

Minutes

of an Ordinary Meeting
held at 6.00pm

19 OCTOBER 2009

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
16 November 2009

ORDINARY MEETING – 19 OCTOBER 2009

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| 327/2009 | Tenders for the construction of the Showgrounds Community Precinct |
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| 332/2009 | Fire Abatement Policy |
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| 334/2009 | Opening of Dennison Close, Heybridge |
| 335/2009 | Dennison Close, Heybridge – Certificate of completion |
| 336/2009 | Carroo Court footbridge over Penguin Creek (270/2009–17.8.2009) |
| 337/2009 | Adjournment of meeting |
| 338/2009 | Meeting closed to the public |
| 339/2009 | Sub-Lease of Penguin Surf Club building (132/2009 – 20.04.2009) |
| 340/2009 | General Manager's performance review |

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 October 2009 commencing at 6.00pm.

Councillors attendance

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

Councillors apologies

Nil

Employees attendance

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

Guest of the Council

Mr Brady Butcher

Media attendance

The Advocate newspaper

Public attendance

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

Prayer

May the words of our lips and the meditations of our hearts be always acceptable in Thy sight, O Lord.

CONFIRMATION OF MINUTES OF THE COUNCIL

307/2009 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 21 September 2009 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr McKenna seconded, “That the minutes of the previous ordinary meeting of the Council held on 21 September 2009 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

308/2009 Council workshops

The Executive Services Officer reported as follows:

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

- 28.09.2009 – General Manager’s quarterly performance review

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

309/2009 Mayor’s communications

The Mayor reported as follows:

“I will adjourn this meeting for approximately 10 minutes to invite Mr Brady Butcher to address Councillors on his recent participation in the World Triathlon Championships (20–24 years age group).”

310/2009 Adjournment of meeting

Mr Brady Butcher addressed the Council and took questions regarding his recent participation in the World Triathlon Championships.

Whilst the meeting was still adjourned, the Mayor invited retiring Councillors Barker and McKenna to say a few words in respect of their time as Councillors. Both Councillors took this opportunity.

Following the addresses, the Mayor resumed the meeting.

311/2009 Mayor’s diary

The Mayor reported as follows:

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

- . Coast FM Radio – community report
- . B&E – official announcement of Annual Results 2008–2009 (Burnie)
- . Mersey Region Emergency Management Planning Committee – meeting (Sheffield)
- . Ulverstone Soccer Club – annual dinner
- . ‘Opt-in. wellbeing the central coast way’ launch
- . Central Coast Chamber of Commerce and Industry – network meeting
- . Ulverstone Senior Citizens Club – presentation of Mayor’s Cup
- . Enormity Inc. – ‘Christmas Dash’ launch
- . Penguin Primary School – opening of Outdoor Learning Centre
- . Rotaract Club of Central Coast – presentation on Global Poverty Project (Burnie)
- . Cricket North West – 2009–2010 season launch (Burnie)
- . Lions Club of Forth Valley – official opening of Pioneer Cemetery lich-gate
- . Australian Institute of Company Directors – networking evening
- . Gowans Toyota – grand opening of new showrooms (Devonport).”

Cr Deacon reported as follows:

“I attended the West Ulverstone Football Club dinner on behalf of the Mayor.”

■ Cr Haines moved and Cr Howard seconded, “That the Mayor’s and Councillor Deacon’s reports be received.”

Carried unanimously

312/2009 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

Cr Fuller reported as follows:

“I am declaring an interest in respect of Tenders for the construction of the Showgrounds Community Precinct (Minute No. 327/2009).”

Cr (J) Bonde reported as follows:

“I am declaring an interest in respect of Sub-lease of the Penguin Surf Club building (Minute No. 339A/2009).”

313/2009 Public question time

The Mayor reported as follows:

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

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

COUNCILLOR REPORTS

314/2009 Councillor reports

The Executive Services Officer reported as follows:

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

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

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

APPLICATIONS FOR LEAVE OF ABSENCE

315/2009 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

316/2009 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

317/2009 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

318/2009 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

- '29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
 - (a) another councillor; or
 - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
 - (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations –
except so far as may be necessary to explain the question.

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- (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.

319/2009 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received.”

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

320/2009 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

321/2009 Council acting as a planning authority

The Mayor reported as follows:

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

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

‘If any such actions arise out of Minutes Nos 322/2009 and 324/2009, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**322/2009 Food Services (change of use) at 1–3 Reibey Street, Ulverstone
Application No. DEV2009.39**

The Director Development & Regulatory Services reported as follows:

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

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| <i>‘DEVELOPMENT APPLICATION No.:</i> | DEV2009.39 |
| <i>APPLICANT:</i> | Coalwater Pty Ltd (Jon Charbonneau) |
| <i>LOCATION:</i> | 1–3 Reibey Street, Ulverstone |
| <i>ZONING:</i> | Business |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 9 September 2009 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 23 September 2009 |
| <i>REPRESENTATIONS RECEIVED:</i> | Nil |
| <i>42-DAY EXPIRY DATE:</i> | 30 September 2009 (extension granted until 20 October 2009) |
| <i>DECISION DUE:</i> | 19 October 2009 |

PURPOSE

The purpose of this report is to make a determination on an application for a change of use at the property at 1–3 Reibey Street, Ulverstone (Lancaster House), from General Retail and Hire to Food Services.

