and demolition works to prevent the deposition of sediment from the site into stormwater drains and/or the Leven River;
- 16 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;
- 17 All solid/inert waste materials generated by the activity are to be disposed of to a waste disposal facility which is approved by the Director of Environmental Management under the *Environmental Management & Pollution Control (Waste Management) Regulations 2000*;
- 18 A Construction Environmental Management Plan must be submitted to the Council and approved by the Council's Director Development & Regulatory Services prior to the commencement of bridge construction or demolition works;

Engineering

- 19 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, at the owner's/developer's/applicant's expense.

Please note:

- A This Permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council.
- D Prior to the preparation of detailed design drawings, consideration be given to the following matters:
 - (i) that DIER undertake adequate investigations to satisfy itself fully that the proposed bridge is designed to meet the longer term impact of likely climate change;

DEVELOPMENT & REGULATORY SERVICES

- (ii) some possible modifications to pedestrian access provision should be explored that would improve access and usability; and
- (iii) development of a comprehensive photographic record of the current bridge prior to any works being undertaken, particularly demolition, and of the various stages of construction of the new bridge and removal of the current bridge.”

Cr Fuller joined the meeting at this stage

Motion

Carried unanimously

GENERAL MANAGEMENT

404/2009 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:

- . Emergency Management Planning Committee – meeting held on 23 September 2009
- . Riana Community Centre Committee – meeting held on 4 November 2009
- . Ulverstone Local History Museum Committee – meeting held on 17 November 2009
- . Youth Engaged Steering Committee – meeting held on 19 November 2009
- . Penguin Miniature Railway Management Committee – meeting held on 24 November 2009
- . East Ulverstone Swimming Pool Management Committee – meeting held on 26 November 2009.

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

- Cr van Rooyen moved and Cr Fuller seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

405/2009 Dulverton Waste Management Authority – Quarterly Report

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to receive a quarterly report from Dulverton Waste Management as required under s.36B of the *Local Government Act 1993*.

BACKGROUND

The Dulverton Regional Waste Management Authority, trading as Dulverton Waste Management (DWM), operates as a Joint Authority under s.30–39 of the *Local Government Act 1993* of the Central Coast, Devonport, Kentish and Latrobe Councils for the management and disposal of waste and is governed by the Rules adopted on 15 August 2005. The core business of the Authority is defined by the Rules as:

- ‘ . Management of waste generated within the Mersey–Leven Region;
- . Management of waste solid inert material, putrescible waste, fill material and low level contaminated soil as defined or explained in the *Landfill Sustainability Guide*;
- . Activities identified in the Strategic Plan as approved by the Representatives.’

Section 36B of the *Local Government Act 1993* requires that DWM present a quarterly report demonstrating general performance and financial position to participating Councils.

DISCUSSION

In accordance with s.36B of the *Local Government Act 1993*, DWM has provided a quarterly report for the period July 2009 to September 2009. The report has been prepared with the intention that it be presented in an open Council meeting to brief Councillors of DWM’s performance.

A copy is appended.

CONSULTATION

This is an administrative matter and consultation is not required.

IMPACT ON RESOURCES

There are no resource implications to consider in this matter.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve service provision
- . Effective communication and engagement
- . Strengthen local–regional connections

CONCLUSION

It is recommended that the report be received.”

The Executive Services Officer reported as follows:

“A copy of the Dulverton Waste Management Statutory Quarterly Report, July 2009 – September 2009 has been circulated to all Councillors.”

- Cr Fuller moved and Cr Haines seconded, “That the General Manager’s report be received.”

Carried unanimously

406/2009 Annual General Meeting for the year ended 30 June 2009

The General Manager reported as follows:

PURPOSE

This is a report on the conduct of the Council’s Annual General Meeting held on 23 November 2009.

BACKGROUND

The Annual General Meeting for 2009 was held on 23 November. A record of the meeting was kept by way of minutes. A copy of the minuted record is attached. The *Local Government Act 1993* provides that any resolution passed at an annual general meeting is to be considered at the next meeting of the Council. There were no resolutions other than the one to receive the Annual Report.

DISCUSSION

Eight members of the public attended the Annual General Meeting. The Mayor spoke in support of the Annual Report and a powerpoint presentation of the highlights for the year was presented by the General Manager.

There is otherwise no discussion so far as this report is concerned.

CONSULTATION

Consultation is not required in respect of this report.

IMPACT ON RESOURCES

This matter does not impact on resources.

