

Minutes

of an Ordinary Meeting
held at 6.00pm

19 APRIL 2010

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
17 May 2010.

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Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 19 April 2010 commencing at 6.00pm.

Councillors attendance

Cr Mike Downie (Mayor)
Cr Lionel Bonde
Cr Amanda Diprose
Cr Ken Haines
Cr Brian Robertson
Cr Philip Viney

Cr Jan Bonde (Deputy Mayor)
Cr John Deacon
Cr Cheryl Fuller
Cr Gerry Howard
Cr Tony van Rooyen

Councillors apologies

Cr David Dry

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)
Planning Consultant (Ms Heidi Goess)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

Prior to the commencement of the business of the Council meeting, the Council observed a minute's silence in recognition of the recent passing of Mrs Heather Bonde, wife of Cr Lionel Bonde.

CONFIRMATION OF MINUTES OF THE COUNCIL

104/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 March 2010 and the minutes of the special meeting of the Council held on 12 April 2010 have already been circulated. The minutes are required to be confirmed for their accuracy, subject to the following:

- the record of pecuniary interest declaration at Minute No. 66/2010 (15.03.2010) being corrected to indicate Cr (J) Bonde declaring an interest; and
- the record of Councillor's voting at Minute No. 81/2010 (15.03.2010) indicating that the motion was carried unanimously and by absolute majority.

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

■ Cr Fuller moved and Cr Viney seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 March 2010 and the minutes of the special meeting of the Council held on 12 April 2010 be confirmed, subject to:

- the record of pecuniary interest declaration at Minute No. 66/2010 (15.03.2010) being corrected to indicate Cr (J) Bonde declaring an interest; and
- the record of Councillor's voting at Minute No. 81/2010 (15.03.2010) indicating that the motion was carried unanimously and by absolute majority.”

Carried unanimously

COUNCIL WORKSHOPS

105/2010 Council workshops

The Executive Services Officer reported as follows:

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

- . 22.03.2010 – Showground facility inspection/Ulverstone Bowls Club/Levenbank redevelopment/Gunns Ltd
- . 07.04.2010 – General Manager’s quarterly performance review.

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

106/2010 Mayor’s communications

The Mayor reported as follows:

“I have recently attended two functions on behalf of the Council, the first being the Ulverstone Cricket Club’s Annual Dinner and Presentation evening. The Cricket Club has passed on thanks to the Council for its support.

The second function was the National IRB Championships held at Preservation Bay. The Council was presented with a plaque by the National President of Surf Life Saving Australia, Mr Ron Rankin. The plaque requires some modification and I have asked the President of Penguin Surf Life Saving Club, Mr Michael Bonney, to attend a future meeting of the Council when the plaque is ready. Thanks have been passed on to Cr Fuller and the Council’s Director Corporate & Community Services for their assistance with the Championships.”

107/2010 Mayor’s diary

The Mayor reported as follows:

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

- Cradle Mountain Water Owner Representatives - meeting (Devonport)
- Riverlinks and Henslowes Road residents - meeting
- Diabetes Tasmania Polliepedal’10 - welcome to Penguin
- Mersey Police & Community Youth Club - “Hypothetical’ on Club’s future (Devonport)
- Turners Beach community meeting re various projects
- Gunns Plains Community Centre Association - official opening of the Ronald Campbell Gunn Memorial Garden

The Deputy Mayor has represented me at the following event:

- Southern Cross Young Achiever Awards - gala presentation dinner (Hobart)

Cr John Deacon has represented me at the following event:

- North Western Football Association - 2010 season launch

Cr Tony van Rooyen has represented me at the following event:

- Boag’s Leven Football Association - annual launch 2010.”

Cr Haines reported as follows:

“On behalf of the Mayor, I attended the Annual General Meeting of the North Motton Scout Group.”

Cr Fuller reported as follows:

“On behalf of the Mayor, I attended the Opening Ceremony of the National IRB Championships.”

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

Carried unanimously

108/2010 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

Cr Haines reported as follows:

“I am declaring an interest in respect of Leave of Absence (Minute No. 132A/2010).”

109/2010 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

110/2010 Councillor reports

The Executive Services Officer reported as follows:

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

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

No reports were tabled at this time.

APPLICATIONS FOR LEAVE OF ABSENCE

111/2010 Leave of absence

The Executive Services Officer reported as follows:

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

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

One application has been lodged for consideration at this meeting. It is listed at Minute No. 132A/2010 (closed meeting).”

DEPUTATIONS

112/2010 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

113/2010 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

114/2010 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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

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

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

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

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

The allocation of topics ensued.

115/2010 Councillors’ questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

116/2010 Development & Regulatory Services Determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of March 2010 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

117/2010 Planning Scheme Amendment – Application No. AMD2009.1 (290/2009 – 21.09.2009)

The Director Development & Regulatory Services reported as follows:

“The Planning Consultant has prepared the following report:

<i>‘AMENDMENT NO.:</i>	AMD2009.1
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Central Coast area
<i>CURRENT ZONING:</i>	Residential
<i>PROPOSED ZONING:</i>	Local Business
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning & Approvals Act 1993 (the Act)</i>

PURPOSE

The purpose of this report is to receive advice of approval by the Tasmanian Planning Commission (the Commission) of the above-mentioned application (AMD2009.1).

BACKGROUND

On 21 September 2009 (Minute No. 290/2009) the Council initiated and certified draft Amendment 2/2009 to rezone land from Residential to Local Business at the following locations:

- . 51 Lovett Street, Ulverstone;
- . 28 Risby Street, Ulverstone;
- . 119 Main Street, Ulverstone;
- . 48 Eastland Drive, Ulverstone;
- . 20–22 Eastland Drive, Ulverstone;
- . 172 Gawler Road, Gawler;
- . 4 Turners Beach Road, Turners Beach;
- . 74 Forth Road, Turners Beach;
- . 42 (portion of) Queen Street, West Ulverstone; and
- . 44 Queen Street, West Ulverstone.

The amendment 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. Two representations specifically referred to 20–22 Eastland Drive, Ulverstone.

DISCUSSION

The draft Amendment was forwarded to the Commission. A hearing on the draft Amendment was held on 17 February 2010. Further to the hearing, the Commission's Delegate has decided pursuant to s.41(ab) of the Act to modify and approve the modified draft Amendment.

Other than 20–22 Eastland Drive, Ulverstone, the rezoning of land from Residential to Local Business as recommended by the draft Amendment was accepted. With respect to 20–22 Eastland Drive, Ulverstone the Commission's Delegate concluded that this site has the potential for redevelopment and this could substantially change the centre hierarchy with the main business zoning based in Reibey Street, Ulverstone. The retention

of the Residential Zone for 20–22 Eastland Drive, Ulverstone will not compromise the continuation of the existing Vehicle fuel sales and service.

The Amendment came into operation on 23 March 2010.

CONSULTATION

Formal consultation has been undertaken in accordance with legislated requirements.

IMPACT ON RESOURCES

The impact of the decision is administrative in nature.

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

It is recommended that the information be received.’

The report is supported.”

- Cr Robertson moved and Cr Fuller seconded, "That the Planning Consultant's report be received."

Carried unanimously

118/2010 Council acting as a planning authority

The Mayor reported as follows:

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

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

'If any such actions arise out of Minute No. 119/2010, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.'

The Executive Services Officer reported as follows:

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

- Cr Haines moved and Cr Deacon seconded, "That the Mayor's report be received."

Carried unanimously

119/2010 Educational and occasional care (childcare facility) – Variation to car parking at CT208671/1 Russell Avenue, Ulverstone – Application No. DEV2009.104

The Director Development & Regulatory Services reported as follows:

"The Planning Consultant has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2009.104
<i>APPLICANT:</i>	J & L Enterprises Pty Ltd
<i>LOCATION:</i>	CT208671/1 Russell Avenue, Ulverstone

<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	10 February 2010
<i>READVERTISED:</i>	20 March 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	4 April 2010
<i>REPRESENTATIONS RECEIVED:</i>	Thirteen
<i>42-DAY EXPIRY DATE:</i>	12 March 2010 (extension granted to 20 April 2010)
<i>DECISION DUE:</i>	19 April 2010

PURPOSE

The purpose of this report is to consider the merits of an application at CT208671/1 Russell Avenue, Ulverstone for an Educational and occasional care (childcare facility) use.

The report will consider:

- . the relevant Objectives for Planning, the purpose of the Residential Zone and the compliance of the application with the relevant standards for use and development and any other relevant criteria of the Scheme; and
- . the merits of the representations received in respect of the proposal.

BACKGROUND

Annexure 1 is a copy of the application.

Site Description and Locality –

The site is located approximately 1.5km east of the Ulverstone Business District and approximately 260m to the south of the beach. The site is located in an area where there are three primary schools located to the north-east and north-west which are all in walking distance. These are:

- . Sacred Heart Primary School;
- . East Ulverstone Primary School; and
- . Leighland Christian School.

The lot boundaries of the site are bounded by residential development and Crawford Street to the north, Russell Avenue and residential development to the east, residential development to the south and Buttons Avenue and

Sacred Heart Primary School to the west (refer to Annexure 2, location plan and site photos).

The site has a total area of approximately 7,882m² and has frontages (approximately 73.5m in length) to both Buttons Avenue and Russell Avenue. The site is an open grass area that is utilised for passive recreation and can be accessed by pedestrians from both Buttons Avenue and Russell Avenue.

Residential development surrounding the site is characterised by single and two storey dwellings. Lots surrounding the site are generally regular in shape and have a minimum area of 635m² up to a maximum of approximately 1,155m². The site shares its northern lot boundary with six residential lots (2-12 Crawford Street), each containing a detached dwelling. The dwellings are separated by outbuildings and private open space from this boundary. The site also shares its southern boundary with three residential lots each containing a single dwelling. Two out of the three dwellings are accessed from Russell Avenue with the other being accessed from Buttons Avenue. There are also a number of dwellings located on the eastern side of Russell Avenue directly opposite the site.

Proposed Subdivision –

At a meeting of the Council held on 15 March 2010 (Minute No. 93/2010) the Council resolved:

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

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

A subdivision concept plan has been developed which includes a proposed lot layout. The concept plan will be subject to further consideration and approval by the Council. The subdivision concept plan is attached at Annexure 3.

Access to proposed Lots 3, 5, 7 and 10 will be from Russell Avenue. Proposed Lots 1, 2, 4, 6, 8 and 9 will be accessed from Buttons Avenue via a cul-de-sac.

The childcare facility will occupy proposed Lots 1, 2 and 4 of the subdivision (refer to Annexure 3).

As the titles with respect to the proposed subdivision have not been created, an assessment against the entire title is necessary. However, reference will be made to the proposed subdivision with respect to building setback to ensure that the proposal complies with any requirements of the Scheme if a permit for the subdivision is granted.

