



# Minutes

of an Ordinary Meeting  
held at 6.00pm

15 JUNE 2009

Note:

Minutes subject to confirmation at  
a meeting of the Council to be held on  
20 July 2009

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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 15 June 2009 commencing at 6.00pm.**

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**Councillors attendance**

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

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Corporate & Community Services (Mr Cor Vander Vlist)  
Director Development & Regulatory Services (Mr Michael Stretton)  
Director Engineering Services (Mr Bevin Eberhardt)  
Engineering Services Manager (Mr Paul Breaden)  
Executive Services Officer (Miss Lisa Mackrill)

**Media attendance**

The Advocate newspaper.

**Public attendance**

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

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 167/2009 Confirmation of minutes

The Director Corporate & Community Services reported as follows: "The minutes of the previous ordinary meeting of the Council held on 18 May 2009 have already been circulated. The minutes are required to be confirmed for their accuracy."

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

■ Cr Robertson moved and Cr Deacon seconded, "That the minutes of the previous ordinary meeting of the Council held on 18 May 2009 (subject to a change to the voting on Minute No. 165A/2009) be confirmed."

Carried unanimously

## COUNCIL WORKSHOPS

### 168/2009 Council workshops

The Director Corporate & Community Services reported as follows:

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

- 25.05.2009 – LGAT AGM matters, Policy development on commercial use of community facilities
- 01.06.2009 – Councillors Bus Tour, 2009–2010 Budget Estimates.

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 169/2009 Mayor's communications

The Mayor reported as follows:

"I wish to report on the LGAT Conference held in Hobart last week."

### 170/2009 Mayor's diary

The Mayor reported as follows:

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

- . Rotary Club of Ulverstone West – guest speaker
- . Ulverstone Rowing Club – annual dinner
- . Local Government Association of Tasmania – workshop re Water and Sewerage Community Service Obligations (Hobart)
- . Tasmanian Legislative Council – briefing re Water and Sewerage Community Service Obligations (Hobart)
- . Cradle Coast Authority – Representatives meeting (Wynyard)
- . Leven Yacht Club – annual dinner
- . The Advocate – 'Anything's Possible' business forum
- . Lions Club of Forth Valley – official opening of art exhibition
- . Local Government Association of Tasmania – 2009 Local Government Conference (Hobart)."

Cr Deacon reported as follows:

"On behalf of the Mayor I attended the official opening of the North West Offices of AFL Tasmania."

Cr Haines reported as follows:

"On behalf of the Mayor, Cr van Rooyen and myself attended the funeral of Michele Marshall."

■ Cr Robertson moved and Cr Deacon seconded, "That the Mayor's, Cr Deacon's and Cr Haines' reports be received."

Carried unanimously

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## **171/2009 Pecuniary interest declarations**

The Mayor reported as follows:

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

The Director Corporate & Community Services reported as follows:

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

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

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

Cr Fuller reported as follows:

“I am declaring an interest in respect of Contracts and Agreements (Minute No. 185/2009).”

## **172/2009 Public question time**

The Mayor reported as follows:

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

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

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## COUNCILLOR REPORTS

### 173/2009 Councillor reports

The Director Corporate & Community Services reported as follows:

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

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

Cr McKenna reported on a meeting of Cradle Coast Water and advised that the final meeting of the Authority will be held on 26 June 2009. The Mayor thanked Cr McKenna for his representation on the Authority over the last 16 years.

Cr Fuller reported on an invitation by the Penguin Leo Club to attend upcoming workshops and thanked the General Manager for her assistance on behalf of the Club. Cr Fuller also reported that the Penguin Miniature Railway would move to fortnightly rides for the winter months. Cr McKenna thanked Cr Fuller and the Director Corporate & Community Services for their part in re-establishing the Penguin Miniature Railway Committee.

Cr Deacon reported that the LIFT van had required some rewiring work and the Australian Technical College had undertaken the work at no cost. A letter thanking the College for their assistance will be forwarded on behalf of the Council.

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

## APPLICATIONS FOR LEAVE OF ABSENCE

### 174/2009 Leave of absence

The Director Corporate & Community Services 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.

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There are no applications for consideration at this meeting.”

