
Minutes

of an Ordinary Meeting
held at 6.00pm

16 NOVEMBER 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
14 December 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 November 2009 commencing at 6.00pm.

Councillors attendance

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

Employees attendance

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

Guests of the Council

Mr Tony MacCormick

Media attendance

The Advocate newspaper.

Public attendance

Twenty-nine members of the public attended during the course of the meeting.

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

351/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 12 October 2009 and the minutes of the special meeting of the Council held on 3 November 2009 have already been circulated. The minutes are required to be confirmed for their accuracy, subject to the record of Councillors’ voting at Minute No. 339A/2009 (19.10.2009) being amended to read as follows:

‘■ Cr Fuller moved and Cr Deacon seconded, “That the Council postpone a decision on the matter of the use by a commercial operator of the premises known as the Penguin Surf Life Saving Club located at Preservation Drive, Preservation Bay until the next ordinary Council meeting, to allow the Penguin Surf Life Saving Club to fully consult with its members as to their preferred option.”

Voting for the motion

(8)

Cr Robertson

Cr Barker

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Voting against the motion

(3)

Cr Downie

Cr McKenna

Cr van Rooyen

Motion

Carried’

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 19 October 2009 and the minutes of the special meeting of the Council held on 3 November 2009 be confirmed, subject to the record of Councillors’ voting at Minute No. 339A/2009 (19.10.2009) being amended to read as follows:

‘■ Cr Fuller moved and Cr Deacon seconded, “That the Council postpone a decision on the matter of the use by a commercial operator of the premises known as the

Penguin Surf Life Saving Club located at Preservation Drive, Preservation Bay until the next ordinary Council meeting, to allow the Penguin Surf Life Saving Club to fully consult with its members as to their preferred option.”

Voting for the motion

(8)

Cr Robertson

Cr Barker

Cr (L) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Voting against the motion

(3)

Cr Downie

Cr McKenna

Cr van Rooyen

Motion

Carried'

Carried unanimously

COUNCIL WORKSHOPS

352/2009 Council workshops

The Executive Services Officer reported as follows:

“The following council workshop has been held since the last ordinary meeting of the Council.

. 09.11.2009 Dykes Reserve development/RLCIP Funding.

This information is provided for the purpose of record only. A suggested resolution is submitted for consideration.”

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

Carried unanimously

MAYOR'S COMMUNICATIONS

353/2009 Mayor's communications

The Mayor reported as follows:

"I will adjourn this meeting for approximately 30 minutes for the following purposes:

- . To extend appreciation to Mr Tony MacCormick who gave his time to moderate proceedings at the candidates' forum held prior to the postal ballot for the 2009 Local Government Elections. Mr MacCormick joined Councillors for dinner prior to the meeting.
- . Ms Anna Paice, Science Education Officer was introduced to the table and gave a brief outline of this year's National Science week activities.

The following students from the Central Coast area each gave a brief presentation on their respective projects and Councillors took the opportunity to ask questions following each of the presentations:

Alexander Gaggin – Marist Regional College;
Kally Morton – Ulverstone High School;
Coen Elliot – Ulverstone Primary School;
Corey Murfet and Glen MacAuley – Riana Primary School; and
Alexandra Fuller – Penguin Primary School.

- . A certificate indicating the Council's participation in the recent Landcare Award was tabled. The Central Coast Council was a finalist in the Local Government Landcare Partnership Award."

The meeting was resumed at this stage.

354/2009 Mayor's diary

The Mayor reported as follows:

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

- . Carers Tas - Carers Week 2009 guest speaker
- . Eliza Purton Home for the Aged, Coroneagh Park - meeting with residents
- . Fairmile Association - commemorative plaque dedication ceremony at HMAS Shropshire Naval Memorial Park - welcome function address

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- . Gunns Plains Community Centre Association - Gunns Plains Potato Festival 2009 judge
 - . Penguin community - forum re planning
 - . Penguin Senior Citizens Club - Club birthday function
 - . The Alison Lawson Centre Tasmania - opening of Remedial Dyslexia Therapy Centre in Penguin
 - . Remembrance Day - Penguin service
 - . Cradle Mountain Water - annual general meeting (Wynyard)
 - . Lions Club of Penguin - opening of Op-Shop
 - . AuSSI-Tas (Australian Sustainable Schools Initiative) - Kids for Kids Conference (Port Sorell)
 - . Rotary Club of Ulverstone West - official opening of ArtEx
 - . Ulverstone Judo Club - annual invitational championships medals presentation.”

Cr (J) Bonde reported as follows:

“On behalf of the Mayor I attended the following functions:

- . annual Remembrance Day service at the Ulverstone Shrine of Remembrance;
- . ArtExpo luncheon, official opening and award presentation.”

Cr Robertson reported as follows:

“On behalf of the Mayor I attended the following functions:

- . regional cocktail party for the Order of Australia recipients;
- . Ulverstone Show Society afternoon tea and annual dinner.”

Cr Deacon reported as follows:

“On behalf of the Ulverstone Judo Club I extend thanks to the Mayor for his attendance at functions over the past 12 months.”

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

Carried unanimously

355/2009 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

Cr (J) Bonde reported as follows:

“I am declaring an interest in respect of Sub-Lease of Penguin Surf Club building (Minute No. 388A/2009).”

Cr Viney reported as follows:

“I am declaring an interest in respect of Planning Scheme Amendment – Local Business Zone Application No. AMD2009.1 (Minute No. 366/2009).”

356/2009 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

357/2009 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 Howard reported on a meeting of the Riana Community Centre Committee and advised the official opening will be held on 12 December 2009.

APPLICATIONS FOR LEAVE OF ABSENCE

358/2009 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

359/2009 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

360/2009 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

361/2009 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.

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- (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.

362/2009 Public question time

The time being 6.41pm, the Mayor introduced public question time.

Questions and replies concluded at 7.06pm.

363/2009 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

364/2009 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

365/2009 Council acting as a planning authority

The Mayor reported as follows:

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

The Director Development & Regulatory Services has submitted the following report:

‘If any such actions arise out of Minute Nos 366/2009 and 367/2009, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

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

Carried unanimously

**366/2009 Planning Scheme Amendment – Local Business Zone
Application No. AMD2009.1 (290/2009 – 21.09.2009)**

Cr Viney, 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 discussion and voting on the matter of Planning Scheme Amendment – Local Business Zone, Application No. AMD2009.1.

The Director Development & Regulatory Services reported as follows:

“The Planning Consultant has prepared the following report:

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| <i>‘ DEVELOPMENT APPLICATION NO.:</i> | AMD2009.1 |
| <i>APPLICANT:</i> | Central Coast Council |
| <i>LOCATION:</i> | Central Coast Council area |
| <i>ZONING:</i> | Residential |
| <i>PROPOSAL:</i> | To rezone land from Residential to Local Business |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>LEGISLATION</i> | <i>Land Use Planning and Approvals Act 1993</i> (the Act) |
| <i>ADVERTISED:</i> | 3 October 2009 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 24 October 2009 |
| <i>REPRESENTATIONS RECEIVED:</i> | Three |

PURPOSE

The purpose of this report is to:

- . consider the merit of the three representations received on the draft amendment during the public exhibition period;
- . consider the need for modification of this draft amendment; and
- . allow the Council to advise the Tasmanian Planning Commission (the Commission) pursuant to s.39(2) of the Act.