Childcare facility –

The childcare facility will occupy an area of approximately 2,421m² and will be located on the north-eastern corner of the site.

Buttons Avenue has a speed limit of 50km/h which reduces to 40km/h at the southern lot boundary of the Sacred Heart Primary School.

A one-way vehicular access point to the childcare facility, with a driveway width of approximately 5.5m, is provided on the eastern side of Buttons Avenue. This access point is located approximately 17.0m south of the existing Sacred Heart Primary School crossing (“the crossing”) and is outside of the No Standing zone on the eastern side of Buttons Avenue. This distance was measured in accordance with the requirements of the Department of Infrastructure, Energy and Resources Drawing No. G/10/451A (refer to Annexure 4). It should be noted that the access point for the childcare facility is outside of the required 10m No Standing zone (eastern side of Buttons Avenue) on the departure side of the crossing.

Bus parking servicing the Sacred Heart Primary School is also located directly opposite the site, outside of the 20m No Standing zone (western side of Buttons Avenue).

A one-way egress point is via a cul-de-sac to Buttons Avenue. There is no access to the childcare facility proposed from Russell Avenue.

The proposed single storey building has a height of approximately 4.4m and a building footprint of approximately 615m². The building is setback approximately 32.5m from Buttons Avenue, 10m from the northern boundary, more than 30m from the southern boundary and approximately 40m from Russell Avenue. The setbacks from the eastern and southern proposed lot boundaries are 4.6m and 6.4m respectively. The primary outdoor play areas are located along the northern, eastern and southern sides of the building.

The childcare facility will provide 76 childcare places across a range of age groups from 0 – 5years. These are summarised in Table 1 below.

AGE GROUP (YRS)	NUMBER OF CHILDREN
0-1	8
1-2	8
2-3	20
3-5	40

Table 1: Age groups proposed as part of the childcare facility

The childcare facility will operate Monday to Friday from 7:00am to 6:00pm and will be closed on Saturday and Sundays.

The information provided with the application has indicated that there will be 22 full-time equivalents (FTE) employed by the childcare facility. Clarification has been sought from the applicant with respect to the number of employees that will be on-site during operational hours. It has been determined that the number of staff that will be present during operational hours is equivalent to 14 FTE (refer to Annexure 5).

There are 23 car parking spaces, including a disabled car parking space, provided as part of the childcare facility. Car parking spaces are all located on the western side of the proposed building, orientated towards Buttons Avenue.

The application indicates that food deliveries will occur twice a week with delivery from Australia Post being daily. Based on the 76 childcare places along with 14 FTE, it is estimated by the Traffic Impact Assessment (TIA) conducted by Pitt & Sherry, that the proposal at peak times (which is 8:00am to 9:00am) will generate on average 30 vehicles per hour. Refer to TIA (Annexure 6) for further information on traffic generation and car parking.

A ground sign with the dimensions of 2.4m x 1.2m is proposed on Buttons Avenue which will be erected on a structure resulting in the sign being raised 1.5m off the ground. The sign will not be illuminated.

DISCUSSION

The site is zoned Residential. Clause 3.2.1 of the Scheme defines a childcare facility as an Educational and occasional care use.

“Educational and occasional care – means use of land for educational or short-term care purposes. Examples are a respite centre for the elderly or people with disabilities, aged care, childcare centre,

employment training centre, kindergarten, nursing home, primary school, secondary school and tertiary institution.”

The proposal falls within the ambit of this definition and is listed as a discretionary use in Clause 6.2, Table of Use.

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

CLAUSE	ASSESSMENT AND COMMENT
2.0 Objectives for Planning – 2.1(a)	Complies. The childcare facility will be located within the existing urban area.
2.0 Objectives for Planning – 2.1(d)	Complies. The TIA has concluded that, “given the relatively low and infrequent usage of the designated access and egress points of the proposed day care centre there should not be an adverse impact upon the existing traffic flow of Buttons Avenue.”
2.0 Objectives for Planning – 2.1(f)	Complies. While the proposal will result in the loss of an area used for passive recreation, there are a number of open space areas associated with the established schools which can be accessed by the public. The coastal reserve and recreation area along Beach Road also provides accessible open space areas for the community.
6.0 RESIDENTIAL ZONE	
6.1 Purpose of the Residential Zone	Complies. The proposed childcare facility is consistent with 6.1.1. The proposal is an activity that can co-exist with residential uses and not compromise the residential amenity of the area.
6.2.1 Table of Use	Educational and occasional care, with gross floor area in excess of 100m ² , is listed as a

	discretionary use in the Residential Zone. As the proposed childcare facility will have an area greater than 100m ² , it is discretionary.
6.3.1 Objective	Complies.
6.3.1 Residential Amenity	Complies. The hours of operation for the childcare facility are 7:00am to 6:00pm, Monday to Friday. This is within the hours prescribed by A1, Clause 6.3.1.
6.4.1 Subdivision	No subdivision proposed.
6.4.2 Strata schemes	No strata scheme proposed.
6.4.3 Building design and siting, Objective	Complies. The proposed building is more than adequately setback from both Buttons Avenue and Russell Avenue. The setbacks will ensure that the proposed building will not visually dominate the residential area. The 23 car parking spaces are orientated towards Buttons Avenue and will be screened from Buttons Avenue by landscaping.
A1, 6.4.3	Complies. The building has a maximum height of 4.4m.
A2, 6.4.3	Complies. The site coverage of the proposed building will be 7%. The site coverage in relation to the proposed lot size is approximately 25%. This is within the site coverage allowance of 45%.
A3, 6.4.3	No dwelling unit proposed.
A4, 6.4.3	No Residential or Tourist accommodation building proposed.
A5, 6.4.3	No Residential or Tourist accommodation building on a rear lot proposed.

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A6, 6.4.3	No cluster house proposed.
A7, 6.4.3	No cluster house on a rear lot proposed.
A8, 6.4.3	No cluster house proposed.
A9, 6.4.3	No garage or carport proposed.
A10, 6.4.3	No Residential or Tourist accommodation building proposed.
A11, 6.4.3	No outbuildings proposed.
A12, 6.4.3	No outbuildings proposed.
A13, 6.4.3	No outbuildings on a rear lot proposed.
A14, 6.4.3	No utility proposed.
A15, 6.4.3 (a) - (d)	<p>Complies.</p> <p>The building is setback more than 32m from Buttons Avenue, 10m from the northern side lot boundary, approximately 40m from Russell Avenue and more than 30m from the southern lot boundary.</p> <p>If the proposed lots are approved by the Council the setbacks will be 32.5m from Buttons Avenue, 10m from the northern boundary, 4.6m from the eastern boundary, 4.8m from a secondary frontage and 6.4m from the southern boundary. This complies with requirements of A15.</p>
A16, 6.4.3	No Residential development proposed.
A17, 6.4.3	No front fences proposed.
A18, 6.4.3	There are side and rear fences proposed as part of the childcare facility. This fencing will separate proposed lots and also divide the outdoor play areas. To minimise noise and visual intrusion to adjoining residential lots, it is recommended that

	a condition of any permit granted by the planning authority requires that the applicant construct a solid fence, 2.1m in height along the northern and eastern boundaries and for 32m along the southern lot boundary (32m measured from south-eastern corner).
6.4.4 Building access and services	See the Council's Engineering Services Department conditions.
RELEVANT SCHEDULES	
S1.0 Application Requirements	<p>The application was received by Council on 29 January 2010. This was prior to the changes to the Ordinance of the Scheme coming into operation on 11 February 2010. Accordingly the information was deemed sufficient. On receipt of this application it was assessed, amongst other requirements, against S2.0. S2.0 did not formally require the applicant to prepare a TIA.</p> <p>A TIA was provided by the applicant in response to the representations received during the public consultation period of 10 - 24 February 2010. This was outside of the 21 days in which the planning authority can request additional information pursuant to s.54 of the Act. This additional information was not formally requested by Planning Services.</p>
S2.0 ROAD AND RAIL LINE SCHEDULE	
S2.1 Purpose of Schedule	<p>The application is proposing a new access from Buttons Avenue and egress from the cul-de-sac onto Buttons Avenue.</p> <p>Buttons Avenue has a speed limit of 50km/h. The site, however, is situated along the section of Buttons Avenue that has a speed limit of 40km/h.</p>
S2.2.1	It is not prohibited.
S2.2.2	The application creates new accesses, therefore S2.0 applies.

S2.2.3	This is discussed at the relevant clauses (S2.5.1 and S2.6.3).
S2.3.2	Buttons Avenue is a Category VI road.
S2.4 Requirements for a Traffic Impact Assessment (TIA)	A TIA for the childcare facility is not required by this Schedule.
S2.5.1 Objective	Complies. The accesses comply with the required access sight distances.
A1, S2.5.1	Not applicable. Not on a Category I, II or III road.
A2, S2.5.1	The childcare facility is in an area with a road speed limit of 40km/h. Not in an area subject to a speed limit exceeding 60km/h.
A3, S2.5.1	Not applicable. Not a Category IV or V road.
A4, S2.5.1	Complies. The Council's Engineering Services Department has advised that the accesses comply with the Access Sight Distance requirements in the relevant institute of Public Works Engineering Australia – Tasmanian Division Municipal Standard Drawings.
S2.5.2 Use of Accesses and Junctions on Category I, II and III roads.	Not applicable. Not on a Category I, II or III road.
S2.5.3 Objective	Complies.
A1, S2.5.3	Not applicable. Not in an area subject to a speed limit exceeding 60km/h.

