

Minutes

of an Ordinary Meeting
held at 6.00pm

15 MARCH 2010

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
19 April 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, 15 March 2010 commencing at 6.01pm.

Councillors attendance

Cr Mike Downie (Mayor)
Cr Lionel Bonde
Cr Amanda Diprose
Cr Cheryl Fuller
Cr Gerry Howard
Cr Philip Viney

Cr Jan Bonde (Deputy Mayor)
Cr John Deacon
Cr David Dry
Cr Ken Haines
Cr Tony van Rooyen

Apologies

Cr Brian Robertson

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)
Executive Services Officer (Miss Lisa Mackrill)
Town Planner (Mr Thomas Reilly)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in Prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

62/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 February 2010 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 Viney seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 February 2010 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

63/2010 Council workshops

The Executive Services Officer reported as follows:

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

- . 22.02.2010 – Business plan for Community Learning Centre and possible joint partnership between Penguin Primary School and the Council
- . 01.03.2010 – Professional development – Meeting procedures
- . 09.03.2010 – Dr Shane Broad / Draft Climate Change Action Plan.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

64/2010 Mayor's communications

The Mayor reported as follows:

"I have no items to report at this time."

65/2010 Mayor's diary

The Mayor reported as follows:

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

- Department of Infrastructure, Energy and Resources - Media event to celebrate the start of works for the Leven River Bridge Project
- Sid Sidebottom MP, Federal Member for Braddon - meeting
- Local Government Association of Tasmania - General Meeting (Hobart)
- Municipal Bowls Day - welcome address.

The Deputy Mayor has represented me at the following events:

- Central Coast and Burnie City Councils - official opening of upgraded South Riana Road heavy vehicle route
- Cancer Council of Tasmania Relay for Life - fundraising dinner
- Ulverstone District Girl Guides - Thinking Day service
- Hiscutt Park Dutch Windmill 21st anniversary commemoration
- Forth Valley Meals on Wheels - 25th birthday lunch
- Cradle Coast Authority - Representatives meeting (Wynyard)
- Rotary Clubs of Ulverstone and Ulverstone West, and Rotaract of Central Coast - Festival in the Park Idol Competition judging."

Cr Haines reported as follows:

"I have attended the following events on behalf of the Mayor:

- MBF Kids Triathlon
- Volunteer Coastguard - fundraising event."

Cr Fuller reported as follows:

"I have attended the following event on behalf of the Mayor:

- Pancake Day (Penguin Uniting Church)."

Cr Deacon reported as follows:

“I have attended the following event on behalf of the Mayor:

. SES Volunteers - function to welcome back volunteers following the recent storm events in Victoria.”

■ Cr Haines moved and Cr Viney seconded, “That the Mayor’s, Deputy Mayor’s, Cr Haines’, Cr Fuller’s and Cr Deacon’s reports be received.”

Carried unanimously

66/2010 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.”

Amended by Minute No. 104/2010 - 19.04.2010

Cr (L) Bonde reported as follows:

(J)

“I am declaring an interest in respect of Application to amend Sealed Plan CT141647 at 77 Eastland Drive, Ulverstone – Application no. SPA2009.1 (Minute No. 78/2010).”

67/2010 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

68/2010 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 Fuller reported on a meeting of the Castra/Sprent/Nietta Community Advisory Committee.

Cr Fuller reported on an announcement by Premier David Bartlett of funding in the order of \$500,000 to the Penguin Surf Life Saving Club to assist with amendments and alterations if the Labor Party is returned to government by the upcoming State election.

Cr Howard reported on a meeting of the Ulverstone Local History Museum Committee and noted that attendance figures have been included in the minutes of the Committee meeting.

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

APPLICATIONS FOR LEAVE OF ABSENCE

69/2010 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

70/2010 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

71/2010 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

72/2010 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.

73/2010 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

74/2010 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of February 2010 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 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

75/2010 Items referred from Development Support Special Committee

The Director Development Services reported as follows:

“In the event that any items listed for consideration by the Development Support Special Committee at its scheduled meeting on 22 February 2010 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:

“Associated reports and documents for items appearing before the Development Support Special Committee, which may potentially be referred to the Council for decision, are separately circulated to all Councillors together with a notice of meeting for that Committee. They are accordingly not reproduced in the agenda for this ordinary meeting of the Council.

All Councillors are asked to bring with them to this meeting any Development Support Special Committee agendas they have received since the last ordinary meeting of the Council.”

The Executive Services Officer further reported as follows:

“One such item has been referred from the meeting of the Development Support Special Committee on 22 February 2010 because a unanimous decision was unable to be made.

Application No. SPA2009.1 is accordingly to be dealt with by the Council at Minute No. 78/2010.”

Carried unanimously

76/2010 Adjournment of meeting

The Mayor reported as follows:

“In accordance with s.103(4) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* any person affected by the proposed amendment to Sealed Plan CT141647 at 77 Eastland Drive, Ulverstone may ask to be heard in support or opposition.

At this stage of the meeting, I ask if anyone wishes to be heard in support or opposition to the proposed amendment to Sealed Plan CT141647 at 77 Eastland Drive, Ulverstone?”

Cr (J) Bonde and the General Manager left the meeting at this stage.

The meeting was adjourned at 6.14pm. Mr Anthony Mihal spoke on behalf of the applicant (Roland View Estate Trust), (6.15pm to 6.40pm).

Continued after Minute No. 77/2010.

The meeting resumed at 6.40pm.

77/2010 Public question time

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

Questions and replies concluded at 6.45pm.

The meeting readjourned at 6.45pm.

Minute No. 76/2010 continued...

Mr Anthony Mihal continued to speak on behalf of the applicant (6.45pm to 6.51pm).

Mr Geoff Atkins, 2 Horsham Street, Ulverstone, spoke against the proposed application (6.52pm to 7.04pm).

Mr Anthony Mihal spoke again in support of the applicant (7.05pm to 7.06pm).

The Mayor allowed a further five minutes for Councillors to read correspondence forwarded by Walsh Day James Mihal in support of the application (7.06pm).

The meeting was resumed at 7.12pm

**78/2010 Application to amend Sealed Plan CT141647 at 77 Eastland Drive,
Ulverstone – Application No. SPA2009.1**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	SPA2009.1
<i>APPLICANT:</i>	Walsh Day James Mihal obo Eliza Purton Home for the Aged
<i>LOCATION:</i>	77 Eastland Drive, Ulverstone
<i>ZONING:</i>	Residential
<i>INSTRUMENT:</i>	<i>Local Government (Building and Miscellaneous Provisions) Act 1993 (the Act)</i>

PURPOSE

The purpose of this report is to provide a brief for the hearing, and to consider the merit of a petition to amend Sealed Plan no. 140288.

The amendment to be considered is the removal of the restrictive covenant that prevents access and egress over Horsham Street from Lots 1 and 2 of the Sealed Plan. A copy of the petition, title search, plan of survey and schedule of easements are attached and marked as Annexure 1.

BACKGROUND

Prior to 1997, Lots 1, 2 and 3 (see Annexure 1) formed part of a larger property that ran from the railway line to Eastland Drive which was owned by the Education Department (East Ulverstone Primary School), (see area within the thick black line on Annexure 2).

In 1997, application was made to have the property subdivided, the proposed new lot being the hatched area on Annexure 2 (1997 subdivision, Council ref. SUB97820). The application was referred to the various Council Departments for comment, adjoining owners were notified, a site notice posted and it was advertised in The Advocate newspaper. The public expressed concerns about the safety and suitability of Horsham Street and Russell Avenue for increased traffic flow (see copy of representations at Annexure 3). The Council required the restrictive covenant preventing access and egress over Horsham Street as a condition of approval of the subdivision. The restrictive covenant was registered on the title shortly after.

In 2002, application was made to subdivide the lot fronting Eastland Drive into two (Council ref. SUB2002.19). Included in the proposal was a 15m right of way to allow vehicular accesses directly onto Eastland Drive and a road reservation at Swimming Pool Lane to allow vehicular access directly onto Leighlands Avenue (see copy of proposal plan at Annexure 4). The applicant requested the removal of the restrictive covenant. The application was referred to the various Council Departments for comment, adjoining owners were notified, a site notice posted and it was advertised in The Advocate newspaper. The public again expressed concerns about the safety and suitability of Horsham Street and Russell Avenue for increased traffic flow (see copies of representations at Annexure 5).

The subdivision was approved but the Council did not support the removal of the restrictive covenant on account of its continuing merit.