BACKGROUND

The site is located at the corner of Reibey Street and Crescent Street in the existing double storey Federation style commercial building. The site is at the eastern end of the Reibey Street shopping strip and contains no onsite car parking provision. A copy of the location plan is appended as Annexure 1.

The proposed use is a coffee house and wine bar. It will sell beverages and some food, mostly prepared off-site.

Works will involve an internal refit, principally involving food storage and display, a small food preparation area, panel lining on internal walls and public seating. Some modest signage is proposed but is not detailed in this application.

A copy of the application is appended as Annexure 2.

DISCUSSION

The proposal is evaluated against the relevant provisions of the Scheme as follows:

| CLAUSE | DETAIL AND COMMENT (WHERE REQUIRED) |
|------------------------------------|---|
| 2.0 Objectives for Planning 2.1(a) | Complies. Proposal is consistent in that it is a commercial activity located within the existing urban area. |
| 12.1 Zone Purpose | Complies. Proposal is consistent in that it is a retail activity in the (concentrated) area of Reibey Street, Ulverstone. |
| 12.2.1 Use Table | Complies. Permitted use. |
| 12.4.3 Building Design and Siting | Complies. The Acceptable Solution includes a 10m building height limit, a 25% minimum façade wall area, a minimum façade glazed area of 25%, and provision of a 1.5m recessed entry. An assessment of these criteria has not been undertaken because the building already exists and enjoys an existing use right. |
| 12.4.4 Building | Complies. |

DEVELOPMENT & REGULATORY SERVICES

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| Access and Services | The building is connected to all the required services road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity. |
| 12.4.5 Crime Prevention | Complies. Requirements for visibility of the front area of the building are satisfied: the area is visible from Reibey Street within 50m of the doorway, artificial light from within the building would illuminate the external area, and the external area would be easily seen from within the building. |
| 12.4.6 Delivery Areas | Complies. An area for the loading and unloading of goods is required to be provided on the site, which is separated from public access and accessible from all commercial tenancies on the site. A gated laneway at the side of the building (access to Crescent Street) provides an onsite facility for loading and unloading, as well as the storage and collection of waste. However the most likely facility for use by delivery vehicles is a loading zone in Reibey Street, in front of the premises. |
| 12.4.7 Refuse Areas | Complies. An onsite storage area for refuse that is accessible for collection and not visible from public areas is required. The gated laneway at the side of the property is the proposed refuse storage and collection area. The space appears to be adequate and is satisfactorily screened from public view. |
| Road and Rail | Not applicable. |
| Attenuation | Not applicable. |
| Bushfire | Not applicable. |

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| Contaminated Land | Not applicable. |
| Land Stability | Not applicable. |
| Coastal and Riparian | Not applicable. |
| Heritage | Not applicable. |
| Multiple Dwellings | Not applicable. |
| Home Occupation | Not applicable. |
| Car Parking | <p>Does not comply.</p> <p>The Car Parking Schedule requires parking calculated on the basis of seven spaces per 100m² (120m² = 8.4 spaces) plus one space for each employee (the maximum number at any one time in normal operations, i.e. estimated to be two staff = two spaces). The required provision is therefore 10.4 spaces.</p> <p>There is no onsite car parking proposed with the development and there is no space for it to be provided onsite.</p> <p>The options in this case are to waive the requirement or charge a cash in lieu payment for each space not provided.</p> <p>A commonly adopted policy position to charging cash in lieu is that where a council has provided, or intends to provide a public car park for the benefit of businesses in a town or city centre, then such a contribution is levied. In this case the Council has provided two public car parks in the vicinity (near Woolworths and the Ulverstone Wharf).</p> <p>However, the new car parking requirement is similar to the previous retail use (i.e. one per employee and seven per 100m² of floor area). Given that the two existing public car parks were</p> |

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| | <p>constructed, in part to accommodate the shortage of car parking relating to the former retail use, and that the new requirement is the same, then it would not seem reasonable to levy an additional charge for required car parking, i.e. the deficit has already been satisfied. The situation might be different where the car parking requirement was greater than that relating to the former use.</p> <p>The above considerations suggest that waiving the car parking requirement may be the appropriate course. In considering whether to exercise such discretion, the Council must consider the Performance Criteria of the Car Parking Schedule (S10.3.1 P1).</p> <p>The Criteria are:</p> <ul style="list-style-type: none"> (i) there is no adverse effect on the streetscape; (ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and (iii) there is no adverse impact on the amenity of the surrounding locality. <p>It is difficult to see how maintaining the status quo in relation to car parking in the area could adversely affect the streetscape, cause any hazard or parking congestion, or adversely impact on amenity.</p> <p>In this case an exercise of discretion on the car parking requirement of 10.4 spaces is considered justified.</p> |
| Signs | <p>Not applicable.</p> <p>No external signs have been applied for but verbal indications from the applicant indicate that some modest signage is envisaged. The Signs Schedule only applies to a new sign (i.e. additional) and</p> |

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| | <p>renewal or replacement of an existing sign where it is enlarged, where it is replaced with an animated or internally lit sign, or is a different type of sign.</p> <p>The applicant should be advised that a separate approval will be required for the renewal or replacement of existing signs where they are enlarged, replaced with an animated or internally lit sign, or are a different type of sign.</p> |
| Telecommunications | Not applicable. |
| Ulverstone Wharf | Not applicable. |

Use –

The development of the building for a café and wine bar is a suitable use in the location. The proposal meets most of the Scheme standards. The “stand out” issue is conformity with the number of onsite car parking spaces required under the Car Parking Schedule.