CORPORATE COMPLIANCE

The holding of an Annual General Meeting is a statutory requirement.

The Central Coast Strategic Plan 2009–2014 includes the following strategy and key action:

Council Sustainability and Governance
• Effective communication and engagement.

CONCLUSION

It is recommended that this report be received.”

The Executive Services Officer reported as follows:

“A copy of the minutes of the Annual General Meeting for 2009 has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Viney seconded, “That the report on the conduct of the Council’s Annual General Meeting for 2009 (a copy of the minutes of the meeting, held on 23 November 2009, being appended to and forming part of the minutes of this ordinary meeting of the Council) be received.”

Carried unanimously

407/2009 Public question time

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

Questions and replies concluded at 6.42pm.

CORPORATE & COMMUNITY SERVICES

408/2009 Installation of surveillance cameras

■ Cr Howard (having given notice), moved and Cr Dry seconded, “That in pursuit of combating an alarming increase in anti-social behaviour, it is strongly recommended that staff research the practicability and feasibility of purchasing an adequate supply of surveillance cameras.”

Cr Howard, in support of his motion, submitted as follows:

“Cameras could be situated in vulnerable areas where continual offences occur. Information thus gathered would then be made available to Tasmania Police.

Camera installation could be undertaken by Council staff as they would be well versed in areas of concern.

The estimated annual cost to ratepayers in addressing vandalism, including hooning and graffiti, would be in the vicinity of \$50,000. The cost of cameras similar to those used by Bush Watch is around \$350 each.

Society can no longer be expected to continue paying for behaviour which warrants stern action. Do we attack the problem or just keep paying the bills?”

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Howard.

BACKGROUND

Cr Howard’s motion is a request that staff research the practicability and feasibility of purchasing an adequate supply of surveillance cameras to assist in combating the ongoing problem of hooning and vandalism.

DISCUSSION

The cost of anti-social behaviour is a significant one currently borne by the ratepayer and while the Council has a policy of offering a reward for information on vandalism this policy appears to have had little, if any, effect on reducing certain forms of anti-social behaviour. While the installation of surveillance cameras might assist in identifying and dealing with perpetrators it is appropriate that suitable

research into the number, cost and proposed location of such cameras, as well as their effectiveness, be undertaken prior to any decision on the possible installation of such cameras.

CONSULTATION

No consultation has been undertaken.

IMPACT ON RESOURCES

There will be some impact on staff resources in undertaking the relevant research.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space
- Conserve the physical environment in a way that ensure we have a healthy and attractive community

A Connected Central Coast

- Improve community wellbeing

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Contribute to the preservation of the natural environment

Council Sustainability and Governance

- Improve service provision.

CONCLUSION

The motion of Cr Howard is submitted for consideration.”

Cr Downie joined the meeting at this stage.

Voting for the motion
(11)
Cr Downie
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon

Voting against the motion
(1)
Cr van Rooeyn

Cr Diprose
Cr Dry
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr Viney

Motion

Carried

The Mayor thanked the Deputy Mayor and assumed the chair.

409/2009 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of November 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 Fuller moved and Cr Howard seconded, “That the Schedule of Corporate & Community Services Determinations Made Under Delegation (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

410/2009 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of November 2009 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

411/2009 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report is to inform the meeting of any correspondence received during the month of November 2009 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

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

- . 11 November 2009 – Letter from Cr L Bonde concerning issues relating to Turners Beach.
- . 16 November 2009 – Letter from residents of Turners Beach raising concerns over undergrowth, parking and other issues relating to Turners Beach.

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

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

Carried unanimously

412/2009 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 November to 14 December 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 having been circulated to all Councillors.”

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

Carried unanimously

413/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 November 2009 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

414/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

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

| | |
|-------------------------|--|
| <i>PROPERTY NO.</i> | 504005.0180 |
| <i>PROPERTY ADDRESS</i> | 83 Allegra Drive, Heybridge |
| <i>REMISSION</i> | \$91.97 |
| <i>REASON</i> | Property amalgamated with 85 Allegra Drive, Heybridge. |

PROPERTY NO. 504005.0300
PROPERTY ADDRESS 84 Allegra Drive, Heybridge
REMISSION \$92.11
REASON Property amalgamated with 36 Allegra Drive, Heybridge.

PROPERTY NO. 504005.0400
PROPERTY ADDRESS 80 Allegra Drive, Heybridge
REMISSION \$306.41
REASON Property amalgamated with 82, 38 and 48 Allegra Drive, Heybridge.