DISCUSSION

The power to amend a Sealed Plan comes from s.103 of the Act (see below):

“103 Amendment of sealed plans

- (1) When a plan has taken effect, it may be amended by the council -*

...

- (3) *A person is to -*
 - (a) *make an application under subsection (1) by petition; and*
 - (b) *serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.*
- (4) *Any person affected by the proposed amendment may ask to be heard in support or opposition.*
- (5) *If a notice is not given or a petition is not served as required by this section, subsequent proceedings are not void."*

Following the hearing, and 28 days after the last notice is served or the last petition is served as required by section 103(2) or (3), the Council may take the following actions under s.104 of the Act:

"104 Hearing in respect of amendment of plans

- (3) *On the conclusion of the hearing, the Council may -*
 - (a) *cause the amendment to be made with or without modification; and*
 - (b) *require as a condition of so doing that any person who benefits the amendment is to make compensation in money or land to a person who is injured by it."*

A person adversely affected by an amendment is entitled to compensation pursuant to s.105, of the Act, as follows:

"105 Compensation in respect of amendments

- (1) *Subject to subsection (2), a person adversely affected by an amendment is entitled to compensation by the council if -*

- (a) *having asked to be heard under section 103(4), the person gave the council notice of the claim at or before the hearing; or*
 - (b) *within 60 days of having been served a notice or petition under section 103(2) or (3), the person gave the council notice of the claim; or*
 - (c) *not having been given notice or served a petition, the person gave the council notice of the claim within 60 days of learning that he or she was affected by the amendment.*
- (2) *If compensation is payable under subsection (1), the council may recover against the petitioner and any person heard or asking to be heard in support of the amendment to the extent to which they benefited by the amendment.”*

The power to amend a Sealed Plan under s.103 of the Act is discretionary. The legislation is silent as to what factors are to be taken into account in the exercise of that discretionary power. The Council may make its decision regarding amendment and compensation by reference to all of the relevant factors.

The relevant factors are as follows:

- 1 The nature of the rights and obligations created by the restrictive covenant and to whom those rights and obligations pass;
- 2 Agreement to the amendment from the interested parties;
- 3 The capacity to protect property interests by regulation of future development using the *Central Coast Planning Scheme 2005* (the Scheme);
- 4 Sub–minimum road width where Russell Avenue joins Eastland Drive;
- 5 Availability of alternative accesses to the lot;
- 6 Rights of compensation.

In the applicant’s letter dated 9 November 2009, reference is made to answers on a 337 Certificate that lists Horsham Street as a road maintained

by the Council. This answer is not relevant because the process for answering the relevant question is merely to identify the Council maintained roads that abut the property and does not involve consideration of restrictive covenants.

The applicant's position on the matter is outlined by letter dated 16 February 2010 (see copy of letter at Annexure 6).

The relevant factors are discussed individually below:

1 *The nature of the rights and obligations created by the restrictive covenant and to whom those rights and obligations pass*

The obligation created by the restrictive covenant is to refrain from vehicular access and egress over Horsham Street to and from Lots 1 and 2 (see schedule of easements at Annexure 1). The covenant burdens the owners for the time being of Lots 1 and 2 shown on the plan of survey at Annexure 1. At this point in time, the burdened parties are the Uniting Church in Australia Property Trust (Uniting Church) and the Eliza Purton Home for the Aged Inc. (Eliza Purton) respectively.

The rights created by the covenant relate to maintenance of the status quo as it affects the residential amenity of residents of Horsham Street and Russell Avenue and the traffic safety in and around the areas of King and Horsham Streets, Russell Avenue and Eastland Drive.

The residents of Horsham Street, Russell Avenue and the users of Horsham Street, King Street, Russell Avenue and Eastland Drive have a right under s.61(c) of the *Conveyancing and Law of Property Act 1884* to take an interest in a restrictive covenant, despite not being a party to whom notification of the petition is required. These parties are hereafter referred to as the "benefiting parties".

2 *Agreement to the amendment from the interested parties*

Agreement of the parties is one of the more relevant factors, but not a determinative one. The decision to amend is with the Council even if all parties do not consent.

Eliza Purton consents to the removal of the covenant (see copy letter at Annexure 7).

Crown Land Services does not consent to the removal of the covenant (see copy letter at Annexure 8).

The Uniting Church consents to the removal of the covenant (see copy letter at Annexure 9).

3 *The capacity to protect property interests by regulation of future development using the Central Coast Planning Scheme 2005;*

The interests of the benefiting parties can be protected partly but not fully by the Scheme at the time of development of the lot.

Subdivision controls under the Planning Scheme

Regardless of the existence of the covenant, any new lot created by subdivision that relies on Horsham Street for access and egress does not comply with section 6.3.1A2(a) of the Planning Scheme, which requires each lot created by subdivision to be:

“...be serviced by a road and access constructed to the relevant Institute of Public Works Engineering Australia – Tasmania Division Municipal Standard Drawings...”

A copy of the relevant Institute of Public Works Engineering Australia – Tasmania Division Municipal Standard Drawing is attached and marked as Annexure 10.

According to the Municipal Standard Drawing, the required width of a municipal road servicing up to 30 lots is 15m with a sealed section of 8m and footpaths on one side. Currently Horsham Street provides access to 26 residential lots, including King Street. Horsham Street is 12.5m wide with a sealed section of 9.5m and a footpath on one side only. Due to the sub-minimum road reservation width, a new lot cannot utilise Horsham Street and comply with the Scheme.

As a consequence of the sub-minimum road reservation width, dwellings are closer to the street edge than usual. Therefore an increase in traffic movements will affect residential amenity more than would be the case if the road reservation were wider.

Discretionary use controls under the Scheme

Development of a discretionary use requires consideration of residential amenity. Therefore, regardless of the restrictive covenant, there may be sufficient controls on development of a discretionary use, such as educational and occasional care facilities and community service facilities.

Strata title controls under the Scheme

Strata title of the site is not limited by the width of Horsham Street, allowing up to approximately 50 strata allotments utilising Horsham Street as an access to be permitted as of right. This type of development could negatively affect the safety and residential amenity of the benefiting parties to a significant degree.

Accordingly, removal of the restrictive covenant should only proceed once it is tied to a development plan of the site that demonstrates that there will be no unreasonable effect on traffic and pedestrian safety and residential amenity of the benefiting parties. As yet, no development plan has been provided.

4 *Sub-minimum road width where Russell Avenue joins Eastland Drive*

Despite recent work to improve road width at the intersection with Eastland Drive, the Russell Avenue road reservation is 12.5m wide with a sealed section of only 7.5 – 8.5m and a footpath on one side. According to the Institute of Public Works Australia, the standard width of a municipal road servicing an equivalent amount of traffic as Russell Avenue currently services is 15m with a sealed section of 10m and footpaths on both sides. Therefore, Russell Avenue operates above capacity.

The traffic safety and congestion situation at the Russell Avenue and Eastland Drive intersection is likely to deteriorate if there were an increase in traffic travelling to and from Horsham Street.

5 *Availability of alternative accesses to the lot*

A 15m right of way was created in the 2002 subdivision, specifically to address vehicular access to 77 Eastland Drive. A road reservation at Swimming Pool Lane was also created by the 2002 subdivision to address access to 77 Eastland Drive (see plan of survey at Annexure 1). Both of these accesses on their own are of a sufficient width to service a residential subdivision of 77 Eastland Drive at maximum density.

The intersection of Swimming Pool Lane and Leighlands Avenue and the intersection of Leighlands Avenue and Eastland Drive are designed to accommodate high traffic volumes.

6 *Rights of compensation*

As mentioned above, the benefiting parties have a right to take an interest in the restrictive covenant and those interests are relevant matters to be considered when determining entitlement to compensation for loss or injury to those interests.

Removal of the covenant is an interference with the benefiting parties proprietary interest, without their knowledge or consent.

Determining who may be entitled and how much they may be entitled to would require a detailed assessment, which has not been conducted.

CONSULTATION

Eliza Purton, Crown Land Services, and the Uniting Church were all served with a copy of the petition in accordance with the Act.

The petition was referred to the Council's Planning and Assessment Team. The Council's Engineering Services Department was not supportive of the removal of the covenant and has indicated support for the content of this report.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in consideration of the petition and preparation of this report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

This report is consistent with the following strategies and key actions of the Central Coast Strategic Plan 2009–2014:

The Environment and Sustainable Infrastructure

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

CONCLUSIONS

- . Two of the three notified parties consent to the removal of the covenant.