BACKGROUND

Section 39 of the Act provides that where representations are received to a draft amendment during the public exhibition period, the Council must consider each representation, and following that:

“...forward to the Commission a report comprising–

- (a) a copy of each representation received by the authority in relation to the draft amendment...; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.”

Accordingly, this report to the Council will serve to satisfy s.39(2) of the Act.

After considering the Council’s s.39(2) report, the Commission must consider the draft amendment, any representations, statements and recommendations contained in the report. Pursuant to s.40 of the Act, the Commission must hold a hearing in relation to each representation contained in the report. The Commission may dispense with a hearing if:

- . the representations are in support of the draft amendment; or
- . the Commission has consulted with a person who made a representation and that person has advised the Commission in writing that he or she does not wish to attend a hearing.

Regardless of whether a hearing is conducted or not, the Commission, after consideration of the draft amendment, the Council’s s.39(2) report and any representations may:

- . approve the draft amendment;
- . direct the Council to modify a draft amendment before approval; or

- . reject the draft amendment.

If the Commission is satisfied that the draft amendment is in order, it will notify the Council of its decision not later than three months from the date of the submission of this report.

DISCUSSION

The amendment as advertised is detailed in Annexure 1, "Central Coast Planning Scheme 2005, and Draft Amendment 1/2009." The supporting information for the amendment is not included in the Annexure to this report. It has been provided to the Commission as part of the amendment process and has previously been provided to the Council.

The amendment was initiated and certified by the Council on 21 September 2009, and was placed on public exhibition in The Advocate as provided by the Act on Saturday, 3 October 2009 and again on Saturday, 24 October 2009.

Three representations were received during the statutory exhibition period. These are provided as Annexure 2 "Representations." One representation was in support of this draft amendment while two representations opposed the draft amendment. The latter two representations, while opposing the draft amendment, specifically referred to 20-22 Eastland Drive, Ulverstone. No other specific representations were received regarding any rezoning of land proposed by this draft amendment.

The issues raised in the representations are provided in Table 1 below. A response as required by s.39(2) of the Act is provided with each issue. Note that as two of the representations raise a number of the same issues, they have been cross-referenced to remove repetition.

TABLE 1: SUMMARY OF REPRESENTATIONS AND OFFICER RESPONSE

| REP/POINT | REPRESENTATION GROUNDS | MERIT STATEMENT |
|-----------|--|---|
| 1/1 | The proposed rezoning of land from Residential to Local Business for 20-22 Eastland Drive, Ulverstone is supported. | Noted. No modification recommended. |
| 2/1 | <p>Object to draft Amendment 2/2009 and the proposed rezoning of land.</p> <p>The representors are owners of a property which shares a boundary with 20-22 Eastland Drive, Ulverstone. The proposed rezoning is contrary to the Council's initial intent which was to zone this land Residential.</p> <p>The representor highlights the Council's reasons for zoning this land Residential were to:</p> <ul style="list-style-type: none"> . make all retail and commercial developments prohibited; . limit commercial development in areas which are predominantly residential and therefore minimising the potential for land use conflict. | <p>The draft Scheme proposed to rezone local businesses providing day-to-day services from Business (BB) – Satellite under the Central Coast s.46 Planning Scheme No. 1 of 1993 to Residential.</p> <p>The representation is correct in that the purpose of the proposed rezoning of land accommodating local businesses was to protect amenity by preventing further retail and commercial development in predominantly residential areas. This land use policy was also responding to a trend of local business closures across the municipal area. This was highlighted in the report to Council on 21 September 2009 (Minute No. 290/2009).</p> <p>This land use policy approach was altered by the Framework for Settlement and Investment (the Framework). The Framework is an integrated approach to land use policy, settlement management and infrastructure investment. The Framework, under the Platform of Liveability, recognises that our residential areas are no longer just about housing and that they are about building neighbourhoods.</p> <p>Neighbourhoods that provide day-to-day services accessible by local residents are particularly important where there is limited public transport. Local businesses also form an important component of</p> |

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| | | <p>residential areas, often providing many essential services within walking distance.</p> <p>While draft Amendment 2/2009 is intended to correct an anomaly created for many local businesses (not including 20–22 Eastland Drive), the rezoning of land from Residential to Local Business was also seen to be essential in encouraging the longer term retention of local businesses in residential areas and, in turn, implementing the intent of the Framework.</p> <p>The former Resource Planning & Development Commission (RPDC), in its deliberations on the draft Scheme with respect to the zoning of land accommodating local businesses, also acknowledged that this, where consistently applied, is an acceptable policy for encouraging the longer term retention of local shops, providing that expansion of these operations are limited.</p> <p>The property at 20–22 Eastland Drive, Ulverstone was considered by the former RPDC at the time of the hearings on the draft Scheme and it was determined that this land should be zoned Residential. At the time this decision was made the existing Caltex Service Station had not been constructed on the site and it was deemed that there was an opportunity to recover the land for residential purposes.</p> <p>Since the approval of the draft Scheme, the land has been developed as a Service Station and is no longer vacant. This use will continue to operate in the medium to long term and therefore a rezoning to Local Business is appropriate.</p> <p>See 2/4 below.</p> |
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| | | No modification recommended. |
| 2/2 | One of the major objectives in the Central Coast Strategic Plan 2004–2009 under Industry and Development is “fostering strategic partnerships across industry to one area thus trying to prevent the increasing “ribbon effect” that often happens in “industrial creep”. | The Framework articulates the Council’s current strategic direction (refer to 2/1 above). No modification recommended. |
| 2/3 | Page 14, paragraphs 1 and 2 blame the former RPDC for directing the change to Residential. It was always the Council’s decision to return these properties to Residential. | The previous report (Minute No. 290/2009) highlighted that a zoning anomaly was created when the former RPDC modified the draft Scheme and directed the Council to rezone land from Residential to Local Business. It was not the intention of the report to lay blame but merely to highlight the need for draft Amendment 2/2009. No modification recommended. |
| 2/4 | Objections to the proposed rezoning of land (in the draft Scheme) were heard at a hearing on 19 July 2007. The rezoning of land was considered for 20–22 Eastland Drive. The representor agrees that some areas which contain a cluster of businesses should be Local Business, but not where there is one isolated business in a residential area such as 20–22 Eastland Drive. | Since the implementation of the draft Scheme, 20–22 Eastland Drive, Ulverstone has been developed as a Service Station. At the time the former RPDC considered the representations on the draft Scheme, a planning permit had been granted but had not been acted upon. Therefore the site was considered vacant and the former RPDC made its decision accordingly. However, the former RPDC in its decision also indicated that the Council or the owner of land could proceed with an amendment in the event that the approved Service Station was constructed. This was highlighted in the Annexures of the previous report. The site is no longer vacant and it is acknowledged that the long– |