Building –

The building alterations are internal and consistent with the change of use to a café. The works are exempt from planning approval.

Services and Access –

The building has access to all required services (road access, water, sewage, reticulated stormwater, telecommunications and electricity). It also meets the requirements for crime prevention and provision of a delivery area and refuse storage area.

Car Parking –

The Car Parking Schedule requires a total of 10.4 spaces, calculated on the basis of seven spaces per 100m² of floor area (120m² = 8.4 spaces), plus one space for each employee (the maximum number at any one time in normal operations, i.e. estimated to be two staff = two spaces).

There is no onsite car parking possible at the site and none is proposed under any other arrangement.

The options in this case are to waive the requirement or charge a cash in lieu payment for each space not provided.

The car parking requirement is similar to the previous retail use of the property (i.e. one per employee and seven per 100m² of floor area). Under the provisions of the Scheme there is no difference in parking demand between the two. Traffic and parking in the surrounding area is consequently unlikely to be significantly different than under the previous use.

Previous practice in relation to calculating car parking requirements has been to subtract the new use requirement from the number of spaces already provided or is required under the Scheme for the previous use. In other words, the requirement is the deficit.

Legal advice recently obtained by the Council indicates that the practice is not appropriate and that the requirement should be recalculated each time there is a change of use, irrespective of any deficit under the previous use. This is likely to involve a significant pressure to waive the car parking requirement.

Another issue in relation to charging cash in lieu for car parking is whether it is appropriate under the Council's Payment of Cash in Lieu of Parking Spaces Policy (the Policy) (429/2007 – 19.11.2007). The Policy provides for a charge of \$11,000 per space not provided in Ulverstone and Penguin. In this case the total charge would be \$111,000.

The Policy also provides for the development of a parking strategy. At this stage no strategy has been prepared, although funds have been allocated for the purpose.

It is not an unreasonable proposition that where a development proposal falls short in onsite parking and the Council has provided a car park in an area, then cash in lieu provision should be applied. In this case, the Council has provided two public car parks in the vicinity (near Woolworths and the Ulverstone Wharf).

Given that the two existing public car parks were constructed, in part to accommodate the shortage of car parking relating to the former retail use, and that the new requirement is the same, then it would not seem reasonable to levy an additional charge for required car parking, i.e. the deficit has already been satisfied.

The above considerations suggest that waiving the car parking requirement may be appropriate. In considering whether to exercise such discretion, the Council must consider the Performance Criteria of the Car Parking Schedule (S10.3.1 P1). The Criteria are:

- (i) there is no adverse effect on the streetscape;
- (ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and
- (iii) there is no adverse impact on the amenity of the surrounding locality.

It is difficult to see how maintaining the status quo in relation to car parking in the area could adversely affect the streetscape, cause any hazard or parking congestion, or adversely impact on amenity.

In this case waiving of the car parking requirement of 10.4 spaces and any cash in lieu contribution is justified.

CONSULTATION

The application was notified for a 14 day statutory period as required under s.57 of the *Land Use Planning & Approvals Act 1993*. Notification involved a notice placed on the site, an advertisement in "The Advocate" newspaper, and letters to adjoining property owners.

No representations were received.

IMPACT ON RESOURCES

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted by the applicant.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space
- . Adopt an integrated approach to land use planning

- . 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

- . Provide for a diverse range of movement patterns
- . Connect the people with services
- . Improve community wellbeing

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the proposal be approved subject to the following conditions:

Planning

- 1 The development to be implemented substantially in accordance with the submitted plans;

Environmental Health

- 2 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and Regulations made there-under;
- 3 All solid/inert waste material generated by the construction activity onsite is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;
- 4 Food waste generated by the business is to be collected, stored and disposed of in an appropriate manner so as not to cause an environmental nuisance or present a risk to public health;
- 5 Prior to commencement of operation the applicant is required to register as a Food Business in accordance with s.86 of the *Food Act 2003*;

Engineering

- 6 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, at the owner's/ developer's/applicant's expense;

Cradle Mountain Water (CMW)

- 7 As the applicant has indicated limited cooking (generally reheating) no grease trap is proposed and proprietary sink/basket strainers are to be fitted to the sink and any other outlets. If the waste stream changes and unacceptable impacts occur to CMW services, CMW reserves the right to review and require upgraded measures to be installed by the operator;
- 8 The proposed toilet and other fixtures are to be connected to the existing internal plumbing.

Applicant to Note:

- A This permit expires two years from the date of this notice unless 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.
- B A separate approval will be required for the renewal or replacement of existing signs on the building where they are enlarged, replaced with an animated or internally lit sign, or are a different type of sign.
- C Pursuant to the Building Act 2000, the applicant's Building Surveyor must submit a Form 42 Request prior to any development occurring. The appropriate documentation referred to in Regulation 16 - Building Regulations 2004 (Tasmania) is to be forwarded to the Council for comment. The documentation is to include diagrams, to be drawn to scale, include the relevant elevations and be in accordance with the Design Construction and Fit Out of Food Premises Australian Standard 4674 - 2004 and the Tasmanian part of the Building Code of Australia H102 - Food Premises.
- D Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.

E Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council.

F Building and Plumbing Permits are required for the proposed development. A copy of this planning permit should be given to your Building Surveyor.'

The Land Use Planning Group Leader's report is supported."

The Executive Services Officer reported as follows:

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

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

Planning

1 The development to be implemented substantially in accordance with the submitted plans;

Environmental Health

2 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and Regulations made there-under;

3 All solid/inert waste material generated by the construction activity onsite is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;

4 Food waste generated by the business is to be collected, stored and disposed of in an appropriate manner so as not to cause an environmental nuisance or present a risk to public health;

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F 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 323/2009.

323/2009 Public question time

The time being 6.43pm, the Mayor introduced public question time.

Questions and replies concluded at 6.48pm.

Minute No. 322/2009 continued...

Motion

Carried unanimously

324/2009 Items referred from Development Support Special Committee

The Director Development & Regulatory Services reported as follows:

“In the event that any items listed for consideration by the Development Support Special Committee at its scheduled meeting on 12 October 2009 are referred, under its terms of appointment, to the Council or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be placed before the Council at this time while it is acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.”

The Executive Services Officer reported as follows:

“No items from the Development Support Special Committee meeting held on 12 October 2009 have been referred to this meeting.”

GENERAL MANAGEMENT

325/2009 Water and sewerage charges

■ Cr (L) Bonde (having given notice) moved and Cr Barker seconded, “That the Central Coast Council seek the support of all councils in Tasmania, in requesting that the State Government reduce the proposed 10% increase in water and sewerage charges for the next two successive years back to a 4.5% increase maximum of the 2008–09 prices for each of those years.”

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

“It is evident that the public is very concerned about the current water and sewerage accounts, which are thought to be excessive and will impose extreme hardship on some ratepayers, and from next year, many home users that will be required to pay a water account.

When the current water and sewerage scheme details were first presented to the Central Coast Council, I argued against accepting the proposal and I was the only Councillor to do so. I thought we should reject the proposal and request that the State Government should be told to finance the necessary upgrading of all sub-standard schemes and then the three water authorities would take them over. In requesting this I pointed out that the taxpayers would be funding the upgrade, rather than the ratepayers which we have today.

Mayor Downie and Deputy Mayor Robertson have worked extremely hard in trying to argue for a more acceptable pricing scheme but they have not been supported enough by other member councils, and it is absolutely necessary that we have joint co-operation between all councils when dealing with the State Government.

Because of the obvious upheaval in the community regarding the current charges, I believe the standing of the current State Government to be under extreme pressure and I believe because of this that the State Government is in a much more accommodating mood to receive some suggestions to do with pricing.

I believe if we allow this pricing proposal to go unchallenged, we would be seen by our community as an unimaginative bunch of Councillors who are reluctant to argue with the higher authority of State Government.

We cannot afford to not challenge this proposed pricing and in doing so, we are offering our support to our Mayor and Deputy Mayor, who have worked so hard for our welfare up to this point in time. The current situation is not acceptable to our community so let us do something about it.”

The General Manager reported as follows:

"PURPOSE

This report considers a motion on notice from Cr (L) Bonde proposing that the Council seek the support of all councils in Tasmania, in requesting that the State Government reduce the proposed 10% increase in water and sewerage charges for the next two successive years back to a 4.5% increase maximum for each of those years.

BACKGROUND

The Interim Price Order (the Order) is made under s.88 of the *Water and Sewerage Industry Act 2008* (the Act). The Treasurer, The Hon. Michael Aird MLC, has advised that, '...The intent of the Interim Price Order is to commence transitioning revenues in the water and sewerage sector towards sustainable levels. In doing so it balances achieving full cost recovery over a sensible timeframe with ensuring that no customer faces price shocks...The Order does not, for instance, deal with the issues of customer class cross-subsidies associated with pricing based on the assessed annual value of property, which was the existing pricing methodology in ten municipal areas in Tasmania at the time of the reform...'

In recognition of this, a yearly review of the Order is required.

DISCUSSION

The Act requires the Economic Regulator to prepare an annual State of the Industry Report in consultation with relevant government agencies and health and environmental regulators. The publication of performance information assists in meeting the objective of the Act to protect the long-term interests of customers and to provide for the safe, environmentally responsible, efficient and sustainable provision of reliable and secure water services and sewerage services to the Tasmanian community.

The interim pricing arrangements, as detailed on the State Government's website are as follows:

'...On 27 August 2008, the Minister for Primary Industries and Water issued Terms of Reference (copy attached) requiring the Regulator to conduct an inquiry to inform the development of an Interim Price Order for the Tasmanian water and sewerage sector. The objective of the Interim Price Order is to transition the water and sewerage industry towards full cost recovery and consistent price arrangements that will be likely to apply from 1 July 2012 when the first formal price determination is

expected to commence. It is expected that the Interim Price Order will be reviewed on an annual basis.