A2, S2.5.3	<p>Not applicable.</p> <p>Not in an area subject to a speed limit exceeding 60km/h.</p>
A3, S2.5.3	<p>Complies.</p> <p>The childcare facility provides a separate entry and exit point from the site. These accesses are not within 9m from the junction with a Category I, II or III road.</p>
S2.5.4 Deficient Junctions on Category I, II and III Road.	<p>Not applicable.</p> <p>Not a Category I, II or III road.</p>
S2.5.5 Accesses onto or across a Rail Line.	<p>Not applicable.</p> <p>There is no access onto or across a Rail Line required.</p>
S2.5.6 Future Road and Future Rail Line	<p>Not applicable.</p> <p>It is not within 50m of land designated for a future road or future rail line.</p>
S2.5.7 Setback of Buildings from Roads and Rail Lines	<p>Not applicable.</p> <p>Not located within an area that is 50m of a Category I, II or III road or a rail line.</p>
S2.6.1 Sight Lines for Accesses and Junctions	<p>Not applicable.</p>
S2.6.2 Safe Intersection Sight Distance (SISD) Table	<p>Not applicable.</p>
S2.6.3 Approach Sight Distance	<p>Not applicable.</p> <p>The Council's Engineering Services Department has confirmed that the accesses associated with the childcare facility comply with the requirements of S2.6.3.</p>

S3.0 Attenuation Schedule	<p>Not applicable.</p> <p>The proposal is not located within any of the prescribed distances to an environmentally relevant activity.</p>
S4.0 Bushfire Prone Areas Schedule	<p>Not applicable.</p> <p>In the Residential Zone.</p>
S5.0 Contaminated Land Schedule	<p>Not applicable.</p> <p>There is no indication that the land is contaminated or potentially contaminated.</p>
S6.0 Land Stability Schedule	<p>Not applicable.</p> <p>The development is not on land that is unstable or potentially unstable.</p>
S7.0 Coastal and Riparian Schedule	<p>Not applicable.</p> <p>The proposed development is located more than 90m inland from a 2.64m Australian Height Datum contour.</p>
S8.0 Heritage Schedule	<p>Not applicable.</p> <p>The site is not listed on the Tasmanian Heritage Register.</p>
S9.0 Multiple Dwelling Schedule	<p>Not applicable.</p> <p>No multiple dwelling proposed.</p>
S10.0 Home Occupation Schedule	<p>Not applicable.</p> <p>No home occupation proposed.</p>
S11.0 CAR PARKING SCHEDULE	
S11.1 Purpose of Schedule	<p>Complies.</p> <p>The TIA has confirmed that the childcare facility provides adequate car parking spaces. The TIA</p>

	has also highlighted that some car parking spaces will need to be reconfigured to comply with Australian Standard AS2890-1993. If a permit is granted, the Council's Engineering Services Department has recommended a condition.
S11.2.1 Application of Schedule	The schedule applies to land in the Residential Zone.
S11.2.2	The proposal must demonstrate compliance with the standards set out in clauses S11.3.1 - S11.3.3.
S11.3.1 Objective	Complies.
A1, S11.3.1	<p>A1, S11.3.1 requires that car parking spaces must be in accordance with the Car Parking Table S11.3.2. Table S11.3.2 requires that for an Educational and occasional care use that one car parking space is provided for every employee and an additional one parking space for every five children attending the childcare facility is also provided.</p> <p>Earlier discussion has highlighted that there are 14 FTE located on the site during the hours of operation. Based on the requirements of S11.0, there are 15 spaces required for parking for families using the proposed service and an additional 14 spaces for employees. The Scheme requires that 29 car parking spaces are provided.</p> <p>The proposed development provides for 23 on-site car parking spaces (including a disabled car parking space). This means the proposal is short six spaces.</p> <p>The car parking associated with the childcare facility does not comply. Accordingly P1, S11.3.1 applies.</p>
P1, S11.3.1	<p>The Performance Criteria allows a relaxation of the car parking spaces where:</p> <p>(i) there is no adverse effect on the streetscape;</p>

	<p>(ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and</p> <p>(iii) there is no adverse impact on the amenity of the surrounding locality.</p> <p>The TIA has demonstrated that the number of car parking spaces provided by the proposal can satisfy the requirements of S11.3.1 P1.</p> <p>With respect to S11.3.1 P1 (b) and (c), the Council may require a cash-in-lieu contribution for the number of car parking spaces not provided. The proposal falls short of six car parking spaces. A cash-in-lieu payment for each space may be taken by the Council up to a value of \$11,000 per space. This would equate to \$66,000 for this development.</p> <p>A cash-in-lieu payment is not considered warranted in this instance. The TIA report has demonstrated (refer to Annexure 6) that all car parking requirements by visitors and staff can be accommodated on the site. Accordingly, it is not recommended that a cash-in-lieu payment be required should the Council grant a permit.</p> <p>Additionally, car parking must be designed in accordance with the Australian Standard AS2890-1993 Off Street Parking Part 1- Car Parking Facilities. The TIA has indicated that some of the parking spaces do not comply with this Standard. Should a permit be granted, a condition requiring the car parking to meet this Standard is recommended. The proposed plans indicate that the proposal complies with S11.3.3.</p>
S3.0 Attenuation Schedule	<p>Not applicable.</p> <p>The proposal is not located within any of the prescribed distances to an environmentally relevant activity.</p>

S4.0 Bushfire Prone Areas Schedule	Not applicable. In the Residential Zone.
S5.0 Contaminated Land Schedule	Not applicable. There is no indication that the land is contaminated or potentially contaminated.
S6.0 Land Stability Schedule	Not applicable. The development is not on land that is unstable or potentially unstable.
S7.0 Coastal and Riparian Schedule	Not applicable. The proposed development is located more than 90m inland from a 2.64m Australian Height Datum contour.
S8.0 Heritage Schedule	Not applicable. The site is not listed on the Tasmanian Heritage Register.
S9.0 Multiple Dwelling Schedule	Not applicable. No multiple dwelling proposed.
S10.0 Home Occupation Schedule	Not applicable. No home occupation proposed.
S12.0 Signs Schedule	Not applicable. The proposed sign as detailed above is considered to be modest and will not be illuminated. The proposed sign complies with A2 (a)-(f), S12.5.1.
S13.0 Telecommunication Schedule	Not applicable. No telecommunication facilities proposed.

S14.0 Ulverstone Wharf Schedule	Not applicable. The site is outside of the Ulverstone Wharf Schedule.
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Summary of the Scheme Assessment –

The above assessment of the Scheme has demonstrated that the proposal can satisfy the Objectives for Planning, the purpose of the Residential Zone, the relevant Acceptable Solution and Performance Criteria of the Residential Zone and relevant Schedules.

CONSULTATION

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

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

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

Eleven representations were received. These are attached (Annexure 7) and summarised below. Where a similar issue has been raised these have been cross-referenced to reduce repetition of the report.

In response to the representations, the applicant had a Traffic Impact Assessment prepared and has submitted this additional information in support of the application. As additional information was provided after the public consultation period, the application was re-advertised in accordance with s.57(3). Two additional representations were received from previous representors during this period (and are attached in Annexure 7 and also summarised below). The additional information was also forwarded to the Council’s Engineering Services Department for comment.

REP	ISSUE	RESPONSE
1 / 1	Objects to the proposed childcare centre.	Noted.

<p>2/1</p>	<p>Concerned with traffic issues that will result from the proposal. In particular, the representor is concerned with:</p> <ul style="list-style-type: none"> ▪ entrance to the proposed childcare centre is 15m from the Sacred Heart School Crossing. ▪ at the start and the end of the school day this section of Buttons Avenue is very busy and additional traffic should be discouraged. ▪ proposed access to the childcare centre from Buttons Avenue will add to the congestion. ▪ school buses pick up and let off children opposite the proposed entrance of the childcare centre. 	<p>In response to the representations the applicant has provided a TIA for the proposed childcare facility at Buttons Avenue. This report, (refer to Annexure 6) confirms:</p> <ul style="list-style-type: none"> ▪ there are no vertical or horizontal alignment issues that impact on this development; ▪ due to the prevailing low speed environment and the fact that vehicles will only enter the development site from Buttons Avenue and leave via the proposed cul-de-sac, there should not be any adverse impact on the existing traffic movements occurring along that section of Buttons Avenue; ▪ the width of Buttons Avenue is adequate to cater for traffic volumes of around 3,000 vehicles per day (vpd). Expected peak volume, including the childcare facility, will not generate traffic volume beyond 3,000 vpd. <p>It is concluded from the TIA that there will be no adverse impact upon the existing traffic flow of Buttons Avenue.</p>
<p>3/1</p>	<p>Concerned that there will be constant children noise filtering through into our back yard.</p> <p>It is a quiet residential</p>	<p>The representor is concerned with ambient noise levels that may be impacted by the proposed development.</p> <p>The childcare facility will operate from 7:00am until 6:00pm. Certainly there will be a combination of indoor and</p>

	<p>area where there is minimal noise until about 8:15am on school days.</p> <p>Increased traffic from 7:00am.</p> <p>On call – adjoining playground during the day will interrupt my day sleep.</p> <p>Our back yard entertainment area will be useless until after 6:00pm weekdays 52 weeks of the year.</p>	<p>outdoor play associated with the childcare facility during this time.</p> <p>The dwelling in question is separated from the play area of the childcare facility by a shed and private open space.</p> <p>Accordingly the proposal is appropriately situated to ensure that noise levels and residential amenity is not compromised by the development.</p>
4/1	Rubbish bin on our back fence?	This is not a planning matter. However, if waste storage on the site caused an environmental nuisance then the provisions under the <i>Environmental Management and Pollution Control Act 1994</i> would apply.
6/1	Devaluation of property.	This is not a planning matter.
1/2	Objects to the proposed childcare centre.	Noted.
2/2	Concerned that the proposal will result in the loss of open space in the immediate area.	The Council has undertaken analysis of its land holdings and has identified this as surplus to its needs. It is considered that there is sufficient open space available within the area.
3/2	See 2/1 above.	
4/2	The Council acknowledges that Russell Avenue/ Eastland Drive is	See 2/1 above.

	operating above capacity for its size, I suggest that it will be greatly impacted by the child care centre.	
5/2	Concerned that if there is an environmental emergency such as a hazardous fuel leak, the existing road conditions would not cope with the present conditions, let alone adding more vehicles to the system.	See 2/1 above.
1/3	Concerned with the development of the land and wish to reserve my right to lodge an objection in the near future pending receipt of further information.	Noted.
2/3	Drainage at the northern boundary of the above vacant land (rear boundary of 8 Crawford Street) has been a major problem. Concern expressed with respect to stormwater drainage issues from the site to ensure the representors property is not damaged.	See the Council's Engineering Services Department conditions.
1/4	Objects to the proposed development. Concerned with the increase in traffic that	See 2/1 above.

	will be generated from the proposal and safety issues for children in the area.	
1/5	See 1/4	See 2/1 above.
1/6	See 1/4	See 2/1 above.
1/7	See 1/4	See 2/1 above.
2/7	Concerned with the loss of open space.	See 2/1 above.
1/8	See 2/1 above.	
2/8	<p>Concerned that there is a shortage of car parking and that this will see parking flow over to Buttons Avenue, the proposed cul-de-sac, and Crawford Street.</p> <p>Buttons Avenue and Crawford Street act as parking zones for many of our families who are unable to be accommodated by the school's internal parking.</p> <p>Parking time on the school's premises will be increased where families who have students at the school, then use the school's parking to not only drop off and pick up children but to then take younger siblings across to childcare</p>	<p>The additional information provided by the applicant has indicated that there will be 14 FTE.</p> <p>The TIA demonstrates that the proposed 23 car parking spaces are adequate to accommodate the vehicles generated by the proposal.</p> <p>Accordingly car parking facilities provided by the adjoining school should not be impacted negatively.</p>

	facility. This will exacerbate our own parking issues as well as parent frustration in finding parking.	
3/8	Childcare facility is welcomed.	Noted.
1/9	Does not object to the childcare centre, however has concerns with respect to traffic generation and car parking.	See 2/1 above.
2/9	See 2/1 above. There are many days that cars do not stop at the crossing even though students are waiting to cross.	See 2/1 above. Driver behaviour is not a planning matter.
3/9	Concerned that the number of car parking spaces being provided on site at the centre seems inadequate and will result in parking in the proposed cul-de-sac or in Buttons Avenue. Buttons Avenue is not wide enough for two-way traffic with cars parked on either side.	See 2/8 above.
10	This representation was replaced by representation 13.	
1/11	Objects to the proposed development.	Noted.