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| | | <p>term use of the site has altered. The Council's intention is to apply a consistent land use policy for local businesses providing day-to-day services to residents.</p> <p>The purpose of this rezoning of land is to:</p> <ul style="list-style-type: none"> . assist with implementing the direction of the Framework; and . identify the location of longer term services across the municipal area. <p>A rezoning of land to Local Business does not mean residential amenity is compromised. It is considered that the provisions within the Local Business Zone are adequate to protect residential amenity.</p> <p>No modification recommended.</p> |
| 2/5 | <p>The representation suggests that it was deliberate that a Service Station was granted a permit prior to the draft Scheme being implemented when it had been derelict and empty for at least four years.</p> | <p>Not relevant to this draft Amendment.</p> <p>The Council received an application pursuant to s.57 of the Act. The Council, as the planning authority, is required to consider the application. As the draft Scheme had not come into operation, an assessment against the previous Scheme was conducted by staff and a recommendation to the Council was made accordingly. The Council made the decision to grant a planning permit.</p> <p>No modification recommended.</p> |
| 2/5 | <p>Residential Zone was upheld for 20-22 Eastland Drive, Ulverstone by the RPDC after consideration</p> | <p>See 2/4 above.</p> |

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| | of the representations on the draft Scheme. | |
| 2/6 | <p>Concerned that the rezoning of land will have the potential to expand and diversify businesses. Concerns that this will result in the purchase of residential land adjoining these businesses in order for them to expand; compromising residential amenity.</p> | <p>The Residential Zone prohibits a range of non-residential uses. Accordingly, if a local business purchased adjoining residential land it could not apply for a planning permit for a use class that is prohibited in the Residential Zone under the Scheme.</p> <p>If an owner of land accommodating a local business wished to expand operations on land that was zoned Residential then it would be necessary to rezone the land. The Council, as a planning authority, may initiate and certify an Amendment, however, the decision to approve a rezoning of land must be made by the Commission.</p> <p>No modification recommended.</p> |
| 2/7 | <p>Residential amenity is compromised since the Woolworths Petrol outlet has been operating. Residents are concerned with:</p> <ul style="list-style-type: none"> . light that spills over onto property until 10.00pm; . lights operating all night lighting up a bedroom; . noise pollution; and . foul smells and vapours wafting over | <p>The Local Business Zone requires adjoining residential uses to be considered when an application is made pursuant to s.57 or s.58 of the Act. The Table of Use in the Local Business Zone also limits the use class for General retail and hire to a total floor area of 250m². Vehicle fuel sales and service is discretionary in the Local Business Zone.</p> <p>Issues such as residential amenity are managed by the Council under legislation including the <i>Environmental Management and Pollution Control Act 1994</i> and the <i>Land Use Planning and Approvals Act 1993</i>. The residents have the ability to make a complaint to the Council to have concerns of this nature investigated.</p> |

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| | <p>residential properties.</p> <p>This does not uphold the objectives of the Act, in particular, "Must as far as practicable avoid the potential for land use conflict." Leaves residents with no avenue to resolve conflict.</p> | <p>The Council monitors compliance with the conditions of approval for the service station and has previously taken steps to ensure the operator operates in conformity with them.</p> <p>No modification recommended.</p> |
| 2/8 | No consultation. | The application was formally advertised as required by the Act. |
| 3/1 | Same as 2/1. | |
| 3/2 | <p>The former RPDC considered the rezoning of land from Residential to Local Business for 20-22 Eastland Drive as part of the hearings held in July 2007 on the draft Scheme. A Residential Zone was retained for 20-22 Eastland Drive. The representors assume that the former RPDC retained a Residential Zone for other properties listed in draft Amendment 2/2009. The representors believe that the former RPDC made this decision at the time of consideration of the draft Scheme because of the heavy concentration of residential properties surrounding these sites.</p> | <p>Other than 20-22 Eastland Drive, Ulverstone and 44 Queen Street, West Ulverstone, the other sites impacted by this draft Amendment were not considered by the former RPDC at the time of the hearings on the draft Scheme. The sites considered by the former RPDC are detailed in the previous report.</p> <p>Other than 20-22 Eastland Drive, Ulverstone all of the local businesses in residential areas considered by the former RPDC and detailed in the previous report were zoned Local Business.</p> <p>No modification recommended.</p> |
| 3/3 | <p>The representors object to Minute No. 290/2009 (21 September 2009), Page 17, paragraph 3 where it states, "...the former RPDC did not consider in its decision other local businesses of a similar size and nature that were proposed to be zoned Residential under the draft Scheme..."</p> | <p>This reference is general and is not specifically referring to 20-22 Eastland Drive, Ulverstone. The reference to the hearing with respect to 20-22 Eastland Drive was acknowledged in the Annexures of the previous report.</p> <p>No modification recommended.</p> |

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| | The representors indicate that they were present at the hearings some considerable time and believe all parties were given a fair and equitable hearing by the former RPDC. | |
| 3/3 | The title, Local Business Zone, seems more fitting for regions or areas where clusters of business are operating, not for a one off business in high residential areas. | See 2/4 above. |
| 3/3 | The uses listed in the Local Business Zone would not be amenable and may exacerbate future conflict should the subject lands be rezoned Local Business. A potential list of uses is highlighted in the letter (refer to Annexure 2). The representor is concerned with protecting future residential amenity. | See 2/7 above. |
| 3/4 | Minute No. 290/2009 (21 September 2009), page 32 states: "While the Council has no control over the operation of these local businesses, this rezoning of land is seen to be essential for their long-term retention." By changing these properties to the Local Business Zone, this would leave the local residents, of which there are many, no avenue to resolve conflicts when they arise. In addition, the representors are experiencing issues of contention at the moment with respect to noise, light spillage, odour emissions and hours of operation. The Council is | <p>When an application is made pursuant to s.57 of the Act, adjoining owners and members of the public have an opportunity to make a representation on an application and residential amenity is considered under the Scheme in the Local Business Zone. A permit granted pursuant to s.57 of the Act must uphold the conditions of a permit.</p> <p>Issues such as residential amenity are managed by the Council under legislation including the <i>Environmental Management and Pollution Control Act 1994</i> and the <i>Land Use Planning and Approvals Act 1993</i>. The residents have the ability to make a complaint to the Council to have concerns of this nature investigated.</p> |

| | | |
|-----|---|---|
| | aware of these issues as is Caltex and Woolworths. | No modification required. |
| 3/5 | Existing businesses can continue operation without being rezoned. This will still give these properties an opportunity to be developed for residential purposes. | The representor is correct in that there are existing use rights. The rezoning of land is considered appropriate given the approach advocated by the Framework and also the approach advocated by the former RPDC at the time the draft Scheme was considered. No modification required. |
| 3/6 | The draft Amendment, if approved, will facilitate outcomes that are largely inconsistent with the residential areas where the listed properties operate. To promote a change to the Local Business Zone for these properties is neither fair nor orderly use for the surrounding areas. | See 2/1 above. |

CONSULTATION

The statutory consultation period was fulfilled and is detailed in the "Discussion" above. The draft Amendment was advertised for a period of three weeks.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the process. No other impact on resources is anticipated.

CORPORATE COMPLIANCE

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

The Shape of the Place

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

A Connected Central Coast

- . Improve community wellbeing

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

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

CONCLUSION

There were three representations received by the Council on the draft Amendment during the public exhibition period. Two of the representations object to the proposed draft Amendment.

The representors are primarily concerned that the proposed rezoning of land will result in residential amenity being compromised. It is considered that

residential amenity adjoining land zoned Local Business can be adequately addressed through the provisions of this zone.

The rezoning of land from Residential to Local Business intends to:

- . Implement a land use planning policy that encourages the longer term retention of local businesses and building on the concept of neighbourhoods; and
- . Ensure consistency with respect to the zoning of local business across the municipal area and identify the location of long-term services.