The Inquiry was required to:

- identify and assess options to transition revenue over the interim period;
- identify the implications of these transition paths; and
- document data limitations and identify information collection priorities to assist future Interim Price Order reviews or price regulation more broadly.

The Economic Regulator reported back to the Minister on the findings of the Inquiry on 28 November 2008.

On 6 February 2009, the Treasurer requested that the Economic Regulator revise the analysis presented in the Interim Pricing Inquiry Report of November 2008 to take account of the outcomes of the Government's due diligence analysis of the Tasmanian water and sewerage sector as well as additional information on capital expenditure and the quantum of returns to councils.

The Economic Regulator provided this revised advice to the Treasurer on 18 February 2009.

On 15 April 2009, the Treasurer released the draft Interim Price Order as well as the advice from the Economic Regulator contained in the Final Report to Inform the Development of an Interim Pricing Order for the Tasmanian Water and Sewerage Sector and the Revised Interim Pricing Analysis for the Tasmanian Water and Sewerage Sector (copy attached).

The Government sought comments on the draft Order in its development of the final Order to apply to the Tasmanian Water and Sewerage Sector. The final Interim Pricing Order was published, and commenced, on 1 July 2009. The Order can be found on the Department of Treasury and Finance website...'

The next opportunity for the Council to have input into the pricing of water and sewerage is when the Order is reviewed (the Order is to be reviewed by the Treasurer on a yearly basis). In reviewing the Order, the Treasurer is to seek advice from the Economic Regulator and is to consult publicly on any amendment to the terms of the Order.

CONSULTATION

No consultation has been undertaken at this stage.

GENERAL MANAGEMENT

IMPACT ON RESOURCES

Other than staff time, there has been no impact on resources.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

- Improve service provision
- Effective communication and engagement

CONCLUSION

Cr (L) Bonde's motion is submitted for consideration."

Voting for the motion

(3)

Cr Robertson

Cr Barker

Cr (L) Bonde

Voting against the motion

(9)

Cr Downie

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Fuller

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Motion

Lost

■ Cr van Rooyen moved and Cr Deacon seconded, "That the Council strongly disagrees with paragraphs 2 and 5 of the supporting comments to the previous motion (Minute No. 325/2009)."

Voting for the motion

(11)

Cr Downie

Cr Robertson

Cr Barker

Cr (J) Bonde

Voting against the motion

(1)

Cr (L) Bonde

Cr Deacon
Cr Dry
Cr Fuller
Cr Haines
Cr Howard
Cr McKenna
Cr van Rooyen

Motion Carried

326/2009 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

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

- . Ulverstone Local History Museum Committee - meeting held on 15 September 2009;
- . Penguin Miniature Railway Committee - meeting held on 22 September 2009;
- . Youth Engaged Steering Committee - meeting held on 24 September 2009.

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

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

Carried unanimously

327/2009 Tenders for the construction of the Showgrounds Community Precinct

Cr Fuller, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Tenders for the construction of the Showground Community Precinct.

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to consider tenders for the construction of the Ulverstone Showground Complex Community Precinct.

The Strategic Projects Manager provides the following report.

'BACKGROUND

The Ulverstone Showground Redevelopment Master Plan included the refurbishment of existing buildings at the northern end of the complex to provide a multi-purpose indoor community facility.

The need arose from not being effectively able to accommodate the local Scouts and Naval Cadets within the Sports Precinct Redevelopment. The scope for the Community Precinct has been developed to provide lockable office and some storage space for Scouts and Naval Cadets as well as ensuring that the facility can be used on a casual basis by other community groups. The facility will also include a disabled toilet, two showers, a small kitchenette and flexible space/meeting rooms.

Tenders for the development of the Community Precinct were advertised on 19 September 2009 and 23 September 2009. The original closing date was to be 8 October 2009. The Federal Government's economic stimulus package is flowing into the region and the Project Manager (Milton Smith), after discussion with prospective tenderers, recommended that the closing date be extended to ensure sufficient time for tenders to be received. The revised closing date was 13 October 2009.

One tender was received by the closing date as follows:

| TENDERER | GROSS PRICE \$ (EXC. GST) | NETT PRICE \$ (INC. GST) |
|-----------------|---------------------------------|--------------------------------|
| Mead Con | 521,857 | 574,042 |
| <i>ESTIMATE</i> | <i>360,000</i> | |

DISCUSSION

No tender was received from Supersteel Tasmania – the only other builder issued with documents and who had not indicated that they would not be able to submit a tender.

The following builders declined to take documents when first advertised due to commitments of resources for the immediate future, i.e. their inability to carry out the work within the required timeframe should they be successful:

- . Stubbs Constructions Pty Ltd; and
- . CDC Projects.

Tender documents were issued to the following companies, but subsequently withdrew subject to advice that they had been successful on projects they had previously tendered on and therefore would not be able to handle another project within similar timeframes:

- . Fairbrother Pty Ltd; and
- . Vos Construction & Joinery Pty Ltd.

It is disappointing to only receive one tender as it means there is nothing to directly compare Mead Con's tender with.

When considering Mead Con's tender, Milton Smith (Project Manager) noted that the cost per m² is around \$265 higher than a comparable project constructed in 2006. In context this represents an increase of around \$90,000 in total project costs in comparative terms. While the tender does not appear to be unreasonably inflated, it should also be noted that the building sector was strong in 2006 and prices were already considered high.