2/11	See 2/1 above.	
3/11	To get emergency vehicles into this area with the added traffic, because of the congestion could be fatal.	See 2/1 above.
4/11	Concerned with parking and the dropping off of children at school. Also concerned for children walking home and crossing the road.	See 2/1 above.
1/12	This representation is in addition to the concerns and issues raised by 1/8-3/8. The representation is appreciative of the TIA provided in response to concerns raised above and that this information has provided clarification.	Noted.
2/12	Maintain some ongoing reservation with respect to the anticipated additional traffic that will potentially impinge on pedestrian and ultimately student safety.	Noted. See also 2/1 above.
3/12	A request is made to meet with the Council and the childcare proprietors six months into the operation of the facility to review	Noted. The Council may assist with any such process.

	any traffic management issues that may arise.	
1/13	<ol style="list-style-type: none"> 1 The sub–minimum road width of Buttons Avenue, a road which currently must operate beyond capacity according to the relevant standards for a public road; 2 The finite (and indeed inadequate) number of car parks for parents delivering children to school or visiting the school, which causes parents to park en masse on Buttons Avenue, Crawford Street and Beach Road at peak times and at times of school events; 3 The school pedestrian crossing close or adjacent to the junction with Crawford Street, which also serves another school, East Ulverstone Primary. 4 The school bus locations along Buttons Avenue, 	<ol style="list-style-type: none"> 1 A traffic count was recently conducted by the Council in relation to Buttons Avenue and Russell Avenue. The statistics generated from this survey were provided to Pitt & Sherry to allow them to analyse the traffic conditions along Buttons Avenue and Russell Avenue. The width of Buttons Avenue is 9.9m which can accommodate 3,000 vpd. The analysis undertaken by the TIA confirms that the childcare facility will not generate traffic beyond its capacity. 2 As discussed above there are 14 FTE present at the childcare facility during operational hours. The TIA has determined that the number of car parking spaces are sufficient to meet the childcare facility requirements and that this should not result in an overflow of cars parking along Buttons Avenue. 3 The access point to the childcare centre is outside of the required distances from a School Crossing. The TIA has determined that the nature of traffic in this area is slow–moving and should have minimal impact. 4 Bus parking does occur along the western side of Buttons Avenue. This should not restrict view on approach to the childcare facility. Egress also occurs further along the site and will be outside.

	<p>which when filled with parked buses, narrow the existing narrow road to an extreme degree, making car travel in any direction compromised and potentially dangerous for all.</p> <p>5 The number of children that walk to the school down Buttons Avenue from other sections in the town nearby; also children that travel to East Ulverstone Primary School.</p> <p>6 The School carpark not being used by parents and visitors as it should.</p>	<p>5 There are traffic concerns associated with the current school particularly with respect to driver behaviour and the School Crossing. Driver behaviour is not a planning matter.</p> <p>There is an established pedestrian network on both sides of Buttons Avenue which is maintained by the Council. The childcare facility will not compromise the existing pedestrian network.</p> <p>6 Not a Planning matter as it is concerning driver behaviour.</p>
2/13	<p>Increase to traffic use at the intersection of Buttons Avenue and Eastland Drive is likely to deteriorate the already sub-optimum levels of traffic safety and congestion at the busy junction.</p>	<p>See point 1, 1/13 above.</p>
3/13	<p>Buttons Avenue is in the vicinity of the development not capable of large traffic volumes. No</p>	<p>See point 1, 1/13 above.</p>

	information on how the roadway would handle a new traffic source from the new cul-de-sac with a 76 place childcare centre and associated car movements.	
4/13	No information addressing pedestrian and traffic safety generally. The representor notes that a large number of pedestrians in the area are children.	There is an established pedestrian network along Buttons Avenue. The access and egress points are able to meet the required sight lines as outlined by S2.0 of the Scheme.
5/13	Development and new subdivision and the proposed childcare centre results in two dangerous crossings for children.	See 4/13 above.
6/13	Adding another 400 movements each day will compromise the safety of school children, their families and residents in Buttons Avenue and adjoining streets.	The TIA can accommodate the additional traffic without impacting negatively on the existing road network or users.
7/13	Tasmania Road Rules are clear in that there can be no parking or standing within 20m of the approach to the children's crossing and 10m on the departure side. The entry is 14m from the crossing.	The access point to the childcare facility will not compromise the requirements of the crossing.

8/13	No information about car parking in accordance with S11.3.2 P2 as it must have in order to seek dispensation of the car parking requirements required by the Central Coast Planning Scheme.	Disagree. The TIA specifically addresses the number of car parking spaces and reasons as to why dispensation can be granted.
9/13	<p>Car parking proposed is inadequate. 38 on site car parking places are required by the Scheme car parking Schedule, under S11.3.2.</p> <p>The parking of staff cars elsewhere in the area, such as on Buttons Avenue, will significantly deteriorate the severe traffic congestion issues on Buttons Avenue.</p>	<p>See 2/8 above.</p> <p>The car parking spaces required by the Scheme is 29. The TIA demonstrates that there is sufficient merit for this parking requirement to be reduced.</p>
10/13	With only 22 car parking spaces, taken by staff, there will be an immediate inability to park cars on site by parents of children attending the proposed centre. It is the representor's opinion this will lead to parents parking on the already busy Buttons Avenue.	See 2/8 above.
11/13	Should dedicated parking spaces be made available only for parent use, there will be	See 2/8 above.

	up to 22 staff cars that will be parked on Buttons Avenue and Crawford Street for up to eight hours each per day.	
12/13	The representor states that it is more likely that 22 FTE will be employed by the centre rather than the 14 stated with the additional information provided by the applicant.	Staffing Requirements are outlined in the National Quality Framework for Early Childhood Education and Care. This document can be found at www.deewr.gov.au . While these staff-children ratios will be implemented over the next few years it provides an outline of the staffing requirements for the childcare facility. Based on this document, the staffing levels contained in Annexure 5 are reasonable. Accordingly, the calculations for car parking spaces as required by S11.0 will be based on 14 FTE and 76 children.
13/13	The argument that other childcare services are not required to meet standards is moot.	Agreed. S.11.0 of the Scheme applies.
14/13	The applicant states that the traffic movements will be spread throughout the day yet the experience of child care centres is that most arrivals are between 8:00am and 9:30am, and departures between 2:30 and 4:30pm. Additionally there is the issue of parent help.	The TIA has undertaken further analysis with respect to this matter. The TIA demonstrates that the traffic generated by the proposed development will not impact adversely on Buttons Avenue or the immediate area.
15/13	Schools do not operate on strictly 8:30am – 3:00pm timetable. The applicant has not taken	The vehicular statistics that were provided for the TIA were collected by the Council. The statistics included times where kindergarten children were

	into account the vehicular and pedestrian traffic necessitated by after school sport in the three adjacent primary schools.	being dropped off and collected. As stated earlier, there is an existing pedestrian network available and the establishment of a childcare facility should not compromise safety.
16/13	The additional traffic generated by Sacred Heart Kindergarten on Monday, Wednesday and Friday has not been taken into account.	See 15/13 above.
17/13	Council must seriously take into account the further traffic created by the subdivision itself.	The Council has considered the impact of the proposed subdivision along with the childcare facility as part of developing the subdivision concept plan. A separate TIA, specifically addresses this issue. This information confirms that the proposed subdivision along with the childcare facility is within the road capacity of Buttons Avenue.
18/13	The large caravan and camping area which is fully utilised for several weeks over summer, the pedestrian traffic around the centre to enable access to the shop on Eastland Drive brings a further pedestrian danger across the length of the day.	Again the existing pedestrian network will not be compromised by the childcare facility.
19/13	According to the representor, there is no need for this childcare facility. This	This is not a planning matter. The issue with respect to the application is whether this is an appropriate use of land in this location.

	statement is supported by relevant evidence.	
20/13	Does not comply with the Objective 2.1(d) of the Planning Scheme.	See discussion above.
21/13	The planning application is poorly lacking as it does not contain the majority of the requirements of S1.0.	See discussion above.
22/13	<p>The new junction to be created is deficient. A deficient junction means a junction that is deficient in terms of suitable sight lines as specified in Table S2.6.2.</p> <p>The TIA does not take into account the sight lines whilst traffic, particularly school traffic and school buses, is operating in the area.</p>	Disagree. See discussion on S2.0 of the Scheme above.
23/13	The TIA has not met the requirements of S2.4.	A TIA was not formally required by S2.0. See discussion above.
24/13	Assessment of S2.0. Representor highlights that the childcare facility fails to meet a number of requirements of S2.0.	Disagree. Refer to assessment of S2.0 of the Scheme above. This demonstrates that the accesses to the childcare facility comply.
25/13	The representor highlights that the traffic generated by the childcare facility	Disagree. Refer to assessment of S11.0 above. This demonstrates that the required number of car parking spaces can be reduced without impacting

	will have an adverse impact on the streetscape, create a traffic hazard and result in on-street congestion.	negatively on the streetscape or resulting in on-street congestion.
26/13	Representor urges Council to refuse the application as it is an inappropriate development for the area and does not adequately comply with the Scheme.	Disagree. The proposal complies with the requirements of the Scheme. Refer to discussion above.

Summary of Representors –

The representations are primarily concerned with the likely traffic that will be generated by the proposal. Particularly, concern is raised with respect to traffic congestion along Buttons Avenue, the inadequate number of car parking spaces and the safety of children with respect to walking and crossing the road. These concerns have been addressed by the TIA submitted by the applicant. This information has been reviewed by the Council’s Engineering Services Department.

Only one representation was concerned with the likely noise the childcare facility would generate.

In total, 82% objected to the proposal where only 18% raised traffic concerns but did not object to the proposal. At the time the representations were made, the TIA was not submitted. The additional representation has clarified that the TIA addressed a number of the original concerns. A further representation received confirms that the representor was not satisfied with the additional information provided. It is uncertain whether the issues raised by other representors were satisfied by the additional information provided by the applicant.