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

- . Property No. 504005.0180 – \$91.97
- . Property No. 504005.0300 – \$92.11
- . Property No. 504005.0400 – \$306.41.”

Carried unanimously and by absolute majority

415/2009 Special Event Place of Assembly Licence – Request to waive fees

The Director Corporate & Community Services reported as follows:

PURPOSE

To consider waiving the fees for the issuing of Temporary Place of Assembly Licences for special events.

BACKGROUND

A number of service clubs and not-for-profit organisations have written asking if the Council would waive the licence fee paid for the issuing of Temporary Place of Assembly Licences for special events.

DISCUSSION

The Council sets the fees and charges each year and any waiver of these fees requires a remission from the Council.

The fee charged by the Council to issue a Place of Assembly Licence for a special event is \$120.00. This is a fee that was introduced in the 2009–2010 Fees and Charges that reflects earlier changes to the requirements that groups need to meet when holding a special event anywhere within the Central Coast area. In setting the fee it was established that the approximate cost to the Council in assessing applications for Temporary Place of Assembly Licences for special events is between \$133.00 and \$275.00 per event. In recognition of the public benefit of this service it was proposed not to cover the full cost of providing the service.

There are a number of service clubs and not-for-profit organisations that run events that are currently free to all members of the Central Coast community. Events such as Christmas Parades, Christmas Carols and Playgroup in the Park are all events that benefit the community as a whole and are largely popular because they are freely available to any member of the public.

The introduction of a fee to cover the cost of issuing a Temporary Place of Assembly Licence for such events has, despite the discounting of the fee, resulted in a significant increase in the cost of running such events and may result in service clubs choosing to cease the running of such events or such events attracting an entry fee to cover the increased cost of running the event.

The Council has a policy that groups and organisations who are classified as a charitable organisation and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on fees charged for the hire of certain facilities. In the past the Council has believed that the value to the community of such events would warrant such a rebate.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Any reduction in the cost of Place of Assembly Fees for special events will result in a reduction in income from Fees and Charges in the order of \$600–\$1,000.

CORPORATE COMPLIANCE

The Strategic Plan 2009–2014 includes the following objectives:

The Shape of the Place

- Improve the value and use of open space

A Connected Central Coast

- . Connect the people with services
- . Improve community wellbeing

Community Capacity and Creativity

- . Community capacity-building
- . Cultivate a culture of creativity in the community

The Environment and Sustainable Infrastructure

- . Develop a manage sustainable built infrastructure

Council Sustainability and Governance

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

CONCLUSION

The Council already has a policy that groups and organisations who are classified as a charitable organisation and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on fees charged for the hire of certain facilities.

It is recommended that groups and organisations who are classified as not-for-profit organisations and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on the Temporary Place of Assembly Licence fee charged for special events providing that the event is free to the public and held with the Central Coast area."

- Cr Haines moved and Cr Fuller seconded, "That the matter lay on the table until additional information is provided."

Carried unanimously

ENGINEERING SERVICES

416/2009 Engineering Services determinations

The Director Engineering Services reported as follows:

“A Schedule of Engineering Services Determinations made during the month of November 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 (J) Bonde moved and Cr Haines seconded, “That the Schedule of Engineering Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

417/2009 Tenders for plant - F702

The Director Engineering Services reported as follows:

PURPOSE

The purpose of this report is to consider tenders and recommend a replacement for plant item F702 - Deutz Agroplus 75 Tractor, 2001 model (5,200 hours).

BACKGROUND

The Works Group Leader reported as follows.

‘Tenders were called on 31 October 2009 and closed on 17 November 2009. Given that tractors are on an eight year replacement schedule, careful consideration needs to be given during the selection process.

Tenders were received as follows:

| TENDERER | MAKE | GROSS PRICE \$ (EXC. GST) | TRADE-IN PRICE \$ (EXC. GST) | NETT PRICE \$ (EXC. GST) |
|--------------------------|---------------------|---------------------------------|---------------------------------------|--------------------------------|
| Gaffney Machinery P/L | McCormick C85Max | 84,818.18 | 0 | 84,818.18 |