One possible explanation for higher prices is that the Federal Government's Stimulus Package has had the unanticipated effect of potentially overstimulating the regional construction sector. This would tend to be supported by the fact that businesses that were seeking work 12 months ago did not tender for this job.

With no sign that the Stimulus Package is going to be wound back, it is fair to assume the current market conditions will be around for some time to come.

While Mead Con's tender may reflect what it believes to be the market rate in the current climate, the amount is beyond Council's current capability and so it will not be possible to achieve the full scope that was specified in the tender documents.

The most logical approach is to stage the project without compromising the major priorities of providing a significant shared community space and accommodating the needs of the Naval Cadets and Scouts.

The revised scope should be within the Council's current financial capability.

CONSULTATION

This item has followed a public tendering process.

GENERAL MANAGEMENT

IMPACT ON RESOURCES

It is conceivable that the revised scope could increase the initial estimate of \$360,000 by around \$100,000.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Improve the value and use of open space

CONCLUSION

That the tender from Mead Con for the construction of the Showgrounds Community Precinct be accepted, subject to further negotiation to ensure the final contract price is consistent with Council's available funds.'

The Strategic Projects Manager's report is supported."

■ Cr van Rooyen moved and Cr (J) Bonde seconded, "That the tender from Mead Con for the construction of the Showgrounds Community Precinct be accepted, subject to further negotiation to ensure the final contract price is no greater than \$410,000 (exc. GST), and further that:

- 1 \$50,000 be reallocated from the Paton Park – relocation of shooting range budget to the Ulverstone Showground – community precinct budget."

Voting for the motion

(9)

Cr Downie

Cr Robertson

Cr (J) Bonde

Cr Deacon

Cr Dry

Cr Haines

Cr Howard

Cr McKenna

Cr van Rooyen

Voting against the motion

(2)

Cr Barker

Cr (L) Bonde

Motion

Carried

Cr Fuller returned to the meeting at this stage.

CORPORATE & COMMUNITY SERVICES

328/2009 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

"PURPOSE

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

CORRESPONDENCE RECEIVED

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

- . 9 September 2009 - Letter from Australian Local Government Association (ALGA) inviting Councillors to the 2009 National Local Roads and Transport Congress.
- . 9 September 2009 - Letter from ALGA informing Councillors of a major new national planning guide, *Healthy Spaces and Places*.
- . 21 September 2009 - Email concerning the price of the winning tender for the mulching contract at Dulverton Waste Management.
- . 29 September 2009 - Letter from North West Model Engineering Society expressing appreciation for being awarded a grant under the Small Grants Scheme.

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

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

Carried unanimously

329/2009 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 September to 19 October 2009 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

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

■ Cr McKenna moved and Cr Deacon 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

330/2009 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 September 2009 are submitted for consideration:

- Summary of Rates and Fire Service Levies
- Operating Statement
- Cashflow 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 Howard seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

331/2009 Rate remissions

The Director Corporate & Community Services reported as follows:

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

PROPERTY NO. 100540.0460
PROPERTY ADDRESS 16 George St, Ulverstone
REMISSION \$454.10
REASON House demolished June 2009. Vacant land only.

PROPERTY NO. 101130.0120
PROPERTY ADDRESS 40 Maskells Road, Ulverstone
REMISSION \$439.95
REASON Remit 50% of General Rate for Club.

PROPERTY NO. 505060.0460
PROPERTY ADDRESS 360 Lobster Creek Road, Penguin
REMISSION \$264.03
REASON House demolished due to fire.

PROPERTY NO. 505550.0240
PROPERTY ADDRESS 229 South Nietta Road, Nietta
REMISSION \$18.27
REASON Part property sold and amended AAV less than previous AAV.”

The Executive Services Officer reported as follows:

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

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

- . Property No. 100540.0460 – \$454.10
- . Property No. 101130.0120 – \$439.95
- . Property No. 505060.0460 – \$264.03
- . Property No. 505550.0240 – \$18.27.”

Carried unanimously and by absolute majority

332/2009 Fire Abatement Policy

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to present the Fire Abatement Policy for consideration. A copy of the draft Fire Abatement Policy is attached.

BACKGROUND

Each year from November through to February, depending on the season, the Council issues fire abatement notices under s.200 of the *Local Government Act 1993*. In recent years, local concerns over this issue have increased and this Policy defines the Council's role and standards in this area.

DISCUSSION

The purpose of the Fire Abatement Policy is to identify the Council's role and responsibility in dealing with fire abatement concerns throughout the urban areas within Central Coast.

The Policy provides a set of guidelines for urban areas as to what level of fire abatement is required, taking into account factors such as ground, weather and fuel conditions, and will assist the community in mitigating the hazard before the Council has to become involved. The Policy will also assist in ensuring that the Council is consistent in its dealing with fire abatement concerns.

A copy of the Policy was forwarded to Tasmanian Fire Service and they have advised that they have no issues with the draft Policy. To date no comments have been received from the public on the draft Policy.

CONSULTATION

A workshop on the Fire Abatement Policy was held with Councillors on 31 August 2009 and copies of the Policy were made available to the public via the website and Council offices. A copy of the Policy was also forwarded to Tasmanian Fire Service for comment.

IMPACT ON RESOURCES

This will not result in any additional impact on 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

- 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

CONCLUSION

It is recommended that the Fire Abatement Policy be adopted.”

The Executive Services Officer reported as follows:

“A copy of the draft Fire Abatement Policy has been circulated to all Councillors.”

- Cr Deacon moved and Cr Dry seconded, “That the Council adopt the Fire Abatement Policy.”

Carried unanimously

ENGINEERING SERVICES

333/2009 Engineering Services determinations

The Director Engineering Services reported as follows:

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

The Executive Services Officer reported as follows:

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

■ Cr McKenna moved and Cr Howard seconded, “That the Schedule of Engineering Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

334/2009 Opening of Dennison Close, Heybridge

The Director Engineering Services reported as follows:

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

. Dennison Close, Heybridge.”

The Executive Services Officer reported as follows:

“A plan of Dennison Close, Heybridge, has been circulated to all Councillors.”

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

Carried unanimously

335/2009 Dennison Close, Heybridge – Certificate of completion

The Director Engineering Services reported as follows:

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

- Dennison Close, Heybridge.”

The Executive Services Officer reported as follows:

“A plan of Dennison Close, Heybridge, has been circulated to all Councillors.”

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

Carried unanimously

336/2009 Carroo Court footbridge over Penguin Creek (270/2009–17.8.2009)

The Director Engineering Services reported as follows:

PURPOSE

The purpose of this report is to provide a more exact costing for the replacement of the existing bridge over the Penguin Creek at Carroo Court, Penguin.

The Engineering Group Leader reported as follows.

‘BACKGROUND

A report was presented to the Council Meeting on 17 August 2009 (Minute No 270/2009) outlining options for this footbridge. At this meeting the Council moved, “That before any decision to remove the Carroo Court footbridge is made, a more exact costing to undertake the replacement and/or repair of the footbridge be provided to the Council for consideration.”

Quotations were requested from three known suppliers of this type of structure on 16 September 2009 to be provided to the Council by 25 September 2009. From knowledge gained when first investigating the replacement, two options were listed as acceptable, a single span steel bridge or a single span aluminium bridge. A concrete bridge was not considered viable in this situation based on site access restraints and bearing capacity of the existing abutments and piers.

DISCUSSION

Quotations were received as follows (including GST):

| CONTRACTOR | PRICE \$ |
|---|-----------|
| Landmark Products Ltd | |
| “Murray” galvanised steel truss/timber deck | 90,607.00 |
| PML Aluminium truss/aluminium deck | 71,368.00 |
| Tas Span P/L | |
| Aluminium truss/aluminium deck | 68,600.40 |
| VEC Civil Engineering P/L | |
| Painted steel truss/timber deck | 57,750.00 |

Tas Span P/L and VEC Civil Engineering P/L are recognised as being competent to perform the works and their structures conform to relevant standards. Both have carried out bridge work for the Council in the past. Landmark Products Ltd has been in the market for some time, producing structures for the public sector. They have not carried out any bridge work for the Council previously.

The designs from the three companies are very similar in that they use a truss configuration functioning as both support for the decking and forming the handrail.

The galvanised steel option by Landmark Products Ltd overcomes the issue of maintenance of the steelwork to a large degree, however timber decking on this bridge would still require replacement several times over the life of the bridge. An alternative of “Landgrip” decking for this bridge was given at an additional cost of \$6,457.00 (inc. GST). “Landgrip” is a fibreglass composite material which is long-lasting and has low maintenance. Regardless of deck type, the cost of this bridge is high with no distinct advantage over the others.

The painted steel option offered by VEC Civil Engineering P/L whist being the lowest price, is considered the highest maintenance cost of all the options. This option would require repainting every 25–30 years whist the timber decking may need replacing two to three times within this period. Timber decks also have liability issues with being slippery. Based on life-cycle

costing this option does not represent best value. An alternative non-slip decking material would add approximately \$6,457.00 (inc. GST) to the price based on the "Landgrip" alternative provided by Landmark Products Ltd.

The aluminium options offered by Landmark Products Ltd and Tas Span P/L offer superior corrosion resistance and therefore lower maintenance costs. Whilst the initial costs for the aluminium bridges are not the lowest, life-cycle costings show these two options to be the least expensive over their design life.

The aluminium option from Tas Span P/L is preferred based on cost and previous experience.

As listed in the previous report, there are several issues that require consideration in determining the future of the bridge.

Pathway to Ironcliffe Road

The pathway between the bridge and Ironcliffe Road does not comply with the *Disability Discrimination Act 1992* requirements and standards. It is too steep and does not provide for landings at regular intervals. To reconstruct the pathway to comply is not practical given level restraints at either end and property boundary restrictions on available space. The cost estimate of up to \$30,000 provided in the previous report will therefore not be included in the summary of costs.

Pathway to Carroo Court

There is a perceived security issue for the residents of units located directly adjacent to the path. In order to rectify this issue one solution is to relocate the pathway clear of the units, downstream and parallel to the creek, intersecting Killara Avenue near Melli Court. Minor improvements to pram ramps at this junction would also be required. Construction of this section of path would link into the Penguin Creek Walk described in the *Penguin Cultural Plan 1995*. This section of path and associated works is estimated to cost \$35,000.