## **DEPUTATIONS**

### **175/2009 Deputations**

The Director Corporate & Community Services reported as follows:

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

## **PETITIONS**

### **176/2009 Petitions**

The Director Corporate & Community Services reported as follows:

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

## **COUNCILLORS' QUESTIONS**

### **177/2009 Councillors' questions without notice**

The Director Corporate & Community Services reported as follows:

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

‘29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –

- (a) another councillor; or
- (b) the general manager.

(2) In putting a question without notice, a councillor must not –

- (a) offer an argument or opinion; or
- (b) draw any inferences or make any imputations –

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

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

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

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

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

The allocation of topics ensued.

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**178/2009 Councillors' questions on notice**

The Director Corporate & Community Services 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

**179/2009 Development & Regulatory Services determinations**

The Director Development & Regulatory Services reported as follows:

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

The Director Corporate & Community Services reported as follows:

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

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

Carried unanimously

**180/2009 Ulverstone CBD Urban Design Guidelines (319/2008 – 15.09.2008)**

The Director Development Services reported as follows:

*PURPOSE*

The purpose of this report is for the Council to receive the Ulverstone CBD Urban Design Guidelines (‘the Guidelines’) and consider the recommendations contained therein in future decision making concerning Ulverstone.

*BACKGROUND*

The Council resolved at its meeting on 15 September 2008 to develop the Guidelines which were identified in the Ulverstone Community Plan (Minute No. 319/2008–15.09.2008). Specifically, the Ulverstone Community Plan includes a strategic objective to ‘... review the urban design guidelines including shop fronts, footpath management and signage’ and to ‘review the car parking strategy in the CBD’.

Following this, a consultant’s tender brief for the Guidelines was developed which called for an appropriately qualified and experienced Urban Design Consultant to

prepare Urban Design Guidelines for the Ulverstone CBD that encompasses the following:

- review the urban design guidelines for Ulverstone and develop a strategic framework and a suitable set of agreed development guidelines ready for incorporation into the Planning Scheme which considers issues such as building height, open space, streetscape, heritage values, car parking, traffic management, infrastructure and any other issue/s agreed between the Council and Consultants.

In September 2008 the Council undertook a tender process to appoint consultants to develop the Guidelines. Four tenders were received, with the successful tenderer being GHD Pty Ltd ('the consultants').

In partnership with the Council, the consultants undertook a four-phase process to develop the Guidelines:

Project inception

(Meetings with project reference and control groups)

Phase 1 – Review and assessment

(Familiarisation with strategic context, document review and research, site assessment, gap analysis, develop community consultation plan)

Phase 2 – Community Consultation

(Key stakeholders meetings, staffed information session, public display and on the spot interviews, analysis)

Phase 3 – Urban Design Guidelines

(development of the guidelines and the parking and traffic study)

Phase 4 – Planning Scheme Schedule

(drafting planning scheme provisions)

A Councillor workshop was held on 10 March 2009 to consider the draft guidelines and the draft parking and traffic study. Feedback from this workshop was provided to the consultants for consideration in the final guidelines (attached).

*DISCUSSION*

The previous urban design guidelines for Ulverstone were developed in 1996 when the Council commissioned John Mongard Landscape Architects to undertake the Ulverstone Cultural Planning Study as part of a cultural planning process. The study identified the key issues, visions and actions required to promote and improve Ulverstone in the future.

While this study has helped to facilitate some excellent work to enhance the presentation of the town in a streetscape urban design context, it was not incorporated into the previous Planning Scheme, and has not been incorporated into the current Planning Scheme. This continues to present the opportunity for adverse land use planning outcomes to occur in the Ulverstone CBD. By reviewing the urban design guidelines and incorporating them into the planning scheme it will provide a legislative means to identify and protect desirable characteristics and prevent the occurrence of adverse land use outcomes. It will also enable the provision for development to be encouraged in appropriate locations in the CBD area.

Additionally, with the impending development of the Ulverstone Wharf in accordance with the Wharf Redevelopment Master Plan, together with a proposal to develop a cultural precinct in accordance with the Ulverstone Cultural Precinct Master Plan, it is vital that the overall development of the Ulverstone CBD occur in an integrated manner.