No modification is recommended as a result of the representations received.'

The Planning Consultant's report is supported."

The Executive Services Officer reported as follows:

"A copy of the annexures have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Howard seconded, "That the Tasmanian Planning Commission be advised as follows:

- 1 there were three representations to the draft Amendment (identified as AMD2009.1) during the public exhibition period in respect of the proposed rezoning of various properties in the Central Coast municipal area from Residential to Local Business; and
- 2 the Council does not recommend any modifications to the draft Amendment."

Voting for the motion
(10)

Cr Downie
Cr (J) Bonde
Cr Deacon
Cr Diprose
Cr Dry
Cr Fuller
Cr Haines
Cr Howard
Cr Robertson
Cr van Rooyen

Voting against the motion
(1)

Cr (L) Bonde

Motion

Carried

Cr Viney returned to the meeting at this stage.

**367/2009 General retail and hire (change of use) at 50 Victoria Street, Ulverstone
Application No. DEV2009.32**

The Director Development & Regulatory Services reported as follows:

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

‘DEVELOPMENT APPLICATION NO.: DEV2009.32
APPLICANT: Joanne Staples
LOCATION: 50 Victoria Street, Ulverstone
ZONING: Business
PLANNING INSTRUMENT: Central Coast Planning Scheme 2005 (the Scheme)
ADVERTISED: 2 September 2009
REPRESENTATIONS EXPIRY DATE: 16 September 2009
REPRESENTATIONS RECEIVED: Nil
42-DAY EXPIRY DATE: 2 December 2009
DECISION DUE: 16 November 2009

PURPOSE

The purpose of this report is to consider an application for a change of use at the property at 50 Victoria Street, Ulverstone, from Business and professional services to General retail and hire.

BACKGROUND

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

The site is between Pete Jermy’s Antiquarian and Second Hand Books and the Ulverstone Security Services building and was used as a dental surgery for many years. The proposed use is jewellery sales and body piercing.

Some minor internal works and modest signage is proposed, which are both exempt from planning approval.

DISCUSSION

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

| CLAUSE | ASSESSMENT AND COMMENT |
|------------------------------------|------------------------|
| 2.0 Objectives for Planning 2.1(a) | Complies. |

DEVELOPMENT & REGULATORY SERVICES

| | |
|-------------------------------------|--|
| | Proposal is a commercial activity located within the existing urban area. |
| 12.1 Zone Purpose | Complies. Retail activity is consistent with the purpose of the Business Zone. |
| 12.2.1 Use Table | Complies. Permitted use in the Business Zone. |
| 12.4.3 Building Design and Siting | Complies. No external changes to the building are proposed. |
| 12.4.4 Building Access and Services | Complies. The building is connected to all the required services; road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity. |
| 12.4.5 Crime Prevention | Complies. The entrance to the building is visible from Victoria Street, the entrance area is visible from within the building, artificial street lighting illuminates the entrance at night. |
| 12.4.6 Delivery Areas | Complies. There is no onsite area dedicated to load and unload goods. However, as the goods will be delivered only 2-3 times per week and usually in small satchels, the on-street facilities are adequate. |
| 12.4.7 Refuse Areas | Complies. Only small amounts of waste are envisaged. The disposal of sharps and contaminated waste will be dealt with by the Council's Environment & Health Department. Space within the building for storage |

| | |
|--------------------|---|
| | of waste until collection is adequate. |
| RELEVANT SCHEDULES | |
| Car Parking | <p>Does not comply.</p> <p>There are no parking spaces proposed and no space available onsite for parking.</p> <p>The Car Parking Schedule requires seven onsite car parking spaces per 100m² of floor area (100m² = seven spaces) plus one space for each employee (one staff member = one space). Therefore the required number of spaces is eight.</p> <p>The Performance Criteria allows a relaxation of the car parking spaces where:</p> <ul style="list-style-type: none"> (i) there is no adverse effect on the streetscape; (ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and (iii) there is no adverse impact on the amenity of the surrounding locality. <p>According to the Scheme, the previous use of the site (dentistry) required three onsite car parking spaces per 100m² of floor area (100m² = three spaces) plus one space for each employee (two dentists plus three staff members = five spaces). Therefore the required number of spaces for a dental surgery is eight.</p> <p>As the proposed use requires the same amount of parking as the previous use, maintaining the status quo in relation to car parking in the area will not affect the streetscape, cause any hazard or parking congestion, or adversely impact on amenity.</p> <p>A relaxation of the parking requirements can be</p> |

| | |
|-------|---|
| | <p>granted on this basis, but a cash-in-lieu payment for each space may be taken by the Council up to a value of \$11,000 per space.</p> <p>Given that the existing public car parks in the vicinity were constructed, in part to accommodate the previous use, and that the parking requirements for the proposed use are no different to the previous use, it is not considered reasonable to require cash-in-lieu for the eight spaces not provided.</p> |
| Signs | <p>Complies.</p> <p>No external signs have been applied for but verbal indications from the applicant suggest that some modest signage is envisaged. The Scheme has exemptions for modest signage in the Business Zone.</p> |

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 newspaper.

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

No representations were received.

IMPACT ON RESOURCES

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

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

CONCLUSION

The proposed development complies with all the relevant Acceptable Solutions and Performance Criteria of the Scheme. A relaxation of the car parking requirements is justified without a cash-in-lieu contribution.

Recommendation

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

General

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

Environment and Health

- 2 The premises must demonstrate compliance with the *Public Health Act 1997*, the *Guidelines for Ear and Body Piercing* and the *Building Code of Australia*;
- 3 Prior to commencement, the applicant is required to register and maintain registration as a public health risk activity in accordance with s.98 of the *Public Health Act 1997*, and
- 4 Any persons employed to perform body piercing are required to be licensed in accordance with s.107 of the *Public Health Act 1997*.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The Council does not provide a garbage collection service to this property. The developer must take steps to ensure that waste is disposed of in an appropriate manner.
- C A backflow prevention device is required for the proposed development. For information about this, please contact Ray Tupper, the Council's Plumbing Inspector.
- D An occupancy certificate and permit addressing the change of use is required for the proposed development. A copy of this planning permit should be given to your building surveyor.'

The report is supported.”

The Executive Services Officer reported as follows:

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

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

General

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

Environment and Health

- 2 The premises must demonstrate compliance with the *Public Health Act 1997*, the *Guidelines for Ear and Body Piercing* and the *Building Code of Australia*;
- 3 Prior to commencement, the applicant is required to register and maintain registration as a public health risk activity in accordance with s.98 of the *Public Health Act 1997*, and
- 4 Any persons employed to perform body piercing are required to be licensed in accordance with s.107 of the *Public Health Act 1997*.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The Council does not provide a garbage collection service to this property. The developer must take steps to ensure that waste is disposed of in an appropriate manner.
- C A backflow prevention device is required for the proposed development. For information about this, please contact Ray Tupper, the Council's Plumbing Inspector.
- D An occupancy certificate and permit addressing the change of use is required for the proposed development. A copy of this planning permit should be given to your building surveyor."