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 required by Schedule 11 is justified. As the TIA has demonstrated that all car parking requirements can be accommodated on site, a cash-in-lieu contribution for the shortage of car parking is not recommended.

Recommendation –

Subject to the Council agreeing to subdivide the subject land and to the sale of the nominated portion to the applicant, 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 (numbered Sheets 1–6, CC771E and dated 27 January 2010) and information submitted as part of the application for this permit;

Engineering

- 2 Provide certification by an appropriately qualified person that parking facilities and internal roadways are in accordance with AS 2890.1, prior to the commencement of construction;
- 3 Provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003, noting that any kerb and channel or footpath work will be done by the Council at the owner's/developer's/applicant's expense;

- 4 Not undertake any excavation or building work within the drainage easement or over the Council's stormwater main without the written approval of the Council's Director Engineering Services;
- 5 Rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, noting that this work will be done by the Council at the owner's/developer's/applicant's expense unless alternative arrangements are approved by the Council;

Cradle Mountain Water (CMW)

- 6 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the developer or the developer's agent in accordance with WSAA Standards, the requirements of Tasmania Fire Service, to the satisfaction of CMW is to be provided from the CMW water main;
- 7 The development is to have an independent sewerage service connected at the lowest point of the property to CMW's sewerage main and all costs associated with the connection are to be at the applicant's expense to the satisfaction of CMW;
- 8 All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to CMW by the developer 21 days prior to the connection being required;

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 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.
- C A 3.0m wide drainage easement is proposed along the northern boundary of the property. An existing Council DN375 stormwater main will be contained within the easement and a DN150 sewer main is proposed to be constructed within the easement in the near future.

- A Council stormwater manhole is located part way along the northern property boundary.
- D The Council only permits one 6.0m wide or two completely separate 3.6m wide vehicle accesses to a lot within the road reserve.
- E Any works undertaken within the road reservation requires a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- F Any works associated with existing kerb and channel, footpath, roads or stormwater infrastructure will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- G Building and plumbing permits are 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 Planning Consultant's report have been circulated to all Councillors.”

As he wished to move a motion, the Mayor vacated the chair in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2005*.

The Deputy Mayor assumed the chair.

■ Cr Downie moved and Cr (L) Bonde seconded, “Subject to the Council agreeing to subdivide the subject land and to the sale of the nominated portion to the applicant, the proposal for Educational and occasional care services – variation to car parking at CT208671/1 Russell Avenue, Ulverstone be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans (dated 27 January 2010) and information submitted as part of the application for this permit;

Engineering

- 2 Provide certification by an appropriately qualified person that parking facilities and internal roadways are in accordance with AS 2890.1, prior to the commencement of construction;
- 3 Provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003, noting that any kerb and channel or footpath work will be done by the Council at the owner's/developer's/applicant's expense;
- 4 Not undertake any excavation or building work within the drainage easement or over the Council's stormwater main without the written approval of the Council's Director Engineering Services;
- 5 Rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, noting that this work will be done by the Council at the owner's/developer's/applicant's expense unless alternative arrangements are approved by the Council;
- 6 Cash in Lieu of car parking is required for six spaces, at a rate of \$11,000 a space;

Cradle Mountain Water (CMW)

- 7 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the developer or the developer's agent in accordance with WSAA Standards, the requirements of Tasmania Fire Service, to the satisfaction of CMW is to be provided from the CMW water main;
- 8 The development is to have an independent sewerage service connected at the lowest point of the property to CMW's sewerage main and all costs associated with the connection are to be at the applicant's expense to the satisfaction of CMW;
- 9 All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to the CMW by the developer 21 days prior to the connection being required;

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 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.
- C A 3.0m wide drainage easement is proposed along the northern boundary of the property. An existing Council DN375 stormwater main will be contained within the easement and a DN150 sewer main is proposed to be constructed within the easement in the near future. A Council stormwater manhole is located part way along the northern property boundary.
- D The Council only permits one 6.0m wide or two completely separate 3.6m wide vehicle accesses to a lot within the road reserve.
- E Any works undertaken within the road reservation requires a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- F Any works associated with existing kerb and channel, footpath, roads or stormwater infrastructure will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- G Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.
- H In relation to condition 6, the cash in lieu contribution rate is calculated from the Council's Fees and Charges for the financial year 2009-10."

■ Cr Robertson moved and Cr van Rooyen seconded an amendment, "Subject to the Council agreeing to subdivide the subject land and to the sale of the nominated portion to the applicant, the proposal for Educational and occasional care services – variation to car parking at CT208671/1 Russell Avenue, Ulverstone be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans (dated 27 January 2010) and information submitted as part of the application for this permit;

Engineering

- 2 Provide certification by an appropriately qualified person that parking facilities and internal roadways are in accordance with AS 2890.1, prior to the commencement of construction;

- 3 Provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003, noting that any kerb and channel or footpath work will be done by the Council at the owner's/developer's/applicant's expense;
- 4 Not undertake any excavation or building work within the drainage easement or over the Council's stormwater main without the written approval of the Council's Director Engineering Services;
- 5 Rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, noting that this work will be done by the Council at the owner's/developer's/applicant's expense unless alternative arrangements are approved by the Council;

Cradle Mountain Water (CMW)

- 6 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the developer or the developer's agent in accordance with WSAA Standards, the requirements of Tasmania Fire Service, to the satisfaction of CMW is to be provided from the CMW water main;
- 7 The development is to have an independent sewerage service connected at the lowest point of the property to CMW's sewerage main and all costs associated with the connection are to be at the applicant's expense to the satisfaction of CMW;
- 8 All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to the CMW by the developer 21 days prior to the connection being required;

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 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.
- C A 3.0m wide drainage easement is proposed along the northern boundary of the property. An existing Council DN375 stormwater main will be contained within the easement and a DN150 sewer main is proposed to be constructed within the

easement in the near future. A Council stormwater manhole is located part way along the northern property boundary.

- D The Council only permits one 6.0m wide or two completely separate 3.6m wide vehicle accesses to a lot within the road reserve.
- E Any works undertaken within the road reservation requires a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- F Any works associated with existing kerb and channel, footpath, roads or stormwater infrastructure will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- G Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor."

Continued after Minute No. 120/2010.

120/2010 Public question time

The Mayor resumed the chair at 6.42pm to introduce public question time.

Questions and replies concluded at 6.48pm.

Minute No. 119/2010 continued...

The Deputy Mayor resumed the chair.

Voting for the amendment

(6)

Cr (J) Bonde

Cr Deacon

Cr Haines

Cr Robertson

Cr van Rooyen

Cr Viney

Voting against the amendment

(5)

Cr Downie

Cr (L) Bonde

Cr Diprose

Cr Fuller

Cr Howard

Amendment

Carried

Amended motion

Carried unanimously

The Mayor resumed the chair.

GENERAL MANAGEMENT

121/2010 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

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

- . Penguin Miniature Railway Management Committee – meetings held on 15 February 2010 and 30 March 2010;
- . Cradle Coast Authority – Representatives meeting held on 25 February 2010;
- . Youth Engaged Steering Committee – meeting held on 18 March 2010
- . Riana Community Centre Advisory Committee – meeting held on 10 March 2010.

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

CORPORATE & COMMUNITY SERVICES

122/2010 Crown Land Services local presence (55/2009 – 16.02.2009)

■ Cr Fuller (having given notice) moved and Cr Haines seconded, “That the Council immediately write to the newly installed Minister of the Department of Primary Industries and Water, and

- 1 Refer to our previous correspondence to Mr David Llewellyn regarding this issue during 2009 and our dissatisfaction at his response.
- 2 Request a review of the adequacy of the service levels being provided to the North West Coast and the Central Coast municipality in particular, given that it is an ideal time to discuss how the Council and Crown Land Services can work together to increase the provision of services.
- 3 Cite examples where time delays have had a detrimental effect to the public property entrusted to Crown Land Services.
- 4 Copy this correspondence to all State Braddon representatives.”

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

“Several significant events within our municipality over recent years have required the attention of Crown Land Services staff. Impact of those events may have been lessened with more prompt personal attendance by the Crown. With the removal of staff from the North West Coast, the protection of Crown land, entrusted to this department by the citizens of the North West Coast, has been compromised.”

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report considers a motion on notice from Cr Fuller requesting that the Council write to the newly installed Minister for Primary Industries and Water requesting a review of current service levels provided by Crown Land Services, citing examples where time delays have impacted on Crown land, and expressing the Council’s dissatisfaction with the response received following the Council’s correspondence to the previous Minister for Primary Industries and Water on this matter.

BACKGROUND

Since the retirement of the local Crown Lands Officer, Mr Wayne King, in 2008, the Central Coast area has been without a local Crown Lands representative, with local issues being handled from the Northern Crown Lands Office in Launceston.

Over the past few years there have been a number of significant occurrences involving encroachment on Crown land licensed to the Council for recreational purposes as well as incidents occurring on Crown Reserves.

Concerns over this issue were raised with the Minister for Primary Industries and Water by the Mayor in 2008 and again by the Council in 2009 following Cr Fuller's previous motion on this issue.

The Council has received a communication in June 2009 from Mr Jeremy Rockcliff MP advising that the Tasmanian Liberals would continue to vigorously pursue this issue and welcoming the opportunity to assist in any way possible.

DISCUSSION

There have been a significant number of issues that are of public concern involving Crown land that have been raised with the Council.

Land reclamation activity at the Penguin Caravan Park involving activity within the Council's foreshore recreational reserve, encroachment within the coastal reserve at Blythe Heads and activities within the Crown reserve off Henslowes Road, are some examples of a number of activities that have caused concern among local residents within the Central Coast area.

While the advice provided by current Northern Crown Lands staff in dealing with these issues has been of a high level, there is evidence that suggests that the lack of local representation has led to unacceptable delays in halting what may be illegal or inappropriate works, as well as reducing consultation at a local level between the Crown and the community over access to Crown land.

There is a need for local representation from Crown Land Services to address these issues in a timely manner. It would be an opportune time to pursue options with Crown Land Services on how we can work together with the Crown to increase the provision of services on the Coast.

CONSULTATION

No consultation has been undertaken.

IMPACT ON RESOURCES

The change would result in no impact on the Council's resources.

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

A Connected Central Coast

- Improve community wellbeing

The Environment and Sustainable Infrastructure

- Invest in and leverage opportunities from our natural environment
- Contribute to a safe and healthy environment
- Contribute to the preservation of the natural environment

Council Sustainability and Governance

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

CONCLUSION

Cr Fuller's motion is submitted for consideration."