The summary of costs is as follows:

ENGINEERING SERVICES

| CONTRACTOR | BRIDGE REPLACEMENT \$ | NON SLIP SURFACE \$ | IRONCLIFFE ROAD WALKWAY \$ | WALKWAY FOR SAFETY CONCERNS \$ | TOTAL \$ |
|--|-----------------------------|---------------------------|-------------------------------------|--|---------------|
| Estimate for replacement (previous report) | | | | | |
| Replacement | 80,000 | | 30,000 | 20,000 | 130,000 |
| Removal | 15,000 | | | 5,000 | 20,000 |
| Tas Span P/L Aluminium truss/ aluminium deck | 68,600 | - | - | 35,000 | 103,600 |
| <i>BUDGET ALLOCATION</i> | | | | | <i>50,000</i> |

CONSULTATION

Written quotations were requested in accordance with the Council's Code for Tenders and Contracts.

IMPACT ON RESOURCES

The impact on resources is dependent on the decision by the Council.

Removal of the structure and associated works can be accommodated within the budget.

Replacement of the bridge using the Tas Span P/L option would require an additional \$18,600. It is recommended that \$18,600 from the Safe Cycling Routes budget is reallocated to the Carroo Court footbridge.

Construction of a relocated footpath from the bridge to Killara Avenue would require a further \$35,000. It is recommended that construction of this path is considered during the budget Estimate process for 2010-11.

However, if the Council decides to construct this path in conjunction with replacing the bridge, it is recommended that \$35,000 is reallocated from the Johnsons Beach rail crossing budget and \$18,600 from the Safe Cycling Routes budget.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- . Provide for a diverse range of movement patterns
- . Connect the people with services
- . Improve community wellbeing

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

- . Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

The following alternatives are listed for consideration by the Council now that more exact costings have been provided.

- 1 The recommendation from the original report.

Based on asset management considerations, safety concerns of adjacent residents, issues regarding legal access past the units, and non-compliance of the existing path with disabled access requirements it is recommended the footbridge over Penguin Creek, located between Carroo Court and Ironcliffe Road, should be removed and the pathways leading to the bridge also removed. It is further recommended the kerb ramps at the intersection of Carroo Court and Killara Avenue are constructed to provide access to the existing footpath system in Hayward Street and on to Ironcliffe Road; or

- 2 It is recommended that Tas Span P/L be awarded the contract for replacement of the Carroo Court footbridge for the lump sum quoted price of \$68,600 (inc. GST) based on material type, life-cycle costing, price and previous experience, with funds of \$18,600 being reallocated from the Safe Cycling Routes budget; and further

that the Council lists the construction of the relocated footpath between the bridge and Killara Avenue for consideration in the budget Estimate process for 2010-11.'

The Engineering Group Leader's report is supported."

- Cr McKenna moved and Cr Howard seconded, "That Tas Span P/L be awarded the contract for replacement of the Carroo Court footbridge for the lump sum quoted price of \$68,600 (inc. GST) based on material type, life-cycle costing, price and previous experience, with funds of \$18,600 being reallocated from the Safe Cycling Routes budget."

Carried unanimously

337/2009 Adjournment of meeting

The Mayor reported as follows:

"This meeting is adjourned for five minutes."

The meeting adjourned at 9.06pm and resumed at 9.13pm.

CLOSURE OF MEETING TO THE PUBLIC

338/2009 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- . Sub-lease of Penguin Surf Club building; and
- . General Manager’s performance review.

These are matters relating to:

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

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

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

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

- . Sub-lease of Penguin Surf Club building; and
- . General Manager’s performance review.”

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.”

CORPORATE & COMMUNITY SERVICES

339/2009 Sub-Lease of Penguin Surf Club building (132/2009 – 20.04.2009)

Cr (j) Bonde, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of the Sub-lease of Penguin Surf Club building.

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

“To consider a request by the Penguin Surf Life Saving Club to sub-let the top floor of the Penguin Surf Life Saving Club for the purposes of a restaurant.

...

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

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

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

GENERAL MANAGEMENT

340/2009 General Manager's performance review

The Mayor reported (reproduced in part) as follows:

“As part of the General Manager’s performance review process an Action Plan from the review was to be discussed...

...

The Executive Services Officer reported as follows:

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

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

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

Closure

There being no further business, the Mayor declared the meeting closed at 10.19pm.

CONFIRMED THIS 16TH DAY OF NOVEMBER, 2009.

Chairperson

(Imm:vjl)

Appendices

- Minute No. 320/2009 – Schedule of Development & Regulatory Services Determinations
- Minute No. 329/2009 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 330/2009 – Financial statements
- Minute No. 333/2009 – Schedule of Engineering Services Determinations Made Under Delegation
- Minute No. 334/2009 – Opening of Dennison Close, Heybridge
- Minute No. 335/2009 – Dennison Close, Heybridge – Certificate of completion

QUALIFIED PERSON'S ADVICE

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

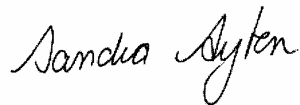
- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

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

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

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

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



Sandra Ayton
GENERAL MANAGER