Carried unanimously

GENERAL MANAGEMENT

368/2009 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

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

- . Riana Community Centre Committee – meeting held on 19 August 2009
- . Forth Community Representatives Committee – meeting held on 8 October 2009
- . Youth Engaged Steering Committee – meeting held on 22 October 2009
- . Penguin Miniature Railway Management Committee – meeting held on 27 October 2009
- . Ulverstone Local History Museum Committee – meeting held on 27 October 2009
- . Central Coast Community Safety partnership Committee – meeting held on 28 October 2009.

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

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

Carried unanimously

369/2009 Dulverton Regional Waste Management Authority Rules review

The Director Development & Regulatory Services reported as follows:

“PURPOSE

This report provides the basis for discussing a request from the Dulverton Regional Waste Management Authority (DWM) for the Council to consider the scope of a proposed review of the DWM rules.

BACKGROUND

The Dulverton Regional Waste Management Authority, trading as DWM operates under s.30–39 of the *Local Government Act 1993* as a Joint Authority of the Central Coast, Devonport, Kentish and Latrobe Councils for the management and disposal of waste.

In 2005 the governance structure of DWM was altered from a Representatives Board to a skills based Board of Directors which is governed by Rules adopted on 15 August 2005 (addendum 1). The core business of the Authority is defined by the Rules as:

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

Given that the new governance structure has now been in place for three and a half years and following a Local Government Board Review undertaken in 2008 and the Representatives' recent experiences in changing the Directors of the Board, a provision was made in the 2009/10 DWM Operational Plan to undertake a review of the DWM Rules.

DISCUSSION

A report on the proposed scope of the Rules Review prepared by the DWM CEO and Chief Representative was presented to the DWM Representatives meeting held on Tuesday, 16 September 2009. The Representatives resolved:

- i) that all stakeholders (Representatives, participating Councils and Board) be made aware of the Rules review and that they be given the opportunity to consider other aspects of review for deliberation; and
- ii) that a joint meeting of Representatives and the Board be held to prepare a brief for the solicitor following feedback from participating Councils.

The proposed list of items to be considered in the Rules review includes:

- . DWM's Strategic Plan 2009–2014 supports the diversion of waste from landfill and DWM becoming involved in more resource recovery activities. Two recent examples of this are the development of the Dulverton Organics Recycling Facility and facilitation of the regional kerbside recycling contract. DWM's functions detailed in the Rules needs to reflect this strategic direction from managing waste to include resource recovery.
- . The Rules define one of DWM's core activities as the management of waste generated in the Mersey–Leven region. This does not reflect the DWM's growing role in the region and a potential positioning of DWM as the region's sole landfill site.

- . To include improvements to the Rules based on the Representatives' experiences with the procedure to dismiss Directors.
- . Any supplements to the *Corporations Act 2001*, *Local Government Act 1993*, and *Government Business Enterprise Act 1995* need to be reviewed against the Rules requirements for compliance.
- . Consideration of the Local Government Board Review recommendations, particularly in relation to equity arrangements.
- . What constitutes membership of DWM and do the Rules provide a suitable mechanism to allow debate and consideration of additional members?
- . Upon closure of the landfill there are significant expenses to continue the maintenance of the landfill cap, leachate management and environmental monitoring. The current Rules do not adequately allow for securing reserves for these purposes. If reserves are not sufficiently secured, the cost of maintaining the landfill after closure will become a financial burden for participating Councils and future generations.
- . Reflect the change in participating Council ownership from borrowings to equity.
- . The AGM must be held before November each year. It is proposed that the AGM and election of Chief and Deputy Chief Representatives be held by January to accommodate any changes in Representatives due to local government elections.

The items proposed to be considered in the Rules review are well explained and justified. It is considered that the proposed scope will satisfactorily address the issues which confront DWM both now and in the future. Additionally, with the introduction of a new Board and the increasing range of activities that DWM is becoming involved in, it is considered to be an opportune time to undertake the Rules review.

CONSULTATION

Consultation has been undertaken with the DWM Chief Executive Officer, DWM Representatives and the DWM Board.

IMPACT ON RESOURCES

The proposed Rules review will have no impact on Council resources.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Conserve the physical environment in a way that ensures we have a healthy and attractive community

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the proposed scope of the DWM Rules review be endorsed by the Council.”

■ Cr Fuller moved and Cr Haines seconded, “That the Council endorses the following scope for the review of the Dulverton Regional Waste Management Authority (DWM) Rules:

- . DWM’s Strategic Plan 2009–2014 supports the diversion of waste from landfill and DWM becoming involved in more resource recovery activities. Two recent examples of this are the development of the Dulverton Organics Recycling Facility and facilitation of the regional kerbside recycling contract. DWM’s functions detailed in the Rules needs to reflect this strategic direction from managing waste to include resource recovery.
- . The Rules define one of DWM’s core activities as the management of waste generated in the Mersey–Leven region. This does not reflect DWM’s growing role in the region and a potential positioning of DWM as the region’s sole landfill site.
- . To include improvements to the Rules based on the Representatives’ experiences with the procedure to dismiss Directors.

- . Any supplements to the *Corporations Act 2001*, *Local Government Act 1993*, and *Government Business Enterprise Act 1995* need to be reviewed against the Rules requirements for compliance.
- . Consideration of the Local Government Board Review recommendations, particularly in relation to equity arrangements;
- . What constitutes membership of DWM and do the Rules provide a suitable mechanism to allow debate and consideration of additional members?
- . Upon closure of the landfill there are significant expenses to continue the maintenance of the landfill cap, leachate management and environmental monitoring. The current Rules do not adequately allow for securing reserves for these purposes. If reserves are not sufficiently secured, the cost of maintaining the landfill after closure will become a financial burden for participating Councils and future generations.
- . Reflect the change in participating Council ownership from borrowings to equity.
- . The AGM must be held before November each year. It is proposed that the AGM and election of Chief and Deputy Chief Representatives be held by January to accommodate any changes in Representatives due to local government elections.”

Carried unanimously

370/2009 Regional and Local Community Infrastructure Program 2009–10

The General Manager reported as follows:

“The Director Corporate & Community Services has prepared the following report:

PURPOSE

The purpose of this report is to consider the Council’s allocation of funding from the second round of the Regional and Local Community Infrastructure Program (RLCIP) 2009–10.

BACKGROUND

On 25 June 2009, the Australian Government, as part of its contribution to address the global economic crisis, made an additional \$220 million available in the second round of RLCIP funding to support local jobs during the global

economic recession and provide long-term benefits to communities by assisting councils to build and modernise local infrastructure.

The Central Coast Council has been allocated an amount of \$151,000 for spending on community infrastructure including new construction and major renovations or refurbishments across a wide range of assets.

DISCUSSION

In an effort to boost the economy the Australian Government has made funding available to councils that can be utilised across a wide range of projects, a copy of the list of projects that can be funded is attached, specifying only that funding will not be available for operational and maintenance costs, or for certain transport infrastructure costs covered by Roads to Recovery or Black Spot programs.

In the first round of funding the Council was successful in obtaining funding for the following projects:

- . Refurbishment of Forth Hall – \$60,000;
- . Showground Precinct power and building refurbishment – \$160,000;
- . Turners Beach Hall refurbishment – \$25,000;
- . Riana Community Centre kitchen upgrade – \$60,000; and
- . Penguin Main Beach sea wall – \$86,000.

In considering which projects to put up for the second round of funding under the RLCIP program the Senior Management Team needed to be confident that projects chosen could be completed within the designated timeline (commencement within three months of signing the agreement for funding and completion by December 2010) and that they met the relevant criteria.

