



Minutes

of an Ordinary Meeting
held at 6.02pm

16 March 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
20 April 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, 16 March 2009 commencing at 6.02pm.

Councillors attendance

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	

Councillors apologies

Cr Mike Downie (Mayor)

Employees attendance

General Manager (Ms Sandra Ayton)
Director Engineering Services (Mr Bevin Eberhardt)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development Services (Mr Michael Stretton)
Executive Services Officer (Miss Lisa Mackrill)
Town Planner (Mr Thomas Reilly)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer

CONFIRMATION OF MINUTES OF THE COUNCIL

74/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting held on 16 February 2009 and the special meeting of the Council held on 10 March 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 Fuller moved and Cr Deacon seconded, “That the minutes of the ordinary meeting held on 16 February 2009 and the special meeting of the Council held on 10 March 2009 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

75/2009 Council workshops

The Executive Services Officer reported as follows:

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

- . 23.02.2009 – Community Wellness Program; Strategic Plan
- . 02.03.2009 – Sustainability Project; Councillor discussion on potential agenda items for LGAT AGM
- . 10.03.2009 – Ulverstone Urban Design Guidelines

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

■ Cr Haines moved and Cr (J) Bonde seconded, “That the Officer’s report be received.”

Carried unanimously

MAYOR'S COMMUNICATIONS

76/2009 Mayor's communications

The Deputy Mayor reported as follows:

"I have no communications at this time."

77/2009 Mayor's diary

The Deputy Mayor reported as follows:

"The Mayor has prepared the following report:

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

- . Launch of Showground redevelopment
- . Bishop Harrower address – Anglican Church, Ulverstone
- . Festival in the Park
- . Scouts Australia – Founders Day Service
- . Penguin Uniting Church – Pancake Day
- . Cradle Coast Authority Representatives – meeting (Wynyard)
- . Penguin RSL – annual dinner
- . MBF Foundation Kidfit Triathlon – welcome and start
- . Carnival of the Grasshopper – opening
- . Ulverstone Golf Club – familiarisation visit at golf course
- . Resource Planning & Development Commission – meeting (Hobart)
- . Minister for Primary Industries and Water, Hon. David Llewellyn – meeting (Hobart)
- . Minister for Innovation, Industry, Science and Research, Senator the Hon. Kim Carr – meeting (Melbourne)
- . Local Government Association Tasmania – general meeting
- . Local Government Association Tasmania – Mayor's Workshop
- . Municipal Bowls Day
- . Penguin Lions Club – annual dinner
- . Leven District Scout Association – visit to Paton Park.'

Cr McKenna reported as follows:

"On behalf of the Mayor I attended:

- . Opening/blessing of the North West Region Catholic Education Office, by Archbishop Doyle."

Cr Robertson reported as follows:

“On behalf of the Mayor I attended:

- . a State Grants Commission Hearing.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended:

- . the NWFA Mayor’s Cup football competition.”

- Cr Howard moved and Cr (J) Bonde seconded, “That the reports of the Mayor, Cr McKenna, Cr Robertson and Cr (J) Bonde be received.”

Carried unanimously

78/2009 Pecuniary interest declarations

The Deputy Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

Cr (L) Bonde reported as follows:

“I am declaring an interest in respect of Motion for General Meeting of Local Government Association of Tasmania on 10 June 2009 – Expenses for councillors (Minute No. 90/2009).”

79/2009 Public question time

The Deputy Mayor reported as follows:

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

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

COUNCILLOR REPORTS

80/2009 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr McKenna commented on the passing of former Penguin Councillor John Owens.

Cr McKenna reported on the holding of the Municipal Association Bowls Tournament and a meeting of the Cradle Coast Water Authority.

Cr Fuller reported on the actions of the Penguin Surf Life Saving Club and the Penguin Miniature Railway.

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

Cr Robertson reported on the outcomes of the Local Government Association of Tasmania General Meeting and a meeting of the Cradle Coast Regional Planning Initiative.

APPLICATIONS FOR LEAVE OF ABSENCE

81/2009 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

82/2009 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

83/2009 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

84/2009 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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

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

- ‘8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority... may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –
- (a) the reason it was not possible to include the matter on the agenda; and

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- (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.

85/2009 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

86/2009 Development & Regulatory Services Determinations

The Director Development & Regulatory Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

87/2009 Council acting as a planning authority

The Deputy Mayor reported as follows:

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

The Director Development Services has submitted the following report:

‘If any such actions arise out of Agenda Item 9.3, 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 Deacon seconded, “That the Deputy Mayor’s report be received.”

Carried unanimously

**88/2009 Multiple dwellings (variation to coastal, rail, front boundary and side boundary setbacks) at 370 Preservation Drive, Sulphur Creek
Application No. DEV2008.80**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2008.80
<i>APPLICANT:</i>	Environmental Service & Design
<i>LOCATION:</i>	370 Preservation Drive, Sulphur Creek
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	14 February 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 February 2009
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	7 March 2009 (extension granted until 16 March 2009)
<i>DECISION DUE:</i>	16 March 2009

PURPOSE

This report considers an application requiring relaxation of the Residential zone standards of the Scheme. It also considers the representations made in relation to the application.

BACKGROUND

Application is made for the conversion of an existing house into four units and a further seven new units, a copy of which is provided at Annexure 1. A location plan is provided at Annexure 2. As an aid to interpretation, upper and lower floor site plans are provided at Annexure 3 with 1m contour lines,

plumbing and drainage lines removed and individual lot boundaries in broken lines. A shading diagram is provided at Annexure 4.

The application may not proceed as proposed by the applicant unless the Council relaxes some of the requirements of the Scheme. Therefore, the decision is discretionary according to section 57 of the *Land Use Planning and Approvals Act 1993* (the Act).

The relaxations to be considered are:

- (i) Front boundary setback of the unit on Lot 4 (see further Drawing No. 02 of 15 at Annexure 1 and assessment of 6.3.3 P4 below);
- (ii) The side boundary setback of the unit on Lot 4 (see further Drawing No. 02 of 15 at Annexure 1 and assessment of 6.3.3 P1 below);
- (iii) The side boundary setback of the unit on Lot 5 (see further Drawing No. 02 of 15 at Annexure 1 and assessment of 6.3.3 P1 below);
- (iv) Orientation of living areas in the unit on Lot 8 (see further Drawing No. 03 of 15 at Annexure 1 and assessment of 6.3.3 P12 below);
- (v) Grouping of the proposed units contained within the existing house (see further Drawing No. 02 of 15 at Annexure 1 and assessment of S8.3.1 P2);
- (vi) Private open space requirements (see further External Works Layout plan at Annexure 1 and assessment of S8.3.5 P1);
- (vii) Setback from 2.64 height datum (see further Coastal Vulnerability Report at Annexure 1 and assessment of S6.4.2 P1);
- (viii) Setback from railway line (see assessment of S1.5.7 P3); and
- (ix) Vehicle movements per day (see written submission at Annexure 1 and assessment of S1.5.3 A2).