- . The residential amenity and traffic safety interests of the benefiting parties are relevant matters to be taken into account. If the covenant is removed, the interests of the benefiting parties may be affected and they may be entitled to compensation.
- . Horsham Street and Russell Avenue currently operate beyond capacity according to the Institute of Public Works Australia Standard Drawing.
- . There is no information provided by the proponents addressing potential traffic congestion, pedestrian and traffic safety and residential amenity.
- . The interests of the benefiting parties can be protected partly but not fully by the Scheme at the time of development of the lot.
- . The lot has two existing accesses, either of which on their own, are sufficient to accommodate the full development capacity of the land.

RECOMMENDATION

The reasons for creation of the restrictive covenant remain valid and it is recommended that the Council refuse to act on the petition until removal of the covenant is tied to a development of the site that demonstrates that there will be no unreasonable effect on traffic and pedestrian safety and residential amenity of the benefiting parties.

If the Council chooses to act on the petition, further consideration should be given to the appropriate compensation to pay in the event a claim for compensation is made.'

The report is supported.”

The Executive Services Officer reported as follows:

“Copies of the Annexures referred to in the Town Planner’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That the petition to amend Sealed Plan No. 140288 by removal of the restrictive covenant that prevents access and egress over Horsham Street from Lots 1 and 2 of the Sealed Plan be approved.”

Voting for the motion
(6)
Cr (L) Bonde

Voting against the motion
(4)
Cr Downie

Cr Deacon
Cr Haines
Cr Howard
Cr van Rooyen
Cr Viney

Cr Diprose
Cr Dry
Cr Fuller

Motion

Carried

Cr (J) Bonde and the General Manager returned to the meeting at this stage (7.42pm).

79/2010 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 Minute No. 80/2010, 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 Fuller seconded, “That the Mayor’s report be received.”

Carried unanimously

80/2010 General retail and hire (extensions) – Variation to car parking at 34 King Edward Street, Ulverstone – Application No. DEV2009.106

The Director Development & Regulatory Services reported as follows:

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

‘DEVELOPMENT APPLICATION NO.: DEV2009.106
APPLICANT: Terris Investments Pty Ltd
LOCATION: 34 King Edward Street, Ulverstone
ZONING: Business
PLANNING INSTRUMENT: Central Coast Planning Scheme 2005 (the Scheme)
ADVERTISED: 13 February 2010
REPRESENTATIONS EXPIRY DATE: 27 February 2010
REPRESENTATIONS RECEIVED: One
42-DAY EXPIRY DATE: 19 March 2010
DECISION DUE: 15 March 2010

PURPOSE

The purpose of this report is to consider an application for extensions to the existing shop premises at 34 King Edward Street, Ulverstone. The Council is required to exercise discretion in allowing for a variation to the permitted car parking standards required by the Scheme.

BACKGROUND

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

The site is occupied by an existing surf wear retailer and the proposal is for the extension of the building to the northern side to accommodate additional storage and staff amenities.

A discretionary planning application was required on the basis that the proposal does not meet the permitted car parking standards detailed in the Scheme.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
2.0 Objectives for Planning 2.1(a)	Complies. Proposal is an existing commercial activity located within the existing urban area.
12.1 Zone purpose	Complies. Retail activity is consistent with the purpose of the Business Zone.

12.2.1 Use table	<p>Complies.</p> <p>General retail and hire is a permitted use in the Business Zone.</p>
12.4.3 Building design and siting	<p>Complies.</p> <p>The proposal is for the extension of an existing retail building on the site. The proposed new part of the building complies with all the permitted development standards of the Scheme.</p> <p>It should also be noted that in the Business Zone the Scheme does not prescribe minimum setbacks for buildings to lot boundaries. The Scheme allows for a building in this zone to be built boundary to boundary.</p>
12.4.4 Building access and services	<p>Complies.</p> <p>The building is connected to all the required services; road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity.</p> <p>There is no new vehicular access or change to the existing access proposed as part of this application.</p>
12.4.5 Crime prevention	<p>Complies.</p> <p>There is no change proposed to the existing front entrance of the existing shop. The existing entrance to the building is visible from King Edward Street, the entrance area is visible from within the building, artificial street lighting illuminates the entrance at night.</p>
12.4.6 Delivery areas	<p>Complies.</p> <p>Goods will be delivered through the front entrance from King Edward Street as per the existing arrangement.</p>

12.4.7 Refuse areas	<p>Complies.</p> <p>The existing shop building has adequate internal refuse storage facilities.</p>
<i>RELEVANT SCHEDULES</i>	
S11.0 Car parking	<p>Does not comply.</p> <p>There are currently two car parking spaces provided on the site to the rear of the existing shop, and there is insufficient space available onsite for additional car parking.</p> <p>For this type of development, the Car Parking Schedule requires seven onsite car parking spaces per 100m² of net floor area, and the proposed extension to the existing building is for an additional 60m² of floor area. Therefore the Scheme requires an additional four car parking spaces for the development to retain a permitted status.</p> <p>The relevant Performance Criteria of the Car Parking Schedule allows for a variation in the standard number of the car parking spaces where:</p> <ul style="list-style-type: none"> (i) there is no adverse effect on the streetscape; (ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and (iii) there is no adverse impact on the amenity of the surrounding locality. <p>The proposed development is for the extension of an existing retail building on the site, and will not result in the intensification of, or change to the current use of the building. Accordingly, and taking the above Scheme provisions into consideration, the existing parking circumstances,</p>

	<p>the streetscape and the amenity of the surrounding locality will not be adversely affected.</p> <p>A relaxation of the parking requirements can be granted on this basis, but a cash-in-lieu payment for each space may be taken by the Council up to a value of \$11,000 per space.</p> <p>Given that the proposed development is an extension to the existing building, and will not result in any material change to the current retail activity of the shop, it may not be reasonable to require a cash-in-lieu contribution for the parking spaces not provided.</p>
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CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent;
- . an advertisement was placed in the Public Notices section of The Advocate newspaper.

The application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

One representation was received in respect of this application, a copy of which is provided at Annexure 3.

The representation is considered in more detail in the following section.

REPRESENTATION

One representation was received in objection to the proposed extension of the existing shop building. That representation was received from the adjoining property owner at 32 King Edward Street, Ulverstone. The grounds for objection largely relate to a perceived discrepancy of land title boundaries between 32 and 34 King Edward Street. The main points of the representation are summarised in the following table.

ISSUES	CONSIDERATIONS
<p><i>Land title boundaries</i></p> <p>Disputes location of existing and proposed building with respect to land title boundaries, and contends that these buildings have and are proposed to be built over the boundary and onto the land occupied by 32 King Edward Street, Ulverstone.</p>	<p>The plans provided by the applicant all show the proposed development to be within the existing title boundary of 34 King Edward Street, and the applicant has further advised these plans to be accurate. The Council can only assess the proposed development in accordance with the title information and building plans submitted as part of this application.</p> <p>Any dispute regarding the location of title boundaries is a matter between the affected landowners and not an issue which the Council can specifically adjudicate on. In the event of such a dispute, the verification of land title boundaries with respect to existing and proposed buildings would require an independent assessment by a registered land surveyor, but again this is a matter for the affected landowners to determine.</p>
<p><i>Building over drainage line</i></p> <p>Contends that the proposed extension will be over the drainage from 32 King Edward Street to the existing sewerage line, and furthermore that the building will be within 2m of that existing sewer line.</p>	<p>Further to the comments immediately above, the Council's assessment of the application is based on the plans and title information provided by the proponent which shows the development to be wholly within the title boundary at 34 King Edward Street.</p>
<p><i>Access</i></p> <p>Points out that the access to 34 King Edward Street is on the basis of a "per favour" arrangement with</p>	<p>There is no new vehicular access or change to the existing access proposed as part of this application.</p>

<p>the landowner at 32 King Edward Street and this permission may be withdrawn at anytime.</p>	<p>The application seeks an extension to the existing retail building on the site. Any existing arrangement between landowners regarding access is an issue between those parties.</p>
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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

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

CONCLUSION

The proposed development adequately complies with the all the relevant development standards of the Scheme. A discretionary planning application was triggered on the basis that the development did not comply with permitted standards of the Scheme relating to car parking. In accordance with the above assessment and the existing nature of the shop on the site, the discretion to allow for a lesser number of car parking spaces is considered acceptable without a cash-in-lieu contribution.