■ Cr Robertson moved and Cr (L) Bonde seconded an amendment, "That the Council, represented by the Mayor, Deputy Mayor and General Manager, wait upon the newly installed Minister of Department of Primary Industries and Water at the Minister's earliest convenience, and

- 1 Refer to our previous correspondence to Mr David Llewellyn regarding this issue during 2009 and our dissatisfaction at his response.
- 2 Request a review of the adequacy of the service levels being provided to the North West Coast and the Central Coast municipality in particular, given that it is an ideal time to discuss how the Council and Crown Land Services can work together to increase the provision of services.

- 3 Cite examples where time delays have had a detrimental effect to the public property entrusted to Crown Land Services.”

Amendment Carried unanimously

Amended motion Carried unanimously

123/2010 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report is to inform the meeting of any correspondence received during the month of March 2010 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

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

- . Confidential letter from Roland View Estate Inc.
- . Letter concerning the intersection of King Edward and Main Streets.
- . Letter offering to donate a park bench in memory of the late John (Jack) Breheny.

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

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

Carried unanimously

124/2010 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 16 March to 19 April 2010 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 Diprose 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

125/2010 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 31 March 2010 are submitted for consideration:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

126/2010 Roads and streets nomenclature – Naming of new streets off Forth Road, Turners Beach and Stubbs Road, Turners Beach

The Director Corporate & Community Services reported as follows:

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

PURPOSE

This report considers the naming of a new street between Forth Road and Stubbs Road, Turners Beach, and three cul-de-sacs off the new street.

BACKGROUND

Hardings Hotmix Pty Ltd, the developer of a new subdivision off Forth Road, Turners Beach, has written as follows:

“As per meeting on site at new subdivision at 64 Forth Road, Turners Beach, I submit for council approval, street names:

Road 1 – Charlene Drive, Stretch Drive, Julies Drive

Cul-de-sac 1 – Julies Court, Taylor Court, Bailey Court

Cul-de-sac 2 – Stretch Court, Bailey Court, Taylor Court.

These recommendations are in order of preference. Please do not hesitate to contact me should you require further information. I look forward to seeing the final names.”

These names were submitted to the Nomenclature Office for their advice/suggestions. The Office advised that the suggested names would probably not be suitable and proposed that the new road should be known as Titley Drive, Turners Beach which could also include the two cul-de-sacs.

The name ‘Titley’ was recommended as William Titley was granted an area, which contains the road, of approximately 484 acres, on 16 November 1855 and is of similar area to the modern town of Turners Beach.

It is noted that the name ‘Taylor’ is in use in a number of Council areas, and therefore would not be suitable.

This advice was passed on to the developer.

Mr Kevin Parker, on behalf of Hardings Hotmix wrote as follows:

“Thank you for your correspondence dated 14 December 2009 advising the response to names supplied to the Nomenclature Office in Hobart.

We wish to advise that the name Titley Drive offered by the Nomenclature Office is not acceptable to the developers. This name being the original grantee in our opinion does not carry any additional merit than the names supplied that relate to the current owners. The names supplied are unique in that there are no other streets of these names in Tasmania. We believe that the purpose of the owner supplying names to Council is to provide a range of

names that would be unique as an identifier to each new street constructed. This is achieved by using the names provided to Council in correspondence dated 12 October 2009.

In a previous development undertaken on the land the name Hardings was supplied and accepted. We can identify many other cases where names of family members have been accepted.

Due to the contributions made to the Central Coast Community by the Harding family over the past 25 years I believe that the relevance of the names is more significant than the names proposed by the Nomenclature Office. Can you please convey our dissatisfaction of the Nomenclatures Office suggestion and ask Council to approve one of the options provided.”

Subsequent to Hardings Hotmix’s submission to name the new street and cul-de-dacs in the subdivision, it has been brought to the Council’s attention that an adjoining development by A and B Stubbs Pty Ltd will share the same road as the Hardings Hotmix subdivision.

A and B Stubbs Pty Ltd, the developer of the adjoining subdivision (off Stubbs Road), has written as follows;

“In reference to the Subdivision off Stubbs Road I would like to submit names for your consideration when naming of the streets. We Have chosen to call the development Westwood Estate and the following facts back-up our selection of names:

- . Stubbs Road was previously named Rifle Range Rd and prior to that Westwood Road.
- . The Stubbs’ homestead, built by Philosopher Smith, is called Westwood.
- . Christina was the second name of our mother Noreen who passed away in 1997.
- . The area is abundant with kookaburras and gum trees and boasts views of Bass Strait.

We would also like to develop the adjoining Public Open Space and name it the Bernard Stubbs Memorial Park after our father who passed away in 2008.

The main road (off Stubbs Road):

- 1 Westwood Drive or Avenue
- 2 Philosophers Drive or Boulevard
- 3 Rifle Range Boulevard or Avenue.

First court:

- 1 Christina Court
- 2 Kookaburra Court
- 3 Bass View Court.

Third court (if required depending on the final design of the road adjoining Hardings subdivision):

- 1 Highview Crescent
- 2 Gum Tree Court
- 3 Bass View Court.”

Following investigations, all the names submitted, with the exception of Christina Court, were unsuitable, as they were duplicated in other municipal areas.

After further discussions with both developers and the Nomenclature Board, it was agreed that the new road, between Forth Road and Stubbs Road, Turners Beach, as a compromise, be named Explorer Drive, Turners Beach, which encapsulates the spirit of the original land owners/settlers. It was also agreed to name the cul-de-sacs as follows:

- 1 Julies Court
- 2 Charlene Court and
- 3 Christina Court.

It is noted that the remaining two cul-de-sacs in the Stubbs subdivision will be named at a later date.

DISCUSSION

The Council’s policy for the naming of local roads and streets (Minute No. 472/95 – 18.9.95) is as follows:

“That ... the Council promote road and street names that:

- (i) are in keeping with the character of the area in which they are located;

- (ii) assist in developing the identity of the area in which they are located;
- (iii) reflect the history of the area in which they are located ;
- (iv) do not duplicate other road/street names;
- (v) are not offensive/insulting/irreverent;
- (vi) are not misleading.”

The policy is generally, in accordance with rules, defined by the Nomenclature Board.

Because the road is within the town boundary the only requirement is notification that the Council has approved the name.

There is no duplication with other road/street names.

CONSULTATION

The report outlines the consultation undertaken.

IMPACT ON RESOURCES

As signage will be provided by the developers there will be no impact on Council resources.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the new road between Forth Road and Stubbs Road, Turners Beach, be named Explorer Drive, Turners Beach and that cul-de-sac 1 be named Julies Court, Turners Beach, cul-de-sac 2 be named Charlene Court, Turners Beach, and cul-de-sac 3 be named Christina Court, Turners Beach.’

The report is supported.”

The Executive Services Officer reported as follows:

“A plan highlighting the new subdivision streets has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Haines seconded, “That the Council advise the Nomenclature Board of Tasmania that the new road between Forth Road and Stubbs Road, Turners Beach will be named Explorer Drive, Turners Beach with cul-de-sac 1 to be named Julies Court, Turners Beach, cul-de-sac 2 to be named Charlene Court, Turners Beach, and cul-de-sac 3 to be named Christina Court, Turners Beach (a copy of the plan highlighting the new subdivision streets being appended to and forming part of the minutes).”

Carried unanimously

127/2010 Dog control – Fixing of registration fees for the 2010–2011 financial year and other fees under the *Dog Control Act 2000*

The Director Corporate & Community Services reported as follows:

“The Corporate Administration Group Leader has prepared the following report.

PURPOSE

This report considers the fixing of dog registration fees for the 2010–2011 financial year and other fees as required under the *Dog Control Act 2000*.

BACKGROUND

In November 2009 the new dog control provisions of the *Dog Control Amendment Act 2009* were passed by Parliament to improve the public safety provision of the *Dog Control Act 2000* (Principal Act); proclamation commencing on 1 July 2010. This report enables the registration fees to be set and the registration forms and tags to be issued to dog owners before the commencement of the registration period. The legislation also provides for the Council to set other associated animal fees such as kennel licences, dangerous dog declarations and so on.

DISCUSSION

The dog control legislation requires that all dogs over the age of six months be registered with a local council and it provides for councils to set fees for the purpose of registration and management of the Act. All dogs over six months of age must be registered with a local council; the period of

registration being 1 July to 30 June each year. A copy of the fees for the 2009–2010 financial year are provided at Annexure 1.

The dog registration system enables the Animal Control Officer to identify a dog's owner and records information to enforce the regulations and provisions of the dog control legislation.

The Council will continue to offer a discounted fee in the following instances:

- . should the dog registration be paid prior to 1 July 2010 for the 2010–2011 financial year, as an incentive to maximise dog registrations as at 1 July 2010;
- . should the dog be sterilised, to encourage the reduction in the instances of unwanted or abandoned dogs;
- . should the dog be microchipped or obedience trained, to promote the value of microchipping and obedience training;
- . should the dog be a registered working, purebred, greyhound or hunting dog;
- . should the dog be owned and registered by a pensioner; and
- . newly registered dogs that have either recently been purchased or are up to six-months of age.

The Council will continue to provide the registration services free of charge in the following instances:

- . should the dog be a registered and appropriately trained guide, hearing or companion dog (limited to one per person); and
- . should the dog registration be being transferred from another Tasmanian council.

CONSULTATION

The review of fees for the registration of dogs has been compared with other similar size councils within Tasmania. Sixteen councils (of the 29 across Tasmania) were investigated to compare fees and charges for dog registration fees. Central Coast Council falls within the range of the mid–

sized councils and the proposed dog registration and associated fees falls within the range of fees charged by those councils.

IMPACT ON RESOURCES

The proposed fee structure is based on retention of the current dog control procedures and is calculated to meet the projected cost of dog control in 2010–2011 with the exception of the community service obligation to be met from rates.

To ensure that the level of the community service obligation does not increase and to meet the increase in costs over the past year there is a need for an increase in the fees structure for 2010–2011.