DISCUSSION

In determining compliance with the relevant standards and requirements, regard is given to:

- . the objectives for planning as set out in Part A of the Scheme;
- . the purpose of the Residential zone;

- . the objectives of the relevant Acceptable Solutions and Performance Criteria; and
- . representations received.

REFERENCE	DETAIL AND COMMENT
6.3.2 A1	<p><i>Each lot in a strata scheme must:</i></p> <p>(a) <i>contain the private open space required by Schedule 8; and</i></p> <p>(b) <i>not involve a change of use.</i></p> <p>See assessment of S8.3.5A1 and P1 regarding private open space.</p> <p>No change of use proposed.</p>
6.3.3 A1	<p><i>A building must not exceed:</i></p> <p>(a) <i>a maximum building height of 8m; and</i></p> <p>(b) <i>a maximum wall height for residential building;</i></p> <p style="padding-left: 40px;">(i) <i>not exceeding 4m within 2m of a side boundary; or</i></p> <p style="padding-left: 40px;">(ii) <i>a minimum side boundary setback of ½ the height of a wall where the wall height is greater than 4m.</i></p> <p>The side boundary setback of the units on the proposed Lots 4 and 5 does not comply with (b)(ii). See assessment of 6.3.3 P1.</p> <p>Proposal otherwise complies with 6.3.3 A1.</p>
6.3.3 P1	<p><i>Buildings for:</i></p> <p>(a) <i>Community services;</i></p> <p>(b) <i>Educational and occasional care;</i></p> <p>(c) <i>Residential; or</i></p>

	<p>(d) <i>Utilities</i></p> <p><i>must:</i></p> <p>(i) <i>not cause unreasonable shading of or unreasonable loss of privacy to, adjoining properties used for residential purposes;</i></p> <p>(ii) <i>have a design that is reasonably in keeping with the streetscape character; and</i></p> <p>(iii) <i>for residential building not exceed a maximum building height of 10m.</i></p> <p>Each sub-clause is assessed in turn:</p> <p>(i) <i>not cause unreasonable shading of or unreasonable loss of privacy to, adjoining properties used for residential purposes;</i></p> <p><i>Unreasonable loss of privacy:</i></p> <p>The units on Lots 4 and 5 open up to the north to overlook Bass Strait. A person at the kitchen sink of these units will overlook properties to the east through an average size window. A person in the lounge would be unable to view the properties to the east due to the window height. The bedroom windows looking out to the east are small. The loss of privacy is not unreasonable.</p> <p><i>Unreasonable shading:</i></p> <p>The Scheme definition of unreasonable shading is:</p> <p><i>“...shading of an adjoining lot between the hours of 10.00am and 3.00pm on the 21st June that would be greater than caused by a building on the lot the subject of the application:</i></p> <p>(a) <i>of the same floor plan;</i></p> <p>(b) <i>built to the frontage and side setbacks in accordance with the relevant acceptable</i></p>
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	<p style="text-align: center;"><i>solutions; and</i></p> <p style="text-align: center;">(c) <i>the maximum building height of which at the setback from the boundary with the adjoining lot is at least 2m less than the maximum building height in accordance with the relevant acceptable solution...</i>"</p> <p>Therefore, the Scheme determines Unreasonable Shading by measuring the shading of the relevant building against a Scheme standard of comparison building (Scheme yardstick) with the same floor plan, whose height is 2m less than the maximum building height (8m – 2m = 6m) and whose setback is 3m. Unreasonable Shading is shading greater than that caused by that Scheme yardstick.</p> <p>Unreasonable Shading only needs to be determined in relation to the units on the proposed Lots 4 and 5. An Unreasonable Shading analysis is depicted at Annexure 4.</p> <p>On the basis of the analysis at Annexure 4, the relevant buildings do not shade any more than the Scheme yardstick. Therefore, there is no Unreasonable Shading of adjoining properties.</p> <p style="text-align: center;">(ii) <i>have a design that is reasonably in keeping with the streetscape character;</i></p> <p>The streetscape character of Preservation Drive 500m in either direction is one of predominantly single storey post-War dwellings. Most dwellings in the area are clad in weatherboard. The styles are all typical of the period.</p> <p>The streetscape character does not emanate strongly to the passerby, as developments to dwellings in the area in more recent times have included new modern-looking double and single storey dwellings, first floor additions taking advantage of the views of Bass Strait and steel garages.</p> <p>While the proposed development is not in keeping with the older dwellings in the area, it conforms with the</p>
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	<p>trends shown in recent developments along Preservation Drive and hence is reasonably in keeping with the streetscape character.</p> <p><i>(iii) for residential building not exceed a maximum building height of 10m.</i></p> <p>The proposed development complies with the maximum height.</p>
6.3.3 A2	<p><i>Site coverage for other than Utilities, multiple dwelling or cluster house must not exceed:</i></p> <p><i>(a) 45% for sites greater than 650m² ;or</i></p> <p><i>(b) 50% for sites less than 650m².</i></p> <p>Not applicable to multiple dwellings.</p>
6.3.3 A3	<p><i>The external area of a dwelling unit adjacent to its front door must be:</i></p> <p><i>(a) visible from:</i></p> <p style="padding-left: 40px;"><i>(i) a part of a road within 50m of that door; or</i></p> <p style="padding-left: 40px;"><i>(ii) the inside of another dwelling unit within 20m of that door;</i></p> <p><i>(b) provided with artificial lighting operated by a sensor or from within the dwelling unit; and</i></p> <p><i>(c) visible from within the dwelling unit while the main front door is closed which may be achieved through:</i></p> <p style="padding-left: 40px;"><i>(i) nearby windows:</i></p> <p style="padding-left: 40px;"><i>(ii) transparent glass in the main front door or adjoining panels;</i></p> <p style="padding-left: 40px;"><i>(iii) a security keyhole viewing device in the main front door;</i></p>

	<p>(iv) <i>a security door on the outside of the main front door; or</i></p> <p>(v) <i>any other manner that is as effective as any of the above.</i></p> <p>The proposed development complies with sub-clause (a). Standard conditions can achieve compliance with sub-clauses (b) and (c).</p>
<p>6.3.3 A4</p>	<p><i>Residential (except cluster houses) and Tourist accommodation buildings must be setback at least:</i></p> <p>(a) <i>4.5m from the frontage; or</i></p> <p>(b) <i>for a rear lot, 4.5m from the boundary which abuts the access strip; and</i></p> <p>(c) <i>3m from a secondary frontage; and</i></p> <p>(d) <i>1.5m from a side boundary; and</i></p> <p>(e) <i>4.5m from the rear boundary.</i></p> <p>The unit on the proposed Lot 4 does not comply with sub-clause (a) and (d).</p> <p>Sub-clauses (b) and (c) are not applicable.</p> <p>The proposed development complies with sub-clause (e).</p>
<p>6.3.3 P4</p>	<p><i>Residential (except cluster houses) and Tourist accommodation buildings may have a lesser setback where the Acceptable Solution cannot be satisfied due to:</i></p> <p>(a) <i>the irregular shape of the lot;</i></p> <p>(b) <i>the lot having less than the minimum area or dimensions required by this planning scheme;</i></p> <p>(c) <i>unsuitable topography;</i></p>