*CONSULTATION*

The consultants undertook significant consultation in the development of the Guidelines. Stakeholders included in the process were: Councillors, Council staff, land owners, businesses and business associations, developers, tourism operators, school students and Government agencies.

*IMPACT ON RESOURCES*

Aside from the staff costs associated with the development of the Guidelines and the Traffic and Parking Study the main financial impact to date has been the cost of the consultancy (\$85,000).

Any further impact on resources will be dependent upon future Council decisions concerning the implementation of the recommendations contained in the Guidelines.

*CORPORATE COMPLIANCE*

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

- . Provide effective leadership
- . Enable community participation in strategic directions
- . Plan for and develop a sustainable community
- . Meet our statutory and regulatory obligations.

*CONCLUSION*

It is recommended that the Council receive the Ulverstone CBD Urban Design Guidelines and consider the recommendations contained therein in future decision making concerning Ulverstone.”

The Director Corporate & Community Services reported as follows:

“A copy of the Ulverstone CBD Urban Design Guidelines has been circulated to all Councillors.”

■ Cr Fuller moved and Cr (J) Bonde seconded, “That the Council receive the Ulverstone CBD Urban Design Guidelines and consider the recommendations contained therein in future decision making concerning Ulverstone.”

Continued after Minute No. 181/2009.

**181/2009 Public question time**

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

Questions and replies concluded at 6.44pm.

**Minute No. 180/2009 continued...**

Motion

Carried unanimously

GENERAL MANAGEMENT

**182/2009 Minutes and notes of committees of the Council and other organisations**

The Director Corporate & Community Services reported as follows:

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

- Ulverstone Local History Museum – meeting held on 19 May 2009.

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

■ Cr Haines moved and Cr Robertson seconded, “That the minutes and notes of committees of the Council be received.”

Carried unanimously

**183/2009 Local Government Association of Tasmania (LGAT) – 2009 By-election – Nominations for the position of President of the LGAT General Management Committee**

The General Manager reported as follows:

*“PURPOSE*

This report invites consideration of a nomination for the Local Government Association of Tasmania’s 2009 By-election for the position of President of the LGAT General Management Committee (GMC)

*BACKGROUND*

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

“The Tasmanian Electoral Commission has been requested to conduct a by-election for the position of President of the LGAT General Management Committee. This follows the tendered resignation of current President, Mayor Mike Gaffney, effective from the completion of the Annual General Meeting to be held on Wednesday 10 June 2009. The term of the position is until the next full GMC election.

Nominations are now invited from LGAT members and must be received at my office by 5pm Thursday 25 June 2009. Candidates will be notified of receipt of their nominations by this office.

*Election timetable*

Nominations open.....Friday 29 May 2009

Nominations close.....5 pm Thursday 25 June 2009

Ballot material posted (if ballot required)..Tuesday 30 June 2009

Close of postal ballot.....10 am Tuesday 28 July 2009

A nomination form, together with a reply paid envelope, has been enclosed for your convenience.

If you need further information or assistance, Rod Huskins of this office will be pleased to assist – 6233 2421.”

*DISCUSSION*

Attached is a copy of the electoral Nomination Form. The Council is entitled to nominate 1 elected member of a Member Council for the position of President of the LGAT.

In the event of there being more than one nomination received, a ballot will be required to determine the successful candidate. ”

*CONSULTATION*

Consultation is not required in respect of this matter.

*IMPACT ON RESOURCES*

There is no impact on resources.

*CORPORATE COMPLIANCE*

Corporate compliance is not relevant to this matter.

*CONCLUSION*

The Council’s consideration of nominating a candidate is invited.”

The Director Corporate & Community Services reported as follows:

“Copies of the electoral Nomination Form – By-election have been circulated to all Councillors.”

- Cr Barker moved and Cr Haines seconded, “That the Council nominate Cr Charles Arnold as its nomination in the Local Government Association of Tasmania’s 2009 By-election for the position of President of the LGAT General Management Committee.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

**184/2009 Corporate & Community Services determinations made under delegation**

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of May 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

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

- Cr Fuller moved and Cr Dry 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

**185/2009 Contracts and agreements**

*Cr Fuller, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of the motion for 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 May 2009 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.

