



# Minutes

of an Ordinary Meeting  
held at 6.00pm

25 JANUARY 2010

Note:  
Minutes subject to confirmation at  
a meeting of the Council to be held on  
15 February 2010

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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 25 January 2010 commencing at 6.00pm.**

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**Councillors attendance**

Cr Mike Downie (Mayor)  
Cr Lionel Bonde  
Cr Amanda Diprose  
Cr Cheryl Fuller  
Cr Brian Robertson  
Cr Philip Viney

Cr Jan Bonde (Deputy Mayor)  
Cr John Deacon  
Cr David Dry  
Cr Gerry Howard  
Cr Tony van Rooyen

**Councillors apologies**

Cr Ken Haines

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Corporate & Community Services (Mr Cor Vander Vlist)  
Director Development & Regulatory Services (Mr Michael Stretton)  
Acting Director Engineering Services (Mr Paul Breden)  
Executive Services Officer (Miss Lisa Mackrill)  
Corporate Administration Group Leader (Mr Matthew Dickson)  
Land Use Planning Group Leader (Mr Ian Sansom)  
Town Planner (Mr Tom Reilly)

**Guest of the Council**

Mrs Judy McLaren

**Media attendance**

The Advocate newspaper.

**Public attendance**

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

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 1/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 14 December 2009 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Robertson moved and Cr (J) Bonde seconded, “That the minutes of the previous ordinary meeting of the Council held on 14 December 2009 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 2/2010 Council workshops

The Executive Services Officer reported as follows:

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

- . 18.01.2010 – General Manager’s quarterly review.

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

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

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 3/2010 Mayor’s communications

The Mayor reported as follows:

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“I will now briefly adjourn this meeting for following purposes:

- Mrs Judy McLaren has retired after completing almost 30 years of service with this Council and the former Ulverstone Council.

A Certificate of Service will be presented to Mrs McLaren in acknowledgement of her employment with the Ulverstone and Central Coast Councils.

- Mr Matthew Dickson, the Council’s Corporate Administration Group Leader recently commenced employment with the Council and I welcome him to the meeting.”

The meeting was resumed at this stage.

#### **4/2010 Mayor’s diary**

The Mayor reported as follows:

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

- Office of the Premier - Council strategic projects presentation to Premier’s senior advisers (Hobart)
- Tasmanian Liberal Leader (Hon Will Hodgman MP) - Council strategic projects presentation (Hobart)
- Tasmanian Greens Leader (Hon Nick McKim MP) - Council strategic projects presentation (Hobart)
- Senator Nick Sherry & Sid Sidebottom MP - Christmas function (Burnie)
- Eliza Purton Home Auxiliary - Monster Christmas Raffle and morning tea
- Premier of Tasmania (Hon David Bartlett MP) - lunch-meeting re projects of importance to area (Devonport)
- FM Radio interview
- Citizenships - Australia Day briefing with conferees.

The Deputy Mayor has represented me at the following event:

- North West Christian School - Presentation Night.

Cr Brian Robertson has represented me at the following events:

- Penguin High School - Presentation Assembly
- Ulverstone High School - Presentation Assembly and End of Year Assembly.”

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

Carried unanimously

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**5/2010 Pecuniary interest declarations**

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

No interests were declared at this time.

**6/2010 Public question time**

The Mayor reported as follows:

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

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

**COUNCILLOR REPORTS**

**7/2010 Councillor reports**

The Executive Services Officer reported as follows:

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

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

No reports were tabled at this time.

### **APPLICATIONS FOR LEAVE OF ABSENCE**

#### **8/2010 Leave of absence**

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

### **DEPUTATIONS**

#### **9/2010 Deputations**

The Executive Services Officer reported as follows:

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

### **PETITIONS**

#### **10/2010 Petitions**

The Executive Services Officer reported as follows:

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

## COUNCILLORS' QUESTIONS

### 11/2010 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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



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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.

## **12/2010 Councillors' questions on notice**

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received.”

**DEPARTMENTAL BUSINESS**

DEVELOPMENT & REGULATORY SERVICES

**13/2010 Development & Regulatory Services determinations**

The Director Development & Regulatory Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**14/2010 Council acting as a planning authority**

The Mayor reported as follows:

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

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

‘If any such actions arise out of Minutes Nos. 15/2010 and 16/2010, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**15/2010 Business and professional services (change of use) at 21 Reibey Street, Ulverstone Application No. DEV2009.77**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DEV2009.77
<i>APPLICANT:</i>	BPSM Architects
<i>LOCATION:</i>	21 Reibey Street, Ulverstone
<i>ZONING:</i>	Business
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	25 November 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	9 December 2009
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>42-DAY EXPIRY DATE:</i>	1 January 2010 (extension granted to 25 January 2010)
<i>DECISION DUE:</i>	25 January 2010

*PURPOSE*

The purpose of this report is to consider an application for a change of use at 21 Reibey Street, Ulverstone, from General retail and hire to Business and professional services.

*BACKGROUND*

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

The site is located between a clothing retailer and a restaurant and was previously a clothing retailer. The proposal is a new branch fit-out for Tasmanian Perpetual Trustees.

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

*DISCUSSION*

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

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
2.0 Objectives for Planning 2.1(a)	Complies. Proposal is a commercial activity located within the existing urban area.
12.1 Zone Purpose	Complies. Retail activity is consistent with the purpose of the Business Zone.
12.2.1 Use Table	Complies. Permitted use in the Business Zone.
12.4.3 Building Design and Siting	Complies. No significant external changes to the building are proposed.
12.4.4 Building Access and Services	Complies. The building is connected to all the required services; road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity.
12.4.5 Crime Prevention	Complies. The entrance to the building is visible from Reibey Street, the entrance area is visible from within the building, artificial street lighting illuminates the entrance at night.

12.4.6 Delivery Areas	<p>Complies.</p> <p>There is little or no onsite area dedicated to load and unload goods. However, as the use does not require frequent delivery of goods, the on-street facilities are adequate.</p>
12.4.7 Refuse Areas	<p>Complies.</p> <p>Only small amounts of waste are envisaged. The space within the building for storage of waste until collection is adequate.</p>
<i>RELEVANT SCHEDULES</i>	
Car Parking	<p>Does not comply.</p> <p>There are little or no parking spaces proposed and little or no space available onsite for parking.</p> <p>The Car Parking Schedule requires three onsite car parking spaces per 100m<sup>2</sup> of floor area (125m<sup>2</sup> = four spaces) plus one space for each employee (eight staff members = eight spaces). Therefore the required number of spaces is 12.</p> <p>The Performance Criteria allows a relaxation of the car parking spaces where:</p> <ul style="list-style-type: none"> <li>(i) there is no adverse effect on the streetscape;</li> <li>(ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and</li> <li>(iii) there is no adverse impact on the amenity of the surrounding locality.</li> </ul> <p>According to the Scheme, the previous use of the site (General retail and hire) required seven onsite car parking spaces per 100m<sup>2</sup> of floor area (125m<sup>2</sup> = nine spaces) plus one space for each employee (two staff members = two spaces). Therefore the required number of spaces for a retailer is 11.</p>

	<p>As the proposed use requires only one more parking space than the previous use, the status quo in relation to car parking in the area will not be affected. Accordingly, the parking circumstances, the streetscape and the amenity of businesses will not be adversely affected.</p> <p>A relaxation of the parking requirements can be granted on this basis, but a cash-in-lieu payment for each space may be taken by the Council up to a value of \$11,000 per space.</p> <p>Given that the existing public car parks in the vicinity were constructed, in part to accommodate the previous use, and that the parking requirements for the proposed use are similar to the previous use, it may not be reasonable to require cash-in-lieu for the parking spaces not provided.</p>
Signage	<p>Complies.</p> <p>The application proposes some modest signage. The Scheme exempts such signage in the Business Zone.</p>

*CONSULTATION*

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

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

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

No representations were received.

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

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

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

*CONCLUSION*

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

*Recommendation*

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

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this permit;
- 2 The developer must rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services at the owner's/developer's expense.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received

prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.

- B An occupancy certificate and permit addressing the change of use is required for the proposed development. A copy of this planning permit should be given to your building surveyor.’

The report is supported.”

The Executive Services Officer reported as follows:

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

- Cr van Rooyen moved and Cr (J) Bonde seconded, “That the proposal for a change of use from General retail and hire to Business and professional services at 21 Reibey Street, Ulverstone be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this permit;
- 2 The developer must rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council’s Director Engineering Services at the owner’s/developer’s expense.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B An occupancy certificate and permit addressing the change of use is required for the proposed development. A copy of this planning permit should be given to your building surveyor.”

Carried unanimously

**16/2010 Residential dwelling and outbuilding envelopes at CT17996/3 Penguin Road, Penguin Application No. DEV2009.25**

The Director Development & Regulatory Services reported as follows:



“The Town Planner has prepared the following report:

*‘DEVELOPMENT APPLICATION No.:* DEV2009.25  
*APPLICANT:* David Mills  
*LOCATION:* CT17996/3, Penguin Road Penguin  
*ZONING:* Rural Resource  
*PLANNING INSTRUMENT:* *Central Coast Planning Scheme 2005*  
 (the Scheme)  
*ADVERTISED:* 23 December 2009  
*REPRESENTATIONS EXPIRY DATE:* 15 January 2010  
*REPRESENTATIONS RECEIVED:* One  
*42-DAY EXPIRY DATE:* Extension granted until 25 January 2010  
*DECISION DUE:* 25 January 2010

*PURPOSE*

The purpose of this report is to consider an application for residential dwelling and outbuilding envelopes at Penguin Road and to consider a representation made in response to the application.

*BACKGROUND*

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

*DISCUSSION*

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

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
2.0 – Objectives for planning 2.1(k) and (l)	Complies.  Appropriate residential development that does not fetter agricultural potential is consistent with the objectives for planning.
<i>ZONE STANDARDS</i>	
15.1 – Zone purpose	Complies.  A residential dwelling that is integral and subservient to the agricultural use of the site is consistent with the purpose of the Rural Resource Zone.

15.2.1 – Use table	<p>Complies.</p> <p>The proposal is a discretionary use that is consistent with the Zone Purpose in the Rural Resource Zone.</p>
<i>USE STANDARDS</i>	
15.3.1 – Water quality	Standard conditions will achieve compliance with this provision.
<i>DEVELOPMENT STANDARDS</i>	
15.4.3 A2 – Protection of Agricultural Land	<p>Complies.</p> <p>The lot has been in separate ownership from all adjoining lots since the 1980s, it is not on prime agricultural land and it is further than 100m from agricultural land on another lot (see page 7 of Assessment of Land Development, dated 16 December 2009, at annexure 1).</p>
15.4.3 A4 – Siting of outbuilding	<p>Complies.</p> <p>The outbuilding is within the curtilage of the proposed dwelling.</p>
15.4.4 A1 – Building height	Standard conditions will achieve compliance with this provision.
12.4.4 A3 – Building setbacks	<p>Complies.</p> <p>The setbacks proposed are greater than those required by the Scheme.</p>
15.4.4 A4 – Reflectivity	Standard conditions will achieve compliance with this provision.
15.4.5 A1 – Access and services	<p>Complies with (b) and (c).</p> <p>Standard conditions will achieve compliance with provision (a).</p>

15.4.6 – Wetlands and watercourses.	Standard conditions will achieve compliance with the Acceptable Solutions.
<i>RELEVANT SCHEDULES</i>	
Schedule 1 – Road and rail	Complies.  The access has adequate sight distance in either direction.
Schedule 3 – Bushfire prone areas	Complies.  The proposed site is within 100m of standing vegetation of 3ha. Therefore, it must be a condition of approval that vegetation be cleared for a distance of 20m around the dwelling and the understorey be cleared for a further distance of 15m around that (refer table at s3.4.3 of the Scheme).
Schedule 5 – Land stability	Complies.  The Geoton land stability report dated 19 November 2009 demonstrates compliance with this Schedule.  The report shows that the proposed house location is the only area on the northern slope of the block that can be safely built upon.

*CONSULTATION*

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

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

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

One representation was received dated 30 November 2009, a copy of which is attached at Annexure 3. Each matter is addressed in the same order they are raised:

<i>MATTER RAISED</i>	<i>CONSIDERATIONS</i>
Detriment to natural amenity	<p>The areas recognised by the Scheme as having particular environmental value are those areas in the Environmental Management Zone. It is only in limited circumstances and to a limited extent that environmental values such as natural amenity should be considered in relation to development in the Rural Resource Zone.</p> <p>There are no identified cultural or landscape values in this area. The ecology is not threatened by the existence of a dwelling in this location any more than it is in most other rural locations.</p> <p>The house is to be integral and subservient to farm activities. The effect of the development on natural amenity in the area would not be so great as to override this factor.</p>
Natural drainage lines	<p>Clause 15.4.6 A2 requires that the natural flow of a watercourse must not be adversely affected. Standard conditions will achieve compliance with this provision. The natural drainage lines on this site are a sufficient distance from the proposed building site.</p>
Effluent discharge	<p>The proposal involves an aerated wastewater treatment system (AWTS) for the on-site wastewater management of effluent.</p> <p>A geotechnical consultant has provided a report on the stability of the land and considered the impact of the on-site wastewater management system. Precautionary conditions have been recommended by the geotechnical consultant for the siting of the treatment plant and the irrigation areas for the treated wastewater as a</p>

	<p>part of the on-site wastewater management system at the Penguin Road site.</p> <p>These conditions have been incorporated into the design report for the on-site wastewater management system provided by Geoton Pty Ltd - Geotechnical Consultants.</p>
Power lines	<p>The impact of power lines and poles has been considered as part of the overall development, which will not unreasonably affect natural amenity in the area. It is not necessary that the applicant connect to the power grid, though it is likely.</p>
Erosion and sedimentation	<p>Clause 15.4.6 A3 requires that sedimentation from erosion does not adversely affect a waterway. Standard conditions will achieve compliance with this provision.</p>
Stormwater drainage	<p>This matter is more appropriately dealt with at the building, plumbing and special plumbing stage of the approval process.</p>
Smoke from fire and other emissions	<p>Approval for a dwelling does not endorse activities that amount to an environmental nuisance. Any concerns of this nature can be raised with the Council's Environment &amp; Health Group.</p>

*IMPACT ON RESOURCES*

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

*CORPORATE COMPLIANCE*

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

The Shape of the Place

- Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure  
• Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

*CONCLUSION*

The proposed development complies with all the relevant Acceptable Solutions and Performance Criteria of the Scheme.

*Recommendation*

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

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this permit;
- 2 The external cladding of the development must be of a non-reflective colour and finish;
- 3 For a distance around the dwelling of 20m, fuels must be minimised and maintained to the extent that the passage of fire will be restricted (examples are short green lawn, paths, driveways). For a further distance of 15m, vegetation and fine fuels must be maintained in a fuel reduced condition;
- 4 Liquid pollutants must not be discharged:
  - (a) within 100m of a watercourse, wetland or other surface waters;
  - (b) within 250m of any bore or well which is the source of drinking water for humans or stock;
  - (c) within 40m of any private waters in other ownership; or
  - (d) into the ground at any place or in a manner that may contaminate groundwater resources;
- 5 A wetland or watercourse must not be filled, drained or adversely affected;

- 6 The natural flow of water into or out of a wetland or watercourse must not be adversely affected;
- 7 A wetland or watercourse must not be adversely affected by increased erosion or sedimentation;
- 8 Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the *Forest Practices Code 2000*;

Engineering

- 9 Unless a Traffic Impact Assessment from an appropriately qualified consultant provides otherwise, the applicant is to locate and undertake any works necessary such that a vehicular access such that it complies with the Safe Intersection Sight Distance Table S1.6.2 of the Central Coast Planning Scheme 2005. Refer to Standard Drawing SD-1012 Intersection and Domestic Access Sight Distance Requirements ;
- 10 The applicant is to provide a sealed vehicular access in accordance with Standard Drawing SD-1009 Rural Roads - Typical Standard Access and must have received a Road Reserve Permit from the Council prior to commencing any works in the road reservation;
- 11 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Engineering Services at the applicant's expense;

Environment & Health

- 12 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and Regulations made thereunder;
- 13 A separate application detailing the design and type of on-site wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;

- 14 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 – Onsite Domestic Wastewater Management; and
- 15 The stormwater run-off from the dwelling is to be directed to a rainwater collection tank and is not to impact on the on-site wastewater management system.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The access shown on the development proposal could be made compliant with the Safe Intersection Sight Distance Table S1.6.2, by:
  - (a) siting the access no further west than as shown on the proposal plan (may be beneficial to move the proposed access 10m to the east);
  - (b) removing and relocating the front fenceline further back off the road for an appropriate distance to the west;
  - (c) removing the high point on the roadside embankment to the west.
- 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 In regard to condition 13 above, the lot appears suitable for the installation of an on-site wastewater management system subject to a minimum area of suitable land being dedicated to the on-site waste management of sillage and sewage effluent.
- E Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.'



The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Deacon moved and Cr Fuller seconded, “That the proposal for residential dwelling and outbuilding envelopes at CT1996/3 Penguin Road, Penguin be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans and information submitted as part of the application for this permit;
- 2 The external cladding of the development must be of a non-reflective colour and finish;
- 3 For a distance around the dwelling of 20m, fuels must be minimised and maintained to the extent that the passage of fire will be restricted (examples are short green lawn, paths, driveways). For a further distance of 15m, vegetation and fine fuels must be maintained in a fuel reduced condition;
- 4 Liquid pollutants must not be discharged:
  - (a) within 100m of a watercourse, wetland or other surface waters;
  - (b) within 250m of any bore or well which is the source of drinking water for humans or stock;
  - (c) within 40m of any private waters in other ownership; or
  - (d) into the ground at any place or in a manner that may contaminate groundwater resources;
- 5 A wetland or watercourse must not be filled, drained or adversely affected;
- 6 The natural flow of water into or out of a wetland or watercourse must not be adversely affected;
- 7 A wetland or watercourse must not be adversely affected by increased erosion or sedimentation;

- 8 Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the Forest Practices Code 2000;

### Engineering

- 9 Unless a Traffic Impact Assessment from an appropriately qualified consultant provides otherwise, the applicant is to:
- (a) locate the vehicular access such that it complies with the Safe Intersection Sight Distance Table S1.6.2 of the Central Coast Planning Scheme 2005. Refer to Standard Drawing SD-1012 Intersection and Domestic Access Sight Distance Requirements (copy enclosed); and
  - (b) undertake any works necessary such that the vehicular access complies with the Safe Intersection Sight Distance Table S1.6.2 of the Central Coast Planning Scheme 2005. Refer to Standard Drawing SD-1012 Intersection and Domestic Access Sight Distance Requirements;
- 10 The applicant is to provide a sealed vehicular access in accordance with Standard Drawing SD-1009 Rural Roads - Typical Standard Access and must have received a Road Reserve Permit from the Council prior to commencing any works in the road reservation;
- 11 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Engineering Services at the applicant's expense;

### Environment & Health

- 12 The activity endorsed by this permit must be carried out in accordance with the requirements of the Environmental Management and Pollution Control Act 1994, and Regulations made thereunder;
- 13 A separate application detailing the design and type of on-site wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;
- 14 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management; and

- 15 The stormwater run-off from the dwelling is to be directed to a rainwater collection and tank is not to impact on the on-site wastewater management system.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B The access shown on the development proposal could be made compliant with the Safe Intersection Sight Distance Table S1.6.2, by:
- (a) siting the access no further west than as shown on the proposal plan (may be beneficial to move the proposed access 10m to the east);
  - (b) removing and relocating the front fenceline further back off the road for an appropriate distance to the west;
  - (c) removing the high point on the roadside embankment to the west.
- 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 In regard to condition 13 above, the lot appears suitable for the installation of an on-site wastewater management system subject to a minimum area of suitable land being dedicated to the on-site waste management of sullage and sewage effluent.
- E Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council."

Carried unanimously

GENERAL MANAGEMENT

**17/2010 Minutes and notes of committees of the Council and other organisations**

The Executive Services Officer reported as follows:

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

- . Central Coast Chamber of Commerce and Industry – meeting held on 18 November 2009;
- . Ulverstone Local History Museum Committee – meeting held on 15 December 2009;
- . Youth Engaged Steering Committee – meeting held on 16 December 2009;
- . Central Coast Community Safety Partnership Committee – meeting held on 16 December 2009.

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

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

Carried unanimously

**18/2010 Public question time**

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

There were no questions from the public.

CORPORATE & COMMUNITY SERVICES

**19/2010 Corporate & Community Services determinations made under delegation**

The Director Corporate & Community Services reported as follows:

“A Schedule of Corporate & Community Services Determinations Made Under Delegation during the month of December 2009 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**20/2010 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 2009 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**21/2010 Common seal**

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 15 December 2009 to 25 January 2010 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Diprose seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document.”

Carried unanimously

## **22/2010 Financial statements**

The Director Corporate & Community Services reported as follows:

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

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

## **23/2010 Debtor remission – 765 Forth Road, Forth**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

The purpose of this report is to consider a request from the property owner at 765 Forth Road, Forth, for the remission of \$5,168.01 in respect of an excess water account received in May 2009.

*BACKGROUND*

In 2003, the Council passed the following motion with respect to the remission of excess water accounts (Minute No. 383/2003 – 13.10.2003):

‘That a remission or refund, as applicable, of 50% of an excess-water account be granted where the Council is satisfied that such excess has been caused because of a leaking pipe that runs underground from the Council’s meter and is external to buildings on the property being supplied; provided always that the Council is satisfied in every respect that the leak(s) was not clearly detectable and that the pipe(s) has been satisfactorily repaired and that evidence in that respect be supported by the completion of a statutory declaration by the owner and/or occupier incorporating the production of a licensed plumber’s account or certificate.’

The Finance Group Leader advises as follows:

‘The property owner at 765 Forth Road, Forth, has requested remission of excess water account of \$5,168.01 issued in May 2009.

Water used at the above property for the six months ended November 2008 was 4,802 kilolitres. The property owner was advised via letter in December 2008 that water usage at the above property over a six month period was well in excess of the annual allowance and to investigate the possibility of leaks. Water used in the next six months from November 2008 to May 2009 was 1,155 kilolitres.

In the application for remission, the property owner states that the pipe was repaired after the Council notified him by telephone. The licensed plumber’s certification states repairs were completed on 5 May 2009.

The property has been charged for excess water usage in previous years.’

*DISCUSSION*

The Council implemented a policy on excess water charges aimed at encouraging ratepayers to ensure that the leaks on their property external to buildings are repaired, otherwise a remission would not be granted. It was also in the Council’s

interest at that time to ensure that leaks were repaired quickly as the consumption of water by the Council was used in calculating the water costs payable to Cradle Coast Water.

This property has attracted previous excess water charges with the amount of \$100.86 being charged in 2006, \$307.50 in 2007 and \$987.36 in 2008.

The property owner was advised in December 2008 that water usage over the six month period ending November 2008 was 4,802 kilolitres. Water usage over the subsequent six months between November 2008 and May 2009 was only 1,155 kilolitres. As repairs were not completed until 5 May 2009 this would suggest that any leakage could only account for a maximum of some 2,310 kilolitres over the 12 month period resulting in an excess water amount of \$2,148.30.

It should also be noted that although information regarding excess water usage was made available in December 2008 repairs were not effected until May 2009.

According to the property owner, the pipe involved had been in place for a considerable period and was only buried very shallow. A licensed plumber's certificate has been supplied advising that the pipe was estimated to be some 30–35 years old and confirmed that the entire line had been replaced.

#### *CONSULTATION*

There has been no community consultation for the reason that it is considered irrelevant to this issue.

#### *IMPACT ON RESOURCES*

Should the Council approve this motion there would be a remission of \$1,074.15 required.

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



*CONCLUSION*

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

<i>DEBTOR NO.</i>	5349
<i>PROPERTY ADDRESS</i>	765 Forth Road, Forth
<i>REMISSION</i>	\$1,074.15
<i>REASON</i>	Leaking water pipe running underground – as per Council policy (Minute No. 383/2003 – 13.10.2003)."

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

. Debtor No. 5349 – \$1,074.15."

Voting for the motion

(10)

Cr Downie

Cr (J) Bonde

Cr Deacon

Cr Diprose

Cr Dry

Cr Fuller

Cr Howard

Cr Robertson

Cr van Rooyen

Cr Viney

Voting against the motion

(1)

Cr (L) Bonde

Motion

Carried

**24/2010 Debtor remission – 63 Turners Beach Road, Forth**

The Director Corporate & Community Services reported as follows:

*"PURPOSE*

The purpose of this report is to consider a request from the property owner at 63 Turners Beach Road, Forth, for the remission of \$11,105.13 in respect of an excess water account received in May 2009.

*BACKGROUND*

In 2003, the Council passed the following motion with respect to the remission of excess water accounts (Minute No. 383/2003 – 13.10.2003):

‘That a remission or refund, as applicable, of 50% of an excess-water account be granted where the Council is satisfied that such excess has been caused because of a leaking pipe that runs underground from the Council’s meter and is external to buildings on the property being supplied; provided always that the Council is satisfied in every respect that the leak(s) was not clearly detectable and that the pipe(s) has been satisfactorily repaired and that evidence in that respect be supported by the completion of a statutory declaration by the owner and/or occupier incorporating the production of a licensed plumber’s account or certificate.’

The Finance Group Leader advises as follows:

‘Forth Valley Holdings has requested a remission on the excess water account of \$11,105.13 issued in May 2009.

The water meter at the Harvest Moon property, 63 Turners Beach Road, Turners Beach was installed in July 2008. An amount of 1,611 kilolitres had already been used when the first routine reading was done in November 2008. Forth Valley Holdings was advised via letter in December 2008 that water usage at the above property over the four month period was well in excess of the annual allowance and to investigate the possibility of leaks. In the six months from November 2008 to May 2009 usage was 10,730 kilolitres.

In the application for remission, it is admitted that there has previously been many problems with the pipe and that the pipe was repaired after the leak was detected by one of the farm employees. The licensed plumber’s certification states repairs were completed in March 2009.’

*DISCUSSION*

The Council implemented a policy on excess water charges aimed at encouraging ratepayers to ensure that the leaks on their property external to buildings are repaired, otherwise a remission would not be granted. It was also in the Council’s interest at that time to ensure that leaks were repaired quickly as the consumption of water by the Council was used in calculating the water costs payable to Cradle Coast Water.

The Policy specifically refers to ‘a leaking pipe that runs underground from the Council’s meter’ and according to the licensed plumber’s certificate ‘the pipe was in long grass.’ The application for remission also states that Forth Valley Holdings was aware of previous problems with this pipeline.

*CONSULTATION*

There has been no community consultation for the reason that it is considered irrelevant to this issue.

*IMPACT ON RESOURCES*

Should the Council approve this motion there would be no impact on resources.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision
- Improve the Council’s financial capacity to sustainably meet community expectations

*CONCLUSION*

As the application from Forth Valley Holdings P/L does not fall within the Council’s policy on excess water remissions, it is recommended that the Council not approve the following remission:

<i>DEBTOR NO.</i>	5305
<i>PROPERTY ADDRESS</i>	63 Turners Beach Road, Forth
<i>REMISSION</i>	\$5,552.56.”

- Cr (J) Bonde moved and Cr Fuller seconded, “That the remission not be approved.”

Carried unanimously

ENGINEERING SERVICES

**25/2010 Engineering Services determinations**

The Acting Director Engineering Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**26/2010 Administration Centre building renovations**

The Acting Director Engineering Services reported as follows:

*PURPOSE*

The purpose of this report is to consider tenders for the Council’s Administration Centre building renovations at 19 King Edward Street, Ulverstone.

*BACKGROUND*

The Asset Management Group Leader reported as follows:

‘The Administration Centre building renovations for 2009–10 consist of the following three projects:

*Project 1*

- . rear exit to the Council Chamber and associated external works;
- . renewal of three offices;
- . upgrade of computer storage area;
- . renewal of associated hallway adjacent offices.

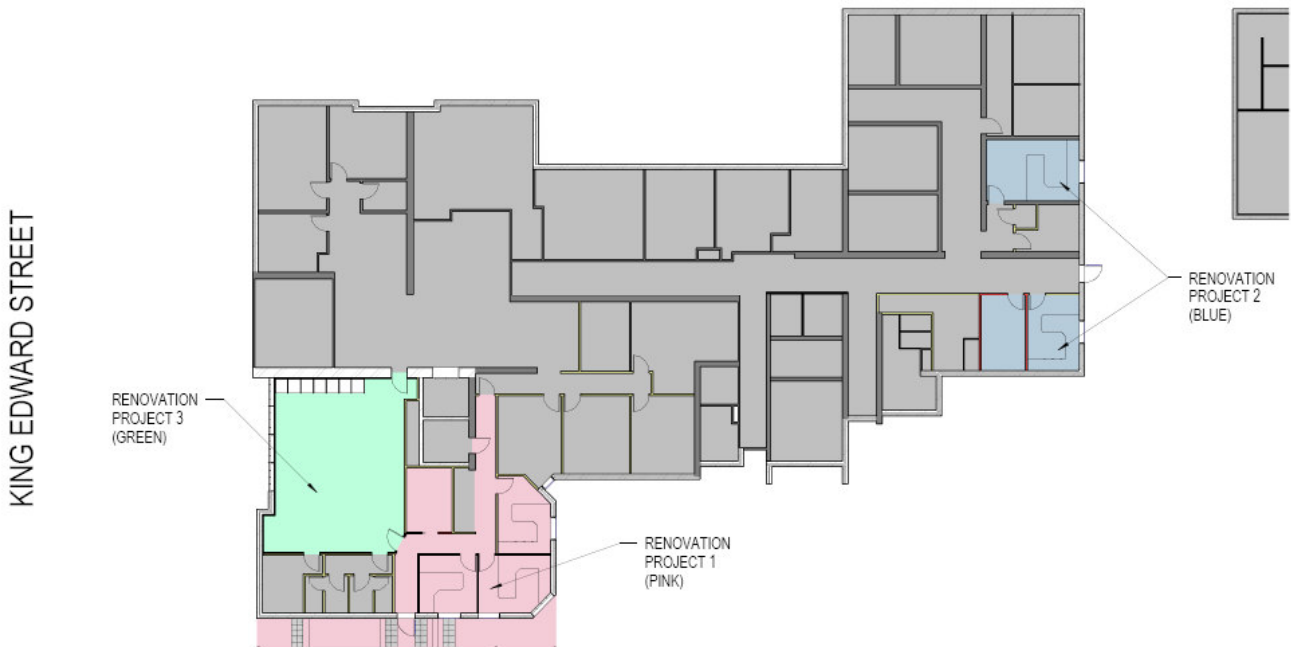
*Project 2*

- renewal of two offices;
- upgrade of storage area to achieve fire-proofing for documents.

*Project 3*

- renewal of part of the Council Chamber.

The diagram below shows locations of all three projects.



The budget allocation for this project is \$189,000.00. Tenders were called for the office renovations on Saturday, 18 November 2009 in The Advocate newspaper and closed on Wednesday, 16 December 2009.

Tenders were received as follows:

<i>TENDERER</i>		<i>COST</i>
		\$
		<i>(EXC. GST)</i>
<i>De Jong &amp; Sons</i>	Project 1	\$87,990.00*
<i>Constructions P/L</i>	Project 2	\$28,590.00
	Project 3	\$15,550.00
		<i>\$132,130.00</i>

## ENGINEERING SERVICES

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<i>S &amp; K Design</i>	Project 1	\$115,600.00*
<i>Building</i>	Project 2	\$43,800.00
	Project 3	\$22,600.00
		<i>\$182,000.00</i>

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<i>ESTIMATE</i>	<i>\$189,000.00</i>
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\*(Includes \$15,000 provisional sum for electrical works for Stages 1, 2 and 3 and \$5,000 contingency sum.)

### *DISCUSSION*

Suppliers offered a total of six options for the three projects. Both tenders were evaluated by the Council's Assets Officer – Buildings & Facilities and Assets Officer – Building Maintenance.

On completion of the evaluation the agreed preference is for De Jong & Sons Constructions P/L to carry out all three projects based on being the most cost effective tenderer.

### *CONSULTATION*

This item has followed a public tendering process and consideration has been given to the two tenderers and six tender prices stated in the above table.

### *IMPACT ON RESOURCES*

The project can be completed within the budget allocation for public buildings.

### *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 corporate governance
- Improve service provision

*CONCLUSION*

It is recommended that the tender from De Jong & Son Constructions P/L in the amount of \$145,343.00 (inc. GST) for the Administration Centre building renovations be accepted and approved by the Council.'

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

- Cr Deacon moved and Cr (L) Bonde seconded, "That the tender from De Jong & Son Constructions P/L in the amount of \$145,343.00 (inc. GST) for the Administration Centre building renovations be accepted and approved by the Council."

Carried unanimously

**27/2010      Opening of Production Drive, Ulverstone**

The Acting Director Engineering Services reported as follows:

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

- .      Production Drive, Ulverstone."

The Executive Services Officer reported as follows:

"A plan of Production Drive, Ulverstone, has been circulated to all Councillors."

- Cr Robertson moved and Cr Howard seconded, "That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Production Drive, Ulverstone (a plan of the street being appended to and forming part of the minutes)."

Carried unanimously

**28/2010      Production Drive, Ulverstone – Certificate of Completion (60/2008 – 18.2.2008)**

The Acting Director Engineering Services reported as follows:

*"PURPOSE*

In accordance with s.10(5) of the *Local Government (Highways) Act 1982* it is necessary for the Council to certify that Production Drive, Ulverstone has been

satisfactorily constructed to the Council's requirements and becomes maintainable by the Council.

### *BACKGROUND*

The following extract from Minute No. 60/2008 - 18.02.2008 is provided as background information to this report.

'The matter of the provision of ramps from Castra Road to the Bass Highway has been previously considered by the Council and the motion (Minute No. 407/1997 - 04.11.1997) is reproduced as follows:

"That the Engineering Services Division formally investigate the feasibility of providing an interchange ramp at the Bass Highway and Castra Road separation, incorporating:

- 1 a single ramp travelling west from the Castra Road onto the Bass Highway;
- 2 avenues of funding (if any) outside of the Council's Estimates; and
- 3 private land acquisition required;

for the reason of the amount of traffic and particularly heavy traffic travelling to and from the rural area on Castra Road and which has to travel through the local streets system."

It was considered again at a Council meeting on 12 August 2002 with the following decision (Minute No. 287/2002 - 12.08.2002) reproduced as follows:

"That this Council actively lobby the State and Federal Governments for completion of the four-lane highway between Ulverstone and Penguin and, in doing so, that consideration also be given to the development of on/off ramps at Castra Road."

A further decision at Minute No. 287/2002 is as follows:

"That the Council:

- 1 provide comment to the Department of Infrastructure, Energy and Resources in respect to the Ulverstone Bypass to Penguin



Project as part of the National Highway Forward Strategy Report 2003;

- 2 consider the further upgrading of Top Gawler Road as part of the Forward Program in the Estimates process; and
- 3 request the Cradle Coast Authority to consider the Bass Highway project as a matter of importance.”

At the Council meeting held on 18 July 2005, the following decision (218/2005 – 18.07.2005) was made:

“That this Council:

- 1 Actively pursue the connection of Castra Road and the Bass Highway with the Department of Infrastructure Energy and Resources as part of the duplication of the Bass Highway, and
- 2 Seek urgent discussion to this end with Members of Parliament, both State and Federal.”

The final motion prior to successful pursuit of the ramps was at a Council meeting held on 20 February 2006 (Minute No. 70/2006):

“That the Council:

- . pursue the concept of Option 1b, with the return ramp from the west deleted, as the preferred option (Option 1c) for the Castra Road–Bass Highway access...;
- . offer to facilitate the planning and land acquisition process for the Castra Road ramps; and
- . investigate funding options for the design and construction of the Buttons Creek Flood Diversion.”

The Department of Infrastructure, Energy and Resources (DIER) advised that the Castra Road and Bass Highway projects were due for completion in early to mid–April 2008 and invited the Council to name the connector road and arrange for any necessary approvals that may be required...’

At the Council meeting held on 18 February 2008, the following decision (Minute No. 60/2008) was made:

‘That:

- 1 the name of “Production Drive” be adopted for the new road connecting Castra Road to Eastland Drive as part of the four-lane highway between Ulverstone and Penguin, for the reason that the land used was originally for the Buttons Creek Flood Diversion and the road also acts as a diversion from the town and connection to the Bass Highway and captures the uniqueness; and further,
- 2 Provision is made for maintenance of the connector road in the 2008–2009 Estimates.’

*DISCUSSION*

The following letter dated 14 December 2009 has been received from DIER’s Roads and Traffic Division and advises that the maintenance period for the DIER contractor has now expired and requests the road is handed over to the Council as of that date. A plan indicating the delineation of responsibility for DIER and Council maintenance is included in Annexures A and B.

‘As discussed last week, the maintenance period of DIERs contractor on Production Drive has completed and as such DIER now plan to hand over Production Drive to Central Coast Council as of the 14 December 2009.

The only outstanding item left to be done by DIER is for the road reserve either side of Production Drive to be slashed. This is being arranged by our maintenance crews in your area and should be done prior to Christmas. This should not however prevent the road handover from occurring.

Several months back I met with Council officers to discuss the maintenance boundaries for Production Drive as well as the Castra ramp and altered Forth Road junction. A copy of these maps are attached for your information.

In addition to this, part of Councils planning permit DEV2007.41 specified that DIER needed to undertake additional noise monitoring to ensure that noise levels have not been exceeded at adjacent properties by the creation of the Production Drive link road.

The noise level review has just been completed following the road being open to the public for 12 months. The property at the end of Allambie Court, Kingdom Hall was used as a comparison between the noise levels in the original model and the recent review. The findings show that the current noise level is slightly lower than what was expected and as such DIER is not

required to install any noise mitigations as per clause 2b of our planning permit. A full copy of the noise review is attached.'

All requirements of DIER in the planning permit DEV2007.41 and engineering conditions have been complied with. All outstanding defects noted in a meeting with DIER, the construction contractor and the Council's representatives prior to the end of the maintenance period have been rectified to DIER's and the Council's satisfaction.

*CONSULTATION*

The Council's and DIER's representatives have consulted throughout this process.

*IMPACT ON RESOURCES*

As with all new roads taken over by the Council, there is an ongoing maintenance cost associated. The resolution of the February 2008 Council meeting was to include provision for maintenance in the 2008–2009 Estimates. This was not required as the section was still under the DIER contract maintenance period which expired on 14 December 2009. An amount of \$2,000.00 is estimated to be the increased annual maintenance cost associated with this road due to the large amount of grass and establishment and care of tree buffers.

*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

- . Develop and manage sustainable built infrastructure

*CONCLUSION*

It is recommended that the Council certify completion of Production Drive as maintainable by the Corporation."

The Executive Services Officer reported as follows:

## ENGINEERING SERVICES

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“A copy of the annexures referred to in the Acting Director Engineering Services report and a plan of Production Drive, Ulverstone, have been circulated to all Councillors.”

- Cr (J) Bonde moved and Cr Viney seconded, “That the Council certify under the hand of the Corporation’s engineer that Production Drive, Ulverstone (a plan of the street being appended to and forming part of the minutes) has been satisfactorily constructed, has completed the statutory (maintenance) period to the Corporation’s requirements, and becomes a highway maintainable by the Corporation.”

Carried unanimously

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## CLOSURE OF MEETING TO THE PUBLIC

### 29/2010 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

- Cradle Mountain Water Quarterly Report to the Owner Representatives.

This is a matter relating to:

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

■ Cr Fuller moved and Cr (J) Bonde seconded, “That the Council close the meeting to the public to consider the following matter, it being a matter relating to:

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

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

- Cradle Mountain Water Quarterly Report to the Owner Representatives.”

Carried unanimously

The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.

- 
- 2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

GENERAL MANAGEMENT

**30/2010 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 first quarterly report from the Cradle Mountain Water Corporation to its Owners.

...

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.”

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## **Closure**

There being no further business, the Mayor declared the meeting closed at 8.48pm.

CONFIRMED THIS 15TH DAY OF FEBRUARY, 2009.

## **Chairperson**

(Imm:dl)

## **Appendices**

- Minute No. 13/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 19/2010 – Schedule of Corporate & Community Services Determinations Made Under Delegation
- Minute No. 20/2010 – Schedule of Contracts & Agreements
- Minute No. 21/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 22/2010 – Financial statements
- Minute No. 25/2010 – Schedule of Engineering Services Determinations Made Under Delegation
- Minute No. 27/2010 – Opening of Production Drive, Ulverstone
- Minute No. 28/2010 – Production Drive, Ulverstone – Certificate of Completion.



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## 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