	<p>(d) <i>the location of Utilities on the lot; or</i></p> <p>(e) <i>the location of existing buildings on the lot;</i></p> <p><i>if:</i></p> <p>(i) <i>for a front setback, it is in keeping with the general building alignment and streetscape character; or</i></p> <p>(ii) <i>for other setbacks, if:</i></p> <p style="padding-left: 40px;">(1) <i>the encroachment is minor or is no closer than any other part of the existing dwelling on the lot; and</i></p> <p style="padding-left: 40px;">(2) <i>there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining buildings.</i></p> <p>Each sub-clause is assessed in turn:</p> <p>(a) <i>the irregular shape of the lot;</i></p> <p>Irregular is not taken to mean “asymmetrical” or “having unequal sides”.</p> <p>The shape of the lot must be so irregular that it makes the site reasonably incapable of development without a relaxation of the Acceptable Solution.</p> <p>The shape of this lot is not so irregular that it makes the site reasonably incapable of development without a relaxation of the Acceptable Solution.</p> <p>(b) <i>the lot having less than the minimum area or dimensions required by this planning scheme;</i></p> <p>The minimum area required by the Scheme for lots in this zone is 650m². The lot is 5,446m². The lot does not have less than the minimum area.</p>
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	<p><i>(c) unsuitable topography;</i></p> <p>The lot gently slopes down from south to north. The slope is reasonably uniform. The topography is suitable for residential development without a relaxation of the Acceptable Solution.</p> <p><i>(d) the location of Utilities on the lot;</i></p> <p>There are no utilities on this lot.</p> <p><i>(e) the location of existing buildings on the lot;</i></p> <p>Due to the existing lot size, the existing buildings on this lot are not an impediment to meeting the Acceptable Solution.</p> <p><i>Conclusion regarding 6.3.3 P4:</i></p> <p>6.3.3 P4 is not satisfied. Residential buildings may only have a lesser setback where the Acceptable Solution cannot be satisfied due to the existence of one of the above circumstances. As none of those circumstances exist, the buildings may not have a lesser setback. There is no scope to assess sub-clause (i) or (ii).</p>
6.3.3 A5	<p><i>The minimum setback for a Cluster house must be at least:</i></p> <p><i>(a) 4.5m from the frontage;</i></p> <p><i>(b) 1.5m from any other boundary with land that is not part of the same cluster house subdivision; or</i></p> <p><i>(c) 0m from boundaries, other than frontage, that are part of the same cluster house subdivision.</i></p> <p>Not applicable to multiple dwellings.</p>
6.3.3 A6	<p><i>A garage or carport built under the same roof as the building it serves may be built to any boundary except frontages.</i></p>

	The proposed development complies with this Acceptable Solution.
6.3.3 A7	<p><i>A development for Residential or Tourist accommodation uses which does not include a garage or carport must be accompanied by a plan which demonstrates that a garage or carport can be established in accordance with the setback standards.</i></p> <p>Not applicable as garages are proposed.</p>
6.3.3 A8	<p><i>Outbuildings must have:</i></p> <p>(a) <i>an aggregate gross floor area not exceeding 85m²;</i></p> <p>(b) <i>a wall height not exceeding 2.7m if the wall has less than 2m side setback; and</i></p> <p>(c) <i>a maximum building height not exceeding 4.5m.</i></p> <p>The proposed development complies with all sub-clauses of this Acceptable Solution.</p>
6.3.3 A9	<p><i>An outbuilding must be setback at least:</i></p> <p>(a) <i>4.5m from the frontage; or</i></p> <p>(b) <i>for a locality where the front setbacks of adjoining buildings are established at a greater or lesser setback than 4.5m, an outbuilding must be no closer than the greater setback of an adjoining building; or</i></p> <p>(c) <i>for a rear lot, 4.5m from the boundary which abuts the access strip; and</i></p> <p>(d) <i>3m from a secondary frontage except that a garage or carport located to the rear of the associated dwelling unit can be built to a secondary frontage.</i></p> <p>The proposed development complies with all sub-clauses of this Acceptable Solution.</p>

6.3.3 A11	<p><i>Other buildings must be setback at least:</i></p> <p>(a) <i>8m from the frontage;</i></p> <p>(b) <i>4.5m from a secondary frontage;</i></p> <p>(c) <i>4.5m from the rear if the lot has only one frontage; and</i></p> <p>(d) <i>3m from any other boundary.</i></p> <p>Not applicable. No other buildings proposed.</p>
6.3.3 A12	<p><i>Residential development must provide a north facing room as a living area.</i></p> <p>The unit on the proposed Lot 8 does not comply with this Acceptable Solution.</p>
6.3.3 P12	<p><i>Residential development may occur where the Acceptable Solution cannot be satisfied if:</i></p> <p>(a) <i>windows are located, sized and shaded to facilitate good thermal mass performance; and</i></p> <p>(b) <i>internal building layout is designed to minimise energy consumed for heating and cooling; and</i></p> <p>(c) <i>buildings have an area of roof with appropriate orientation and pitch suitable for the installation of solar collectors and photovoltaic cells.</i></p> <p>Each sub-clause is assessed in turn, but only in relation to the unit on the proposed Lot 8:</p> <p>(a) <i>windows are located, sized and shaded to facilitate good thermal mass performance; and</i></p> <p>Given that locating the windows on the north is a significant factor in facilitating good thermal mass performance and that heat gain is required more than heat loss in this climate, the windows on the eastern wall are not located to facilitate good thermal mass performance.</p>

	<p><i>(b) internal building layout is designed to minimise energy consumed for heating and cooling; and</i></p> <p>The compactness and location of the living areas on the upper floor will minimise energy consumed in heating. The lack of openings in the western wall discourages cross-ventilation for cooling.</p> <p><i>(c) buildings have an area of roof with appropriate orientation and pitch suitable for the installation of solar collectors and photovoltaic cells.</i></p> <p>The roof over the unit on the proposed Lot 8 is relatively flat, allowing solar collectors and photovoltaic cells to be fixed to the roof by angled mounts with no significant problems.</p> <p>As the windows are not located to facilitate good thermal mass performance and all sub-clauses are required to be satisfied, the Performance Criteria is not satisfied.</p> <p>The orientation of the unit is not a matter that can be conditioned for compliance as it would significantly alter the nature of the application.</p>
6.3.4 A1	<p><i>The site must:</i></p> <p><i>(a) have an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1003;</i></p> <p><i>(b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;</i></p> <p><i>(c) be connected to a reticulated sewerage system;</i></p> <p><i>(d) be connected to a reticulated stormwater system; and</i></p> <p><i>(e) be connected to telecommunications and electricity supply by either underground service or in a manner consistent with the supply to</i></p>

