



**ORDINARY MEETING
OF COUNCIL**

**AGENDA
OPEN MEETING**

21 September 2020

16 September 2020

Notice of Meeting – Ordinary Meeting of Council

In accordance with the *Local Government (Meeting Procedures) Regulations 2015* NOTICE is hereby given that the next Ordinary Meeting of the Waratah-Wynyard Council will be held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 21 September 2020 with the Business of the meeting to be in accordance with the following agenda paper.

General Manager's Certification

PURSUANT to Section 65 of the *Local Government Act 1993* I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

1. Such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
2. Where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.



Shane Crawford
GENERAL MANAGER

Enquiries: Mayor Walsh
Phone: (03) 6443 8311
Our Ref: 004.01

16 September 2020

Mr Shane Crawford
General Manager
Waratah-Wynyard Council
PO Box 168
WYNYARD TAS 7325

Dear Shane,

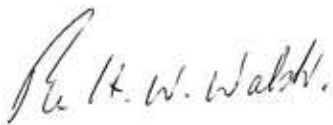
COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. *Convening meetings of council*
 - (1) *The mayor of a council may convene council meetings.*

I request that you make the necessary arrangements for the next ordinary meeting of Council to be convened on Monday 21 September 2020 commencing at 6.00pm at the Council Chambers, 21 Saunders Street, Wynyard.

Yours sincerely



Cr Robby Walsh
MAYOR

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THE PUBLIC IS ADVISED THAT IT IS COUNCIL POLICY TO RECORD THE PROCEEDINGS OF MEETINGS OF COUNCIL ON DIGITAL MEDIA TO ASSIST IN THE PREPARATION OF MINUTES AND TO ENSURE THAT A TRUE AND ACCURATE ACCOUNT OF DEBATE AND DISCUSSION OF MEETINGS IS AVAILABLE. THIS AUDIO RECORDING IS AUTHORISED BY THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015

AGENDA OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 21 SEPTEMBER 2020, COMMENCING AT

	From	To	Time Occupied
Open Council			
Planning Authority			
Open Council			
Closed Council			
Open Council			
TOTAL TIME OCCUPIED			

DIGITAL RECORDING OF COUNCIL MEETINGS POLICY

The Chairman is to declare the meeting open (time), welcome those present in attendance and advise that the meeting will be digitally recorded, in accordance with the Council Policy **GOV.017 – Digital Recording of Council Meetings** to “record meetings of Council to assist in the preparation of minutes and to allow live streaming of Council Meetings.

ACKNOWLEDGEMENT OF COUNTRY

I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today, the Tommeginne people, and to pay our respect to those that have passed before us, their history and their culture.

1.0 RECORD OF ATTENDANCE

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2005; Regulation 8(2)(a)

The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:

(a) attendance and apologies.

1.1 ATTENDANCE

1.2 APOLOGIES

Cr Kevin Hyland

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 8(2)(b)

The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:

(b) Confirmation of the minutes.

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 17 August 2020, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

Any corrections to the Minutes are to be identified and agreed at this point prior to taking a vote to adopt the minutes.

3.0 DECLARATIONS OF INTEREST

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015, Regulation 8(7)

(7) The chairperson is to request Councillors to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.