The Senior Management Team has considered how best to achieve the greatest benefit across the whole of the Central Coast area and has taken into account a range of future works that are considered to have merit within the context of current programs. The works chosen add value to, or complement, current projects being undertaken by the Council.

The following projects have been identified as being appropriate for consideration for funding under the RLCIP second round program:

- . Option 1 – Recreation parking at the Ulverstone Showground and boat ramp access – \$151,000;

This would facilitate the first stage of upgrade works to increase the number of recreation parking spaces available for the Ulverstone Showground as well as improving boat ramp access and related parking for boat ramp users. Without this upgrade there is a concern that the current Showground redevelopment will not be able to perform at its maximum due to parking constraints.

- . Option 2 – Museum display and storage space – \$100,000; and playground equipment (Bicentennial Park/Fairway Park) – \$51,000.

The Ulverstone History Museum lacks an appropriate display space that would enable the set-up of special short to medium term displays aimed at making the facility more attractive to school groups and other visitors. There is also a lack of controlled storage space to ensure that sensitive materials are properly stored and maintained.

The Council is also looking to increase the availability of adult exercise equipment as part of its overall commitment to healthy living.

CONSULTATION

Consultation is not applicable in respect of this report.

IMPACT ON RESOURCES

There will be some impact on Council resources in managing and administering the projects.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space
- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve service provision

CONCLUSION

The Showground upgrade has been one of the major projects undertaken within the Central Coast area over the past year and needs to be supported with appropriate recreational parking if the Council is to maximise the benefit from this project. Related boat ramp works will assist in making that area safer, both for boat ramp users and for Showground users. It is therefore recommended that the Council approve the following project for funding under the second round of Regional and Local Community Infrastructure Program 2009–10:

- . Recreation parking at the Ulverstone Showground and boat ramp access – \$151,000.’

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the list of projects that can be funded have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr (L) Bonde seconded, “That the Council approve the following project for funding under the second round of Regional and Local Community Infrastructure Program 2009–10:

- . Recreation parking at the Ulverstone Showground and boat ramp access – \$151,000.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

371/2009 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 October 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 Deacon moved and Cr (J) Bonde 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

372/2009 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 October 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 Dry seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

373/2009 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 October 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:

- . 6 October 2009 – Letter from the Lions Club of Penguin Inc. requesting the waiving of hire charges and licence fees relating to the holding of the Penguin Christmas Carols.
- . 12 October 2009 – Letter from Senator Helen Polley informing Councillors of the Way Across Tasmania Pilgrimage Project.
- . 26 October 2009 – Letter from Families and Young Children Reference Group requesting the waiving of the fee for the Temporary Place of Assembly Licence.
- . 28 October 2009 – Letter received from Senator Christine Milne concerning Local Governments addressing Climate Change.
- . 29 October 2009 – Letter from Mr & Mrs Bob Boyd thanking the Council for its assistance with Shropshire Park and the Naval reunions that have been held there.

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

Carried unanimously

374/2009 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 20 October to 16 November 2009 is submitted for the authority of the Council to be

given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

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

■ Cr Deacon moved and Cr Howard 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

375/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 October 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 Viney seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

376/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

“The following rate remission is proposed for the Council’s consideration:

| | |
|-------------------------|--------------------------------|
| <i>PROPERTY NO.</i> | 100195.006 |
| <i>PROPERTY ADDRESS</i> | 6 Brockmarsh Place, Ulverstone |
| <i>REMISSION</i> | \$268.50 |

REASON Waste management charge incorrectly raised from 2007 to 2009 – Occupancy Certificate issued 20 July 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 Haines moved and Cr Diprose seconded, “That the following remission be approved:

. Property No. 100195.0060 – \$268.50.”

Carried unanimously and by absolute majority

377/2009 Debtor remissions

The Director Corporate & Community Services reported as follows:

“The following debtor remission is proposed for the Council’s consideration:

| | |
|-------------------------|---|
| <i>DEBTOR NO.</i> | 5870 |
| <i>PROPERTY ADDRESS</i> | 20 Cordell Place, Turners Beach |
| <i>REMISSION</i> | \$362.20 |
| <i>REASON</i> | Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003). Account relates to period prior to changeover to Cradle Mountain Water.” |

■ Cr (J) Bonde moved and Cr Robertson seconded, “That the following remission be approved:

. Debtor No. 5870 – \$362.20.”

Carried unanimously

ENGINEERING SERVICES

378/2009 Development of Parking Strategy

■ Cr Fuller (having given notice), moved and Cr Dry seconded, "That the Council direct the General Manager to explore opportunities to expedite the development of the Parking Strategy, and report back to the Council with this information by the end of 2009."

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

"The Central Coast Strategic Plan 2009–2014 has committed the Council to the development of a Car Parking Strategy.

At last update, the Engineering Services Department indicated it had completed 10% of the process, on target for the end of September 2009:

'4.1.3.11 Develop car parking strategy. Preliminary work has been completed as part of the Urban Design Guidelines.'

The target date for completion is 30 June 2010.

Upon consideration of a recent agenda item concerning the requirement for parking spaces or acceptance of cash-in-lieu for same, it seems apparent that our Planning staff and commercial developers alike are currently disadvantaged in their ability to estimate costs and assess applications until this Strategy is completed and implemented.

Currently, there is the risk of loss of appropriate revenue to support future car parking requirements, as applications may make inappropriate contributions toward the provision of adequate and well maintained car parking spaces.

There is also the uncertainty for developers as to the cost of establishing or expanding businesses within the municipal area, which may hinder their decision to do so.

There also seems to be lack of clarity about what circumstances dictate that a contribution should be paid, i.e. confusing legal advice contained in past reports. In addition, there are a variety of opinions about the appropriateness of developers to make any contribution and if so, what form that should take."

The Director Engineering Services reported as follows:

"PURPOSE

This report considers a motion on notice from Cr Fuller.

BACKGROUND

The Urban Design Guidelines for Ulverstone and Penguin considered the overall strategies for parking in the CBD. The information from these reports will be used to form the basis of a more detailed Parking Strategy (the Strategy).

The Strategy will assist the Parking Policy but not make it any easier to decide on its application. The Parking Policy and associated costs were dealt with in some detail previously and the Strategy will only review these figures and methods of funding future parking.

DISCUSSION

The Strategy was proposed to be completed in-house by the Council's Engineering Services staff in conjunction with Development & Regulatory Services staff. Since this decision, the Engineer and Engineering Officer involved with traffic issues have transferred to Cradle Mountain Water and Devonport City Council respectively. It has taken some time to regroup and, as such, has delayed the schedule for this project.

The Urban Design Guideline reports provide a summary of previous reports and experience in respect to traffic management and parking issues and it was not intended to further use consultants; apart from any specialised advice that may be required.

The Development & Regulatory Services Department now has an experienced person in this area who will further assist with the Strategy development work and provide the necessary link to implementation in the Central Coast Planning Scheme 2005.

It is proposed that a Draft Parking Strategy would be developed for consideration by the Council in April 2010 with completion by June 2010, based on available in-house resources.

CONSULTATION

Extensive consultation was undertaken with both Urban Design Guideline projects and the Parking Policy has been debated in the past. Consultation for the Strategy will be limited to Councillor Workshops in the first instance in order to progress the project.