	<p><i>which it is connected.</i></p> <p>Standard conditions can achieve compliance with all sub-clauses of this Acceptable Solution.</p>
<p>SCHEDULE 1 – ROAD AND RAIL</p> <p>(Provisions that are not relevant are omitted)</p> <p>Preservation Drive is a category 5 road and a Department of Infrastructure, Energy and Resources owned road.</p>	
S1.5.1A2	<p><i>In an area subject to a speed limit exceeding 60km/h on category IV, V or VI roads, an access onto, or new junction with, a road must comply with Safe Intersection Sight Distance Table S1.6.2.</i></p> <p>S1.6.2 requires that there are no visual obstructions within the safe intersection sight distance taken from the Table at S1.6.2. The technical consultants report concludes that the proposal exceeds the minimum requirements specified in this Table. On the basis of this report, the proposed development complies with this Acceptable Solution.</p>
S1.5.3A1	<p><i>In an area subject to a speed limit exceeding 60km/h, an access must be:</i></p> <p>(a) <i>at least:</i></p> <p>(i) <i>100m from the junction of a category I road; or</i></p> <p>(ii) <i>50m from the junction of a category II or III road; and</i></p> <p>(iii) <i>50m from an access located on the opposite side of the road measured between the centreline of those accesses along the centre of the road; and</i></p> <p>(b) <i>on the frontage with the more minor category road where a site has frontage to more than one road.</i></p>

	<p>Each sub-clause is addressed in turn:</p> <p>(a)(i) The nearest applicable junction is approximately 450m away where Preservation Drive meets the Bass Highway.</p> <p>(a)(ii) There are no junctions of category II and III roads in the vicinity.</p> <p>(a)(iii) There are no accesses located on the opposite side of the road.</p> <p>(b) Not applicable as the site has only one road frontage.</p> <p>The proposed development complies with all sub-clauses of this Acceptable Solution.</p>
<p>S1.5.3A2</p>	<p><i>In an area subject to a speed limit exceeding 60km/h the use or development must not generate more than 40 vehicle movements per day.</i></p> <p>According to Roads Traffic Authority of NSW, “<i>Guide to Traffic Generating Developments</i>”, 2002 (the Guide), three and more bedroom medium density residential units generate between 5 and 6.5 vehicle movements per day. It may be higher in cases where public transport is limited. The relevant extract is provided at Annexure 5.</p> <p>There is no known Tasmanian traffic data addressing vehicle movements per day that contradicts the findings in the Guide.</p> <p>The written submission provides that, “...it is not expected that there will be more than 40 vehicle movements per day as a result of the development...”</p> <p>No evidence is provided demonstrating why this expectation exists.</p> <p>On the basis of the Guide, the proposed development could generate between 55 and 72 vehicle movements</p>

	<p>per day (or more). Therefore, the most reliable evidence available indicates that the proposed development does not comply with the Acceptable Solution.</p>
S1.5.3P2	<p><i>In an area subject to a speed limit exceeding 60km/h and the use or development is likely to generate more than 40 vehicle movements per day, a TIA must demonstrate that:</i></p> <p>(a) <i>no material change will occur at the nearest junction with a category I, II or III road; or</i></p> <p>(b) <i>safety and efficiency of that junction will not be adversely affected.</i></p> <p>No Traffic Impact Assessment (TIA) has been provided with application. Unable to determine.</p>
S1.5.7A3	<p><i>A new building for a sensitive use must have a setback of at least 50m from a rail line.</i></p> <p>The proposed development does not comply with this Acceptable Solution.</p>
S1.5.7P3	<p><i>For a new building for a sensitive use within 50m of a rail line, the applicant must demonstrate that the design and siting mitigate significant noise and vibration impacts and allows for the safe operation of the rail line.</i></p> <p>The siting of the front row of units is approximately 38m from the rail line. The design mitigates against significant noise by double glazing. Vibration impacts are not considered to be significant this distance from the rail line.</p> <p>It is not foreseeable that the safe operation of the line will be affected in any way by the proposed development.</p>

<p>SCHEDULE 6 – COASTAL VULNERABILITY (Provisions that are not applicable are omitted)</p>	
<p>S6.4.2 A1</p>	<p><i>A building containing habitable rooms must be at least 90m inland from a 2.64m Australian Height Datum contour.</i></p> <p>The proposed development does not comply with this Acceptable Solution.</p>
<p>S6.4.2 P1</p>	<p><i>An application for a new building containing habitable rooms that does not comply with the Acceptable Solution must be accompanied by a coastal vulnerability report that demonstrates that the siting and design will achieve the objective.</i></p> <p><i>“Objective: To ensure that the design and siting of habitable buildings minimises the risk to life and property from hazards such as sea level rise, storm surge, shoreline recession and flooding.”</i></p> <p>The Coastal Vulnerability Report provided as part of the application addresses:</p> <ul style="list-style-type: none"> . the vulnerability of the site from sea level rise, storm surge and shoreline recession; . the level of risk of hazard for the site and adjoining land; . the level of risk to infrastructure and of the potential consequences from inundation; and . the requirements necessary to be incorporated to reduce the level of risk to life and property. <p>The conclusion of this Coastal Vulnerability Report is that “...the risk of inundation and shoreline recession...is considered to be so low that no design, structural method, management regime or other steps are required to reduce the level of risk to life and property other than what is proposed in the planning application...”</p>

	On the basis of this conclusion, the Performance Criteria is satisfied.
<p>SCHEDULE 8 – MULTIPLE DWELLINGS</p> <p>(Provisions that are not applicable are omitted)</p>	
S8.3.1A1	<p><i>Each dwelling unit that is part of multiple dwellings must have the same or compatible style, character and materials as those other dwelling units.</i></p> <p>The proposed development complies with this Acceptable Solution by using similar materials, stylistic elements and design profiles.</p>
S8.3.1A2	<p><i>In the Residential Zone no more than two dwelling units are to be contained within a single building unless they are part of tourist accommodation.</i></p> <p>The proposed development includes four units within a single building, and therefore does not comply with this Acceptable Solution.</p>
S8.3.1P2	<p><i>In the Residential Zone more than two dwelling units may be contained within a single building if design, offsets and architectural features provide suitable relief and the building is in keeping with the streetscape character.</i></p> <p>The building provides the suitable relief by breaking up the appearance of the building mass with balconies and different building materials.</p> <p>The streetscape character of Preservation Drive 500m in either direction is one of predominantly single storey post-War dwellings. Most dwellings in the area are clad in weatherboard. The styles are all typical of the period.</p> <p>The streetscape character does not emanate strongly to the passerby, as developments to dwellings in the area in more recent times have included new modern-looking double and single storey dwellings, first floor additions taking advantage of the views of Bass Strait and steel garages.</p>