Councillor and Agenda Item Number

Staff and Agenda Item Number

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

RECOMMENDATION

That the Council note the Mayors Communications

12/8/20	Business NW Breakfast Meeting
12/8/20	Penguin Livestock Yards Community Meeting
14/8/20	Meeting with Senator Askew
14/8/20	Meeting with Mayor Kons
15/8/20	75 th Anniversary end of WW2 Service
17/8/20	Council Meeting
18/8/20	Meeting with General Manager
19/8/20	Meeting with UPC Renewables
19/8/20	DEPUTY MAYOR TasWater Quarterly Meeting
20/8/20	DEPUTY MAYOR Cradle Coast authority Representative Meeting
20/8/20	Tullah Mobile Tower Launch
24/8/20	Saleyard Meeting
24/8/20	Councillor Workshop
25/8/20	Meeting with General Manager
25/8/20	WWC Audit Panel Meeting
26/8/20	Joint FOGO Workshop with Circular Head Councillors
27/8/20	Hellyer Regional Collective VET Placement Event
27/8/20	Wynyard Show Society Meeting
31/8/20	Councillor Workshop
2/9/20	Table Cape Lighthouse EOI Assessments
2/9/20	Meeting with General Manager
8/9/20	DEPUTY MAYOR Meeting with Senator Felix Ellis
9/9/20	DEPUTY MAYOR Official Opening of Wynyard Rec Ground Changerooms – Minister Jane Howlett
10/9/20	Mayors Workshop
11/9/20	LGAT Meeting
11/9/20	DEPUTY MAYOR – Rural Medical Students Presentation

4.3 REPORTS BY DELEGATES

4.3.1 CR DUNIAM - RURAL WEEK STUDENT PRESENTATIONS

Supporting Documents: Nil

DETAILS

Virtual year 2 Rural Week Student Presentations

Facilitator: Associate Professor Lizzi Shires.

Reports were presented from four groups of 2nd year medical students via Zoom from Rural Clinical School (Burnie) that visited, Waratah-Wynyard, West Coast, Central Coast, Kentish and Latrobe municipalities.

Group reports were presented individually, identifying unique issues such as demographics and location of communities, and researched interventions that support the health and wellbeing of residents in each of these municipalities.

Common challenges identified across each municipality included a significantly ageing population with the median age of 46 years, low-socioeconomic status, low level education, lack of transport, lack of access to specialist health services locally, and top health issues: diabetes, obesity, healthy eating physical activity, cardiovascular disease, other chronic diseases and multi-comorbidities.

Each presentation was well-researched, clearly identifying our health and well-being status that informs us of gaps in our health care, but also more importantly what our Councils and communities are doing to improve and sustain the health of our communities. For example, Community Houses, youth groups, physical activity programs etc. One student observed that while there are significant challenges in our areas, it is also important to acknowledge that people residing in our rural and remote areas are more socially connected, more resilient, more adaptable and supportive compared to many urban areas.

This project provided these 2nd year medical students with on-the-ground experience by engaging with local Councils, Rotary Clubs and many other local community organisations, and student comments exemplified the absolute value of participating in this project.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 8(2)(c)

The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:

(c) the date and purpose of any council workshop held since the last meeting.

RECOMMENDATION

That the Council note the following Councillor Workshops

24/8/20	Overview of CCTV for Somerset and Wynyard Discussion regarding Waratah Matters Update on Boat Harbour Beach masterplan Update on Multi-Purpose Community Facility
26/8/20	Joint Workshop with Circular Head Council FOGO
31/8/20	Settlement Strategy Customer Service Charter Dog Park Options Update on Wynyard Sporting Precinct
7/9/20	Lighthouse Tours Expression of Interest Port Road Drainage
14/9	FOGO / Tip Opening Hours / Rural Recycling Flood Mitigation

Upcoming Workshops - Indicative Only

28/9	Surplus Land Disposal
5/10	BighART presentation Council Values Workshop

Councillor Attendance Records

Meetings attended during 2020/21 (to 7 August 2020)

	Ordinary Meetings 2020/21 (2)	Special Meetings 2020/21 (1)	Workshops 2020/21 (7)	Weeks Leave Approved
Mayor Robert Walsh	2	1	5	
Deputy Mayor Mary Duniam	2	1	7	
Cr Maureen Bradley	2	1	7	
Cr Gary Bramich	2	1	7	
Cr Andrea Courtney	1	0	6	
Cr Celisa Edwards	2	1	7	
Cr Darren Fairbrother	2	1	7	
Cr Kevin Hyland	1	1	4	3