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 ensure we have a healthy and attractive community

A Connected Central Coast

- Improve community wellbeing

Council Sustainability and Governance

- Improve corporate governance
- Improve service provision

CONCLUSION

It is recommended that dog registration fees be fixed for the financial year 1 July 2010 to 30 June 2011 in respect of all dogs over the age of six months, at the following rates:

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 31 JULY 2010)	FULL RATE (IF PAID AFTER 31 JULY 2010)
Unsterilised Dog	\$44.00	\$77.00

CORPORATE & COMMUNITY SERVICES

Sterilised Dog*	\$22.00	\$27.50
Greyhound registered with the Tasmanian Greyhound Racing Board*	\$22.00	\$44.00
Pure Bred dog* (kept for breeding whose owner is the holder of a current stud prefix recognised by the Tasmanian Canine Association)	\$22.00	\$44.00
Working dog kept for the purpose of working farm stock*	\$22.00	\$44.00
Hunting Dog*	\$22.00	\$44.00
Guide, Hearing or Companion Dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	N/A	**Pro-rata registration rate
Newly registered dog (up to 6 months of age)* for the first year of registration only	N/A	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	N/A	\$180.00
Pensioners Rate*** Domestic Dog (sterilised or entire) (one dog per property only. Additional dogs – full fees apply.)	\$22.00	\$27.50
Transfer of dog registration from another Tasmanian council for the same registration period (evidence must be	Nil	Nil

provided)

Discount for microchipped dog	\$1.00	\$1.00
Discount for Obedience Certificate****	\$1.00	\$1.00

- . *Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, TCA certificate, GRB certificate, current membership of a recognised hunting dog organisation).
- . **Pro rata Registration Rate - The rate is calculated as the Full Rate divisible by 12 and multiplied by the number of months or part thereof remaining in the financial year 1 July 2010 to 30 June 2011, or taken to be the Incentive Rate, whichever is the lesser. Note - the Pro-rata Registration Rate does not apply where the owner has neglected to register a dog prior to being impounded.
- . ***Pensioners Rate - The pensioners rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- . ****Discount for Obedience Certificate - Proof of evidence must be provided at the time of registration a current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

DETAILS	AMOUNT (\$)
Impounding Fee (1st impoundment)*	\$15.00
Impounding Fee (subsequent)*	\$60.00
Daily Pound fee (per week day or any part thereof)**	\$35.00
Out of Hours release fee (additional charge). Note: Available in special circumstances only and if an appropriate authorised person is	\$75.00

CORPORATE & COMMUNITY SERVICES

available.

Investigation of nuisance complaint	\$22.00
Kennel Licence Application (initial) (not including dog registration)	\$100.00
Kennel Licence Renewal (per year)	\$40.00
Replacement tag	\$5.00
Dangerous dog collar (each)	Purchase price (plus 5% admin. fee and GST)
Dangerous Dog sign (each)	Purchase price (Plus 5% admin. fee and GST)

- . *Charged for the collection and short-term (less than 12-hours) impoundment.
- . **Charged for long-term (12-hours or more) impoundment and in addition to the Impounding Fee.'

The Corporate Administration Group Leader’s report is supported.”

The Executive Services Officer reported as follows:

“A schedule of fees fixed for the 2009–2010 financial year has been circulated to all councillors.”

■ Cr Howard moved and Cr Haines seconded, “That dog registration fees be and are hereby fixed for the financial year 1 July 2010 to 30 June 2011 in respect of all dogs over the age of six months, at the following rates:

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 31 JULY 2010)	FULL RATE (IF PAID AFTER 31 JULY 2010)
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CORPORATE & COMMUNITY SERVICES

Unsterilised Dog	\$44.00	\$77.00
Sterilised Dog*	\$22.00	\$27.50
Greyhound registered with the Tasmanian Greyhound Racing Board*	\$22.00	\$44.00
Pure Bred dog* (kept for breeding whose owner is the holder of a current stud prefix recognised by the Tasmanian Canine Association)	\$22.00	\$44.00
Working dog kept for the purpose of working farm stock*	\$22.00	\$44.00
Hunting Dog*	\$22.00	\$44.00
Guide, Hearing or Companion Dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	N/A	**Pro-rata registration rate
Newly registered dog (up to 6 months of age)* for the first year of registration only	N/A	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	N/A	\$180.00
Pensioners Rate*** Domestic Dog (sterilised or entire) (one dog per property only. Additional dogs – full fees apply.)	\$22.00	\$27.50
Transfer of dog registration from another Tasmanian Council for the same registration period (evidence	Nil	Nil

CORPORATE & COMMUNITY SERVICES

must be provided)

Discount for microchipped dog	\$1.00	\$1.00
Discount for Obedience Certificate****	\$1.00	\$1.00

- . *Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, TCA certificate, GRB certificate, current membership of a recognised hunting dog organisation).
- . **Pro rata Registration Rate – The rate is calculated as the Full Rate divisible by 12 and multiplied by the number of months or part thereof remaining in the financial year 1 July 2010 to 30 June 2011, or taken to be the Incentive Rate, whichever is the lesser. Note – the Pro-rata Registration Rate does not apply where the owner has neglected to register a dog prior to being impounded.
- . ***Pensioners Rate – The pensioners rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- . ****Discount for Obedience Certificate – Proof of evidence must be provided at the time of registration a current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

DETAILS	AMOUNT (\$)
Impounding Fee (1st impoundment)*	\$15.00
Impounding Fee (subsequent)*	\$60.00
Daily Pound fee (per week day or any part thereof)**	\$35.00
Out of Hours release fee (additional charge). Note: available in special circumstances only and if an appropriate authorised person is available.	\$75.00
Investigation of nuisance complaint	\$22.00
Kennel Licence Application (initial) (not including dog	\$100.00

registration)

Kennel Licence Renewal (per year) \$40.00

Replacement tag \$5.00

Dangerous dog collar (each) Purchase price
(plus 5% admin. fee and GST)

Dangerous Dog sign (each) Purchase price
(Plus 5% admin. fee and GST)

- . *Charged for the collection and short-term (less than 12-hours) impoundment.
- . **Charged for long-term (12-hours or more) impoundment and in addition to the Impounding Fee.”

Carried unanimously

ENGINEERING SERVICES

128/2010 Free Use of Portable Toilets Policy – Review (438/98 – 23.11.1998)

The Director Engineering Services reported as follows:

“PURPOSE

The purpose of this report is to review the current Policy on Free Use of Portable Toilets to community organisations.

BACKGROUND

The current Policy on Free Use of Portable Toilets is as follows:

‘31 - Free use of portable toilets

OBJECTIVE

To provide portable toilets to the public free of charge.

MINUTE NO(S)

483/98 - 23.11.98

APPROVED

- . That, subject to availability, the Council's portable toilets be supplied to community organisations free of charge with the exception of delivery costs which may apply to delivery outside the Ulverstone, Penguin, Turners Beach, Forth, Leith, Sulphur Creek and Heybridge areas; and further, that this matter be reviewed in May 2000 when setting the Council's fees and charges.

BACKGROUND

Refer to Council minute.’

The current Policy has served the community well and was developed when the Council had responsibility for sewerage and the number of hirers was limited for Central Coast.

DISCUSSION

Prior to 30 June 2009, arrangements and costs for the portable toilets were absorbed into the Ulverstone Wastewater Treatment Plant (UWWTP) operational costs. Since then Council employees have arranged for the service through the Council's Works Depot.

Arrangements were unsuccessfully pursued with Cradle Mountain Water (CMW) by way of a draft Service Level Agreement along the lines of CMW taking bookings and arranging delivery of portable toilets to community organisations within the Central Coast municipal area. The service proposed CMW picking up the portable toilets after events and returning them to the UWWTP Depot for cleaning and parking.

The process of emptying the portable toilets has reverted to emptying and cleaning at the UWWTP rather than at the Victoria Street Dump Station. This is because washing out of the waste tank requires a pressure hose and the material is unsuitable for discharge at the Dump Station. Indications from CMW is that it will not allow hire members onsite at the UWWTP if the Council relinquishes units to primary user groups.

The transfer of the portable toilets to the primary user groups is not possible as the units are over 25 years old and their current condition is below average.

It is considered that the portable toilets have served their time and should be de-commissioned. The chassis and wheels could be sold through the Resource Recovery Centre or at a regional Council auction at the end of the year.

CONSULTATION

Current hirers and primary users include the Young Anglers and Canoe Club. Others of the past include Leven District Scouts, Festival in the Park, Forth School Fair, Tour of Tasmania etc.

Interim arrangements have been put in place to phase out the use of the existing toilets by using the Council works site toilets or hiring from other providers. This is not a long-term option but could continue as a phase out until 30 June 2010.

IMPACT ON RESOURCES

Portable toilet delivery costs were identified in the 2009-10 budget and expenditure to date is \$2,090. The units have been hired 20 times, equating to an average hire cost to the Council of \$104.50. External hire rates are around \$65 per week, excluding pump out charge. Total comparative cost is \$120.00 per unit including

pump out. It is estimated that based on past bookings, the estimated costs for May and June would be less than \$1,000.

The replacement cost of current (comparable) units fitted to a trailer is \$3,700 each.

Based on three units it is difficult to justify a total of \$11,100 to replace the existing portable toilets.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Now that the Council no longer manages sewerage infrastructure, it is difficult to justify the retention of the portable toilet hire service. It is noted that the private sector now provides such a service for events and this service has improved since the policy was originally implemented in 1997.

CONCLUSION

It is recommended that the Council:

- 1 remove the current Policy on Free Use of Portable Toilets as this service is now available through the private sector;
- 2 advise hirers of the removal of the Policy and that the service will cease operation after 30 June 2010;
- 3 meet the costs associated with the current Policy for the remainder of the 2009–10 financial year;
- 4 dispose of the existing sub-standard portable toilets.”

■ Cr van Rooyen moved and Cr Fuller seconded, “That the Council:

- 1 remove the current Policy on Free Use of Portable Toilets as this service is now available through the private sector;
- 2 advise hirers of the removal of the Policy and that the service will cease operation after 30 June 2010;

- 3 meet the costs associated with the current Policy for the remainder of the 2009–10 financial year;
- 4 dispose of the existing sub–standard portable toilets.”

Carried unanimously

129/2010 Galah and tree safety issues in Ulverstone Parks

The Director Engineering Services reported as follows:

“PURPOSE

This report provides an overview of the Galah problems and resultant tree safety issues in Ulverstone parks and discusses options for the future management to control the excessive numbers and addresses tree safety.

BACKGROUND

The Asset Management Group Leader reported as follows:

‘Galahs have been causing significant damage to trees within the Ulverstone area in excess of 10 years. In particular are the Eucalyptus trees in the foreshore park areas. Other issues associated with Galahs have included noise, holes formed in grass areas and damage to infrastructure.

Galahs (*Cacatua roseicapilla*) are a grey and pink coloured cockatoo found in most areas of Australia. There is some dispute over the occurrence of Galahs in Tasmania as they are either escaped or illegally released aviary birds or have migrated across Bass Strait. Regardless of whether or not the birds are native to Tasmania, Galahs are listed as a protected species under the *Wildlife Regulations 1999*.

Galahs are highly intelligent, social and adaptable birds that congregate in large flocks in various trees and park grasslands around Ulverstone. In 2005 it was estimated that the population of Galahs living in Ulverstone is about 100 birds. Galahs in the wild usually survive beyond 30 years and lay between two and five eggs each breeding cycle.