	<p>While the proposed development is not in keeping with the older dwellings in the area, it conforms with the trends shown in recent developments along Preservation Drive and hence is reasonably in keeping with the streetscape character.</p> <p>The proposed development complies with this Performance Criteria.</p>
S8.3.2A1	<p><i>In the Residential Zone, there must not be more than one dwelling unit per 350m² of lot area.</i></p> <p>The proposal is for one dwelling unit per 495m². Therefore, the proposed development complies with the Acceptable Solution.</p>
S8.3.3A1	<p><i>Habitable room windows with a direct outlook to and within 9m of habitable room windows in another dwelling unit must:</i></p> <ul style="list-style-type: none"> <i>(a) have a sill height of at least 1.7m above floor level;</i> <i>(b) have fixed translucent glazing; or</i> <i>(c) be visually screened by a structure not greater than 1.8m in height and which does not intersect any private open space.</i> <p>There are no habitable room windows with a direct outlook to and within 9m of habitable room windows in another dwelling, therefore the proposed development complies with the Acceptable Solution.</p>
S8.3.3A2	<p><i>Bedroom windows must be at least 3m from driveways and parking spaces of other dwelling units on the same lot.</i></p> <p>The proposed development complies with the Acceptable Solution.</p> <p>Note: Bedroom 3 in the unit on the proposed Lot 3 has no windows at all and if it did it would be non-compliant with the Acceptable Solution and would have</p>

	<p>to be double glazed to comply with the Performance Criteria. A condition on the permit to this effect would be required.</p>
S8.3.4A1	<p><i>For Residential development in the Residential Zone a garage or carport must be provided for each dwelling unit that is:</i></p> <p>(a) <i>compatible in style, character and materials with the dwelling unit; and</i></p> <p>(b) <i>located no more than 10m from the dwelling unit.</i></p> <p>The proposed development complies with this Acceptable Solution.</p>
S8.3.5A1	<p><i>Private open space for dwelling units at ground floor level must be provided for each dwelling unit for Residential use at the rate of:</i></p> <p>(a) <i>35m² per dwelling unit; or a minimum of 20% of site area whichever is the greater.</i></p> <p>(b) <i>have at least 16m² area with a minimum dimension of 4m and directly accessible from a habitable room within the dwelling unit;</i></p> <p>(c) <i>be visually screened where necessary to ensure privacy to users of the open space; and</i></p> <p>(d) <i>have a maximum gradient of 1 in 10.</i></p> <p>The written submission concedes that the Acceptable Solution is not met.</p>
S8.3.5P1	<p><i>The area of private open space required under A1(a) may be reduced if it:</i></p> <p>(a) <i>takes advantage of outlook and natural features;</i></p> <p>(b) <i>reduces adverse impacts of adjacent buildings on privacy and overshadowing; and</i></p>

	<p><i>(c) addresses surveillance, privacy and security issues where private open space abuts public space.</i></p> <p>Each sub-clause is assessed in turn:</p> <p><i>(a) takes advantage of outlook and natural features</i></p> <p>The private open space for units on Lots 1-7 and 11 takes advantage of the outlook and natural features, namely the views of Bass Strait. The private open space for the units on Lots 8-10 have an outlook primarily at the other buildings in the proposed development, hence do not take advantage of the outlook and natural features.</p> <p><i>(b) reduces adverse impacts of adjacent buildings on privacy and overshadowing</i></p> <p>A relaxation of the Acceptable Solution will have no significant impact on the adverse impacts of adjacent buildings on privacy and overshadowing.</p> <p><i>(c) addresses surveillance, privacy and security issues where private open space abuts public space</i></p> <p>There are no areas where private open space abuts public space in such a manner as to require special surveillance, privacy and security measures.</p> <p>Lots 8, 9 and 10 are compromised for private open space to such a degree that the proposed development does not comply with the Performance Criteria.</p>
S8.3.6A1	<p><i>Individual mail boxes are located close to each ground-floor entry to a dwelling unit, or a mail box structure is located close to the major pedestrian entrance to the site.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>

S8.3.6A2	<p><i>Garbage bin and open air clothes drying facilities must be easily accessible to all residents and visually screened from public streets and recreational areas.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>
S8.3.6A3	<p><i>In the Residential Zone, Residential development must have at least 3m² floor area for the storage of gardening tools and equipment for each dwelling unit.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>
S8.3.6A4	<p><i>Garbage bin areas, mail boxes and storage and drying facilities must be sited and designed for efficient and convenient use and have attractive visual appearance and function.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>
S8.3.7A1	<p><i>Within the Residential Zone, the site must be developed in accordance with a site development plan that depicts:</i></p> <ul style="list-style-type: none"> <i>(a) the layout of gardens and lawn;</i> <i>(b) species of plants, shrubs and trees;</i> <i>(c) areas dedicated for pedestrian and vehicular access, including parking and turning spaces for cars and paving material;</i> <i>(d) the location, height and materials of visual or acoustic screens;</i> <i>(e) for other than a rear lot, at least 50% of the area between the frontage and the front setback, being dedicated for gardens and lawns;</i> <i>(f) the location and type of external clothes drying facilities; and</i>

	<p><i>(g) the location, type and design of external telecommunication facilities.</i></p> <p>The landscape plan at Annexure 1 demonstrates that this Acceptable Solution is satisfied.</p>
<p>SCHEDULE 10 – CAR PARKING</p> <p>(Provisions that are not applicable are omitted)</p>	
S.10.3.2	<p><i>The number of car parking spaces to be provided on-site is 2 spaces per dwelling unit less the number of spaces provided in a garage or carport.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>

The objectives of the Land Use Planning and Approvals Act 1993

This report aims to further the objectives of the Act, which are:

- “(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State...”

Requirements of State Policies

The proposed development accords with the requirements of relevant State Policies.

CONSULTATION

In accordance with s.57(3) of 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, a copy of which is provided at Annexure 6.

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

Representations

Three representations were received within the prescribed time. The issues raised in the representations are as follows:

RELEVANT ISSUES RAISED	COMMENT
<p>REPRESENTATION 1</p> <p>(Email sent 18 February 2009 at 5:07pm) – see Annexure 7</p>	
Too many dwellings in given area and claustrophobia.	Issue addressed by assessment of S8.3.2A1 and S8.3.5P1.
“Egress and entry to proposed development...could easily create a permanent traffic black spot.”	Issue addressed by assessment of S1.5.3P2.
Adverse impact on the amenity of residents of Glenburn Crescent.	No discretion exercisable in relation to impact on amenity of residents of Glenburn Crescent.