In regard to the issues raised in the representation which concern the location of title boundaries and the siting of existing and proposed buildings in relation to those boundaries, the Council can only assess the title information and building plans submitted as part of this application. That information shows the proposed development to be located within the existing title boundaries at 34 King Edward Street, Ulverstone. Any dispute

regarding the location of title boundaries is a matter for the relevant landowners to determine, not a judgement for the Council to make.

Notwithstanding this, and in the interests of both affected parties, it is considered an appropriate course of action for the Council to suggest to the applicant that it may be wise to undertake a survey of the land prior to undertaking the proposed building works. This can be incorporated as a note on the planning permit issued by the Council.

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 (drawn by Abel Drafting Services P/L, Project No. 09851) and information submitted as part of the application for this permit;
- 2 The developer must 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 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. Substantial commencement will be considered to be the lodgement of a building permit application.
- B It is suggested that the developer consider engaging a registered land surveyor to undertake a land survey of the property at 34 King Edward Street to resolve any perceived discrepancy between landowners with regard to land title boundaries. Additionally it may be further prudent to seek independent plumbing advice as to the location of any pipe systems on the property.
- C 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.

- D 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.
- E Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- F Building and plumbing permits are required for the proposed development.'

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr (J) Bonde seconded, “That the proposal be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans (drawn by Abel Drafting Services P/L, Project No. 09851) and information submitted as part of the application for this permit;
- 2 The developer must 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 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. Substantial commencement will be considered to be the lodgement of a building permit application.
- B It is suggested that the developer consider engaging a registered land surveyor to undertake a land survey of the property at 34 King Edward Street to resolve any

perceived discrepancy between landowners with regard to land title boundaries. Additionally it may be further prudent to seek independent plumbing advice as to the location of any pipe systems on the property.

- C 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.
- D 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.
- E Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- F Building and plumbing permits are required for the proposed development."

Carried unanimously

81/2010 late agenda Item – Boundary adjustment and change of use (church to dwelling) at 450 and 468 West Pine Road, Penguin – Application No. DEV2009.92

■ Cr Deacon moved and Cr (J) Bonde seconded, "That the Council agree to discuss the following matter of importance, the matter not having been listed on the agenda for this meeting:

- . Boundary adjustment and change of use (church to dwelling) at 450 and 468 West Pine Road, Penguin – Application No. DEV2009.92

The General Manager reported as follows:

"In accordance with s.8(6) of the *Local Government (Meeting) Regulations 2005*, the following information is provided:

- (a) this matter could not be listed on the agenda as staff were not aware that a Council decision was required on this matter; and
- (b) the matter is urgent as a decision is required by 16 March 2010 to comply with the *Land Use Planning & Approvals Act 1993*; and
- (c) qualified advice has been provided."

Amended by Minute No.
104/2010 - 19.04.2010

→ Carried unanimously and by absolute majority

82/2010 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the Boundary adjustment and change of use (church to dwelling) at 450 and 468 West Pine Road, Penguin – Application No. DEV2009.92, it is appropriate that I adjourn the meeting to enable Councillors to read the report and accompanying documentation prior to resumption of the meeting and formal resolution of the item.

The matter will be discussed whilst the Council is acting as a planning authority.”

The meeting was adjourned at 7.53pm to allow Councillors to read the report and associated documentation.

The meeting resumed at 8.05pm.

**83/2010 Boundary adjustment and change of use (church to dwelling) at
450 and 468 West Pine Road, Penguin – Application No. DEV2009.92**

The Director Development Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION No.:</i>	DEV2009.92
<i>APPLICANT:</i>	G & D Cure
<i>LOCATION:</i>	450 & 468 West Pine Road, Penguin
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	20 February 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	6 March 2010
<i>REPRESENTATIONS RECEIVED:</i>	None
<i>42-DAY EXPIRY DATE:</i>	16 March 2010
<i>DECISION DUE:</i>	16 March 2010

PURPOSE

The purpose of this report is to consider whether the proposal complies with the Scheme.

BACKGROUND

The proposed development is for an adjustment of the shared title boundary between 468 West Pine Road and 450 West Pine Road. The submitted application also seeks approval for a change of use for the vacant church building at 468 West Pine Road to be converted to a residential dwelling.

A copy of the application and its particulars is attached at Annexure 1.

A location plan is attached at Annexure 2.

The proposed boundary adjustment seeks to increase the size of the smaller property containing the church at 468 West Pine Road (which has an existing land area of approximately 240m²) to an area of approximately 5,000m².

Preliminary enquiries on the proposal were made by the applicant to the Council in June 2009. In particular there was discussion as to whether the proposed title realignments would conform to the definition of a boundary adjustment as described by the Scheme. Correspondence to this effect was issued by the Council to the proponent in June 2009 and is attached as Annexure 3.

DISCUSSION

The following Table provides an assessment against the relevant provisions of the Scheme.

15.2.1	<p>The applicant has applied for boundary adjustment and a change of use from church to a residential dwelling.</p> <p>Accordingly, Clause 15.2.1 identifies the application as Discretionary.</p>
15.3.1	<p><i>Objective: To ensure that use does not adversely affect water quality.</i></p> <p>The Acceptable Solution reads as follows:</p> <p>“Liquid pollutants must not be discharged:</p> <ul style="list-style-type: none"> (a) within 100m of a watercourse, wetland or other surface waters; (b) within 250m of any bore or well which is the source of drinking water for humans or stock;

	<p>(c) within 40m of any private waters in other ownership; or</p> <p>(d) into the ground at any place that may contaminate groundwater resources.”</p> <p>This wording is used as a standard condition on any permit issued in the Rural Resource Zone to ensure compliance. This proposal has demonstrated sufficiently that it is capable of complying with such a condition if the boundary adjustment is supported.</p>
15.4.1	<p><i>Subdivision</i></p> <p><i>Objective: To ensure that:</i></p> <p><i>(1) agricultural use and the productive capacity of agricultural land is protected from fragmentation and fettering from subdivision for non-agricultural uses; and</i></p> <p><i>(2) each lot has appropriate road, access, wastewater and stormwater provision.</i></p> <p>The primary purpose of this proposal is to allow an on-site wastewater system to be established on the site.</p>
15.4.1 A1	<p>Not applicable.</p> <p>The proposal is submitted as boundary adjustment, not a subdivision.</p>
15.4.1 A2	<p>Specifies which services are required for a new lot. Information was provided by the Council’s Environment and Health staff. This information, however, was provided on the basis that the proposed boundary adjustment is recommended for approval. The boundary adjustment cannot be supported as outlined in 15.4.1 A5.</p>
15.4.1 P3	<p>The proposal is not for one of the land uses listed under (a)–(d), thus 15.4.1 P3 is not relevant.</p>
15.4.1 P4	<p>The proposal is not for a house excision but for a change of use and a boundary adjustment, thus 15.4.1 P4 is not relevant.</p>

<p><i>15.4.1 A5</i></p>	<p>Clause 3.1.3, Part B Administration of the Scheme defines the term boundary adjustment.</p> <p>“Boundary adjustment means an alteration to a shared boundary between lots where each of the new lots has substantially the same shape, size and orientation as each of the original lots.”</p> <p>The proposal is realigning the boundaries to allow 468 West Pine Road, Penguin to accommodate an on-site wastewater system and to allow the existing church to be converted to a dwelling.</p> <p>The proposal is to extend the title boundary containing the church from approximately 240m² to approximately 5,000m², which is over 20 times the original size and therefore does not satisfy the above-mentioned definition.</p> <p>The application cannot comply with 15.4.1 A5 and accordingly it is prohibited.</p>
<p><i>15.4.1 P6</i></p>	<p>The application is all contained on land zoned Rural thus 15.4.1 P6 is not relevant.</p>
<p><i>15.4.2</i></p>	<p>The proposal is not for a Strata Scheme, thus 15.4.2 is not relevant.</p>
<p><i>15.4.3 P1</i></p>	<p>The proposal is not for any of the uses listed, thus 15.4.3 A1 is not applicable.</p>
<p><i>15.4.3 A2</i></p>	<p>The proposal is on an area less than 50ha, accordingly 15.4.3 P2 applies.</p>
<p><i>15.4.3 P2</i></p>	<p>The application documents refer to a change of use. The dwelling unit will not be integral and subservient to an agricultural use. The boundary adjustment is required to allow the conversion of a church to a dwelling.</p> <p>The application has not been supported with sufficient information to determine if it satisfies P2.</p>
<p><i>15.4.3 A3-A6</i></p>	<p>The application is for a change of use and will not be integral and subservient to an agricultural use, thus 15.4.3 A3-A6 are not relevant.</p>

15.4.4	It is not relevant as the boundary adjustment cannot be supported.
15.4.5 A1	Refer to 15.4.1 A2.
15.4.6 A1	<i>A wetland or watercourse must not be filled, drained or adversely affected.</i> This is used as a standard condition on any permit issued in the zone.
15.4.6 A2	<i>The natural flow of water into or out of a wetland or watercourse must not be adversely affected.</i> As per 15.4.6 A1.
15.4.6 A3	<i>A wetland or watercourse must not be adversely affected by increased erosion or sedimentation.</i> As per 15.4.6 A1.
15.4.6 A4	<i>Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the Forest Practices Code 2000.</i> As per 15.4.6 A1.
15.4.7	<i>Plantations</i> (establishment of). Not applicable. No plantations proposed.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993* (the Act):

- . a site notice was posted;
- . letters to adjoining owners were sent;
- . an advertisement was placed in the Public Notices section of "The Advocate" newspaper.