IMPACT ON RESOURCES

It is noted that no allocation was made in the Estimates for the Strategy as it was to be completed in-house by Council staff and therefore no direct budget allocation was required. Even if an allocation could be made to engage a consultant it would require significant input of the Council's Engineering Services staff to manage the project and provide the data.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Adopt an integrated approach to land use planning
- Conserve the physical environment in a way that ensures we have a healthy and attractive community

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement
- Strengthen local–regional connections

CONCLUSION

The motion of Cr Fuller is submitted for consideration.”

- Cr van Rooyen moved and Cr Deacon seconded an amendment, “That the Council direct the General Manager to explore opportunities to expedite the development of the Parking Strategy, and report back to the Council with this information by the end of June 2010.”

Voting for the amendment

(10)

Cr Downie

Cr (L) Bonde

Cr Deacon

Cr Diprose

Voting against the amendment

(2)

Cr (J) Bonde

Cr Fuller

Cr Dry
 Cr Haines
 Cr Howard
 Cr Robertson
 Cr van Rooyen
 Cr Viney

Amendment

Carried

Voting for the amended motion
 (10)
 Cr Downie
 Cr (L) Bonde
 Cr Deacon
 Cr Diprose
 Cr Dry
 Cr Haines
 Cr Howard
 Cr Robertson
 Cr van Rooyen
 Cr Viney

Voting against the amended motion
 (2)
 Cr (J) Bonde
 Cr Fuller

Amended motion

Carried

379/2009 Cradle Mountain Water – installation of drinking water fountains

■ Cr Fuller (having given notice) moved and Cr (J) Bonde seconded, “That the Council correspond with Cradle Mountain Water, expressing a desire to explore future opportunities for the installation of drinking water fountains (‘bubblers’) within the Central Coast community.”

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

“In May this year, the Council received information about actions taken by the Manly Council in NSW and their installation of water bubblers, more commonly known in Tasmania as drinking water fountains. The newly designed bubblers addressed, through innovative design and filtration, all the concerns members of the public had about drinking water fountains that were commonplace in previous years.

The information below (and website indicated) provides outstanding evidence and examples of why we should be encouraged to explore the use of water bubblers in our communities once again.

The following is a quotation from www.bottledwateralliance.com.au and contains opinions held by that organisation.

'...Bottled water is an environmental menace and, when you consider all the facts, a sheer waste of money.

Bottled water hurts the hip pocket nerve. Financially, it just doesn't make sense, some media commentators have gone so far as to call it a con. This year, Australians will spend half a billion dollars on bottled water. Every time a consumer buys bottled water, they are being price gouged. The charge for one litre of bottled water is up to 2,500 times the cost of tap water.

The increase in bottled water's popularity has also given rise to major environmental problems. For one thing, Australia is drowning in a sea of plastic bottles, which create massive amounts of landfill and litter our streets. And significant resources are needed to bottle, transport and refrigerate water, especially if that water is imported from overseas.

The manufacture of bottles for water squanders a non-renewable resource – oil. The road and air miles generated by transporting bottled water are a significant generator of greenhouse gases. The refrigeration needed for bottled water also causes emissions. And bottled spring water can sometimes put unsustainable pressure on natural aquifers.

From a quality point of view, Australians are able to drink some of the best tap water in the world. But where people are unsure of their local tap water quality, switching to filtered tap water is an environmental and financial win-win for everyone.'

'...In a move to get Australians drinking from bubblers again, the Bottled Water Alliance is calling on councils to spruce up their existing bubblers for summer. It's also calling on councils to upgrade and install modern hi-tech water bubblers that match the convenience and quality of bottled water.

Setting a role model for other councils to follow, Manly Council has joined with the Bottled Water Alliance and installed six designer water bubblers on the Manly Corso and beachfront. In an Australian-first, all the bubblers have been fitted free of charge with hitech Culligan Water filters. This makes the water coming out of the bubblers as good, if not better, than bottled water.

The filtered bubblers in Manly could stop the use of 250,000 plastic water bottles every year – reducing beach litter and potentially saving consumers hundreds of thousands of dollars. Just before Christmas, Mosman Council voted to adopt the initiative – allocating funds for 14 filtered bubblers. Culligan Water will donate

bubbler filtration equipment to all other councils taking part in the Bottled Water Alliance project.

“We felt it was time the humble water bubbler had a makeover,” says Tim Gordon, Managing Director of Culligan Water. “This new breed of bubbler is stylish, easy to maintain, vandal proof, wheelchair accessible and has enough water pressure to fill a reusable bottle with water that’s as good if not better than the bottled water being sold in shops.”’

We have worked hard to provide drinking water in Central Coast of the highest standard. Encouraging our new partner company Cradle Mountain Water to promote the region’s drinking water has marketing and promotional opportunities for the new body.

Being the first Council to initiate such an opportunity for our citizens would show a commitment, not only to the environment through reduction of landfill and litter, but a commitment to the new partnership and open discussion for future joint and mutually beneficial projects between the Central Coast Council and Cradle Mountain Water in the future.”

The Director Engineering Services reported as follows:

PURPOSE

This report considers a motion on notice from Cr Fuller.

BACKGROUND

Details have been provided by Cr Fuller.

DISCUSSION

The suggestion that the Council correspond with Cradle Mountain Water (CMW) expressing a desire to explore future opportunities for the installation of drinking water fountains (‘bubblers’) within the Central Coast community is achievable.

Perhaps the opportunity exists for CMW to undertake this process on a regional basis. This would avoid a direct cost to the Council and could be an effective promotion by CMW, as indicated by Cr Fuller.

CONSULTATION

No consultation has been undertaken at this stage. It is suggested that this should be the responsibility of CMW if it wishes to pursue the concept.

ENGINEERING SERVICES

IMPACT ON RESOURCES

The estimated cost of a suitable fountain is \$5,000 plus installation.

The cost of the promotion and implementation and ongoing maintenance and operational costs would need to be considered further by CMW.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Connect the people with services
- Improve community wellbeing

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

- Effective communication and engagement
- Strengthen local–regional connections

CONCLUSION

The motion of Cr Fuller is submitted for consideration.”

Motion

Carried unanimously

380/2009 Engineering Services determinations

The Director Engineering Services reported as follows:

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

Carried unanimously

381/2009 Tenders for 2009 Black Spot projects – Thermoplastic linemarking and installation of raised reflective pavement markers

The Director Engineering Services reported as follows:

“PURPOSE

The purpose of this report is to make recommendation on quotations received for the installation of thermoplastic linemarking and ancillaries on the federally funded 2009 Black Spot projects.

The Engineering Group Leader reported as follows.

‘BACKGROUND

Invitations to tender a quotation for the supply and installation of linemarking and raised reflective pavement markers (RRPMs) were called on 31 August 2009 and closed on 14 September 2009.

Only one quotation was requested from Zaganite Specialised Coatings as they are the only Tasmanian supplier and installer of this product for projects of this size.

Public tenders were not invited in this instance in accordance with the Council’s Code for Tenders and Contracts, as an exemption based on clause 6(h) applies in this instance. It states:

“...a satisfactory result would not be achieved by inviting tenders because of –

...

(iii) the unavailability of competitive or reliable tenderers...”

The Code further states that:

“Point (h) above may be applied for one or more of the following reasons:

- . Where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money...”