<p>REPRESENTATION 2</p> <p>(Email sent 23 February 2009 at 12:40pm) – see Annexure 7</p>	
<p>“...DIER supports the development having one access...”</p>	<p>Matter taken into consideration but no action is necessary at this stage.</p>
<p>REPRESENTATION 3</p> <p>(Email sent 25 February 2009 at 10:55am) – see Annexure 7</p>	
<p>Negative effect on outlook from and ambience of representor’s property</p>	<p>Legitimate concern but not relevant to the assessment.</p>
<p>Privacy and security of representor’s property.</p>	<p>No discretion exercisable in relation to privacy of this property. Security is a legitimate concern but not relevant to the assessment.</p>
<p>Negative effect on ambience of the general area.</p>	<p>The only way ambience is relevant is by reference to the streetscape character, which is assessed at S8.3.1P2 and 6.3.3P1.</p>
<p>Disruptions to pedestrian traffic during construction.</p>	<p>Not relevant to determination.</p>
<p>Increased traffic in the area and effect on safety of pedestrians.</p>	<p>Issue obscurely addressed by S1.5.3 A2 and P2. Otherwise not relevant to determination.</p>
<p>Corresponding rights for adjoining property owners.</p>	<p>Not relevant to determination.</p>

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 2004–2009 includes the following objectives:

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

CONCLUSION

The proposed development does not comply with the following Performance Criteria of the Planning Scheme:

- . 6.3.3 P4 (side setback);
- . 6.3.3 P12 (unit orientation);
- . S1.5.3 P2 (vehicle movements per day);
- . S8.3.5 P1 (private open space).

Conditions cannot be applied to the permit to sufficiently address this non-compliance.

Recommendation

That the representations with respect to vehicular access and egress of the site have sufficient merit to warrant refusal and that due to non-compliance with 6.3.3 P4, 6.3.3 P12, S1.5.3 P2, S8.3.5 P1 the application be refused.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Town Planner's report has been circulated to all Councillors."

- Cr van Rooyen moved and Cr Haines seconded, "That the representations with respect to vehicular access and egress of the application relating to property at 370 Preservation Drive, Sulphur Creek have sufficient merit to warrant refusal and that due to non-compliance with 6.3.3 P4, 6.3.3 P12, S1.5.3 P2, S8.3.5 P1 the application be refused."

Continued after Minute No. 89/2009.

89/2009 Public question time

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

Questions and replies concluded at 6.45pm.

Minute No. 88/2009 continued...

Motion

Carried unanimously

GENERAL MANAGEMENT

90/2009 Motion for General Meeting of Local Government Association of Tasmania on 10 June 2009 – Expenses for councillors

Cr (L) Bonde, 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 the General Meeting of the Local Government Association of Tasmania on 10 June 2009 – Expenses for councillors.

The Executive Services Officer reported as follows:

“The Local Government Association of Tasmania has given formal advice of its General Meeting to be held on 10 June 2009 and has invited councils to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion in the agenda of the General Meeting.

If any motions are to be put forward by the Central Coast Council, they should first be subject to Council endorsement. Councillors have been invited to submit any such motions to an ordinary meeting of the Council for consideration. As motions need to be received at the Association’s offices by 3 April 2009, the Council’s meeting of 16 March is the final opportunity for this year.”

■ Cr Fuller (having given notice), moved and Cr Dry seconded: “That the Central Coast Council submit a notice of motion to the Local Government Association of Tasmania (LGAT) for their 2009 General Meeting that reads as follows:

‘That the Local Government Association of Tasmania seek amendment to the *Local Government (General) Regulations 2005* section 43, Expenses for councillors, which reads:

“A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to – ...”

Sub-clause (c) to be altered from:

‘(c) Care of any child of the councillor.’

to:

‘(c) Care of any person for whom the councillor is responsible.’ “

Cr Fuller, in support of her motion, submitted as follows:

“Under current *Local Government (General) Regulations 2005*, section 43 provides instruction on expenses for councillors.

The Central Coast Council’s own policy on this matter, Council Policies, Practices and Key Decisions – most recently confirmed Minute 405/2007 (06.11.2007) – section 6, clause 7, is based upon Regulation 43.

It has come to my attention that under Regulation 43, no reimbursement is permitted for a councillor requiring care for dependants other than children.

In my opinion, this creates an inequitable situation for current and future councillors around the State. It may also well act as a deterrent for prospective candidates that are responsible for the day to day care of adults, whether they be parents, spouses or adult children.

I consider it vital that this oversight be brought to the attention of the Minister assisting the Premier on Local Government, and that the LGAT would be the most appropriate representative body to raise this issue for consideration.

I therefore request your support on the above motion.”

The General Manager reported as follows:

PURPOSE

This report considers a motion on notice from Cr Fuller proposing that the Council submit a motion for debate by the Local Government Association of Tasmania (LGAT) at the Association’s General Meeting on 10 June 2009.

BACKGROUND

Cr Fuller’s supporting comments provide background to this motion.

DISCUSSION

The notice of motion seeks to broaden the scope of Expenses for councillors under Section 43(c) of the *Local Government (General) Regulations 2005* to recognise that there are other circumstances where councillors may have to provide care for dependents under their responsibility. The current legislation is limiting in that it does not take account of other situations which are becoming more prevalent in our community including the welfare of ageing parents and spouses who may be dependent on a councillor. Local government should be ensuring that it does not place barriers in the way for either existing or prospective councillors.

GENERAL MANAGEMENT

CONSULTATION

No consultation is required.

IMPACT ON RESOURCES

The preparation of a motion for the LGAT General Meeting will have no impact on resources.

CORPORATE COMPLIANCE

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

- . Meet our statutory and regulatory obligations
- . Provide transparent, accountable public policy and decision making.

CONCLUSION

Cr Fuller's motion is submitted for consideration."

Motion

Carried unanimously

Cr (L) Bonde returned to the meeting at this stage.

91/2009 Draft Strategic Plan 2009–2014 (264/2004 - 12.07.2004)

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to present a draft of the Central Coast Strategic Plan 2009–2014 for the Council's consideration prior to inviting written submissions from the community.

BACKGROUND

The Council is required to prepare a strategic plan for the municipal area. A strategic plan is to be in respect of at least a five year period and updated as required.

Our current Strategic Plan is required to be either updated or replaced in 2009. In developing a strategic plan, the Council is required to consult with the community in its municipal area and also make a copy of a proposed strategic plan available for public inspection at the Administration Offices during ordinary office hours.

DISCUSSION

The draft Strategic Plan 2009–2014 (a copy attached) is a replacement for the Strategic Plan 2004–09 which was adopted by the Council on 12 July 2004 (Minute No. 264/2004).