The application was referred to the Council's Planning and Assessment Team.

The application was open to public scrutiny for 14 days as required by s.57 of the Act.

No representations were received during this period.

IMPACT ON RESOURCES

This report has the usual impact on 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

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

CONCLUSION

It is recommended that the proposed development at 450 and 468 West Pine Road, Penguin – Application No. DEV2009.92 be refused on the grounds:

- . that it is not a boundary adjustment as per the definition of a boundary adjustment under the Scheme and does not satisfy 15.4.1 A5; and
- . the change of use from a church to a residential dwelling could not accommodate an on-site wastewater management system as required by 15.4.5 A1.'

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Haines moved and Cr Dry seconded, “That the proposed boundary adjustment and change of use (church to dwelling) at 450 and 468 West Pine Road, Penguin – Application No. DEV2009.92 be refused on the grounds that it does not comply with the definition of a boundary adjustment under the Central Coast Planning Scheme 2005. It remains that the proposed development is therefore a form of subdivision prohibited by the Scheme.”

Carried unanimously

GENERAL MANAGEMENT

84/2010 Permanent weather station at Forthside Research Station

■ Cr (L) Bonde (having given notice) moved and Cr Dry seconded, “That the Central Coast Council further explore the following options in respect of getting a permanent weather station at Forthside Research Station or a permanent weather station in Ulverstone as a separate station:

- 1 Make a combined approach with the Devonport City Council to get the Devonport weather station positioned at a more central site such as the Forthside Research Station and away from Pardoe Airport; and
- 2 That the Central Coast Council ask for a weather station positioned in Ulverstone as an extra weather station for the Central Coast municipal area.”

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

“There are many advantages for the Central Coast Council to consider and my supporting statements are listed below.

For many years I have been concerned with the weather reports from the Bureau of Meteorology to do with Devonport and Burnie. With the weather station for Devonport being situated at Pardoe Airport I am concerned that the weather there at such an isolated area is not a good comparison for the rural areas of Central Coast and Devonport.

The information taken from the reports from the Bureau of Meteorology shows a 40% difference in rainfall between Pardoe Airport and Forthside Research Station. This is a huge difference in weather pattern and rainfall and I believe Forthside is a far better option for Central Coast and also rural Devonport and even the CBD areas for Devonport, Ulverstone and Penguin.

However, we have two options we should consider and they are:

- 1 I have discussed this idea briefly with the General Manager of Devonport City Council with the idea of forming a joint council approach from Central Coast and Devonport City pushing for Forthside Research Station as our goal as the weather station for both Councils.
- 2 The second option is to push for a weather station report in Ulverstone and to be included in the weather report such as Burnie, Central Coast, Devonport and so on.

My reasons for pushing for a better service at a more popular and comparable venue are:

- (a) With the Forthside venue we would get a weather report that would be much more relevant to the rural areas of Devonport and Central Coast and I have the support of local farmer Mike Badcock on this idea of pushing for Forthside as the chosen site.
- (b) I believe that areas for people to consider moving to will be areas that are thought to have a more reliable rainfall and I believe Central Coast is being disadvantaged in this regard with the current weather report; as our image is being damaged.
- (c) If the Central Coast Council sought a separate weather station and was successful in getting Central Coast included in the weather report it would be a definite advertisement for Central Coast every time a weather report is given.
- (d) Central Coast is one of the larger areas in Tasmania and yet we don't even get a mention even in more detailed weather reports that are sometimes given.

Phone consultation with Malcolm Riley from the Bureau of Meteorology did not favour any change whatsoever and, in fact, he was very critical of my suggestion; but I accepted his criticism as a challenge that we should take up if we chose to go any further, and I feel we should.

I believe we would get a lot of support from the public, especially the rural community and the tourism industry, but, at the end of the day, you, as Councillors, have a decision to make before I go any further with the motion.

I am enclosing a photocopy for the past nine months of rainfall [refer Annexure 1] at Pardoe Airport and Forthside Research Station as an example of the huge difference in rainfall.

What should be decided before I submit a motion to the Council, and in doing so put our staff to considerable workload in research, is whether we have a joint approach with Devonport City and Central Coast Councils.

Or, should we seek to have a separate weather station for Central Coast and work to get Central Coast mentioned in the weather report each time a report is given.

I see this as a golden opportunity for Central Coast but I need some indication of support from every Councillor before I do anything."

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to consider a motion on notice from Cr (L) Bonde.

BACKGROUND

The provision of weather stations is the responsibility of the Australian Government. Currently there are nine weather stations on the North-West Coast and King Island. They include Burnie, Cape Grim, Devonport Airport, King Island Airport, Luncheon Hill, Marrawah, Sheffield, Smithton and Wynyard.

The Council has recently installed an electronic noticeboard in Apex Park which also includes a temperature sensor and the current temperature is reported on the display.

DISCUSSION

The first option raised by Cr (L) Bonde to discuss with the Devonport City Council a combined approach to ask the Bureau of Meteorology for a more centralised position away from the airport may have merit, but further work needs to be undertaken to find an area that most represents the temperature/rainfall of both the Devonport and Central Coast areas.

If the Devonport City Council is not favourable of this option, then the Central Coast Council could lobby the Australian Government for another weather station, but again, further work needs to be undertaken to find an area that most represents the temperature/rainfall of the Central Coast area.

The Council's staff does not have expertise or resources in this area to further investigate these options and would require further resources in the next budget if more in-depth investigations are required and further consultation with farmers and industries including tourism.

CONSULTATION

No consultation has been undertaken at this stage.

IMPACT ON RESOURCES

Outside of staff time, there is no impact on resources in discussing this matter further with the Devonport City Council.

GENERAL MANAGEMENT

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Invest in and leverage opportunities from our natural environment

Council Sustainability and Governance

- Effective communication and engagement

CONCLUSION

The motion on notice from Cr (L) Bonde is submitted for consideration.”

Motion

Carried unanimously

■ Cr Fuller moved and Cr van Rooyen seconded, “That the Central Coast Council approach the Devonport City Council to further discuss positioning a weather station at a more central site such as the Forthside Research Station and away from Pardoe Airport.”

Voting for the motion

(1)

Cr Fuller

Voting against the motion

(10)

Cr Downie
Cr (J) Bonde
Cr (L) Bonde
Cr Deacon
Cr Diprose
Cr Dry
Cr Haines
Cr Howard
Cr van Rooyen
Cr Viney

Motion

Lost

■ Cr (L) Bonde moved and Cr Dry seconded, “That the Central Coast Council ask its staff to take action to ask for a weather station to be positioned in Ulverstone as an extra weather station for the Central Coast municipal area.”

Voting for the motion

(10)

Cr Downie
Cr (J) Bonde

Voting against the motion

(1)

Cr Fuller

Cr (L) Bonde
Cr Deacon
Cr Diprose
Cr Dry
Cr Haines
Cr Howard
Cr van Rooyen
Cr Viney

Motion

Carried

85/2010 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:

- . Forth Community Representative Committee – meeting held on 11 February 2010;
- . Ulverstone Local History Museum Committee – meeting held on 16 February 2010;
- . Youth Engaged Steering Committee – meeting held on 18 February 2010;
- . Central Coast Community Safety Partnership Committee – meeting held on 24 February 2010.