DISCUSSION

Quotations were received as follows (inc. GST):

| <i>TENDERER</i> | <i>PRICE \$</i> |
|---------------------------------------|-----------------|
| Zaganite Specialised Coatings Pty Ltd | 397,537.80 |
| <i>Budget Estimate</i> | 400,000.00 |

The tendered price includes the following:

- . Wilmot Road, Forth \$80,373.70
- . Kindred Road, Forth \$78,775.40
- . Preston Road, Gawler \$98,054.00
- . Top Gawler Road, Gawler \$50,358.00
- . Pine Road, Penguin \$89,976.70
- . Thermoplastic material and RRPMs installed to DIER standards
- . RRPMs at 24m centres
- . Set out allowed for on Top Gawler Road

The tenderer, Zaganite Specialised Coatings Pty Ltd, is recognised as being competent to perform the works to relevant standards.

CONSULTATION

This item has followed an invited tendering process.

IMPACT ON RESOURCES

The tender is within the budget estimate.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- . Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance
· Improve service provision

CONCLUSION

It is recommended that the tender from Zaganite Specialised Coatings Pty Ltd in the sum of \$397,537.80 (inc. GST) be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

■ Cr van Rooyen moved and Cr (J) Bonde seconded, "That the tender from Zaganite Specialised Coatings Pty Ltd in the amount of \$397,537.80 (inc. GST) for the installation of thermoplastic linemarking and raised reflective pavement markers be accepted."

Carried unanimously

382/2009 Tenders for resealing of urban and rural roads

The Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to make recommendation on tenders received for the resealing of urban and rural roads.

The Engineering Group Leader reported as follows.

'BACKGROUND

Tenders were called on 8 August 2009 for expressions of interest in sprayed bituminous surfacing. Registrations were received from Venarchie Contracting, Hardings Hotmix, Roadways and Downer EDI Works and were included on the Multiple Use Register.

Tenders for urban and rural reseals were called from all listed contractors on 1 October 2009 and closed on Wednesday, 21 October 2009.

DISCUSSION

Tenders were received as follows (inc. GST):

ENGINEERING SERVICES

| TENDERER | PRICE \$ |
|-----------------------|-------------------|
| Downer EDI Works | 481,970.64 |
| Hardings Hotmix | 534,244.88 |
| Venarchie Contracting | 570,762.66 |
| Roadways | 583,322.94 |
| <i>ESTIMATE</i> | <i>545,000.00</i> |

All tenderers have performed similar works in the past and are believed capable of carrying out this project.

Tender rate comparisons with last years lowest tenders are as follows:

| RESEAL AREA | THIS YEARS LOWEST TENDER | THIS YEARS HIGHEST TENDER |
|-------------|--------------------------|---------------------------|
| Rural | -9% | +11% |
| Urban | -12% | +4% |

CONSULTATION

This item has followed a public tendering process.

IMPACT ON RESOURCES

The budget for urban and rural reseals is \$650,000 which includes an allowance for reseal preparation. The Estimate for reseal preparation is \$105,000. Two of the tenders are less than the resealing estimate.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision

CONCLUSION

It is recommended that the tender from Downer EDI Works in the sum of \$481,970.64 (inc. GST) be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

- Cr Robertson moved and Cr Viney seconded, "That the tender from Downer EDI Works in the amount of \$481,970.64 (inc. GST) for the resealing of urban and rural roads, be accepted."

Carried unanimously

Cr Fuller left the meeting at this stage.

383/2009 Tenders for Turners Beach to Ulverstone Shared Pathway asphalt surfacing

The Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to make recommendation on tenders received for asphalt surfacing works on the Turners Beach to Ulverstone Shared Pathway.

The Engineering Group Leader reported as follows.

'BACKGROUND

Tenders were called on 8 August 2009 for expressions of interest for hotmix asphalt surfacing. Registrations were received from Venarchie Contracting, Hardings Hotmix, Roadways, Downer EDI Works and King & Harding Excavation & Seal and were included on the Multiple Use Register.

Invitations to quote from contractors listed on the multiple use register for asphalt surfacing were called on 27 October 2009 and closed on 3 November 2009.

The section of pathway included is from the Clayton Road turning area to the western end of the pathway at Beach Road, Ulverstone. This 2,500m long section equates to 7,500m².

Quotations were received from Hardings Hotmix, Venarchie Contracting, Roadways and King & Harding Excavation & Seal.

ENGINEERING SERVICES

DISCUSSION

Tenders were received as follows (inc. GST):

| TENDERER | PRICE \$ |
|----------------------------------|-------------------|
| Hardings Hotmix | 128,452.50 |
| Venarchie Contracting | 130,680.00 |
| Roadways | 136,125.00 |
| King & Harding Excavation & Seal | 147,262.50 |
| <i>ESTIMATE</i> | <i>160,000.00</i> |

All tenderers have performed similar works in the past and are believed capable of carrying out this project.

CONSULTATION

This item has followed a public tendering process.

Local consultation and notices will be provided at the time of construction.

IMPACT ON RESOURCES

The budget estimate for asphaltting this section of pathway is \$160,000. The overall budget for the pathway project is \$1,014,000. All tenders fall within the budget estimate for these works.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space

A Connected Central Coast

- . Provide for a diverse range of movement patterns
- . Improve community wellbeing

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance
. Improve service provision

CONCLUSION

It is recommended that the tender from Hardings Hotmix in the sum of \$128,452.50 (inc. GST) be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

- Cr van Rooyen moved and Cr Diprose seconded, "That the tender from Hardings Hotmix in the amount of \$128,452.50 (inc. GST) for the asphalt surfacing works on the Turners Beach to Ulverstone Shared Pathway, be accepted."

Cr Fuller returned to the meeting at this stage.

Motion

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

384/2009 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Amendment to the Rules of Cradle Coast Water;
- . Former Penguin Council Chambers – Signage; and
- . Sub-Lease of the Penguin Surf Club building.

These are matters relating to:

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

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

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

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;
- . Amendment to the Rules of Cradle Coast Water;
- . Former Penguin Council Chambers – Signage; and
- . Sub-Lease of the Penguin Surf Club building.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

GENERAL MANAGEMENT

385/2009 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

386/2009 Amendment to the Rules of Cradle Coast Water (124/2009 – 20.04.2009)

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

“The purpose of this report is to consider amending the Council’s previous resolution not to wind up Cradle Coast Water on or before 27 November 2009.

...

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

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

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

387/2009 Former Penguin Council Chambers – Signage

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

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

...

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

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

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

CORPORATE & COMMUNITY SERVICES

388/2009 Sub-Lease of Penguin Surf Club building (132/2009 – 20.04.2009)

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

“The purpose of this report is to consider a request by the Penguin Surf Life Saving Club to sub-let the top floor of the Penguin Surf Life Saving Club for the purposes of a restaurant.

...

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 10.43pm.

CONFIRMED THIS 14TH DAY OF DECEMBER, 2009.

Chairperson

(Imm:dil)

Appendices

- Minute No. 364/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 371/2009 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 372/2009 – Schedule of Contracts & Agreements
- Minute No. 374/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 375/2009 – Financial statements
- Minute No. 380/2009 – Schedule of Engineering Services Determinations Made Under Delegation

QUALIFIED PERSON'S ADVICE

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

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendations provided to the Council in or with the following agenda:

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

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

Sandra Ayton
GENERAL MANAGER