5.0 PUBLIC QUESTIONS AND STATEMENTS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 31

- (1) *A member of the public may give written notice to the general manager 7 days before an ordinary meeting of the Council of a question to be asked at that meeting.*
- (3) *The Chairperson at an ordinary meeting of a council must ensure that, if required, at least 15 minutes of the meeting is available for questions to be asked by members of the public.*
- (4) *A question by any member of the public under this regulation and an answer to that question are not to be debated at the ordinary council meeting.*
- (7) *A council is to determine any other procedures to be followed in respect of question time.*

The Council determined (at a meeting held on 20 July 2015) that the following procedures be followed in respect of question time: -

- (1) *In this clause a question includes part of a question (so that a question in 3 parts is to be treated as 3 questions).*
- (2) *A member of the public who wishes to ask a question at a meeting must—*
 - (a) *before the commencement of the meeting, submit their question in writing, on the form provided by the local government, to the General Manager or his or her representative; and*
 - (b) *be present at the meeting when the question is asked, however the person may seek approval from the Presiding Member for their nominated representative to ask the question on their behalf.*
- (3) *A completed question time form must include:*
 - (a) *the name and residential or contact address of the person who wishes to ask the question; and*
 - (b) *the question in a succinct and legible form.*
- (4) *In cases of disability or other extenuating circumstances:*
 - (a) *an officer of the local government, if requested to do so, may assist the person to complete a question time form; and*
 - (b) *in the absence of that assistance, the Presiding Member may permit a person to ask a question that was not included on a question time form.*
- (5) *(a) If more than 2 questions are submitted in writing by any one person, the Presiding Member shall allow that person, in the first instance, to ask a maximum of 2 questions;*
 - (b) *If after all other members of the public have asked their questions, and where time permits, the Presiding Member is to allow members of the public who wish to ask more than 2 questions to sequentially ask one further question. This process will continue until the allotted time has expired; and*
 - (c) *Where only one person wishes to ask more questions and where time permits, the Presiding Member is to invite that person to ask their additional questions.*
- (6) *The Presiding Member may decide that a question is out of order, and is not to be recorded or responded to—*
 - (a) *if it is not in the form of a question, having regard to its content and length, is essentially a statement of expression of opinion rather than a question, provided that the Presiding Member has taken reasonable steps to assist the member of the public to phrase the statement as a question; or*
 - (b) *if the question uses an offensive or objectionable expression or is defamatory.*
- (7) *The Presiding Member may determine that any question requiring research or investigation be answered in writing as soon as practicable.*
- (8) *Where the necessary information is available at the time the question is posed a response is to be provided by either the General Manager, relevant Member or employee nominated by the Presiding Member.*
- (9) *If the 15minute period set aside for questions from the public is reached, Council, by resolution, may resolve to extend the period for an additional 15 minutes to allow further questions to be asked.*
- (10) *No more than two 15-minute extensions to the time for the public to ask questions are to be permitted.*

The Council determined (at a meeting held on 20 July 2015) that the following procedures be followed in respect of public statements: -

- (1) *Members of the public may, during the public statements or the Planning Authority segments of the order of business, with the consent of the Presiding Member make a public statement on any matter that appears on the agenda for that meeting provided that:*
 - (a) *The member of the public submits to the General Manager prior to the commencement of the meeting the public statement in a form acceptable to the General Manager and which includes the name and residential or contact address of the member of the public;*
 - (b) *The public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (11) of order of business at clause 4.2;*
 - (c) *The public statement is limited to a maximum period of 3 minutes, unless otherwise determined by the Presiding Member; and*
 - (d) *No discussion or questions relating to the statement are permitted, unless otherwise determined by the Presiding Member.*
- (2) *Fifteen minutes is to be allocated for the public statement time.*

-
-
- (3) *Once all statements have been made, nothing prevents the unused part of the statement time period from being used for other matters.*
 - (4) *If the 15-minute period set aside for public statements is reached, Council, by resolution, may resolve to extend the period for an additional 15 minutes to allow statements to be made.*
 - (5) *No more than two 15-minute extensions to the time for public statements are to be permitted.*
 - (6) *Procedures for public statements are to be in accordance with policy adopted from time to time by the Council and, where the policy is silent on a matter, the procedures for that matter are to be determined by the Presiding Member.*

5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil received.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

5.2.1 MR C HUTCHISON - QUESTIONS FROM AUGUST COUNCIL MEETING

QUESTION

Questions for the General Manager that remain unanswered from the August 2020 Council meeting minutes

- a) Shane Crawford, GM, were you present at the Circular Head Council's community meeting in Smithton, on the 30th of July?
- b) Have you, at any point in the past, had a conversation with John Hammond?
- c) In the past, have you had a conversation with the Circular Head General Manager or Senior Management about me and the unsubstantiated accusation that I secretly record conversations?

OFFICERS RESPONSE

Following the August Council meeting, Mr Hutchison was advised in writing by the Mayor that this line of questioning is inappropriate and will not be responded to in this forum or format. It is not appropriate to conduct an investigation through an open Council format.

5.2.2 MR C HUTCHISON - MEETING PROCEDURES

QUESTION

Questions without notice queries:

- a) Can members of the public ask questions to of/engage with staff at Council meetings?
- b) What specific parts of the Council Meeting Procedures prevent Council staff members answering public questions for the public record?
- c) Do staff members have to take questions without notice from the public on notice at Council meetings, or can they answer questions directly at the meeting?
- d) For what reasons specifically do questions get taken on notice?

OFFICERS RESPONSE

Officers advise the following:

-
- a) All questions during public question time must be directed to the Chairperson and they will determine whether the question can be directed to a member of staff for reply. Section 31 (5) of the Council Meeting Procedures Policy states “The chairperson of an ordinary council meeting may: (a) refuse to accept a question from a member of the public; or (b) require a question from a member of the public asked without notice to be put on notice and in writing to be answered at a later ordinary council meeting”.

Whilst questions are permitted, engagement and debate is not. Staff attend Council meetings to provide elected members with support and advice to aid their decision making.

- b) There are no specific parts of the Council Meeting Procedures which prevent Council staff members answering public questions should they be directed to the staff member by the chairperson.
- c) If questions are directed to staff by the chairperson, and dependant on the nature of the question, they can be answered at the meeting if possible.
- d) In general terms, the preference is for questions to be answered at the Council meeting, however if the answer is unknown/uncertain, facts or history need to be verified or the question is complex and/or multi-faceted, the question will be taken on notice and a reply provided in writing.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 31(2)(5)

(2) The Chairperson of an ordinary council meeting may –

(b) invite any members of the public present at an ordinary meeting to ask questions relating to the activities of the council.

When dealing with questions that require research or a detailed response –

(5) The Chairperson may –

(b) require a question to be put on notice and in writing to be answered at a later ordinary council meeting.

A summary of questions without notice and response(s) and the name of the person asking the question will be recorded in the minutes.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

A summary that includes the name of the person making a public statement and subject title of that statement will be recorded in the minutes.

5.4.1 MR C HUTCHISON - CORRESPONDENCE WITH COUNCILLORS

STATEMENT

Councillors, I have sent you an email containing a letter in response to my feelings about the last Council meeting. It is lengthy, but I please ask that you read it and consider it.

I have a number of other issues that I would prefer to talk about at Council meetings than this set of issues, so further communication will be via email. I welcome short or long responses. Thankyou

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

6.0 PLANNING AUTHORITY ITEMS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2005 Regulation 25/ Judicial Review Act.

The Chairperson is to advise the meeting if a Council intends to act at a meeting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

25(2) 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.

Any alternative decision the Council may make to a recommendation appearing on the Agenda, requires a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the Requirements of the *Judicial Review Act*.

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015 Regulation 31(2)(5)

(2) The Chairperson of an ordinary council meeting may –

(b) invite any members of the public present at the meeting to ask questions relating to the activities of the council.

When dealing with questions that require research or a detailed response –

(5) The Chairperson may –

(b) require a question to be put on notice and in writing to be answered at a later ordinary council meeting.

A summary of questions without notice and response(s) and the name of the person asking the question will be recorded in the minutes.

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6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

A summary that includes the name of the person making a public statement and subject title of that statement will be recorded in the minutes.

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6.3 2 X TOWNHOUSES LOCATED AT 14 BLUEWATER CRESCENT, WYNYARD - DA 63/2020

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 26 August 2020
File Reference: 2602910

Supporting Documents:

1. Advertised Documents x 38 Pages
2. TasWater SPAN x 4 Pages
3. Representation x 1 Page
4. Signed Extension of Time Agreement x 1 Page

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for multiple dwellings (2 x townhouses) at 14 Bluewater Crescent, Wynyard subject to the following conditions: -

PART A CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a) Proposal Plans with Project Number 20078 Revision B as prepared by Baini Design and dated 27 April 2020.
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (4) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (5) Stormwater is to be connected into Council's stormwater drainage network.
- (6) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

PART B CONDITIONS:

- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the *Water and Sewerage Industry Act 2008*, reference TWDA 2020/01012-WWC (attached).

Notes: -

The following is provided for information only and does not constitute condition(s) of permit.

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- Road access and stormwater is to be in accordance with pre-lodgement advice dated 1 April 2020.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 63/2020. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Please contact Australia Post for letterbox placement guidelines.
- A further fee is required for the signing and sealing of Final and Strata Plans. Please refer to Councils website for current Planning fees.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 63/2020 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is located at 14 Bluewater Crescent, Wynyard and comprises 838m². It is located within the General Residential zone. The site is situated at the head of a cul-de-sac and has frontage onto Bluewater Crescent of 33.48m. The adjoining titles to the east, south and west, as well as the titles to the north across Bluewater Crescent, contain single dwellings and associated outbuilding development.

A locality plan identifying the subject property is provided in Figure 1 below.