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

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

Carried unanimously

Cr Fuller returned to the meeting at this stage.

**186/2009 Correspondence addressed to the Mayor and Councillors**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

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

*CORRESPONDENCE RECEIVED*

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

- . 4 May 2009 - Letter from a representative from the Apex Club requesting funding for a public address system from Council for the Apex Christmas Parade 2009.
- . 11 May 2009 - Letter from the Rally Manager for the Campervan and Motorhome Club of Australia regarding Council's participation and involvement in the 24th Anniversary Rally to be held in Tasmania in May 2010.
- . 19 May 2009 - Letter from Tasmanian Land and Water Professionals Pty Ltd regarding the finalisation of the 3 year project for the control of the Grey Sallow Willow.
- . 20 May 2009 - Letter from Australian Local Government Association advising the dates and format of the 2009 conference to be held in Canberra from 21-24 June 2009.

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 Howard moved and Cr Haines seconded, "That the correspondence addressed to the Mayor and Councillors be received."

Carried unanimously

**187/2009 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 19 May to 15 June 2009 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

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

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

Carried unanimously

**188/2009 Financial statements**

The Director Corporate & Community Services reported as follows:

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

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

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

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

Carried unanimously

**189/2009 Debtor remissions**

The Director Corporate & Community Services reported as follows:

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

*DEBTOR NO.* 3507  
*PROPERTY ADDRESS* 340 Preservation Drive, Sulphur Creek  
*REMISSION* \$131.13  
*REASON* Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)

*DEBTOR NO.* 9584  
*PROPERTY ADDRESS* 18 Lester Road, Penguin  
*REMISSION* \$137.64  
*REASON* Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)."

■ Cr McKenna moved and Cr (J) Bonde seconded, "That the following remissions be approved:

- . Debtor No. 5362 – \$131.13
- . Debtor No. 4703 – \$137.64."

Carried unanimously

### **190/2009 Tourism Zone Marketing Officer funding**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

To consider a request by the Cradle Coast Authority for the Central Coast Council to share in the cost of funding a Marketing Officer's position for Tasmania's North West Coast Zone Marketing.

*BACKGROUND*

In April 2008 Tourism Tasmania launched the zone marketing concept which saw the State divided into a number of distinct marketing zones, of which the Central Coast is a part of the North West Coast zone. Zone marketing groups were established for each zone with a membership of suitably qualified people, and the Cradle Coast Authority was required to provide both administrative and financial support.

Throughout the first year of the plan the Cradle Coast's Marketing Manager, Ms Angela Taylor, funded by the State Government's Tourism Promotion Plan, provided a range of marketing services, including significant creative input.

The funding for Ms Taylor's position was for a limited period and the Zone Marketing Group is concerned over the loss of this position and the ability of the Cradle Coast Authority to deliver the appropriate level of service and support for the next two years. The North West Coast and the Western Wilderness Zone groups have, in consultation with the Cradle Coast Authority, put together a funding proposal for consideration by the Council that would require the Council to contribute an amount of \$4,922.50 per annum over two years to fund the Marketing Officer's Position.

A copy of the Proposal and accompanying correspondence is attached.

*DISCUSSION*

The zone marketing concept has been a major change in the way that Tourism Tasmania markets the state, a concept that has been embraced by stakeholders and resulted in a number of new initiatives such as the Destination Website, Monthly Newsletter and a range of consumer promotions. To ensure the ongoing momentum of these and future initiatives the employment of a professional Marketing Manager would seem to be a matter of urgency.

*CONSULTATION*

The report outlines the consultation undertaken.

*IMPACT ON RESOURCES*

The Central Coast's share of the cost to fund the Marketing Manager's Position is in the amount of \$4,922.50 per annum over two years. This amount could be met from existing operational estimates by redirecting monies from the existing promotions budgets.

*CORPORATE COMPLIANCE*

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

- . Develop innovative strategies to foster business opportunities;
- . Develop marketing strategy for Central Coast;
- . Improve visitor numbers to the municipal area;
- . Facilitate Strategic alliances to enhance tourism services.

*CONCLUSION*

It is recommended that the Council agree to contribute the amount of \$4,922.50 per annum, over two years, to the Cradle Coast Authority, for the purpose of funding the

Marketing Officer's Position of Tasmania's North West Coast and Western Wilderness Zone Marketing.

A copy of the Proposal and accompanying correspondence have been circulated to all Councillors."

■ Cr McKenna moved and Cr Fuller seconded, "That the Council agree to contribute the amount of \$2,800.00 per annum, over two years, to the Cradle Coast Authority, for the purpose of funding the Marketing Officer's Position of Tasmania's North West Coast and Western Wilderness Zone Marketing being 1/9<sup>th</sup> of the required councils contributions and all other participating Cradle Coast Authority councils be encouraged to provide the same amount."

■ Cr Barker moved and Cr (J) Bonde seconded an amendment, "That the Council agree to contribute the amount of \$4,922.50 per annum, over two years, to the Cradle Coast Authority, for the purpose of funding the Marketing Officer's Position of Tasmania's North West Coast and Western Wilderness Zone Marketing."

Voting for the amendment

(7)

Cr Barker

Cr (J) Bonde

Cr (L) Bonde

Cr Dry

Cr Haines

Cr Howard

Cr van Rooyen

Voting against the amendment

(5)

Cr Downie

Cr Robertson

Cr Deacon

Cr Fuller

Cr McKenna

Amendment

Amended motion

Carried

Carried unanimously

ENGINEERING SERVICES

**191/2009 Opening of new road off Allegra Drive, Heybridge**

The Director Engineering Services reported as follows:

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

The Director Corporate & Community Services reported as follows:

“A plan of the new road in Heybridge has been circulated to all Councillors.”

■ Cr McKenna moved and Cr Howard seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway the new road in Heybridge (a plan of the street being appended to and forming part of the minutes).”

Carried unanimously

**192/2009 New road off Allegra Drive, Heybridge – Certificate of completion**

The Director Engineering Services reported as follows:

“It is necessary for the Council to certify that the following new street has been constructed substantially in accordance with the plans and specifications approved by the Council.”

The Director Corporate and Community Services reported as follows:

“A plan of the new street in Heybridge has been circulated to all Councillors.”

■ Cr Fuller moved and Cr McKenna seconded, “That the Council certify under hand of the Corporation’s engineer that the new road in Heybridge (a plan of the street being appended to and forming part of the minutes) has been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

**193/2009 Tender for the Supply of Pipe and Fittings for the Braddon Street Pipeline Replacement Project**

The Director Engineering Services reported as follows:

*“PURPOSE*

The purpose of this report is to make a recommendation on the tenders received for the supply of pipe and fittings associated with the replacement of the Braddon Street pipeline.

*BACKGROUND*

The Environmental Engineer reported as follows:

‘Treated sewage effluent from the Ulverstone Wastewater Treatment Plant and Simplot wastewater is pumped to the ocean outfall from the Helen Street Pump Station. The outfall pipeline from Helen Street consists of approximately 600 metres of DN450 AC pipe, 725 metres of DN375 concrete pipe and 1300 metres of DN450 polyethylene pipe. The replacement of the 1960’s DN375 concrete section of the rising main pipeline is proposed.

Tenders were advertised on 23 May 2009 and closed on 2 June 2009.

Tenders were received as detailed below:

TENDERER	PART A – PIPE SUPPLY LUMP SUM (GST EXCLUSIVE)
Vinidex Pty Ltd	115,892.00 *
Hudson Civil Products	133,722.05
Hudson Civil Products	128,306.72 **
Derwent Industries Pty Ltd	129,068.00 **
<i>ESTIMATE</i>	<i>160,000.00</i>

\* Adjusted for arithmetical error

\*\* Alternative tender

TENDERER	PART B – FITTINGS AND VALVE SUPPLY LUMP SUM (GST EXCLUSIVE)
Vinidex Pty Ltd	31,902.50 *
Derwent Industries Pty Ltd	32,400.00
Hudson Civil Products	35,437.31
Hudson Civil Products	34,225.97 **
<i>ESTIMATE</i>	<i>40,000.00</i>

\* Adjusted for arithmetical error

\*\* Alternative tender

*DISCUSSION*

*Pipe Supply*

The lowest tender price for the supply of pipe is from Vinidex at \$115,892.00 (GST exclusive). This is for the direct supply of PVC–M Series 2 pipe as conforms to the tender specification and manufactured at the Cooper Plains plant in Queensland.

Both tenders from Hudson Civil Products are for PVC–M Series 2 pipe as specified in the tender document and ‘manufactured by reputable Australian companies operating under Quality–assured systems.’ The conforming tender price is \$133,722.05 (GST exclusive) with an alternative tender price of \$128,306.72 (GST exclusive) for a reduction in the amount of retention money held by the Council.

The tender from Derwent Industries is not conforming in the sense that they have offered PVC–M Series 1 pipe, which is manufactured by Tyco Water Pty Ltd. Series 1 pipe has a slightly smaller diameter and is not compatible with other pipe types such as ductile iron and AC. Although not a significant issue in respect to this project, ductile iron and AC compatibility is an advantage and is preferred.

The delivery time for the pipes is stated as 2 weeks, 3 weeks and 4 weeks for Hudson Civil Products, Derwent Industries and Vinidex respectively. These are all within the delivery period specified.

It is recommended that the tender be awarded to Vinidex Pty Ltd for the Supply of Pipe.

*Fittings and Valve Supply*

The lowest tender price for the supply of fittings is from Vinidex at \$31,902.50 (GST exclusive). However within the context of the schedule it was indicated that one particular item (4 required) was not available and thus a cost was not provided. An additional allowance of approximately \$6,000 would need to be made to this tender price.

The tender from Derwent Industries is for the supply of fittings manufactured to the relevant Australian Standard at the Derwent Park factory near Hobart. Derwent Industries are a regular supplier of fittings of this nature.

Both tenders from Hudson Civil Products are for fittings 'manufactured by reputable Australian companies operating under Quality-assured systems.' The conforming tender price is \$35,437.31 (GST exclusive) with an alternative tender price of \$34,225.97 (GST exclusive) for a reduction in the amount of retention money held by the Council.

The delivery time for the fittings and valves is stated as a nominal 4 weeks by Hudson Civil Products and a nominal 6 weeks by Derwent Industries. Vinidex did not supply any information in respect to delivery, but it is expected that it would be within the specified timeframe.

It is recommended that the tender be awarded to Derwent Industries Pty Ltd for the Supply of Fittings and Valves.

*CONSULTATION*

A public tendering process was implemented for the tender.

*IMPACT ON RESOURCES*

The 2008–2009 budget allocation for the Braddon Street Pipeline Replacement project is \$600,000. This allocation included an allowance of \$200,000 for the supply of pipes and fittings.

The works can be accomplished within the 2008–2009 budget.

*CORPORATE COMPLIANCE*

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

- . Meet our statutory and regulatory obligations
- . Develop and manage sustainable infrastructure.

*CONCLUSION*

It is recommended that Vinidex Pty Ltd be awarded the tender for the Supply of Pipe for the Braddon Street Pipeline replacement project for the lump sum tender price of \$127,481.20 (including GST and \$22,000 provisional sum).'

It is recommended that Derwent Industries Pty Ltd be awarded the tender for Supply of Fittings and Valves for the Braddon Street Pipeline replacement project for the lump sum tender price of \$35,640.00 (including GST and \$11,000 provisional sum).'

The Environmental Engineer's report is supported."

- Cr Robertson moved and Cr Deacon seconded, "That the:
  - . tender from Vinidex Pty Ltd for the Supply of Pipe for the Braddon Street Pipeline replacement project in the amount of \$127,481.20 (including GST and \$22,000 provisional sum); and
  - . the tender from Derwent Industries Pty Ltd for the Supply of Fittings and Valves for the Braddon Street Pipeline replacement project in the amount of \$35,640.00 (including GST and \$11,000 provisional sum), be accepted."

Carried unanimously

**194/2009 Tenders for the construction of the replacement Braddon Street Pipeline**

The Director Engineering Services reported as follows:

*"PURPOSE*

The purpose of this report is to make a recommendation on the tenders received for the construction works associated with the replacement of the reinforced concrete pressure sewer main, which is part of treated effluent outfall pipeline.

*BACKGROUND*

The Environmental Engineer reported as follows.

'Treated sewage effluent from the Ulverstone Wastewater Treatment Plant and Simplot wastewater is pumped to the ocean outfall from the Helen Street Pump Station. The outfall pipeline from Helen Street consists of approximately 600 metres of DN450 AC pipe, 725 metres of DN375 concrete

pipe and 1300 metres of DN450 polyethylene pipe. The replacement of the 1960's DN375 concrete section of the rising main pipeline is proposed.

Tender documentation was prepared by GHD. Tenders were advertised on 16 May 2009 and closed on 1 June 2009.

Tenders received are detailed below:

TENDERER	LUMP SUM (GST EXCLUSIVE) \$
Coe Drilling Pty Ltd (QLD)	190,850.00
Kanal Construction Pty Ltd (NSW)	191,940.00 *
Shaw Contracting Pty Ltd	195,339.40
Coe Drilling Pty Ltd (QLD)	199,910.00
Hardings Hotmix	255,300.00
Treloar Transport	257,855.84
Tunevitch Construction Services Pty Ltd	287,186.00
<i>ESTIMATE</i>	<i>300,000.00</i>

\* Adjusted for arithmetical error

*DISCUSSION*

The following criteria were listed for evaluation of tenders:

- . Price;
- . Completeness of tender;
- . Conformity with Specifications and Drawings;
- . Financial and operating capacity;
- . Validity of any qualifications and exclusions submitted with the tender;
- . Proven capacity and experience/track record to undertake work of this capacity;
- . Construction program and contract period offered;
- . Availability and experience of key personnel offered;
- . OH & S Management system and accreditation;
- . Other commitments affecting capacity to carry out the contract.

Coe Drilling and Kanal Constructions qualified their tenders by excluding costs associated with potential ground conditions that may be encountered. These qualifications were not unexpected given that access to local

knowledge of the area and the opportunity to view the pipeline route would have been limited.

Based on assessment of these potential costs and evaluation using the selection criteria, the tender of Shaw Contracting was found to be the preferred option.

### *CONSULTATION*

A public tendering process was implemented for the tender.

### *IMPACT ON RESOURCES*

The 2008–2009 budget allocation for the Braddon Street Pipeline Replacement project is \$600,000. This allocation included an allowance of \$300,000 for the construction of the pipeline.

The works can be accomplished within the 2008–2009 budget.

### *CORPORATE COMPLIANCE*

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

- . Meet our statutory and regulatory obligations
- . Develop and manage sustainable infrastructure.

### *CONCLUSION*

It is recommended that Shaw Contracting Pty Ltd be awarded the tender for the Braddon Street Pipeline replacement for the lump sum tender price of \$214,873.34 (including GST and \$27,500 provisional sum).’

The Environmental Engineer’s report is supported.”

- Cr Deacon moved and Cr Robertson seconded, “That the tender from Shaw Contracting Pty Ltd for the Braddon Street Pipeline replacement, in the amount of \$214,873.34 (including GST and \$27,500 provisional sum), be accepted.”

Carried unanimously

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## CLOSURE OF MEETING TO THE PUBLIC

### 195/2009 Meeting closed to the public

The Director Corporate & Community Services reported as follows:

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

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

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

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

These are matters relating to:

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

■ Cr Robertson moved and Cr (J) Bonde 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

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

The Director Corporate & Community Services further reported as follows:

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

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

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

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

GENERAL MANAGEMENT

**196/2009 Minutes and notes of other organisations and committees of the Council**

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

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

...

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

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

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

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 8.59pm.

CONFIRMED THIS 20TH DAY OF JULY, 2009.

### **Chairperson**

(Imm:dil)

### **Appendices**

- Minute No. 179/2009– Schedule of Development & Regulatory Services Determinations
- Minute No. 184/2009– Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 185/2009– Schedule of Contracts & Agreements
- Minute No. 187/2009– Schedule of Documents for Affixing of the Common Seal
- Minute No. 188/2009– Financial statements
- Minute No. 191/ and  
192/2009– Plan of new road off Allegra Drive, Heybridge

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## QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

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

Sandra Ayton  
GENERAL MANAGER