ENGINEERING SERVICES

| | | | | |
|--------------------------------|----------------------------|-------------------|------------------|------------------|
| Gaffney Machinery P/L | New Holland T5030 | 87,389.09 | 0 | 87,389.09 |
| Midland Tractors P/L | John Deere 5080R | 98,000.00 | 20,000.00 | 78,000.00 |
| Midland Tractors P/L | John Deere 6130 | 104,000.00 | 20,000.00 | 84,000.00 |
| TR & KR Shipton P/L | Case IH JXU85 | 108,392.25 | 28,892.25 | 79,500.00 |
| Tasmania Farm Equipment P/L | Massey Ferguson 5435 | 119,500.00 | 41,000.00 | 78,500.00 |
| Preston Community Centre | Outright purchase | | 8,000.00 | |
| <i>ESTIMATE</i> | | <i>100,000.00</i> | <i>30,000.00</i> | <i>70,000.00</i> |

DISCUSSION

Suppliers offered a total of six options 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 which followed also included the Works Safety Officer and the Recreation and Cemeteries Maintenance Team Leader.

The McCormick C85Max and New Holland T5030 tractors were excluded due to reservations with emission compliance, ergonomics, cab noise level, tractor weight etc.

The overall specifications of the remaining John Deere, Case and Massey Ferguson tractors were very comparable to each other with the final decision primarily being made on the basis of preferred operator ergonomics. The Massey Ferguson 5435 tractor was considered to have greater cabin space, the lowest cabin noise rating dB(a), the highest three-point linkage capacity and preferred ergonomics.

The Council currently owns a Massey Ferguson 6245 tractor which has proven reliability and good backup service.

On completion of the evaluation and inspection process, the agreed preference is for the purchase of the Massey Ferguson 5435 tractor.

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 would be to purchase the Massey Ferguson 5435 unit from Tasmania Farm Equipment Pty Ltd (\$78,500.00 exc. GST, nett changeover).

The resultant additional \$8,500.00 can be accommodated within the Plant Replacement Estimates through savings in other plant purchases.

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.

CONCLUSION

It is recommended that the Council:

- 1 accept the tender from Tasmania Farm Equipment P/L for plant item F702, being a Massey Ferguson 5435 tractor, in the amount of \$131,450.00 (including GST); and
- 2 accept the trade-in offer from Tasmania Farm Equipment P/L for plant item F702, being a 2001 Deutz Agroplus 75 tractor in the amount of \$45,100.00 (including GST).'

The Works Group Leader's report is supported."

- Cr Robertson moved and Cr (L) Bonde seconded, "That:

ENGINEERING SERVICES

- 1 the tender from Tasmania Farm Equipment P/L for plant item F702, being a Massey Ferguson 5435 tractor, in the amount of \$131,450.00 (including GST) be accepted; and
- 2 the trade-in offer from Tasmania Farm Equipment P/L for plant item F702, being a 2001 Deutz Agroplus 75 tractor in the amount of \$45,100.00 (including GST) be accepted.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

418/2009 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;
- . New Ulverstone Showground sports Arena – North West Thunder Sponsorship Proposal;
- . Naming of former Penguin Council Chambers;
- . Ulverstone Wharf land acquisition; and
- . Cradle Mountain Water – Water and Sewerage Owner Representative.

These are matters relating to:

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

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . New Ulverstone Showground sports Arena – North West Thunder Sponsorship Proposal;
- . Naming of former Penguin Council Chambers;
- . Ulverstone Wharf land acquisition; and
- . Cradle Mountain Water – Water and Sewerage Owner Representative.”

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

419/2009 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.”

420/2009 New Ulverstone Showground Sports Arena – North West Thunder Basketball Sponsorship Proposal

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

“The purpose of this report is to recommend that the Council accept a proposal from the North West Thunder Basketball Club (the Thunder) to become the anchor tenant at the new indoor sports arena at the Ulverstone Showgrounds.

...

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.”

421/2009 Naming of former Penguin Council Chambers

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

“The purpose of this report is to consider the naming of the former Penguin Council Chambers.

...

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

- (c) 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.”

422/2009 Ulverstone Wharf land acquisition

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

“The purpose of this report is to recommend the acquisition of Crown land within the Ulverstone Wharf Precinct.

...

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

- (d) 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.”

423/2009 Cradle Mountain Water – Water and Sewerage Owner Representative

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

“The purpose of this report is to seek a nomination from the Council for a ‘Water and Sewerage Owner Representative’.

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 9.25pm.

CONFIRMED THIS 25TH DAY OF JANUARY, 2010.

Chairperson

(Imm:dil)

Appendices

- Minute No. 401/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 409/2009 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 410/2009 – Schedule of Contracts & Agreements
- Minute No. 412/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 413/2009 – Financial statements
- Minute No. 416/2009 – 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 recommendation provided to the Council within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER