



Minutes

of an Ordinary Meeting
held at 6.00pm

24 JANUARY 2011

Note:

Minutes subject to confirmation at
a meeting of the Council to be held on
21 February 2011

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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, 24 January 2011 commencing at 6.00pm.

Councillors attendance

| | |
|----------------------|-----------------------------------|
| Cr Jan Bonde (Mayor) | Cr Tony van Rooyen (Deputy Mayor) |
| Cr Lionel Bonde | Cr Garry Carpenter |
| Cr John Deacon | Cr Cheryl Fuller |
| Cr Ken Haines | Cr Gerry Howard |
| Cr Brian Robertson | Cr Philip Viney |

Councillors apologies

Cr David Dry, Cr Amanda Diprose

Employees attendance

General Manager (Ms Sandra Ayton)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Acting Director Development & Regulatory Services (Mr Ian Sansom)
Acting Director Engineering Services (Mr Paul Breaden)
Executive Services Officer (Miss Lisa Mackrill)

Media attendance

The Advocate newspaper.

Public attendance

One member of the public attended during the course of the meeting.

Prayer

The Meeting opened in Prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

1/2011 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 13 December 2010 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr Deacon seconded, “That the minutes of the previous ordinary meeting of the Council held on 13 December 2010 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

2/2011 Council workshops

The Executive Services Officer reported as follows:

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

- . 17.01.2011 - General Manager’s quarterly review/flood update

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

3/2011 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time."

4/2011 Mayor's diary

The Mayor reported as follows:

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

- . Penguin High School – presentation assembly
- . Devonport City Council – Mayor's Christmas drinks (Devonport)
- . Ulverstone High School – annual prize-giving ceremony
- . Ulverstone High School – end-of-year assembly
- . Senator Stephen Parry and the Hon Will Hodgman MP – Braddon Christmas drinks and dinner
- . Dulverton Waste Management – Christmas lunch (Port Sorell)
- . The Boys' Brigade Australia – opening celebration at Camp Clayton for 18th Pan Australian Camp
- . Penguin Surf Life Saving Club – 80-year reunion celebration."

Cr Fuller reported as follows:

"I attended the Ganesway Christmas function on behalf of the Council."

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

Carried unanimously

5/2011 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 Robertson reported as follows:

“I will be declaring an interest in respect of the Resource processing facility (extraction plant) at 44–46 Industrial Drive, Ulverstone – Application No. DA210123 (Minute No. 15/2011).”

6/2011 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

7/2011 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 Deacon reported on a meeting of the Central Coast Chamber of Commerce & Industry.

APPLICATIONS FOR LEAVE OF ABSENCE

8/2011 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

9/2011 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

10/2011 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

11/2011 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.

12/2011 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, at least 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

13/2011 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of December 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 Robertson 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

14/2011 Council acting as a planning authority

The Mayor reported as follows:

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

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

‘If any such actions arise out of Minute Nos 15/2011, 16/2011, 17/2011 and 18/2011 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 Deacon moved and Cr Howard seconded, “That the Mayor’s report be received.”

Carried unanimously

15/2011 Resource processing facility (extraction plant) at 44–46 Industrial Drive, Ulverstone – Application No. DA210123

Cr Robertson, 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 Resource processing facility (extraction plant) at 44–46 Industrial Drive, Ulverstone – Application No. DA210123.

“The Director Development & Regulatory Services reported as follows:

| | |
|-------------------------------------|--|
| <i>DEVELOPMENT APPLICATION NO.:</i> | DA210123 |
| <i>APPLICANT:</i> | Botanical Resources Australia Manufacturing Services Pty Ltd (BRA) |
| <i>LOCATION:</i> | 44–46 Industrial Drive, Ulverstone |
| <i>ZONING:</i> | Industrial |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 30 October 2010 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 14 November 2010 |
| <i>REPRESENTATIONS RECEIVED:</i> | One |
| <i>42–DAY EXPIRY DATE:</i> | 13 February 2011 |
| <i>DECISION DUE:</i> | 24 January 2011 |

PURPOSE

The purpose of this report is to make a determination on an application for a Resource processing facility at 44–46 Industrial Drive, Ulverstone and consider one representation made in response to the application.

BACKGROUND

The proposal is for a Resource processing facility requiring variation to maximum height. It is a Level 2 Activity which means that an Environmental Impact Assessment has been undertaken by the Board of the Environment Protection

Authority (EPA) pursuant to the *Environmental Management and Pollution Control Act 1994*.

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

BRA has operated a pyrethrum refinery on the subject site for the past 12 years. In 2002 an extraction plant was commissioned on the site to produce crude extract from plant matter. The current plant has the capacity to process 1.5 tonnes/hour of pelletized feed and process approximately 9,000 tonnes per annum. It is proposed to construct a new extraction plant which will be operated in parallel to the existing plant and will process a further 3 tonnes/hour of pelletized feed. This will increase the processing capacity to approximately 15,000 tonnes of pelletized feed per annum.

The new plant will share existing peripheral infrastructure with the existing plant including storage, pellet feed, refinery and utilities. An additional boiler and cooling tower will be required and works will be undertaken to improve the effluent treatment system.

DISCUSSION

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

| CLAUSE | ASSESSMENT AND COMMENT |
|-----------------------------|---|
| OBJECTIVES FOR PLANNING | |
| 2.0 Objectives for Planning | <p>Complies.</p> <p>The proposal is consistent with the Objectives for Planning, particularly 2.1(a) and (j) which are that:</p> <p>‘(a) ...industrial facilities are to be concentrated in existing urban areas.</p> <p>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm.’</p> |

| CLAUSE | ASSESSMENT AND COMMENT |
|----------------------------------|--|
| ZONE STANDARDS (Industrial Zone) | |
| 10.1 Zone Purpose | <p>Complies.</p> <p>The purpose of the Industrial Zone is:</p> <p>‘10.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.</p> <p>10.1.2 To focus industrial activity within the established industrial areas at:</p> <p>(a) Enterprise Avenue and South Road, Penguin;</p> <p>(b) Short/Trevor/Jetty Streets, Ulverstone; and</p> <p>(c) East Ulverstone Industrial Estate.</p> <p>10.1.3 To ensure that development is attractively designed and presented.</p> <p>10.1.4 To minimise off-site impacts.’</p> <p>The proposal involves the processing of goods and materials on a site which is located in the East Ulverstone Industrial Estate. The new infrastructure would be located on the subject site and would be consistent with the existing industrial infrastructure on the site. The EPA’s Environmental Impact Assessment has confirmed that the proposal would minimise off-site impacts.</p> |

| CLAUSE | ASSESSMENT AND COMMENT |
|--|---|
| 10.2.1 Use | Discretionary - Resource processing. |
| <p>10.3.1 Emissions (A1)</p> <p>(Use not to cause the emissions of a pollutant that would cause environmental harm)</p> | <p>Complies.</p> <p>The EPA has undertaken an Environmental Impact Assessment and concluded that, '...the proposal is capable of being managed in an environmentally acceptable manner.' Therefore, it is considered that the use will not cause the emission of pollutants that would result in environmental harm.</p> |
| <p>10.3.2 Land near Residential Zone (A1)</p> <p>(On a lot within 100m of a Residential Zone a use must not operate before 7am or after 9pm daily)</p> | <p>Complies.</p> <p>The development is approximately 350m away from the Residential Zone.</p> |
| 10.4.3 Building Height (A1) (15m) | <p>Does not comply.</p> <p>The proposed pellet hopper will have a maximum height of 16m, while the boiler stack will have a height of 27m. Accordingly, the proposal must rely on the Performance Criteria 10.4.3 (P1) to demonstrate compliance.</p> |
| <p>10.4.3 (P1)</p> <p>The building must not:</p> <p>(a) have a significant adverse visual impact on the streetscape or locality; or</p> <p>(b) cause unreasonable shading of adjoining properties.</p> | <p>Complies.</p> <p>The proposed developments will have a height and appearance which is consistent with the existing industrial infrastructure on the site and some surrounding sites e.g. Adbri. Therefore there will be no adverse visual impact on the streetscape.</p> <p>The extraction plant will be setback from the southern boundary some 44m and therefore it will not cause any shading of the adjoining properties to the south.</p> |

| CLAUSE | ASSESSMENT AND COMMENT |
|---|---|
| | While the boiler stack will be high at 27m, it will cast a narrow shadow and will be located well away (approx. 20m from the southern boundary). The use of the northern portion of the adjoining land to the south is for storage. Accordingly, it is considered that the development will not cause any unreasonable shading to adjoining properties. |
| <p>10.4.3 Setbacks (A2)</p> <p>(a) front (10m)</p> <p>(b) rear lot (3m from boundary abutting access strip)</p> <p>(c) side/rear setback abutting Residential Zone.</p> | <p>Complies (-/+ 115m from the front).</p> <p>Complies (67m).</p> <p>N/A (subject site does not abut a Residential Zone).</p> |
| <p>10.4.3 Building façade (A3)</p> <p>(a) external materials</p> <p>(b) visual amenity</p> | <p>N/A – not a façade.</p> <p>N/A – not a façade.</p> |
| <p>10.4.3 Site coverage (A4) (60% max.)</p> | <p>Complies (27.02%).</p> |
| <p>10.4.3 Storage areas (A6)</p> <p>(a) frontage setback (10m)</p> <p>(b) visual amenity (effectively screened from public view)</p> | <p>Complies (approximately 135m).</p> <p>Complies.</p> <p>The proposed additional storage areas are effectively screened from public view by the existing industrial lots to the south of the lot, existing buildings on the lot and vegetation surrounding the subject lot.</p> |
| <p>10.4.3 Front fences/walls</p> | <p>N/A – not proposed.</p> |
| <p>10.4.3 Side/rear fences/walls</p> | <p>N/A – not proposed.</p> |

DEVELOPMENT & REGULATORY SERVICES

| CLAUSE | ASSESSMENT AND COMMENT |
|--|---|
| <p>10.4.4 Building access and services</p> <ul style="list-style-type: none"> . Road . Water . Sewer . Stormwater . Telecommunications . Electricity | <p>Complies - no change to existing.</p> <p>Complies - refer to conditions from Cradle Mountain Water.</p> <p>Complies - refer to conditions from Cradle Mountain Water.</p> <p>Complies - refer to Engineering Services notes.</p> <p>Complies - existing services provided.</p> <p>Complies - existing services provided.</p> |
| <p>10.4.5 Landscaping</p> <p>Each lot (other than a rear lot) must provide landscaping and a landscaping plan for:</p> | <p>Complies.</p> <p>There are no changes proposed to the access strip and the existing landscaping. Additionally, the site is considered to constitute a rear lot and therefore the provision does not apply.</p> |
| <p>10.4.6 Delivery areas</p> | <p>Complies.</p> <p>The proposed additional delivery areas comply with the Scheme's provisions in that they are located on-site, are concrete or bituminous seal and do not encroach upon any landscaped areas.</p> |
| <p>10.4.7 Refuse storage</p> | <p>Complies - no change to existing refuse storage area.</p> |

| SCHEDULES | |
|--|---|
| SCHEDULE | ASSESSMENT AND COMMENT |
| S1 Application Requirements | Complies. The applicant has provided adequate information to complete an assessment. |
| S2 Road and Rail S2.5.1 Sight Distance Vehicle speed 60km/h required site distance = 105m | Complies. The site distances are east 107m; west 390m. |
| S2.5.2 Accesses and Junctions Category I, II, and III Roads | N/A. |
| S2.5.3 Access and Junctions Category IV, V and VI Roads (2 x 1 way; or 1 x 2 way access required) | Complies. The lot provides a 1 x 2 way access to a front car park and a 1 x 2 way access to the rear of the site. |
| S3 Attenuation | N/A. |
| S4 Bushfire Prone Areas | N/A. |
| S5 Contaminated Land | N/A. |
| S6 Land Stability | N/A. |
| S7 Coastal and Riparian | N/A. |
| S8 Heritage | N/A. |
| S9 Multiple Dwellings | N/A. |
| S10 Home Occupation | N/A. |
| S11 Car Parking (One per employee plus one visitor space) | Complies. The applicant has provided the following advice in respect to employee numbers and existing parking provision: |

| | |
|-------------------------------------|--|
| | <p>'The proposed Extraction 2 project is expected to increase our workforce by about 4 – 8 people during the December to June operating period. The plant will be operating 24 hours a day, and these new employees will be part of a rotating shift roster. Thus, there will only be 1 or 2 extra workers on site at any time.</p> <p>Our field staff also spend much of their working hours off site.</p> <p>On average, there would be no more than 50 employees on site at any one time.</p> <p>At present, there are 48 marked parking spaces around our main office and factory areas. Additional unmarked spaces are available around the crop shed to cater for additional employees.'</p> <p>On the basis of the Company's advice, it is considered that there is sufficient parking currently available on the site to provide the required visitor car parking space and the 50 car parking spaces for the workforce that is generally expected to be on the site.</p> <p>It is noted that there is a significant amount of space on-site to accommodate any non-dedicated parking demand should it be generated.</p> |
| S12 Signs | N/A. |
| S13 Telecommunications | N/A. |
| S 14 Ulverstone Wharf | N/A. |
| S15 Penguin Urban Design Guidelines | N/A. |

Departmental Advice –

Advice from the various Departments of Council is provided as follows:

| FUNCTIONAL AREA | ADVICE |
|--------------------------|--|
| Corporate Administration | No issues. |
| Community Development | No issues. |
| Regulatory Services | Building, Plumbing and Special Plumbing permits required. |
| Environmental Health | No issues – as Development proposal is for a Level 2 Activity. |
| Engineering | <p>Developer to note:</p> <p>The ‘works necessary such that the vehicular access complies with the Safe Intersection Sight Distance Table’ will involve the realignment of a short section of the front fence on northern side of the access. The extent of this work should be discussed with the Council’s Engineering Services Department.</p> <p>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.</p> <p>Any works associated with existing roads will be undertaken by the Council at the owner’s/developer’s cost, unless alternative arrangements are approved by the Council.</p> |

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.

One representation was received. The objection is contained in Annexure 3 but is summarised and responded to as follows:

| MATTER RAISED | RESPONSE |
|---|---|
| <p>Truck route - concerns with a proposal to extend Industrial Drive eastwards as far as Turners Beach Road.</p> | <p>There is no extension of Industrial Drive planned as part of this development application. Therefore it is beyond the scope of the assessment to consider this matter.</p> |
| <p>Concerned that plume of particles could be carried as far as Turners Beach in very strong north westerly winds.</p> <p>Support the proposal to carry out post commissioning stack tests.</p> <p>Questions how additional pollution mitigation strategies would be triggered.</p> | <p>The EPA has addressed this concern in its Environmental Assessment Report by concluding that:</p> <p style="padding-left: 40px;">‘Air Models of the combined emissions from a new 2 MW boiler and the existing boiler (under worst case conditions) indicate that State Government air quality guidelines will be met for airborne particulate and gaseous emissions from the site when discharged through a 27m high stack ... The concentrations rapidly dissipate with distance and are considered negligible within the 500m of the plant ... Post commissioning stack tests are proposed to confirm the actual performance compared to emissions models.’</p> <p>Should the post commission stack testing prove that the emissions are exceeding the modelled concentrations, the applicants have indicated that additional pollution mitigation strategies will be implemented. Additionally, should complaints be received concerning emissions in the future, the EPA has power under the <i>Environmental Management and Pollution Control Act 1994</i> to require that further pollution mitigation strategies be implemented.</p> |

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 recommendation is consistent with the Central Coast Strategic Plan 2009–2014 in relation to the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

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 for a Resource processing facility at 44–46 Industrial Drive, Ulverstone be approved subject to the following conditions:

- 1 The development must be constructed substantially in accordance with the application for the permit unless modified by a condition of the permit;

Environment Protection Authority

- 2 The development must be in accordance with the Environment Protection Authority's conditions as specified in 'Permit Part B Permit Conditions – Environmental No 7996' (to be attached to and form part of the planning permit);

Cradle Mountain Water

- 3 The development must be in accordance with Cradle Mountain Water conditions as specified in the enclosed Form 02 (to be enclosed with the permit).

Please note:

- A The permit expires two years from the date of issue, unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.

- B The 'works necessary such that the vehicular access complies with the Safe Intersection Sight Distance Table' will involve the realignment of a short section of the front fence on the northern side of the access. The extent of this work should be discussed with the Council's Engineering Services Department.
- C 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.
- D Any works associated with existing roads will be undertaken by the Council at the owner's/developer's cost, unless alternative arrangements are approved by the Council.
- E Building and plumbing and special plumbing permits are required for the development."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Director's report have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Haines seconded, "That the proposal for a Resource processing facility at 44-46 Industrial Drive, Ulverstone be approved subject to the following conditions:

- 1 The development must be constructed substantially in accordance with the application for the permit unless modified by a condition of the permit;

Environment Protection Authority

- 2 The development must be in accordance with the Environment Protection Authority's conditions as specified in 'Permit Part B Permit Conditions - Environmental No 7996' (to be attached to and form part of the planning permit);

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Please note:

- A The permit expires two years from the date of issue, unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The 'works necessary such that the vehicular access complies with the Safe Intersection Sight Distance Table' will involve the realignment of a short section of the front fence on the northern side of the access. The extent of this work should be discussed with the Council's Engineering Services Department.
- C 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.
- D Any works associated with existing roads will be undertaken by the Council at the owner's/developer's cost, unless alternative arrangements are approved by the Council.
- E Building and plumbing and special plumbing permits are required for the development."

Carried unanimously

Cr Robertson returned to the meeting at this time.

16/2011 Rezoning section of land at CT156018/1 Maskells Road, Ulverstone from Rural Resource to Industrial, and together with CT155475/1 Fieldings Way, Ulverstone, a four lot subdivision and the development of Manufacturing and processing – Application No. COM2009.1 (150/2010 – 17.05.2010)

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> | COM2009.1 |
| <i>APPLICANT:</i> | Bullock Consulting P/L obo Fairbrother P/L |
| <i>LOCATION:</i> | CT156018/1 Maskells Road, Ulverstone and CT155475/1 Fieldings Way, Ulverstone |

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| <i>CURRENT ZONING:</i> | Rural Resource |
| <i>PROPOSED ZONING:</i> | Industrial |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 8 January 2011 |

PURPOSE

The purpose of this report is to receive the decision of the Tasmanian Planning Commission (the Commission) on the proposal to rezone the property at CT156018/1 Maskells Road, Ulverstone, to subdivide four lots and develop a Manufacturing and processing operation on land off Industrial Drive, Ulverstone.

BACKGROUND

On 17 May 2010 the Council initiated and certified an amendment to the Scheme for the rezoning, and issued a permit for the subdivision and development. The proposal was submitted as a combined Scheme amendment and development proposal under s.43A of the *Land Use Planning & Approvals Act 1993* (LUPAA).

A hearing on the proposal was conducted by the Commission on 3 August 2010 at which the Council, applicants and representor were heard.

The Commission handed down its decision on the proposal on 24 December 2010.

DISCUSSION

The Commission dealt with the matters of the rezoning and the development permit separately. On the rezoning, the Commission agreed with the Council's position, concluding that it was consistent with:

- 1 The Scheme's Objectives for Planning;
- 2 The zoning strategy of the Scheme (particularly the Industrial strategy);
- 3 Suitability of the land (acid sulphate soils, available services and access);
- 4 Planning Scheme Schedules (coastal vulnerability and flooding);

- 5 State Policies (State Coastal Policy, Water Quality Management, Protection of Agricultural Land and National Environmental Protection Measures); and
- 6 Schedule 1 Objectives (LUPAA).

An Aboriginal artefact was found on the area to be rezoned, however the Commission believed it would be unlikely that additional relics would be found and if they were, then the provisions of the *Aboriginal Relics Act 1975*, would apply.

The judgement also referred to the zoning of the access road and cul-de-sac off Industrial Drive. It was zoned Rural Resource due to its road status being recently removed by the Council. That land will now be zoned Industrial.

The decision of the Commission is that the 3.9ha parcel of land off Industrial Drive be rezoned from Rural Resource to Industrial, to take effect on 31 December 2010.

On the matter of the permit, the Commission's principal findings on the subdivision were that:

- 1 The permit dealt with the subdivision proposal and the Manufacturing and processing development interchangeably. It should be structured into two parts - the subdivision and the development.
- 2 The s.43A process cannot include matters that are permitted under the existing zoning. In this case the subdivision of Lots 1 and 2 should not relate to the permit, only Lot 3.
- 3 The extension of Export Drive for access to the Manufacturing and processing development conflicts with the finding of the Aboriginal Cultural Heritage report and the Commission is unable to determine whether an alternative location can be found or whether the Minister would approve removal of the relic or its covering.
- 4 The future cul-de-sac on Export Drive should provide a pedestrian link to the Ulverstone-Turners Beach shared pathway.

On the proposed Manufacturing and processing development, the Commission's principal concern was in relation to the uncertainties associated with Aboriginal heritage matters mentioned in 3 above.

The Commission made various other findings regarding the permit, but these were essentially to require minor changes of structure and wording and to delete repetitive conditions.

The Commission's decision is that the permit is refused based on the uncertainties associated with Aboriginal heritage.

A copy of the Commission's decision is appended to this report.

Arrangements have been made to upgrade the zoning change to the Scheme maps and the Council's website.

Next Steps –

Subdivision of Lots 1 and 2 in the Industrial Zone need to proceed through another application, which can be dealt with by the Council under the current Scheme, i.e. there are no amendments to the Scheme required. A fresh application should now be prepared.

Subdivision of Lot 3 and the proposed Manufacturing and processing development are dependent on the Aboriginal heritage approval process being completed. The report needs a statement of Aboriginal social significance to be undertaken and the project requires the approval of the Minister for Environment, Parks, Heritage and the Arts. Both of these matters must occur before another application is submitted to the Council for determination.

A subsequent application can be decided by the Council as the zoning of the land is now Industrial and the use is discretionary in the zone. No change to the Scheme is required.

CONSULTATION

The Planning Commission's decision was notified in accordance with s.42(3)(d) of LUPAA, on 8 January 2011.

IMPACT ON RESOURCES

The proposal has no likely impact on Council resources.

CORPORATE COMPLIANCE

The Commission's decision on the rezoning is consistent with the Council's decision of 17 May 2010 and the Central Coast Strategic Plan 2009–2014 in relation to the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning
- . Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- . Invest in and leverage opportunities from our natural environment
- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Effective communication and engagement

CONCLUSION

It is recommended that the information be received'.

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Tasmanian Planning Commission's advice referred to in the Land Use Planning Group Leader's report has been circulated to all Councillors.”

■ Cr Fuller moved and Cr van Rooyen seconded, “That the Land Use Planning Group Leader's report be received.”

Carried unanimously

17/2011 Rezoning of land from Rural Resource to Rural Living and two lot subdivision and boundary adjustment at 258, 262 and 264 Ironcliffe Road, Penguin – Application No. COM2009.2 (224/2010 – 19.07.2010)

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> | COM2009.2 |
| <i>APPLICANT:</i> | Michell Hodgetts & Associates P/L |

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| <i>LOCATION:</i> | 258, 262 and 264 Ironcliffe Road, Penguin |
| <i>CURRENT ZONING:</i> | Rural Resource |
| <i>PROPOSED ZONING:</i> | Rural Living |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 8 January 2011 |

PURPOSE

The purpose of this report is to receive the decision of the Tasmanian Planning Commission (the Commission) on the proposal to rezone the properties at 258 and 262 Ironcliffe Road and to subdivide two lots and create a boundary adjustment at 262 and 264 Ironcliffe Road, Penguin.

BACKGROUND

On 17 May 2010 the Council initiated and certified an amendment to the Scheme for the rezoning, and issued a permit for the subdivision and boundary adjustment.

A hearing on the proposal was conducted by the Commission on 28 September 2010 at which the Council, applicants and representor were heard.

The representor's submission was received after the due date. He claimed he did not understand that the proposal involved a subdivision. The Commission decided he had a material interest and that a hearing should be held.

The hearing had been previously delayed due to the representor being interstate. An arrangement had been made between the Commission and the representor for him to participate in the hearing by conference call. On the day of the hearing the representor could not be contacted.

DISCUSSION

The principal issue was the representor's (a neighbour) concern that he would lose privacy and be troubled by noise resulting from construction and use of the driveway to the proposed new lot.

The Commission agreed with the Council's position on the rezoning, stating that retention of two sub-minimum lots in the Rural Resource Zone in the midst of a rural residential locality would serve no useful purpose, and that it

would be a source of potential conflict if certain uses permitted in the Rural Resource Zone were able to be established in this locality.

On the matter of the permit, the Commission agreed with the Council's view that the subdivision accords with the purpose of the Rural Living Zone and relevant Schedules of the Scheme, and that the amenity of the neighbour at 4 Crawford Road is unlikely to be unreasonably impacted by residential development of the proposed lot adjacent.

The Commission's decision is:

- 1 The draft zoning amendment is approved; and
- 2 The Council's decision on the subdivision and boundary adjustment in relation to the permit is confirmed.

The Commission advised of its decision by letter on 20 December 2010, to come into effect on 29 December 2010 (Annexure 1).

Arrangements have been made for the required change to zoning maps and the Council's website.

CONSULTATION

The Commission's decision was notified in accordance with Section 42(3)(d) of LUPAA, on 8 January 2011.

IMPACT ON RESOURCES

The proposal has no likely impact on Council resources.

CORPORATE COMPLIANCE

The Commission's decision is consistent with the Council's decision of 17 May 2010 and the Central Coast Strategic Plan 2009–2014 in relation to 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

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

- . Improve service provision
- . Effective communication and engagement

CONCLUSION

It is recommended that the information be received.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Tasmanian Planning Commission's advice referred to in the Land Use Planning Group Leader's report has been circulated to all Councillors."

■ Cr Howard moved and Cr Haines seconded, "That the Land Use Planning Group Leader's report be received."

Carried unanimously

18/2011 Stage 1 Redevelopment of the Leven River Wharf Precinct – Wharf Road, Ulverstone (CT160041/1) – Application No. DA210188

The Director Development & Regulatory Services reported as follows:

"The Planning Consultant, Lester Franks, has prepared the following report.

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| <i>'DEVELOPMENT APPLICATION NO.:</i> | DA210188 |
| <i>APPLICANT:</i> | Central Coast Council |
| <i>LOCATION:</i> | CT160041/1 Wharf Road, Ulverstone |
| <i>ZONING:</i> | Business (Ulverstone Wharf Schedule) |
| <i>PLANNING INSTRUMENT:</i> | Central Coast Planning Scheme 2005 (the Scheme) |
| <i>ADVERTISED:</i> | 15 December 2010 |
| <i>REPRESENTATIONS EXPIRY DATE:</i> | 6 January 2011 |

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| <i>REPRESENTATIONS RECEIVED:</i> | Nil |
| <i>42-DAY EXPIRY DATE:</i> | 13 January 2011 (extension to 28 January 2011) |
| <i>DECISION DUE:</i> | 24 January 2011 |

PURPOSE

The purpose of this report is to make a determination on an application for the first stage in the proposed redevelopment of the Ulverstone Wharf area.

BACKGROUND

The proposed development represents Stage 1 of the Leven River Wharf project which seeks to redevelop the Ulverstone Wharf area into a commercial and social centre of Ulverstone. The Central Coast Council has recently purchased the land subject to this development as well as the adjacent lots which lie within the Leven Wharf precinct with the intention of redeveloping both the wharf building and the surrounding public open space.

The development proposal subject to this assessment encompasses the first stage of the project and would include the following works:

- . demolition of the existing wharf building;
- . construction of the northern section of the new wharf building which will provide a combination of retail, hospitality and associated exhibition space, commercial kitchen, cool room and public toilets; and
- . resurfacing of hard standing areas including the car park and change to the layout of parking spaces.

The site subject to this application is approximately 5,200m² in size and is located on the eastern bank of the Leven River. There are two buildings located on the site which would both be demolished as part of this development. The land slopes west toward the river near its eastern boundary, and is generally level toward its central and western sections. The vast majority of the site is paved and a car parking area is currently located at the eastern section of the site. A second informal car parking area is located on the north-western section of the site.

The proposed building would cover a total area of 583m² and be sited within the footprint of the existing building on site. The building would consist of retail space, hospitality space, commercial kitchen, cool room and public toilets. A shade sail would cover the external area surrounding the building

and an exterior seating area would be located along the western side of the structure facing the river.

The proposed building would be a maximum of 9.5m in height.

Construction materials for the building would include Colorbond wall cladding and roof sheeting combined with rendered exterior walls. Full height glass walls would be used for the northern and southern elevations. The colour scheme of the proposed building was not indicated in the application.

The existing car parking areas and hard surfaces would be repaved and reconfigured into a looping 93 space car parking area. Access to the site would be from the existing northern Wharf Road access only while the existing southern Wharf Road access would be closed.

The subject land is located in the urban environment of Ulverstone and the potential development site is located within the Business Zone and the Ulverstone Wharf Overlay. The Crescent Street and Reibey Street shopping area, also located within the Business Zone, are located to the east of the property, while the Leven River and Environmental Management Zone adjoin the site to the west. Land within the Recreation Zone adjoins the property to the north and south.

The Scheme defines this development as 'Food services,' 'General retail and hire' and 'Vehicle parking' which are discretionary uses in the Ulverstone Wharf area. The proposal is subject to the provisions of s.57 of the *Land Use Planning and Approvals Act 1993* and required public notification. Approval would be granted under the provisions of the Scheme, Schedule 13 for development within the Ulverstone Wharf area.

A copy of the location plan and the application is attached (Annexure 1).

DISCUSSION

In determining compliance with the relevant provisions of the Scheme, regard is given to:

- . The objectives for planning as set out in Part A of the Scheme;
- . The purpose of the Ulverstone Wharf area and Business Zone; and
- . The relevant Acceptable Solutions and Performance Criteria.

The proposal's performance against the Scheme provisions is outlined as follows:

Building – (Business Zone) –

| | PROPOSED | REQUIRED |
|--|---|--|
| 12.1 Purpose of Business Zone | Given the subject site is located within the Ulverstone Wharf area, the proposed development is thought to be consistent with the purpose of the Business Zone. | <p>The purpose of the Business Zone is to provide for retailing, offices and community services in a concentrated area while providing for the safety, comfort and enjoyment of workers residents and visitors through the provision of good quality spaces and effective urban design.</p> <p>The zone aims to focus business activity within the Reibey Street and Main Street areas and seeks to provide opportunities for residential activity to locate within business centres where they can be accommodated.</p> |
| 12.4.3 Building design and siting (A2) | <p>Compliant.</p> <p>The elevations of the proposed building demonstrate that these requirements will be met.</p> | <p>A building façade must have:</p> <ul style="list-style-type: none"> (a) a wall area of 25%; (b) a glazed area of at least 40%; and (c) an entry point recessed a minimum of 1.5m. |
| 12.4.4 Building access and services (A1) | <p>Compliant.</p> <p>The site is fully serviced and the applicant has indicated that these connections would be</p> | <p>The site must:</p> <ul style="list-style-type: none"> (a) be serviced by an access constructed to Central Coast Council Municipal Standard |

| | PROPOSED | REQUIRED |
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| | retained as part of the proposed development. | <p>Drawing No. SD-1003;</p> <p>(b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;</p> <p>(c) be connected to a reticulated sewerage system;</p> <p>(d) be connected to a reticulated storm-water system; and</p> <p>(e) be connected to telecommunications and electricity supply by either under-ground service or in a manner consistent with the supply to which it is connected.</p> |
| 12.4.5 Crime prevention (A1) | <p>Compliant.</p> <p>The design and layout of the proposed building allows clear line of sight from Crescent Street and Wharf Road as well as from inside the building.</p> <p>The provision of night time lighting would be made a condition of the permit.</p> | <p>The external area of a building adjacent to its front door must be:</p> <p>(a) visible from part of a road within 50m of that door;</p> <p>(b) provided with artificial lighting operated by a sensor or from within the building; and</p> <p>(c) visible from within the building while the main door is closed which may be</p> |

| | PROPOSED | REQUIRED |
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| | | <p>achieved;</p> <ul style="list-style-type: none"> (i) through nearby windows (ii) transparent glass in the main front door; (iii) a security keyhole viewing device in the main front door; (iv) a security door on the outside of the main front door; or (v) any other manner as effective as the above. |
| 12.4.5 Crime prevention (A2) | <p>Compliant.</p> <p>The subject site forms a section of a proposed public pathway and therefore compliance with AS1158 and AS4282 would be made a condition of the permit.</p> <p>The site is not located close to a residential area.</p> <p>The pathway would be visible from both Crescent Street and Wharf Road.</p> | <p>All areas of an arcade or pedestrian pathway with unrestricted access must:</p> <ul style="list-style-type: none"> (a) have lighting which complies with Australian Standards AS 1158 and AS 4282; (b) not have light spill onto windows of adjacent habitable rooms; and (c) be visible from a road or other public area. |

DEVELOPMENT & REGULATORY SERVICES

| | PROPOSED | REQUIRED |
|----------------------------|---|--|
| 12.4.6 Delivery areas (A1) | <p>Compliant by condition.</p> <p>The proposed loading/unloading area is located along a pedestrian pathway and therefore does not comply with this clause of the Scheme. The relocation and fencing off of this area should be made a condition of the permit.</p> | <p>An area for the loading and unloading of goods must be:</p> <ul style="list-style-type: none"> (a) provided on-site; (b) separated from public access areas; and (c) accessible from all commercial tenancies on the site. |
| 12.4.7 Refuse storage (A1) | <p>Compliant by condition.</p> <p>The site plan does not include a refuse storage area. Its provision should be made a condition of the permit.</p> | <p>Provision must be made for on-site storage of refuse which is:</p> <ul style="list-style-type: none"> (a) accessible for collection; and (b) not visible from public areas. |

Building (Ulverstone Wharf Schedule) –

| | PROPOSED | REQUIRED |
|---------------------------|--|--|
| S14 – Purpose of Schedule | <p>Compliant.</p> <p>The proposed development furthers the objectives of this Schedule of the Scheme. Please see the below “Ulverstone Wharf Area Master Plan” section for further detail.</p> | <ul style="list-style-type: none"> · To facilitate commercial activity which complements the Reibey Street shopping area; · To orientate commercial activity towards tourism related and hospitality services; · To prohibit residential development at the |

| | PROPOSED | REQUIRED |
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| | | <p>Wharf ground level of any buildings; to encourage development which reflects the Wharf's maritime and agricultural heritage;</p> <ul style="list-style-type: none"> . To contribute to the visual character of Ulverstone; . To retain community foreshore access and continuity of the open space corridor along the Leven River; |
| | | <ul style="list-style-type: none"> . To ensure development, and any related infrastructure does not adversely impact on the health of the Leven River; . To ensure development does not involve reclamation of the Leven River; . To maintain the functional and visual relationship between the Ulverstone Wharf area, the river environs and the town; . To retain controlled vehicular access to the wharf edge and water-based commercial and recreation activities; . To ensure civic spaces are created and |

DEVELOPMENT & REGULATORY SERVICES

| | PROPOSED | REQUIRED |
|-----------------------|--|---|
| | | provide a safe, vibrant and a friendly place for people to visit both night and day. |
| S14.2.1 – Use Table | Sports and Recreation. Food services; General retail and hire; Vehicle parking. | Permitted. Discretionary. |
| S14.5.1 – Access (P1) | Compliant. A Traffic Impact Assessment (TIA) has been provided as part of the development application which concludes that the development will have a minimal or negligible impact on the surrounding intersections. | A TIA must be provided to demonstrate that the road safety and efficiency of the Kings Road is not unreasonably reduced by access to the Ulverstone Wharf area. [Note: Reference to Kings Road is taken to mean “the Kings Highway” or, in other words, a public street, in the context of the Ulverstone Wharf Schedule. This view is based on the following reasoning: 1 The clause refers to the Kings Road. If the intent of the clause is to refer to a particular road, i.e. Kings Parade, it would be grammatically inappropriate to use the word “the” before it. Use of “the” in this context suggests a more general application. |

| | PROPOSED | REQUIRED |
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| | | <p>2 There is a view that the words “Kings Road” is a mistaken reference to Kings Parade. However, Kings Parade stops at Reibey Street and does not abut the Wharf Overlay. The adjoining street is actually Crescent Street. If the intention was to protect the most relevant street, that should have been identified as Crescent Street.</p> <p>3 The context of clause S14.5.1 Access strongly suggests a reference to all surrounding streets, at least it should. It would be a nonsense to protect traffic safety on Kings Parade but not on Main Street or Patrick Street etc.]</p> |
| S14.5.2 – Signs (P1) | <p>Not applicable.</p> <p>No proposed signage schedule was provided as part of the development application. The applicant has indicated that signage for the development will be</p> | <p>All signs are to be designed and located to ensure that the visual amenity of the Ulverstone Wharf area and public safety is not adversely affected.</p> |

DEVELOPMENT & REGULATORY SERVICES

| | PROPOSED | REQUIRED |
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| | incorporated into the application for a future stage of the development. | |
| 14.5.2 –Building Height (A1) | Compliant. The maximum height of the proposed building would be 9.5m. | No greater than 10m. |
| S14.5.3 – Car Parking (P1) | Compliant. The proposed development would provide 93 car parking spaces. Based on the Scheme’s parking requirements for developments involving Food services and General retail and hire of one per employee + seven per 100m ² of net floor area, the proposed provision of parking spaces is considered sufficient. | To be determined by the Council and the Council may require a cash-in-lieu contribution. The amount of the cash-in-lieu is to be determined based on the cost of land plus the cost of drainage, kerbing, pavement, line marking, signage and landscape works. |

Schedules –

| | PROPOSED | REQUIRED |
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| S1 Application requirements | Compliant. All required information described by this part of the Scheme has been provided. | <ul style="list-style-type: none"> . Applicant’s contact details. . Certificate of Title. . Existing and proposed uses at site. . Estimated value of proposed works. . Payment of fees. . Site assessment. . Site plan. . Means of supplying |

| | PROPOSED | REQUIRED |
|---|---|--|
| | | <p>water and drainage.</p> <ul style="list-style-type: none"> . Elevations. . Internal layout of all buildings. . External finishes. |
| <p>S2 Road and Rail</p> <p>S2.5.1 Sight Distance (P3)</p> | <p>Compliant.</p> <p>The Crescent Street/Dial Street junction provides line of sight distances of 150m and 135m to the north and south respectively, complying with the standards set out by the Scheme.</p> <p>The line of sight distances of the Dial Street/Wharf Road junction are 70m and 12m to the north and east respectively and do not meet the standards set out by the Scheme.</p> <p>However the TIA supplied as part of the development application concludes that the line of sight distances for Dial Street/Wharf Road junctions are adequate given the speed of vehicles travelling south on Dial Street and the proximity of the Crescent Street/Dial Street junction.</p> | <p>Access to comply with Safe Intersection Sight Distance Table S2.6.2.</p> <p>105m based on 60km/h.</p> <p>Where a road cannot meet these standards, a TIA must demonstrate that the design, layout and location of any access provides for sufficient line of sight distances.</p> |

DEVELOPMENT & REGULATORY SERVICES

| | PROPOSED | REQUIRED |
|--|---|--|
| S2.5.3 Access to Category IV, V and VI Roads (A3) | <p>Compliant.</p> <p>With the closure of the southern Wharf Road entrance to the site as part of the development, the northern Wharf Road access point would become the sole point of entry and exit to the site.</p> | <p>In a 60km/h zone there must be only one access providing both entry and exit.</p> |
| <p>S7 Coastal and Riparian</p> <p>S7.4.2 Building Siting and Design (A1)</p> | <p>Compliant.</p> <p>The proposed building would not contain any habitable rooms so this clause of the Scheme is therefore satisfied. Nonetheless, the applicant has provided a Coastal Vulnerability Report as part of their submission which concludes that under</p> | <p>A building containing habitable rooms must be at least 90m inland from a 2.64m Australian Height Datum contour.</p> |
| | <p>current climate conditions, the properties subject to this development application would not be subject to inundation for the 100 year ARI event. The report suggests as a preventive measure, that the Wharf freeboard level be increased from 100mm to 300mm above the</p> | |

| | PROPOSED | REQUIRED |
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| | worst case inundation level and that a minimum floor level of 3.0m above AHD apply to new buildings on site. | |
| S7.4.3 Coastal and riparian infrastructure (P1) | <p>Compliant.</p> <p>The proposed development does not involve the construction of any new infrastructure, rather it seeks to upgrade existing infrastructure adjacent to riparian land by resurfacing the paved areas on the subject site. Consequently, the provisions of this part of the Scheme are satisfied without the need for an environmental impact statement.</p> | <p>An application for a new foreshore access, boat ramp, vehicle parking, jetty, pontoon or similar infrastructure at, or adjacent to, coastal or riparian land must;</p> <p>(a) only be for public community group or commercial purposes; and</p> <p>(b) be accompanied by an environmental impact report that demonstrated that the siting and design will achieve the objective.</p> |

Ulverstone Wharf Area Master Plan –

The Central Coast Council adopted the Ulverstone Wharf Redevelopment Master Plan (the Plan) on 15 May 2006 to provide a process for the planning and management for the staged redevelopment of the Ulverstone Wharf area.

The Plan represents the result of the research and public consultation undertaken and complements the major objectives listed in the Central Coast Strategic Plan 2009–2014 relating to tourism development and leisure and recreation. The Plan sets out a number of guiding planning principles for the development of the Wharf. These principles, along with an assessment of the proposed development are listed below:

- Provision should be made for appropriate commercial activity to complement the Reibey Street shopping strip;*

Assessment

The applicant has indicated that a pedestrian walkway connecting the Wharf area to the Reibey Street shopping strip will be constructed as part of a future stage of the project.

- . *The redevelopment should have the capacity to recover recurrent and operating costs;*

Assessment

Not relevant to this planning application.

- . *Commercial activity should where possible address the lack of depth and quality of tourism related and hospitality services;*

Assessment

The proposed development seeks to address this planning principle by providing hospitality and recreational options in the Wharf area.

- . *No residential development should be permitted on the ground floor of any buildings;*

Assessment

The applicant does not propose to construct any residential buildings as part of the proposed development.

- . *The redevelopment should where possible reflect the maritime and agricultural heritage of the wharf;*

Assessment

The proposed development furthers this guiding principle of the Plan through the use of a maritime-themed building design. The proposed structure would be orientated toward the river with outdoor shade sail, seating and decking.

- . *The redevelopment should contribute to and preserve the visual character of Ulverstone;*

Assessment

The innovative design of the proposed structure, along with resurfacing and redevelopment of the car parking area would enhance the visual character of the area. Improvements to the landscaping, proposed as part of future stages of the project would also improve the character and appearance of the area.

- . *The area should provide community foreshore access and continuity of the open space corridor;*

Assessment

The proposed development furthers this guiding principle by creating a highly accessible public foreshore area with adequate parking facilities and a shared pathway for pedestrians and cyclists. A small section of the shared pathway will be used periodically for service vehicles. The shared pathway would form part of the shoreline access network and should be designed in accordance with Austroad's 'Guide to Road Design Part 6A: Pedestrians and Cyclist Paths'.

- . *The redevelopment should not impact on the health of the river and any related infrastructure development such as car parking should be sympathetic to its environment and not include any reclamation of the river.*

Assessment

The proposed development seeks to resurface the existing car parking areas rather than construct new parking areas. The development is therefore consistent with this guiding principle of the Plan.

- . *The redevelopment should be sympathetic to its adjoining neighbours;*

Assessment

The development comprises the first stage of a multi-staged redevelopment of the Wharf area involving a number of the surrounding parcels of land. The proposed redevelopment of the open space areas and improved landscaping as part of future stages of the development would complement the open space areas located north and south of the development site.

- . *The redevelopment should retain its relationship with the river through the retention of annual mooring licences, controlled vehicular access to the Wharf face and commercial water based recreation opportunities;*

Assessment

The application indicates that removable bollards will be constructed to allow for continued access to the Wharf area and boat moorings at the site. Controlled vehicular access to the site will be via the north section of Wharf Road.

- . *Civic spaces should provide a safe, vibrant and friendly place for people to visit both night and day;*

Assessment

The proposal seeks to further this guiding principle of the Plan by creating a building and surrounding area which would provide retail, commercial and recreation services. By limiting the site to a single entry/exit point and reconfiguring the parking area, the proposal seeks to create a safe place for visitors. The provision of night-time lighting for the site would be required as a condition to a permit to ensure a safe environment for visitors at night.

- . *Civic spaces should include the capacity to host community and cultural events.*

Assessment

The proposal seeks to further this guiding principle through the redevelopment of the public area. Provision of adequate landscaping and amenities such as planting, fixed seating and shaded areas around the proposed building, would be required as a condition to the permit.

Departmental Advice –

Advice from the various Departments of Council is provided as follows:

| FUNCTIONAL AREA | ADVICE |
|--------------------------|---|
| Corporate Administration | No issues. |
| Building & Plumbing | Building and Plumbing permits required. |
| Environmental Health | <p>The proposal for the Stage 1 redevelopment of the Leven River Wharf Precinct Project situated at Wharf Road, Ulverstone presents some environmental management concerns.</p> <p>The development involves demolition of the existing building and constructing a new building on or near the same footprint. The development has potential to cause an environmental nuisance under the <i>Environmental Management and Pollution Control Act 1994</i> with</p> |

| FUNCTIONAL AREA | ADVICE |
|-----------------|---|
| | <p>respect to noise, dust, site erosion and sediment control, and use.</p> <p>Future uses of the new development are listed by the applicant's agent as a combination of retail, hospitality (including restaurant, café and deli) with associated exhibition space (e.g. regional food showcases) commercial kitchen, cool room and public toilets as permanent fittings.</p> <p>Licences for food registration and a Place of Assembly licence will need to be applied for under the respective <i>Food Act 2003 (Tas.)</i> and the <i>Public Health Act 1997 (Tas.)</i> by the operator of the facility(ies) for some of the activities listed above. This licencing will be addressed as a condition on the planning permit.</p> <p>To facilitate compliance with the <i>Environmental Management and Pollution Control Act 1994</i> the following conditions are to be applied to any approval:</p> <ol style="list-style-type: none"> 1 The activity endorsed by this permit must be carried out in accordance with the requirements of the <i>Environmental Management and Pollution Control Act 1994</i>, and Regulations made thereunder. 2 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of |

| FUNCTIONAL AREA | ADVICE |
|-----------------|--|
| | properties nearby. |
| | <p>3 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses.</p> <p>4 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible.</p> <p>5 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.</p> <p>6 Prior to the commencement of operation the operator is required to register as a food business in accordance with s.86 of the <i>Food Act 2003</i> and if applicable, as a Place of Assembly if the use of the building fits a place or a class of a place specified in the public notice as directed by s.75A of the <i>Public Health Act 1997</i>.</p> <p>Notes:</p> <p>Pursuant to the Building Act 2000, the applicant's Building Surveyor must submit a Form 42 Request for any food related activities prior to any</p> |

| FUNCTIONAL AREA | ADVICE |
|-----------------|---|
| | <p>development occurring. The appropriate documentation referred to in Regulation 16 – <i>Building Regulations 2004 (Tas)</i>. is to be forwarded to the Council for comment. The documentation is to include diagrams, be drawn to scale and 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 <i>Building Code of Australia</i> H102 – Food Premises.</p> |
| Engineering | <p>Conditions of approval:</p> <ol style="list-style-type: none"> <li data-bbox="899 1041 1365 1346">1 The provision, upgrading, re-routing or extension of Council infrastructure and services required as a result of the development shall be at the developer's cost and constructed to the satisfaction of the Council's Director Engineering Services, or his representative. <li data-bbox="899 1383 1365 1688">2 Any damage or disturbance to footpaths, kerb and channel, roads, nature strips, stormwater infrastructure or existing services must be rectified at the developer's expense to the satisfaction of the Council's Director Engineering Services, or his representative. |

| FUNCTIONAL AREA | ADVICE |
|-----------------|---|
| | <p>Developer to note:</p> <p>The key findings and recommendations identified in the GHD Traffic Impact Assessment should be given due consideration and be implemented as appropriate.</p> <p>Water sensitive urban design strategies to improve the quality, and limit the quantity, of stormwater discharge from the development to the Council system or receiving environment should be given due consideration and be implemented as appropriate.'</p> |

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 recommendation is consistent with the Central Coast Strategic Plan 2009–2014 in relation to the following strategies and key actions:

The Shape of the Place

- Adopt an integrated approach to land use planning

A Connected Central Coast

- . Connect the people with services

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

CONCLUSION

The development proposal is for works involved in the first stage of the redevelopment of the Ulverstone Wharf area. The proposed development would include the demolition of existing buildings on site, the construction of a new structure to be used for retail, food service and community recreational services and the resurfacing of the existing hard surfaces on site.

The proposed development complies with all relevant clauses of the Scheme except for those pertaining to the Signage Schedule, refuse storage and delivery areas. The applicant has advised that the signage associated with the development would be addressed within a separate application at a later stage in the project while refuse storage and delivery areas for the development can be made to comply through conditions of the permit.

The proposed development furthers the guiding planning principles and recommendations set out in the Ulverstone Wharf Redevelopment Plan 2006 as well as the relevant major objectives in the Central Coast Strategic Plan 2009–2014.

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

General Conditions

- 1 The development must be substantially in accordance with the application for the permit unless modified by a condition of the permit;
- 2 The external cladding of the structure must be a non-reflective colour and finish;
- 3 External lighting is to be provided on the site which complies with AS1158 and AS4282 and is adequate to ensure the area is safe and

accessible for night-time use. To be incorporated in a lighting schedule to be submitted prior to the commencement of any building works to the satisfaction of the Director of Engineering Services;

- 4 The design of the shared pathway is to be amended to allow service vehicles to enter and exit the loading/unloading area in a forward direction;
- 5 Submission of a landscape plan prior to the commencement of any works and to the satisfaction of the Director of Engineering Services, to incorporate adequate and appropriate seating and rubbish receptacles in the area around the river edge and the new building;
- 6 The development must be in accordance with the conditions of Form 02 from Cradle Mountain Water (to be enclosed with the permit);

Environmental Health

- 7 The activity endorsed by the permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations made thereunder;
- 8 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 9 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
- 10 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;
- 11 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;
- 12 Prior to the commencement of operation the applicant is required to register as a food business in accordance with s.86 of the *Food Act 2003* and if applicable, as a Place of Assembly if the use of the building fits a place or a class of a place specified in the public notice as directed by s.75A of the *Public Health Act 1997*;

Engineering

- 13 The provision, upgrading, re-routing or extension of Council infrastructure and services required as a result of the development shall be at the developer's cost and constructed to the satisfaction of the Council's Director Engineering Services, or his representative; and
- 14 Any damage or disturbance to footpaths, kerb and channel, roads, nature strips, stormwater infrastructure or existing services must be rectified at the developer's expense to the satisfaction of Council's Director Engineering Services, or his representative.

Notes:

- A The permit expires two years from the date of issue, unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The permit is not for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time.
- C Building and Plumbing permits are required for the proposed development.
- D The Wharf freeboard is to be increased from its current level of 100mm to a minimum of 300mm above the inundation worst case inundation level as part of the development.
- E The new building is to have a minimum floor level of 3m AHD.
- F If the use of the building constitutes a place or a class of a place specified in the public notice as directed by s.75A of the *Public Health Act 1997* the applicant is required to register as a Place of Assembly.'

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the report have been circulated to all Councillors.”

■ Cr Robertson moved and Cr (L) Bonde seconded, “That the Stage 1 Redevelopment of the Leven River Wharf Precinct at Wharf Road, Ulverstone be deferred.”

Continued after Minute No. 19/2011.

19/2011 Public question time

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

There were no questions from the public.

Minute No. 18/2011 continued...

Voting for the motion

(4)

Cr (L) Bonde

Cr Haines

Cr Howard

Cr Robertson

Voting against the motion

(6)

Cr (J) Bonde

Cr Carpenter

Cr Deacon

Cr Fuller

Cr van Rooyen

Cr Viney

Motion

Lost

■ Cr Fuller moved and Cr Deacon seconded, “That copies of the annexures referred to in the report having been circulated to all Councillors, the Stage 1 Redevelopment of the Leven River Wharf Precinct at Wharf Road, Ulverstone be approved subject to the following conditions:

General Conditions

- 1 The development must be substantially in accordance with the application for the permit unless modified by a condition of the permit;
- 2 The external cladding of the structure must be a non-reflective colour and finish;
- 3 External lighting is to be provided on the site which complies with AS1158 and AS4282 and is adequate to ensure the area is safe and accessible for night-time use. To be incorporated in a lighting schedule to be submitted prior to the commencement of any building works to the satisfaction of the Director of Engineering Services;

- 4 The design of the shared pathway is to be amended to allow service vehicles to enter and exit the loading/unloading area in a forward direction;
- 5 Final location of the required number of carparks and the shared pathway to be to the satisfaction of the Director Engineering Services;
- 6 Submission of a landscape plan prior to the commencement of any works and to the satisfaction of the Director of Engineering Services, to incorporate adequate and appropriate seating and rubbish receptacles in the area around the river edge and the new building;
- 7 The development must be in accordance with the conditions of Form 02 from Cradle Mountain Water (to be enclosed with the permit);

Environmental Health

- 8 The activity endorsed by the permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations made thereunder;
- 9 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 10 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving water bodies or watercourses;
- 11 All solid/inert waste material generated by the activity is to be either appropriately disposed of to a Council waste disposal facility or reclaimed/recycled if possible;
- 12 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;
- 13 Prior to the commencement of operation the applicant is required to register as a food business in accordance with s.86 of the *Food Act 2003* and if applicable, as a Place of Assembly if the use of the building fits a place or a class of a place specified in the public notice as directed by s.75A of the *Public Health Act 1997*;

Engineering

- 14 The provision, upgrading, re-routing or extension of Council infrastructure and services required as a result of the development shall be at the developer's cost and

constructed to the satisfaction of the Council's Director Engineering Services, or his representative; and

- 15 Any damage or disturbance to footpaths, kerb and channel, roads, nature strips, stormwater infrastructure or existing services must be rectified at the developer's expense to the satisfaction of Council's Director Engineering Services, or his representative.

Notes:

- A The permit expires two years from the date of issue, unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The permit is not for advertising signage. If advertising signage is proposed for the site, a separate planning application must be made at that time.
- C Building and Plumbing permits are required for the proposed development.
- D The Wharf freeboard is to be increased from its current level of 100mm to a minimum of 300mm above the inundation worst case inundation level as part of the development.
- E The new building is to have a minimum floor level of 3m AHD.
- F If the use of the building constitutes a place or a class of a place specified in the public notice as directed by s.75A of the *Public Health Act 1997* the applicant is required to register as a Place of Assembly."

Carried unanimously

GENERAL MANAGEMENT

20/2011 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:

- East Ulverstone Swimming Pool Management Committee – meeting held on 24 November 2010;
- Ulverstone Local History Museum Committee – meeting held on 2 December 2010;
- Youth Engaged Steering Committee – meeting held on 2 December 2010;
- Forth Community Representatives Committee – meeting held on 9 December 2010;
- Central Coast Community Safety Partnership Committee – meeting held on 15 December 2010.

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

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

Carried unanimously

21/2011 Local Government Association of Tasmania – Conference costs

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

‘The LGAT undertake a review of conference structure and costs to ensure the attendance of as many elected members and staff as possible.’

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

“Each year the LGAT hosts an informative conference, including their AGM, and the conference dinner is a key feature of the conference. The dinner provides an opportunity for attendees to network informally and recognise the vital sponsors who support LGAT throughout the year.

The dinner however does seem to become more lavish each year resulting in a high event cost and adding to the overall cost of the conference. The 2010 dinner was at a cost of \$130 per head, a figure that I would suggest is heavily subsidised by sponsorship.

At this time when many councils are reviewing all expenditure, this motion requests the LGAT to re-examine events and costs which are prohibiting elected members and staff from attending this worthwhile event.”

The Acting General Manager reported as follows:

PURPOSE

This report considers a motion on notice from Cr Fuller proposing that the Council submit a notice of motion to the Local Government Association of Tasmania (LGAT) for their General Meeting agenda requesting that they undertake a review of conference structure and costs to ensure the attendance of as many elected members and staff as possible.

BACKGROUND

The LGAT organises and conducts a Local Government conference on an annual basis.

Last year’s conference entitled ‘*Up Up Up – a Focus on Excellence and Innovation*’ was held at Wrest Point in Hobart and was the 98th Local Government Conference.

The costs for this conference were as follows:

Full registration – \$695

Partial registration –

- . Day 1 registration – \$450
- . Day 2 registration – \$345
- . Conference dinner – \$130
- . Cocktail hour – \$25

DISCUSSION

At \$695.00, the full registration cost is considered to represent reasonable value for a two day conference with the broad range of speakers and networking opportunities that were on offer. This cost included both days of the conference, cocktail hour, happy hour and conference dinner.

As with most conferences the partial registration costs were high and these costs included the conference dinner at \$130.00. The reason that the partial conference registration costs were high is to encourage people to attend the entire conference.

Whilst it is acknowledged that the daily cost and conference dinner cost were high it is considered that this was necessarily so as to provide the event with the best chance for success. Conference organisers need to cater for the majority of the target market and this is generally achieved by making the full conference cost as affordable as possible. While partial registration costs do subsidise the full registration costs to some degree, generally there will be substantially fewer people taking out daily registrations, or indeed a conference dinner registration, than taking out a full registration.

The LGAT has been successful over the years in attracting sponsors for the annual conference which has assisted in keeping the cost of the event down. The 2010 conference had two Platinum sponsors, three gold sponsors, four silver sponsors and 10 organisations all of whom have made a valued contribution.

The LGAT has acted to minimise conference costs through the attraction of sponsorship funding and appears to be endeavouring to strike an appropriate balance between full and partial registration costs so as to provide the event with the best chance of success.

CONSULTATION

Comment was sought from the LGAT on this matter, however, due to staff being on leave throughout January no comments were received prior to the writing of this report.

IMPACT ON RESOURCES

Apart from staff time there is no impact on Council resources.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

GENERAL MANAGEMENT

CONCLUSION

The motion on notice from Cr Fuller is submitted for consideration.”

Carried unanimously

22/2011 Flood damage

■ Cr (L) Bonde and moved Cr Haines seconded, “On behalf of the Councillors and community, all staff involved in the clean-up after the flood event be thanked for their efforts.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

23/2011 Corporate & Community Services determinations made under delegation

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations made during the month of December 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 Robertson moved and Cr Viney seconded, “That the Schedule of Corporate & Community Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

24/2011 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of December 2010 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

25/2011 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 December 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:

- Copy of report into the potential impacts of outdoor smoking regulations on hotels in Tasmania.
- Email advising progress relating to the development application for 83 Henslowes Road.
- Letter from the Australian Local Government Association introducing the new President and informing of the date of the 2011 National General Assembly.

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 van Rooyen seconded, "That the Director's report be received."

Carried unanimously

26/2011 Common seal

The Director Corporate & Community Services reported as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 14 December 2010 to 24 January 2011 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 Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities."

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Fuller 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, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

27/2011 Financial statements

The Director Corporate & Community Services reported as follows:

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

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

Carried unanimously

28/2011 West Ulverstone Caravan Park Cabins

The Director Corporate and Community Services reported as follows:

PURPOSE

The purpose of this report is to consider a request from the Apex Club of Ulverstone to allow it to bring forward a proposal to construct cabins on land within the West Ulverstone Caravan Park and Picnic Point Caravan Park.

BACKGROUND

The Council has received an application from the Apex Club of Ulverstone that reads (in part) as follows:

“...As part of the Future Development Plan being prepared by the Club we have identified that to ensure the ongoing viability of the Park we need to provide accommodation that is compatible with expectations of modern holiday makers. With this in mind we plan to construct various standards of cabins from bunkhouse type accommodation for the budget conscious traveller to premium spa cabins that take advantage of the views along the beach and coastline.

To enable us to commit funds to advance our future development plans the Club requests that it be given approval in principle to construct cabins in the southern and northern sections of the Park. We acknowledge that formal approval will be required before any construction work may commence however would like to have the confidence that the Crown and the Council will generally support such proposals subject to them being in keeping with the local environment and if required incorporate structures that are capable of being removed at the conclusion of the lease...”

DISCUSSION

The Apex Club of Ulverstone wishes to erect cabins on the caravan park leases currently being managed by them. The land in question is Crown land currently leased to the Central Coast Council and sub-let to the Apex Club of Ulverstone for the purpose of managing the West Ulverstone and Picnic Point Caravan Parks. The erection of such cabins would require a development application and, as the Council is the Landlord, would require the General Manager to sign the development application before it could be considered by the Council’s Land Use Planning group.

While the signing of the development application to enable the application to go forward for consideration would in a way give in principle support for the erection of such cabins, the development application process itself would ensure that such an installation can occur only if the application satisfies all of the requirements of the Central Coast Planning Scheme 2005.

CONSULTATION

This matter has been the subject of a Council Workshop and discussion with Crown Land Services.

IMPACT ON RESOURCES

There are no costs for Council in this matter. All application and development costs would be met by the Apex Club.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development
- Council Sustainability and Governance
- Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

It is recommended that Council enable the General Manager to sign the Apex Club of Ulverstone's development application for the erection of cabins within the West Ulverstone and Picnic Point Caravan Parks to allow the application to go forward for determination."

- Cr Deacon moved and Cr (L) Bonde seconded, "That the Council enable the General Manager to sign the Apex Club of Ulverstone's development application for the erection of cabins within the West Ulverstone and Picnic Point Caravan Parks to allow the application to go forward for determination."

Carried unanimously

ENGINEERING SERVICES

29/2011 New Leven River (Hobbs Parade) bridge – Pedestrian zone (366/2010 – 15.11.2010)

The Director Engineering Services reported as follows:

“PURPOSE

This report considers discussions held with the appropriate authorities on the possible options of erecting a permanent barrier separating pedestrians and cars on the new bridge over the Leven River at Hobbs Parade, Ulverstone.

BACKGROUND

The Council carried the following motion at a meeting held on 15 November 2010 (Minute No. 366/2010):

‘That the Council hold discussions with the appropriate authorities on the possible options of erecting a permanent barrier separating pedestrians and cars on the new traffic bridge over the Leven River at Ulverstone, with the suggestion that it could be a low steel barrier or a concrete mould of at least 20cm in height which would prevent cars from mounting the footpath and causing serious pedestrian injuries.’

The following information was forwarded to the Department of Infrastructure, Energy and Resources (DIER) following the Council meeting.

‘...Please find attached the minutes of the meeting.

The following comments during the debate on the issue may also be of use to you:

- 1 The bridge situation is different to a road situation with an adjacent footpath as there is normally a parking lane beside the footpath and nature strip on the other side.
- 2 Driving to the west will be difficult to see at times due to sunset conditions.
- 3 Wind gusts may be an issue to cyclists at times.
- 4 Parents have contacted Councillors expressing concerns in respect to children walking across the bridge and into oncoming traffic.