In 2005, due to complaints surrounding excessive bird numbers, the Council engaged an ornithologist to assess the issues and provide advice on actions the Council could undertake to assist with reducing the bird numbers. The subsequent “Birds of Ulverstone 2005” report stated that there are no easy

solutions to bird problems, especially in residential areas. The report advised that landscape management is the only approach for a long-term solution to control bird numbers.

A number of strategies identified in the report for reducing bird numbers have been implemented including:

- The removal of bird feeding stations from Council parks;
- Discouraging residents from feeding birds. However, a small number of residents in Ulverstone still continue to hand feed birds and after discussions with the Parks and Wildlife Service, the Council has no legal standing to prevent the residents from doing this.
- Increasing the planting of native vegetation in Council parks.

The Council is yet to see any improvements from the implementation of these strategies.

The report recommended one action to protect gum trees from the Galahs was to place wire mesh or metal flashing on the areas being chewed. This action is not appropriate due to the large number of areas where the trees are being attacked and if the current areas under attack are protected, then the Galahs would move on to other unaffected trees and cause the same damage.

The "Birds of Ulverstone 2005" report assessed various control measures including exclusion nets, tree removal, trapping, shooting, poisoning, sound emitting devices, decoy predatory species and training raptors.

The Council received a preliminary report in January 2009 from Tasmanian Tree Services who undertook a ground level assessment to ascertain the extent of damage being caused by Galahs to the trees within the parks of Ulverstone. Inspections were carried out in Shropshire Park, Bicentennial Park, Fairway Park and Tobruk Park (Bellchambers Reserve). From the investigation two issues were identified, these being the tree health and public safety. The report identified four main concerns:

- 1 The damage is causing the trees to become hazardous by increasing the risk of limb failure;
- 2 The damage is not always obvious from the ground and therefore potential hazards could go unidentified;

- 3 The damage caused by Galahs will shorten the lifespan of many desirable trees within the parks;
- 4 Whilst Galahs are present in their current numbers, wounding will continue to make trees hazardous.

The Galah damage is occurring on the tops of branches, stem unions and trunks. There is considerable evidence of limb failure associated with Galah damage in the area and in some instances where limb failure has resulted, the wounding by Galahs has not appeared to be particularly severe. Where wounding has occurred along the tops of branches, the wounds are typically long and thin, sometimes many metres long. These wounds are likely to result in limb failure or death/decline of the limb.

The report states that the current level of wounding caused by the Galahs is unsustainable. The conclusion of the report states:

“...The damage caused by the Galahs will have irreversible consequences to the health and structure of the trees and serious ramification with regard to public safety. To ensure that the trees within Ulverstone area can be safely maintained measures to eradicate or dramatically reduce the Galah population is urgently needed. It is expected that considerable works including tree removals will need to be undertaken to reduce hazards associated with the Galah damage. The expected loss of trees is unfortunate as many desirable and impressive trees appear to be severely damaged.”

Tasmanian Tree Services undertook a more comprehensive investigation into 39 Galah damaged trees in Ulverstone park areas in December 2009. The report has identified that 11 of the 39 trees require removal due to the level of risk associated with being located in a public area. Another 17 trees require pruning works to remove Galah damaged areas to reduce the level of risk. It is important to keep in mind that the work identified is for the current damage and without intervention to the Galah population the damage and associated works will continue.

In addition to the tree destruction, extensive damage in the park lawn areas is also noticeable. The Galahs are eating the roots of the various species of nut grass which has created holes in the grassed areas. The Galahs continually bathe in the dirt causing the holes to become larger and irreparable. The holes in the lawn have become an issue by becoming trip hazards and are aesthetically unappealing.

DISCUSSION

To ensure that trees within Ulverstone can be safely maintained, measures to stop or dramatically reduce the damage being caused are urgently needed. A program to eradicate the Galahs needs to be carried out in conjunction with pruning or removal of the hazardous trees. If the trees are dealt with without the Galah control program they will simply relocate to other unwounded trees with the cycle commencing again.

In January 2010 the Council contacted the Game Management Unit of the Parks and Wildlife Service for advice on controlling the Galah population. Galahs are classified as protected species under the *Wildlife Regulations 1999* meaning that a Crop Protection Permit is required from the Department prior to any method of control.

There are a number of options for the Council to manage the Galah population which are discussed below.

1 Do nothing

This is not considered a sustainable option due to the current state of the trees in the Ulverstone parks. If the identified tree works are undertaken without a Galah control program in place the birds will simply relocate to other unwounded trees and the cycle would commence again.

2 Exclusion nets

These are considered expensive, a nuisance when trees require maintenance, can be inhumane to trapped birds and birds will move onto other trees.

3 Trapping

Trapping is a labour intensive method and is likely to fail with large numbers.

4 Scaring

Methods used for scaring include sound emitting devices, decoy predatory species, buzzing wire, reflectors, training raptors and gas guns. These methods all have problems associated with them such as being annoying to residents, expensive, birds will move elsewhere and in the Council's experience ineffective.

5 *Shooting*

Shooting generally acts as both a scaring and lethal device but its use in residential areas may be unlawful or too controversial to implement. Under the (*Firearms Act 1996*) it is illegal to discharge a firearm within 250m of a house or dwelling and within any distance of a public open space. Advice from the Game Management Unit has suggested that shooting does result in localised management with very few individuals being removed from the overall population.

Under the Act, the Council would require consent from all of the occupants of the houses within the 250m distance and to discharge a firearm in a public space an application submitted to Tasmania Police would be needed for an exemption under the Act.

If the Council obtains the consent and exemption, the Department of Primary Industries, Parks, Water and Environment (DPIPWE) would then authorise a permit to take and control the Galahs.

6 *Alphachloralose Poisoning*

Alphachloralose is a hypnotic material which anaesthetizes the brain of an affected bird. When the bird is in this condition the body temperature control mechanism does not operate and leads it to die from a low body temperature.

A requirement to laying a 'poison' such as Alphachloralose is that birds need to be enticed to a 'free feed' by baiting with no poison prior to the poisoning operation to ensure the best success rate is achieved.

This option has the issue that there is always the chance of a non-target take or secondary poisoning event to another bird or animal. This issue may be mitigated by a very close inspection of the operation as is commonly done by DPIPWE officers conducting the poisoning.

Evidence suggests that secondary poisoning can be treated if the affected animal is treated immediately. If an animal such as a bird recovers from poisoning it excretes the material in their urine and will not cause secondary poisoning if eaten by another animal later.

At this stage the Alphachloralose poisoning is the preferred option for control of the Galah population.

Each tree that has been identified for removal has been assessed by Council staff to determine whether there are any alternatives to removal. Alternatives

considered were exclusion zones, such as gardens or barriers. The assessment determined that in no case was it deemed appropriate to retain a tree. It was also considered that due to the lack of new trees developing in the parks the removal has provided an opportunity for replacement trees. This will ensure that there is a continual presence of trees in the Council's parks. This is in line with the Council's tree replacement program as explained in the *Vegetation Management Strategy 2009*.

Attached are images 1–21 providing examples of the damage caused by the Galahs. Also are attached Plan Numbers 1–4 indicating the trees requiring removal and the remaining identified as requiring pruning and/or trimming.

CONSULTATION

The Council has researched and obtained a considerable amount of information and advice in identifying appropriate actions for controlling the Galah population.

Consultation has been undertaken with Tasmanian Tree Services, DPIPWE, Matt Byrne from the Game Management Unit of DPIPWE, Parks and Wildlife Service and Central Coast Council staff.

Further consultation will be required with residents once a site for baiting has been decided. Residents will need to be notified to prevent the chance of secondary poisoning to pets.

IMPACT ON RESOURCES

<i>ACTION</i>	<i>COST</i>
Undertake bird control	\$5,000.00
Undertake removal and pruning works to identified Galah damaged trees	\$30,000.00
Purchase and planting of replacement trees	\$5,000.00
<i>TOTAL</i>	<i>\$40,000.00</i>

Budget amounts have already been allocated for undertaking this work in the 2009–10 financial year.

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

The Environment and Sustainable Infrastructure

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

CONCLUSION

To ensure that the trees within Ulverstone can be safely maintained, measures to stop or dramatically reduce the damage being caused are urgently needed. A program to eradicate the Galahs needs to be carried out in conjunction with the identified removal and pruning of hazardous trees. If the identified tree works are undertaken without a Galah control program in place the birds will simply relocate to other unwounded trees and the cycle would commence again.

Due to the proximity of residential properties to the park area, shooting is not a preferred option and the other options discussed would provide minimal to no impact on the Galah population.

It is recommended that the Council:

- 1 Undertake removal and pruning works to identified damaged trees.
- 2 Purchase and plant replacement trees as an ongoing program.
- 3 Obtain a permit to advance with the option of Alphachloralose poisoning to control Galah numbers in Ulverstone. '

The Asset Management Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the images and plans have been circulated to all councillors."

■ Cr van Rooyen moved and Cr (J) Bonde seconded, "That the Council proceed with removal and pruning works to identified damaged trees, purchase and plant replacement trees as an ongoing program and obtain a permit to advance with the option of Alphachloralose poisoning to control Galah numbers in Ulverstone."

Carried unanimously

Cr Diprose left the meeting at this stage.

CLOSURE OF MEETING TO THE PUBLIC

130/2010 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Leave of absence – Cr Haines;
- . Local Government Association of Tasmania – General Management Committee 2010 Election; and
- . Proposal for sale of Council land – Coroneagh Street, Penguin.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential;
- . an application by a Councillor for leave of absence; and
- . a proposal for the disposal of land.”

■ Cr Haines 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;
- . an application by a Councillors for a leave of absence; and
- . a proposal for the disposal of land.

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;
- . Leave of absence – Cr Haines;

-
- . Local Government Association of Tasmania – General Management Committee 2010 Election; and
 - . Proposal for sale of Council land – Coroneagh Street, Penguin.”

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

131/2010 Minutes and notes of other organisations and committees of the Council

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

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

...

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

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

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

Cr Diprose returned to the meeting at this stage

Cr Haines, 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 Leave of absence (108/2010 – 19.04.2010).

132/2010 Leave of absence (108/2010 – 19.04.2010)

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

“Cr Haines has made the following application for leave of absence.

...

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.”

133/2010 Local Government Association of Tasmania – General Management Committee 2010 Election (86/2010 – 15.03.2010)

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

“The purpose of this report is to inform the Council of potential ballots in respect of the 2010 election of six Members to the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

...

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.”

Closure

There being no further business, the Mayor declared the meeting closed at 9.12pm.

CONFIRMED THIS 17TH DAY OF MAY, 2010.

Chairperson

(Imm:dl)

Appendices

- Minute No. 116/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 124/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 125/2010 – Financial statements

QUALIFIED PERSON'S ADVICE

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

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

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

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

Sandra Ayton
GENERAL MANAGER