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

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

Carried unanimously

86/2010 Local Government Association of Tasmania – General Management Committee 2010 Election (49/2010 – 15.02.2010)

The Executive Services Officer reported as follows:

“At the Council meeting held on 15 February 2010 (Minute No. 49/2010), the Council made the following decision:

‘That the matter of nominations for the General Management Committee for the Local Government Association of Tasmania’s 2010 Election lay on the table until the next Ordinary meeting of the Council.’

The report of the General Manager is accordingly reproduced below and returned to the Council for consideration.”

The General Manager reported as follows:

“PURPOSE

This report invites consideration of nominations for the Local Government Association of Tasmania’s 2010 Election; in particular for General Management Committee representation.

BACKGROUND

The Electoral Commissioner, Tasmanian Electoral Commission, has written as follows:

‘The Tasmanian Electoral Commission has been requested to conduct the election of six members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT).

An election of president is not being conducted at this time, as the term of the current president was extended to 2012 at a general meeting held on 18 November 2009.

Nominations are now invited from LGAT members and must be received at this office by 5:00PM Wednesday 24 March 2010. Candidates will be notified of receipt of their nominations by this office.

Election timetable

Nominations open.....	Thursday 21 January 2010
Nominations close.....	5:00PM Wednesday 24 March 2010
Ballot material posted (if ballot required).....	Monday 29 March 2010
Close of postal ballot.....	10:00AM Wednesday 28 April 2010
Declaration of result.....	Wednesday 28 April 2010
Annual General Meeting.....	Wednesday 12 May 2010

A nomination form (showing electoral districts on the reverse) and reply paid envelope are enclosed.

If you would like further information or assistance, please call me on 6233 2936.'

DISCUSSION

Attached is a copy of the electoral nomination form. Also attached is an extract from the LGAT Rules in which the General Management Committee's functions and composition are outlined and in which the representative process is detailed.

Most current members of the General Management Committee are mayors but membership is not limited to mayors.

Within the North West & West Coast Electoral District, nominations are invited for two candidates; one to represent the member councils which have a population of 20,000 or more, and another to represent the remaining councils. All councils vote for both positions.

There are two councils in this District with a population of 20,000 or more. These are Central Coast and Devonport City. They are currently represented by Cr Lynn Laycock.

In the event of there being more than one Central Coast Councillor seeking nomination, a ballot will be required to determine the successful candidate. It is noted in this regard that the *Local Government (Meeting Procedures) Regulations 2005* provide that, '...voting at a meeting may be conducted by secret ballot if the purpose is to select a person to represent the council on a committee or other body...'

CONSULTATION

Consultation is not required in respect of this matter.

IMPACT ON RESOURCES

Apart from provision of briefings in respect of agenda items being considered by the General Management Committee and travel costs to meetings, this representative role does not otherwise impact on the Council's resources.

CORPORATE COMPLIANCE

Corporate compliance is not relevant to this matter.

CONCLUSION

The Council's consideration of nominating a candidate is invited."

The Executive Services Officer reported as follows:

"Copies of the LGAT Rules (extract) and electoral nomination form have been circulated to all Councillors."

- Cr van Rooyen moved and Cr (J) Bonde seconded, "That Cr Downie be nominated as a candidate for election as the Central Coast and Devonport City Councils' representative on the General Management Committee of the Local Government Association of Tasmania for a two-year term commencing in May 2010."

Carried unanimously

87/2010 Review of Dulverton Waste Management Rules – Shared services arrangement proposal

The General Manager reported as follows:

PURPOSE

The purpose of this report is to consider a letter from the Chief Representative of Dulverton Waste Management (DWM).

BACKGROUND

The letter from DWM states that at the Representatives meeting on 27 January 2010, the Latrobe Council suggested that the Rules Review should consider the matter of investigating a shared services arrangement with DWM's business structure as part of the Rules Review. These services may include planning and/or health.

Considering this was not initially included in the scope of the Rules Review as detailed in the letter dated 5 October 2009, the Representatives agreed that participating councils should be consulted as to whether they would like the opportunity for DWM to consider providing shared services.

DISCUSSION

Local government faces increasingly demanding and complex community expectations. With limited resources and competing demands it is critical that councils find new ways to plan and deliver services so that local government is sustainable and able to flourish. Strategic collaboration and partnerships are ways

that councils can respond to these challenges. Collaboration can take many forms including alliances, partnerships, business clusters etc. Their purpose is to reduce duplication of services, provide cost savings, access innovation, enhance skills development and open the way for local communities to share ideas and connect with others. In other words, effective strategic collaborative arrangements are those that use resources wisely to meet their community's long-term needs. Collaboration between councils should enhance staff skills and experience and is not about reducing staff numbers or council autonomy.

There are a number of opportunities for the Council to collaborate with DWM to reduce duplication of services, access innovation and provide cost savings. These opportunities should be related to their expertise and skills in the fields of waste management and recycling. To achieve some of these services relies on economies of scale such as the Cradle Coast region kerbside recycling and installation of a Materials Recycling Facility at Spreyton for the region. The cardboard recycling and e-waste tenders are other examples. I understand that DWM is currently reviewing all waste management and recycling operations in the region including assessment of landfills and transfer stations.

The issue of combining other local government services such as planning and/or health is not practical as these services would need to be outsourced by DWM, similar to what some Councils may have to do now. This would also distract DWM from their core business of waste management and recycling. I believe that one of the reasons for Dulverton's success is that it is allowed to concentrate on its core business of delivering quality waste management services and should be looking at opportunities to expand further in this area.

The work that the Cradle Coast Regional Shared Services Project is currently undertaking also needs to be considered.

The Cradle Coast Technical Services Working Group has considered a number of functions including management, roads/drainage, facilities/buildings, NRM, waste management and water and sewerage.

Some resource sharing models that the Working Group has considered are as follows:

- . specialist pool of staff controlled by a central entity;
- . Centre of Excellence – each council has a key strength or develops and provides support to other councils;
- . regionalisation of functions where possible;
- . combined service provider as a separate entity with services purchased by each council.

There are also existing models on resource sharing from throughout Australia which should be reviewed as part of the resource sharing project.

It would be detrimental to DWM to load it with other services outside the waste management and recycling fields. This specialised expertise has enabled them to provide services to Launceston City Council and provide additional income to member councils.

The development of DWM as the recognised leader in waste management in Tasmania should not go unnoticed and the reasons why this has been achieved should not be overlooked.

The expansion of their services in the waste management and recycling areas is critical to DWM's success and service delivery benefits to the community and returns to member councils in the future.

CONSULTATION

No consultation has been undertaken at this stage.

IMPACT ON RESOURCES

There has been no impact on resources at this time.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that Dulverton Waste Management be encouraged to investigate the delivery of shared services but only in the area of delivering waste management services.”

- Cr Fuller moved and Cr (L) Bonde seconded, “That Dulverton Waste Management be encouraged to investigate the delivery of shared services but only in the area of delivering waste management services.”

Carried unanimously

C O R P O R A T E & C O M M U N I T Y S E R V I C E S

88/2010 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 February 2010 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 Viney 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

89/2010 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 February 2010 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 Deacon moved and Cr Haines seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

90/2010 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 February 2010 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:

- . Letter from the Leven Branch of Tasmanian Regional Arts requesting the use of the Judo Clubrooms for a community arts and culture space.

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 Deacon moved and Cr (J) Bonde seconded, "That the Director's report be received."

Carried unanimously

91/2010 Financial statements

The Director Corporate & Community Services reported as follows:

"The following principal financial statements of the Council for the period ended 28 February 2010 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

- Cr (J) Bonde moved and Cr Deacon seconded, "That the financial statements (copies being appended to and forming part of the minutes) be received."

Carried unanimously

92/2010 Use of the Council's roads for Targa Tasmania – 1 May 2010

The Director Corporate & Community Services reported as follows:

“The Administrative/Cultural Officer has prepared the following report:

PURPOSE

To consider closure and use of the Council's roads on 1 May 2010 for Targa Tasmania 2010.

BACKGROUND

At its meeting on 25 October 2004 the Council resolved (Minute No. 402/2004) as follows:

“That the promoters of motor-vehicle rallies and trials be advised that the Council will not consider applications for road closures for rally stages in the Central Coast municipal area unless the application is received not later than 15 weeks prior to the event and is accompanied by evidence of:

- 1 written notification having been sent to harvesting contractors and companies (including transporters of timber products), milk transport contractors and companies, and tourism authorities and operators;
- 2 written notification having been sent to all residents on that part of the road for which road closures are being requested; and
- 3 public notification of any new event having been twice advertised in a daily newspaper circulating in the municipal area;

advising that an application for road closures is being submitted, and that residents and road users should contact the promoter and the Council not later than 13 weeks prior to the event if they have concerns over the closures;

and further that, following any approval having been given by the Council for road closures, the promoter is to undertake public notification of the event by a minimum of two advertisements in a

daily newspaper circulating in the municipal area in the weeks immediately preceding the event.”