In developing the Strategic Plan, consultation with the community has taken place through a number of different mechanisms. The Council held a strategic planning workshop with community members on Saturday, 15 November 2008 at the Ulverstone Rowing Club at which participants identified a vision and future directions for the Council to consider in developing our Plan. The Senior Management Team has taken these future directions into account when developing our Strategic Plan, along with directions identified through the Council's Strategic Framework for Settlement and Investment adopted by the Council on 20 October 2008 together with the Community Plans developed for the six townships within our municipal area, and other key strategy plans adopted by the Council.

The Strategic Plan identifies the vision, values, strategic directions, strategies and strategic actions for the Council. In developing the new Plan, the Senior Management Team has ensured that it is achievable, sustainable and relevant to future needs, capabilities and potential of the Council and municipal area, as well as being realistic about what the Council can achieve. Responsibilities for these actions have already been assigned to relevant Departments. Our accountability to the community on achieving the actions in the Strategic Plan will be through our Annual Report.

CONSULTATION

A workshop was held with the community on 15 November 2008. A Councillor Workshop was also held on 23 February 2009. The draft Strategic Plan 2009–2014 will be made available for public comment to 30 April 2009 for consideration at the Council meeting to be held on 18 May 2009.

IMPACT ON RESOURCES

Apart from staff time, the impact on resources will be the placement of an advertisement in The Advocate newspaper calling for submissions, as well as forwarding copies of the draft Strategic Plan to all participants of the November workshop for comment.

CORPORATE COMPLIANCE

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

- . Provide effective leadership
- . Provide transparent, accountable public policy and decision making
- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Enable community participation in strategic directions.

CONCLUSION

It is recommended that the Council invite submissions from the community in respect of the draft Strategic Plan 2009–2014 for consideration at its meeting on 18 May 2009.”

The Executive Services Officer reported as follows:

“A copy of the draft Strategic Plan has been circulated to all Councillors.”

■ Cr (J) Bonde moved and Cr Howard seconded, “That submissions be invited from the community in respect of the draft Strategic Plan 2009–2014 for consideration by the Council at its meeting to be held on 18 May 2009.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

92/2009 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 February 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

- Cr McKenna moved and Cr Haines 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

93/2009 Contracts and agreements

The Director Corporate & Community Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

94/2009 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 February 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:

- . 19 February 2009 – Letter regarding the possibility of Central Coast Council supporting the inclusion of Tasmania as the host for the 2014 Australian Masters Games.
- . 26 February 2009 – Letter from Mr Geoff Lake, President of the Australian Local Government Association, regarding the \$42 billion Federal Government stimulus package and the importance for local government in the implementation of the package.

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 Haines moved and Cr Howard seconded, "That the Director's report be received."

Carried unanimously

95/2009 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 17 February 2009 to 16 March 2009 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council."

The Executive Services Officer reported as follows:

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

- Cr (J) Bonde 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

96/2009 Financial statements

The Director Corporate & Community Services reported as follows:

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

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

97/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

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

<i>PROPERTY NO.</i>	505860.0380
<i>PROPERTY ADDRESS</i>	159 Whitehills Road, Penguin
<i>REMISSION</i>	\$69.00
<i>REASON</i>	Property receives untreated water (charged 80% of treated water rate)
<i>PROPERTY NO.</i>	100255.0040
<i>PROPERTY ADDRESS</i>	2 Cheryl Court, Ulverstone
<i>REMISSION</i>	\$358.00

REASON Waste Management charge incorrectly raised from 2005 to 2008 – house not completed till 2009.

The Executive Services Officer reported as follows:

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

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

- . Property No. 505860.0380 – \$69.00
- . Property No. 100255.0040 – \$358.00.”

Carried unanimously

98/2009 Policy regarding vehicular access to Apex Park (407/2001 – 15.10.2001)

The Director Corporate and Community Services reported as follows:

“PURPOSE

To reconsider the policy relating to vehicular access to Apex Park in accordance with the *General Conditions of Use* of the Park.

BACKGROUND

At the Council meeting held on Monday, 15 October 2001, the Council passed the following motion

‘That the following policy apply in regard to the *General Conditions of Use* of Apex Park.

- . The Park be made available for vehicular access for information and education purposes only and not available for fundraising purposes, either by commercial operators or community, sporting and service organisations.
- . That permission be granted for Police, Ambulance, Fire Brigade, SES and relevant State and Federal Government bodies for the purpose of informing and educating the community on health, safety and security matters.’

A number of requests have been received from service clubs and community organisations for permission to display goods on trailers being raffled by the club or organisation within the Ulverstone Central Business District (CBD).

DISCUSSION

Service clubs and community organisations at times throughout the year hold raffles for loads of wood and other items that are displayed on trailers to assist in promoting the raffle. Current parking restrictions within the CBD prevent such trailers from being parked in support of the raffle for any length of time. The current conditions of use for Apex Park also do not permit vehicular access for fundraising purposes. It is likely that this is reducing the capacity for such organisations to raise funds that are in many cases returned to the community via projects undertaken by service clubs or causes supported by a wide range of not-for-profit community organisations.

By making Apex Park available to service clubs and not-for-profit community groups, the Central Coast Council could provide an off-street opportunity where trailer displays can be located for extended periods, in conjunction with raffles, without having to meet restrictions imposed on parking within the street area. Apex Park is only available for this purpose between the hours of 8.00am and 5.00pm and organisations using the Park are responsible for the removal of all litter and rubbish resulting from their use of the Park.

Conditions can be imposed to ensure that trailers are parked safely and in such a manner as to not impede the flow of pedestrian traffic by requiring the completion of a booking form (at no charge) for the use of Apex Park.

CONSULTATION

Various requests for such use of the Park.

IMPACT ON RESOURCES

Apart from some minor administration costs there is no real impact on resources.

COMPLIANCE WITH THE STRATEGIC PLAN

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

- . Provide transparent accountable public policy and decision making
- . Plan for and develop a sustainable community.

CONCLUSION

It is recommended that the following policy apply in regard to the *General Conditions of Use of Apex Park*.

- The Park be made available for public access for information and education purposes and in support of fundraising purposes but not for commercial operations.
 - That permission be granted for Police, Ambulance, Fire Brigade, SES and relevant State and Federal Government bodies for the purpose of informing and educating the community on health, safety and security matters.”
- Cr van Rooyen moved and Cr Dry seconded, “That the following policy apply in regard to the *General Conditions of Use of Apex Park*:
- The Park be made available for public access for information and education purposes and in support of fundraising purposes but not for commercial operations.
 - That permission be granted for Police, Ambulance, Fire Brigade, SES and relevant State and Federal Government bodies for the purpose of informing and educating the community on health, safety and security matters.”

Carried unanimously

99/2009 Hire of Gawler Room by Chamber of Commerce – Request to waive fees

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to consider waiving the fees for hire of the Gawler Room on 20 March 2009 by the Ulverstone Chamber of Commerce.

BACKGROUND

The Ulverstone Chamber of Commerce has written asking if the Council would waive the hire fees for their planned fundraiser for the Victorian Bushfire Appeal.