- 5 Larger groups may use the shared pathway in comparison to the existing single pedestrian lane.
- 6 Victoria bridge at Devonport has safety barriers, noting it is part of the Bass Highway.
- 7 There are a number of marks on the existing bridge barrier, noting that it is narrower than the new bridge.

There has been general public concern expressed in The Advocate in respect to not providing a pedestrian barrier on the new bridge.

It is noted that the existing bridge does provide a pedestrian barrier and even the 1919 photo of the previous upstream bridge provided a post and rail fence for pedestrian safety.

The perception from the public is that the new bridge is of a lesser standard in respect to pedestrian safety by not including a barrier.

Design of a pedestrian fence along the lines of the proposed post and rail barrier on the outer barrier may be a solution noting the Code requirements for pedestrians and cyclists.

It would be good to resolve the matter soon and avoid a retrofit to the bridge later if required.

Thank you for reconsidering the issue.'

The following reply has been received from DIER.

'I apologise for this delayed response to this issue but DIER has been awaiting the final draft of the road design plans and its accompanying Road Safety Audit, which were both delivered to DIER in December 2010.

The safety of all DIER projects is paramount with bridge and road designers being required to use "Safety in Design" principles and this work is verified by two independent Road Safety Audits. One of the audits was completed at the preliminary design phase and the second on the final design.

The most recent Road Safety Audit (December 2010) does not identify the potential conflict between cars and pedestrians on the shared footpath at a level of risk warranting any action at all and no alterations are required to the current design on this issue.

The issues DIER has considered in response to your request include the following:-

- 1 The installation of any fence between the shared footpath and the road becomes an additional potential hazard for cyclists, pedestrian and vehicles and would need to be designed to current standards.
- 2 The fence would be required to be 1.3 metres high, as it is adjacent to a dedicated cycle path.
- 3 A fence to this standard will reduce sight distances for vehicles travelling towards Reibey Street.
- 4 A fence to this standard will reduce visibility for pedestrians waiting to cross at the roundabout from the north to the south side of the bridge.

If a pedestrian fence were to be constructed, a significant safety risk will arise with the reduced visibility of pedestrians waiting to cross the road at the roundabout from the current 70 metres to an unacceptable 20 metres.

Please contact me for any further clarifications on this issue.'

DISCUSSION

The reply confirms previous information provided on this issue which is verified by two independent Road Safety Audits. One of the audits was completed at the preliminary design phase and the second on the final design.

In respect to responsibility for the design, construction, maintenance and operation of the bridge, this clearly rests with DIER as it is a State Government owned bridge. As the most recent Road Safety Audit (December 2010) does not identify the potential conflict between cars and pedestrians on the shared footpath at a level of risk warranting any action at all, and no alterations are required to the current design on this issue, this clearly confirms DIER responsibility for the new Leven River bridge.

The Council will only be taking over responsibility for some of the routine maintenance tasks for the bridge including:

- . sweeping of the road and shared footpaths;
- . maintenance of landscaped areas to bridge approaches;
- . bridge street light maintenance, including light fittings and operating costs; and
- . architectural lighting, including fittings and maintenance costs.

CONSULTATION

Consultation has been undertaken with DIER.

IMPACT ON RESOURCES

This report has no impact on resources.

The Council has provided additional funding to the Leven River bridge project in order to provide for the widened path and aesthetic features including lighting and landscaping.

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

- Invest in and leverage opportunities from our natural environment
- Contribute to a safe and healthy environment
- Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the report be received.”

- Cr Fuller moved and Cr Haines seconded, “That the report in respect of the possible options of erecting a permanent barrier separating pedestrians and cars over the new Leven River bridge at Hobbs Parade, Ulverstone be received.”

Carried unanimously

30/2011 Tenders for plant – F802

The Director Engineering Services reported as follows:

ENGINEERING SERVICES

"PURPOSE

The purpose of this report is to consider tenders and recommend a replacement for Tractor F802 – Massey Ferguson 6245.

BACKGROUND

The Works Group Leader reported as follows.

'Tenders were called on 15 November 2010 and closed on 30 November 2010. The Massey Ferguson tractor was purchased in 2002 for the primary purpose of road maintenance activities.

Tenders were received as follows:

| TENDERER | MAKE | GROSS PRICE \$ (EXC. GST) | TRADE-IN PRICE \$ (EXC. GST) | NETT PRICE \$ (EXC. GST) |
|----------------------------|---------------------------------|---------------------------------|---------------------------------------|--------------------------------|
| William Adams | Challenger MT425B (Option 1) | 89,227.27 | 28,500.00 | 60,727.27 |
| TR & KR Shipton P/L | Deutz Agrofarm 410 | 87,310.35 | 24,310.35 | 63,000.00 |
| Midland Tractors | John Deere 6130S | 104,000.00 | 40,000.00 | 64,000.00 |
| Land Power | Claas AR410 Arion | 100,000.00 | 35,000.00 | 65,000.00 |
| Tasmania Farm Equipment | Massey Ferguson MF5435 | 107,500.00 | 41,500.00 | 66,000.00 |
| Midland Tractors | John Deere 6230S | 107,000.00 | 40,000.00 | 67,000.00 |
| Land Power | Claas AR420 Arion | 102,000.00 | 35,000.00 | 67,000.00 |
| William Adams | Challenger MT455B (Option 1) | 95,500.00 | 28,500.00 | 67,000.00 |
| William Adams | Challenger MT425B (Option 2) | 96,500.00 | 28,500.00 | 68,000.00 |
| Midland Tractors | John Deere 6330S | 110,000.00 | 40,000.00 | 70,000.00 |
| William Adams | Challenger MT455B (Option 2) | 103,250.00 | 28,500.00 | 74,750.00 |
| <i>ESTIMATE</i> | | <i>125,000.00</i> | <i>50,000.00</i> | <i>75,000.00</i> |

Note:

(Option 1) – model fitted with “standard”/Michelin tyres.

(Option 2) – model fitted with “industrial”/Nokia tyres.

All suppliers were provided the opportunity to tender models fitted with either “standard” or “industrial” tyres.

For the purpose of this report only the preferred supplier, William Adams, Options are discussed further.

DISCUSSION

Nine individual tractors were offered from five suppliers with all conforming to the tender. Consultations and inspections were carried out with all suppliers by the Maintenance Supervisor, Works Safety Officer, Fleet Management Officer and the current plant operator. As a result of those inspections and discussions it was concluded that the Challenger MT455B (Option 1) offered by William Adams would be the most suitable tractor for the respective tasks. Some of the particular features of this preferred model tractor being cab suspension, constant “float” mode, ease for engine and cooling system maintenance, rear link capacity, excellent ergonomics and familiar controls for the operator.

CONSULTATION

This item has followed a public tendering process and consultation has been undertaken with the tenderers and operators in respect to options and safety aspects.

IMPACT ON RESOURCES

The preferred option can be accommodated within the plant replacement estimates.

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

Council Sustainability and Governance
• Improve service provision

CONCLUSION

It is recommended that:

- 1 the Tender from William Adams Pty Ltd for a Challenger MT455B (Option 1) tractor in the amount of \$105,050.00 (including GST) be accepted for plant item F802; and
- 2 the trade-in offer from William Adams Pty Ltd for plant item F802 for a Massey Ferguson MF6245 tractor, in the amount of \$31,350.00 (including GST) be accepted.'

The Works Group Leader's report is supported."

■ Cr Robertson moved and Cr (L) Bonde seconded, "That:

- 1 the Tender from William Adams Pty Ltd for a Challenger MT455B (Option 1) tractor in the amount of \$105,050.00 (including GST) be accepted for plant item F802; and
- 2 the trade-in offer from William Adams Pty Ltd for plant item F802 for a Massey Ferguson MF6245 tractor, in the amount of \$31,350.00 (including GST) be accepted."

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

31/2011 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;
- . Cradle Mountain Water Quarterly Report to the Owners’ Representatives; and
- . Cradle Mountain Water – Water and Sewerage Owner Representative (423A/2009 – 14.12.2009).

These are matters relating to:

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

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

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

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

- . Minutes and notes of other organisations and committees of the Council;
- . Cradle Mountain Water Quarterly Report to the Owners’ Representatives; and
- . Cradle Mountain Water – Water and Sewerage Owner Representative (423A/2009 – 14.12.2009).”

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 in the minutes of the open meeting 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.

2 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

32/2010 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.”

33/2011 Cradle Mountain Water Quarterly Report to the Owner Representatives

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

“This report is to present the Cradle Mountain Water Quarterly Report to Owner’s Representatives for the period 1 July 2010 to 30 September 2010. This report is provided to all owner councils on an ‘In Confidence’ basis.

...

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.”

**34/2010 Cradle Mountain Water – Water and Sewerage Owner Representative
(423A/2009 – 14.12.2009)**

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to seek a nomination from the Council for a ‘Water and Sewerage Owner Representative’.

...

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 8.12pm.

CONFIRMED THIS 21ST DAY OF FEBRUARY, 2011.

Chairperson

(Imm:dil)

Appendices

- Minute No. 13/2011 – Schedule of Development & Regulatory Services Determinations
- Minute No. 23/2011 – Schedule of Corporate & Community Services Determinations
- Minute No. 24/2011 – Schedule of Contracts and agreements
- Minute No. 26/2011 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 27/2011 – 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