Copies of supporting information provided by the promoter are appended.

The Council, at its meeting on 19 February 2007 (Minute No. 75/2007), included in the motion to approve the road closures for Targa, a condition that, “future requests for road closures will be denied unless an annual, suitable ‘Targa event’, acceptable to the Council, is staged within the municipal area.”

The Event Manager – Operations, Octagon, has written as follows;

“Further to our recent meeting I wish to make application to council seeking targa stage road closure approval for the International tarmac rally Targa Tasmania.

The event is scheduled to cover a statewide route from Tuesday 27 April to Sunday 2 May 2010, with all activities relating to the Central Coast Municipality concentrated on Saturday 1 May.

The 2010 event will see some exciting changes and within the Central Coast of particular note is the newly introduced lunch stop at Ulverstone, which will also involve non-competition based road closures.

In accordance with the conditions of the Tasmania Police motor sport permit policy, I request council’s approval for the use and closure of the following roads for a maximum period of four and a half hours:

SATURDAY 1 MAY 2010

‘GUNNS PLAINS’	0922hrs - 1352hrs
ROAD CLOSED:	BETWEEN FOLLOWING ROADS:
Central Castra Road	Castra Road and Preston Castra Road
Preston Castra Road	Central Castra Road and Preston Road
Preston Road	Preston Castra Road Raymond Road
Raymond Road	Preston Road and Gunns Plains Road
‘RIANA’	0940hrs – 1410hrs
ROAD CLOSED:	BETWEEN FOLLOWING ROADS:
Lowanna Road	Marshalls Bridge Road and South Riana Road
South Riana Road	Lowanna Road and Upper Natone Road
Upper Natone Road	South Riana Road and Camena Road

Camena Road
Stotts Road

Upper Natone Road and Stotts Road
Camena Road and Chellis Road
*times are subject to minor change

In accordance with council's policy regarding road closure for rally stages I confirm Targa Tasmania has provided written notification of the proposed road closures and the route of Targa Tasmania 2010 to companies and contractors including road transport, harvesting and tourism operators. As previous, this notification will be followed up by further documentation including maps closer to the event.

Targa Tasmania has also provided written notification to residents on the sections of roads affected by the proposed road closure, specific to the targa stage on which those roads fall. Please find copies of these attached. Further to this and as previous practice, Targa Tasmania will be issuing two further letters to residents as issued by the Department of Premier and Cabinet that will also include detailed maps and instruction and information regarding emergency services procedures.

Specifically the following addresses were issued with written advice regarding road closures, further to these, a number of fringe properties were also were issued with relevant letters:

Gunns Plains		Riana	
Central Castra Rd	80	Lowana Rd	160
	109		84
	199		
	345	Sth Riana Rd	387
			414
Preston Castra Rd	140		425
	163		521
	299		542
	300		608
	379		617
			687
Preston Rd	1164		729
	1164		743
	1634		744
	1638		744
	1641		759
	1647		787
	1648		862

CORPORATE & COMMUNITY SERVICES

	1667	908
	1668	996
	1709	997
	1747	1002
	1777	1032
		1033
Jacks Rd	3	1077
	5	1089
		1121
Raymon Rd	130	1137
	150	1179
	170	1212
	220	1259
	299	1275
	319	1335
	321	1336
	468	1461
	510	1462
		1601
		1603
		1655
		1730
	Camera Rd	494
		576
		754
	Bennetts Rd	90
		95
	Stotts Rd	277
		329
		398
		450
		494
		295
		576
		699

I thank you in anticipation and should you require further information please to not hesitate to contact me.”

DISCUSSION

The requested road closures in Central Coast are on Saturday, 1 May 2010 as follows:

- . Central Castra Road – from Castra Road to Preston–Castra Road;
- . Preston–Castra Road – from Central Castra Road to Preston Road;
- . Preston Road – from Preston–Castra Road to Raymond Road;
- . Raymond Road – from Preston Road to Gunns Plains Road;

from 9.22am to 1.52pm; and

- . Lowana Road – from Lowana Road to South Riana Road;
- . South Riana Road – from Lowana Road to Blythe River;
- . Camena Road – from Upper Natone Road to Stotts Road
- . Stotts Road – from Camena Road to Chellis Road

from 9.40am to 2.10pm.

The proposed non-competition uses do not require approval. Closure to the public only applies to competition stages.

As specified by the Council in its motion of 19 February 2007 (Minute No. 75/2007), a suitable Targa event has been included within the Targa itinerary namely a lunch stop in Ulverstone (last year's event included a lunch stop in Penguin). Discussions have been held with Octagon concerning the Ulverstone stop utilising local food businesses to provide lunch and for vehicles to stop in Reibey Street. Further discussions will be held between Octagon and the Council to finalise details concerning this stop.

CONSULTATION

The Events Manager – Operations has advised that the notifications requested by the Council have been implemented.

No representations regarding the event were received by the Council following Octagon's mail-out to affected residents.

IMPACT ON RESOURCES

The Engineering Group Leader advises as follows:

"No road works are in progress or being planned for any of the requested road closures.

Any damage to any of the roads used for the rally should be reinstated by the Council (or the Council's contractor) at the organiser's expense.

The affected roads are currently to a standard applicable to normal rural traffic only and are maintained accordingly."

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

A Connected Central Coast

- Improve community wellbeing

Community Capacity and Creativity

- Cultivate a culture of creativity in the community

The Environment and Sustainable Infrastructure

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

CONCLUSION

It is recommended that no objection be offered to the requested road closures for Targa Tasmania 2010, subject to Targa Tasmania:

- 1 maintaining its standard organisational arrangements;
- 2 following this approval having been given by the Council, undertaking public notification of the event by a minimum of two advertisements in a daily newspaper circulating in the municipal area in the weeks immediately preceding the event;
- 3 meeting the cost of the Council reinstating any damage to any of the roads used for the rally;
- 4 arranging same-day repairs of any fences damaged during the rally;

- 5 and that Targa Tasmania be advised that the Council's roads are currently to a standard applicable to normal rural traffic only and are maintained accordingly.'

The report is supported."

The Executive Services Officer reported as follows:

"Copies of the promoter's supporting information have been circulated to all Councillors."

■ Cr Deacon moved and Cr (J) Bonde seconded, "That no objection be offered to the requested road closures for Targa Tasmania 2010, subject to Targa Tasmania:

- 1 maintaining its standard organisational arrangements;
- 2 following this approval having been given by the Council, undertaking public notification of the event by a minimum of two advertisements in a daily newspaper circulating in the municipal area in the weeks immediately preceding the event;
- 3 meeting the cost of the Council reinstating any damage to any roads used for the rally;
- 4 arranging same-day repair of any fences damaged during the rally;
- 5 that Targa Tasmania be advised that the Council's roads are currently to a standard applicable to normal rural traffic only and are maintained accordingly."

Carried unanimously

93/2010 Proposal for sale of Council land – Russell Avenue, Ulverstone

The Director Corporate & Community Services reported as follows:

"PURPOSE

The purpose of this report is to consider the disposal of certain Council-owned property situated between Russell Avenue and Buttons Avenue, Ulverstone which is considered to be surplus to council requirements.

BACKGROUND

The Council owns a parcel of land located between Russell Avenue and Buttons Avenue, Ulverstone that is currently vacant land used as public open space.

The land is one lot (Title Ref. 208671/1) and comprises an area of some 8,917m². The land is currently zoned Residential.

Prior to the sale or disposal of any land, the Council is required to obtain a valuation under s.177 of the *Local Government Act 1993* (the Act).

Due to the land's use as public open space, and its inclusion in the Council's Register of Public Land, the land is deemed to be 'public land,' the sale, lease, donation, exchange or otherwise disposal of which is governed by s.178 of the Act, which reads as follows:

- '(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to –
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6) The council must –
 - (a) consider any objection lodged; and

- (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
 - (i) that decision; and
 - (ii) the right to appeal against that decision under section 178A.
- (7) The council must not decide to take any action under this section if –
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under section 178A has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under section 178B(b) or (c).’

DISCUSSION

The land in question lies between Russell Avenue and Buttons Avenue, Ulverstone and is a large open space with no infrastructure. The land is surplus to Council requirements with a number of school grounds and other public reserves located nearby.

As residential land, the property is a significant Council asset (with two street frontages) that lends itself to subdivision into a number of prime residential lots.

The Council has already allocated funds in the Estimates for an investigation into this matter.

CONSULTATION

The ‘Background’ of this report outlines the level of consultation required under the Act should the Council consider the land surplus to requirements.

IMPACT ON RESOURCES

Initial costs involved will include the cost of advertising, and it is anticipated that an amount of approximately \$500 would be required to cover those costs.

Further costs would be incurred through the sale process (i.e. legal costs). It is intended that all of these costs would be recouped through the sale of the property.

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
- . Adopt an integrated approach to land use planning
- . Encourage a creative approach to new development

Council Sustainability and Governance

- . Improve the Council's financial capacity to sustainably meet community expectations
- . Effective communication and engagement

CONCLUSION

It is recommended that the Council initiate the process required to sell, lease, donate, exchange or otherwise dispose of the following parcel of public land that is considered surplus to requirements:

- . Title Ref. 208671/1 located at Russell Avenue, Ulverstone."

The Executive Services Officer reported as follows:

"Location plans of the property have been circulated to all Councillors."

■ Cr Fuller moved and Cr van Rooyen seconded, "That the Council initiate the process required to sell, lease, donate, exchange or otherwise dispose of the following parcel of public land that is considered surplus to requirements:

- . Title Ref. 208671/1 located at Russell Avenue, Ulverstone."

Carried unanimously

ENGINEERING SERVICES

94/2010 Bus shelters in rural areas

- Cr (L) Bonde (having given notice) moved and Cr Haines seconded, “That the Central Coast Council make provision in the next budget for the erection of several school bus shelters in country areas in the next 12 months.”

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

“Children and parents should not have to wait for buses in the hot sun or blustery rain and there is a big demand for school bus shelters in country areas to prevent that happening.

In answer to a previous question without notice, I was informed by Council staff that a bus shelter costs in the vicinity of \$10,000 and that there is a long waiting list, so we need to build quite a few of at least five, to get that list reduced.

We are seeing makeshift shelters on country roads put there by interested parents and that is neither desirable nor in the interests of safety a good idea.

We need to allocate funds to this project as a priority for the next 12 months.”

The Director Engineering Services reported as follows:

“PURPOSE

The purpose of this report is to consider a motion on notice from Cr (L) Bonde.

BACKGROUND

The provision of bus shelters has been based on an arrangement whereby the Council provides the materials for the bus shelter and an interested group, usually a service club, installs the bus shelter.

The current policy on bus stops and shelters is as follows:

‘16 - Bus stops and shelters

OBJECTIVE

To establish a policy for responsibility for bus stops and shelters in the municipal area.

MINUTE NO(S)

464/96 - 9.12.96

APPROVED

. That:

- 1 the Council provide for cleaning and maintenance only of bus shelters constructed under the bus shelter scheme;
- 2 location of all new bus shelters be subject to approval by the Department of Transport;
- 3 any requests for the provision of gravel hardstanding areas to bus shelters by the Council be provided subject to approval of the bus shelter site by the Department of Transport; and
- 4 an allocation of \$5,000 per year be considered in the 1997-98 Estimates for the provision of bus shelter cleaning and hardstanding areas as required.

BACKGROUND

Refer to Council minute.

Until recent years, the Council accepted little responsibility for bus stops as they were considered a Department of Transport responsibility. The Council now provides bus shelters, mainly for school children, on the basis of provision of materials by the Council and erection of the bus shelter by service organisations or a group of parents. This procedure originally commenced in the urban areas and has now expanded to rural areas as well. Standard types of bus shelters have been developed depending on location.

The budget for supply of bus shelter materials is \$10,000 per year and a priority list is kept as requests are forthcoming from service organisations and parents. The system operates reasonably well in respect to construction of bus shelters.'

DISCUSSION

The current arrangement was developed some years ago prior to which the Council did not accept any responsibility for bus shelters. The design and cost of bus shelters has changed over the years and with occupational health and safety and public liability issues, constructing bus shelters within the road reservation is becoming more difficult to achieve an outcome.

The current annual allowance for bus shelters is \$15,000 and was previously \$10,000 per year. This provides for the supply and installation of two new bus shelters.

A survey of all existing bus shelters, current requests and future possible locations is required in order to prioritise new and relocatable bus shelters.

Subject to the Council accepting full responsibility for bus shelters, the works listed will need to be estimated and considered in priority with other capital works.

Council should therefore consider reviewing the Bus stops and shelters Policy prior to making this commitment.

CONSULTATION

The provision of bus shelters has always been a difficult area to set priorities.

Consultation with bus operators via the Department of Infrastructure, Energy and Resources is required.

The Central Coast Community Profile will also be useful in this assessment, together with feedback from the community.

IMPACT ON RESOURCES

Subject to the Estimates, the works listed will be prioritised from capital and forward programs as required with allocation of funds from grants.

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

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve service provision

CONCLUSION

The motion on notice from Cr (L) Bonde is submitted for consideration.”

Voting for the motion
(3)
Cr (L) Bonde
Cr Deacon
Cr Howard

Voting against the motion
(8)
Cr Downie
Cr (J) Bonde
Cr Diprose
Cr Dry
Cr Fuller
Cr Haines
Cr van Rooyen
Cr Viney

Motion

Lost

95/2010 Turners Beach Road, Turners Beach – Footpath

■ Cr (L) Bonde (having given notice) moved and Cr Dry seconded, “That the Central Coast Council make provision in the next budget for the completion of the footpath on the western side of Turners Beach Road.”

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

“Turners Beach Road is an important route for people walking in the area, all around Turners Beach Road and Forth Road, and Westella Drive.

We must remember in today’s society in Central Coast, we have an ageing population whose very survival does not include the use of sports centres, but rather, the essential use of safe footpaths. It is important to me that we allocate funds appropriately proportioned, so as to include essential services and community assets.

Turners Beach Road is a very busy road with trucks, cars and buses, hence the 50km/h speed limit, but with the pedestrians now forced to walk towards the oncoming traffic it is necessary that a footpath is provided to get people off the road for their own safety.

I have letter-dropped my suggestion to all residents on Turners Beach Road and a lot of people have contacted me giving their support for a footpath to be completed and a copy of that letter to residents [refer Annexure 1] is enclosed for all Councillors to see.”

The Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to consider a motion on notice from Cr (L) Bonde.

BACKGROUND

The forward program for footpaths, in the Estimates, lists 'Turners Beach Road footpath' for consideration in 2010–2011.

DISCUSSION

The need for a footpath has been identified previously as part of the footpath network assessment and subsequent inclusion in the forward program.

The works listed will need to be re-estimated and considered in priority with other capital works. The estimate will take into account a more detailed design and consideration of retention of the parking bays as per the original design of Turners Beach Road.

CONSULTATION

Consultation has been limited to previous Community Plan discussions noting the works arising from these Plans have also been included in forward programs.

It is noted that Cr (L) Bonde has circulated a letter to residents in Turners Beach Road.

IMPACT ON RESOURCES

The preliminary estimate for the Turners Beach Road footpath is \$108,000 and is subject to detailed design.

Subject to the Estimates, the works listed will be prioritised from capital and forward programs as required with allocation of funds from grants.

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

- . Develop and manage sustainable built infrastructure

ENGINEERING SERVICES

Council Sustainability and Governance

- Improve service provision

CONCLUSION

The motion on notice from Cr (L) Bonde is submitted for consideration.”

Voting for the motion

(2)

Cr (L) Bonde

Cr Dry

Voting against the motion

(9)

Cr Downie

Cr (J) Bonde

Cr Deacon

Cr Diprose

Cr Fuller

Cr Haines

Cr Howard

Cr van Rooyen

Cr Viney

Motion

Lost

CLOSURE OF MEETING TO THE PUBLIC

96/2010 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 matter be discussed in a closed meeting:

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

This is a matter relating to:

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

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

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

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

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

Carried unanimously and by absolute majority

The Executive Services 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

97/2010 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.”

Closure

There being no further business, the Mayor declared the meeting closed at 10.29pm.

CONFIRMED THIS 19TH DAY OF APRIL, 2010.

Chairperson

(Imm:dl)

Appendices

- Minute No. 74/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 88/2010 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 89/2010 – Schedule of Contracts & Agreements
- Minute No. 91/2010 – Financial statements

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