DISCUSSION

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

The hire fees charged for the booking would be in the amount of \$247.00.

Groups and organisations which are classified as a charitable organisation and are either based in the Central Coast area or have strong Central Coast membership are eligible for a 50% rebate on fees. However, this rebate only applies to organisations, and is not based on the nature or purpose of the event.

The existing set fees are substantially subsidised through rates as the Civic Centre recoups approximately 23% of its operating expenditure through fees and charges.

It should be noted that requests for waiving or reduction of fees are not isolated to this case. In other cases organisations are told that the hire fees are set by the Council and the budget has been set around receiving these hire fees.

For special events it would be more prudent for organisations to either make application for small grants or to see if there is any avenue for consideration through the Council's Events Strategy.

The purpose for this event is as a fundraiser for the Victorian Bushfire Appeal, with all profits to go to the Appeal via the Lions Club of Ulverstone. It is the understanding of the Council that the Chamber of Commerce will be involved along with other service clubs and that a local restaurant has offered its expertise and staff to cook a meal using mainly donated produce.

The Council may wish to contribute towards the fundraiser by meeting the cost of the hire of the Gawler Room from its Civic Receptions budget.

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Any reduction from hire fees for organisations will require a reduction in Civic Centre operating expenses to offset these fees.

CORPORATE COMPLIANCE

The Strategic Plan 2004–2009 includes the following objectives:

- . Develop and manage sustainable infrastructure
- . Provide customer focused services.

CONCLUSION

The fees for the hire of the Civic Centre already have a high component of community service obligation included.

It is recommended that the waiving of the hire fees for the Gawler Room not be approved by the Council but that the Council donate the cost of the hire of the Gawler Room for a fundraiser for the Victorian Bushfire Appeal by the Ulverstone Chamber of Commerce by meeting this cost from the Council's Civic Receptions budget."

- Cr Deacon moved and Cr McKenna seconded, "That the Council donate the cost of the hire of the Gawler Room for a fundraiser for the Victorian Bushfire Appeal by the Ulverstone Chamber of Commerce, by meeting this cost from the Council's Civic Receptions budget."

Voting for the motion

(10)

Cr Robertson

Cr Barker

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

ENGINEERING SERVICES

100/2009 Fire Management Plan

- Cr Haines (having given notice), moved and Cr (J) Bonde seconded: “That the Council:
 - 1 Include as an action in the next State Partnership Agreement, that the Council and responsible parties for the Dial Range undertake a fire management process to ensure that high fire risk issues are identified and actioned as part of a Fire Management Plan; and
 - 2 Write to the Tasmania Fire Service, Parks & Wildlife Service and Forestry Tasmania to show our concerns re fire risks in the Dial Range, and enquiring as to whether there is an integrated Fire Management Plan for the Dial Range and that the risks have been assessed and identified and appropriate actions are to be undertaken to alleviate any potential risks.”

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

“The Central Coast Council has limited jurisdiction in the Dial Range, except, that it is in its municipal area and ought to be proactive in asking if there is a Fire Management Plan. Further, as a partner in a Partnership Agreement, it would give the Council a bit of leverage in reducing any risks.”

The Municipal Emergency Coordinator reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Haines proposing that the Council include an action in the next State Partnership Agreement to undertake a Fire Management Plan for the Dial Range and liaise with various State Government agencies in respect of the Fire Management Plan.

BACKGROUND

The provision of a Fire Management Plan has been identified in the Municipal Emergency Risk Register of the Mersey Region – Combined Area and forms part of the Central Coast Emergency Management Plan.

DISCUSSION

The Dial Range extends some 14km south to the Leven River at Gunns Plains and is about 4–5km wide between the hill faces of Pine Road on the west, through to the

Leven River forming its eastern boundary. In total, the Dial Range covers about 5,200ha of State owned land of which:

- . 4,354ha is State Forest and Forest Reserve managed by Forestry Tasmania;
- . 300ha is within the Mount Montgomery State Reserve managed by the Parks & Wildlife Service;
- . 35ha is within the Ferndene State Reserve managed by the Parks & Wildlife Service; and
- . 507ha of land has been recommended as a Nature Recreation area under the inquiry into areas to be reserved under the Tasmania - Commonwealth Regional Forests Agreement 1.

Preliminary assessment of the area to be considered for a Fire Management Plan extends from Dial Road to Gunns Plains and to Preston Road to the east and Pine Road to the West. It covers some 16,000ha and 900 properties.

The information from the existing Fire Management Plans of Tasmania Fire Service, Parks & Wildlife Service and Forestry Tasmania needs to be used as a platform for an integrated plan. The Mersey District and Murchison District boundary is the Leven River and integration of the current plans is required along with private property plans.

There is likely to be significant changes in respect to planning, modelling, fire warnings and evacuation procedures as the result of the Victorian fires and the resultant Royal Commission. It would be prudent to hold off on any significant Fire Management Plan until after this is completed.

The suggestion by Cr Haines to progress such a plan in the next Partnership Agreement and to take stock of current plans of Government departments is a worthwhile suggestion in order to start thinking about the risks and to move forward.

CONSULTATION

The consultation process is critical to the process and would need to be planned and controlled in order to achieve awareness and participation by the public without undue anxiety.

IMPACT ON RESOURCES

The estimated order of cost of an Integrated Fire Management Plan of this size would be in the order of \$50,000 to \$100,000, subject to the amount of consultation required.

It is a similar process to the Lower Forth Flood Response and Recovery Plan and would require a grant to achieve the outcome.

At this stage the Mersey Region has applied for a funding grant to review the current Emergency Management Plans (EMP) for the region. Review of EMPs is required every two years and needs to be undertaken in 2009/2010. If this is successful it could be used as a platform to apply for funding for sub-plans such as Fire Management Plans in the future.

CORPORATE COMPLIANCE

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

- . Improve community safety
- . Co-ordinate management of reserves and tracks from Coast to Cradle
- . Foster partnerships to improve shared use of reserves and tracks
- . Provide effective management of recreation facilities and open space
- . Promote best practice environmental management of the hinterland and coast
- . Develop Coast to Leven Canyon concept
- . Improve visitor numbers to the municipal area
- . Facilitate strategic alliances to enhance tourism services
- . Foster partnerships and strategic alliances
- . Meet our statutory and regulatory obligations
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

The motion of Cr Haines is submitted for consideration.”

Motion

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

101/2009 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

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

This is a matter relating to:

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

■ Cr Barker 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

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.”

Closure

There being no further business, the Deputy Mayor declared the meeting closed at 8.01pm.

CONFIRMED THIS 20TH DAY OF APRIL, 2009.

Chairperson

(Im:vl)

Appendices

- Minute No. 86/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 92/2009 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 93/2009 – Schedule of Contracts & Agreements
- Minute No. 95/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 96/2009 – 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