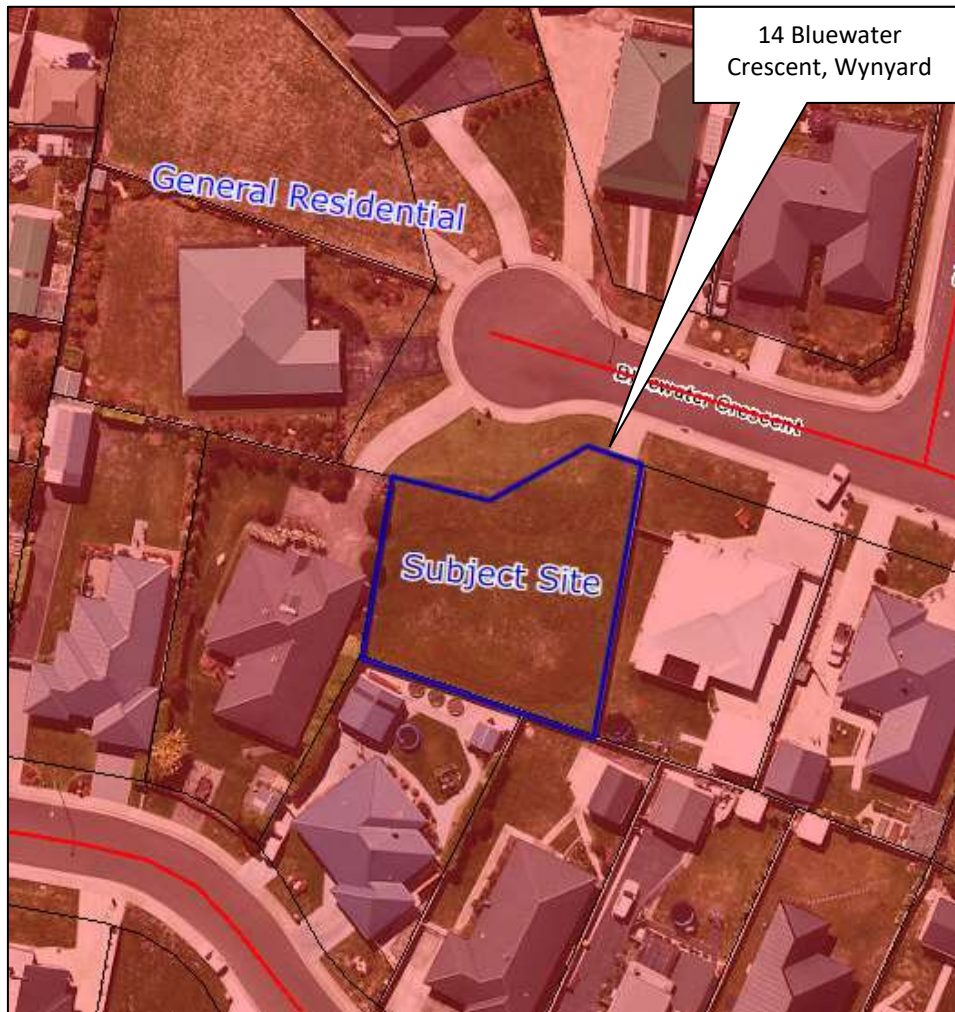


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for multiple dwellings (2 x townhouses) on a property described as 14 Bluewater Crescent, Wynyard (CT 143309/16). The property is a vacant lot located in a residential area populated by a mix of single dwelling and associated outbuilding development.

Each of the proposed townhouses has a maximum height of 6.325m and an associated floor area of 143m². Each townhouse comprises a double garage, main bedroom with ensuite and walk-in-robe, an additional two bedrooms, bathroom, half-bath, combined kitchen/dining/living space, laundry and alfresco area. The townhouses are clad in a mix of brick and cement render and roofed with concrete tiles.

The proposed townhouses are semi-detached, sharing a common eastern/western wall. They are setback 4.5m from the boundary to Bluewater Crescent, 1.5m from the eastern and western side boundaries and 4m from the southern rear boundary.

Provision for car parking comprises a double garage in each of the proposed townhouses with an additional car park located between the eastern townhouse and the frontage.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned General Residential under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use

within the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clauses: -

- Site coverage and private open space for all dwellings 10.4.3 (P2); and
- Sunlight and overshadowing for all dwellings 10.4.4 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 10 August 2020. One (1) representation has been received.

A map demonstrating the relationship between the subject site and the representor's property is shown in Figure 2.



Figure 2: Relationship between the subject site and the representor's property

The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representation which is included as an enclosure to this report.

Representor – P C Sturzaker

Issues raised:	Response:
<p>The proposal does not comply with Performance Criteria P2 for Clause 10.4.3 given the proposed building location and proximity to what is already an established fence/s and existing buildings and structures.</p> <p>There will be little to no opportunity for the proposed dwelling to have a private open space that meets the requirements of Clause 10.4.3 P2 due to the ground floor footprint extending within 4 metres of the existing fence line and the roof height of the proposed building being 6.325 metres.</p> <p>It is certain that the South-West quadrant of the 14 Bluewater Crescent block will not receive enough sunlight due to already established houses, garage and fence construction.</p>	<p>As demonstrated below under the planning assessment, the floor plan for each of the proposed townhouses includes an alfresco area suitable for outdoor dining and entertaining. The alfresco areas open onto backyards of at least 100m² with a variable width of 4m to 7.5m from dwelling to title boundary. There is sufficient space within each yard for hanging washing, children’s play and outdoor relaxation. The backyard and alfresco areas are conveniently located in relation to the kitchen/living/dining area of each townhouse.</p> <p>Regarding solar access to this space, the subject site is surrounded by established residential lots containing single dwellings and associated outbuilding development. Due to the apparent migration of the sun across the sky throughout the day, no shade will be cast onto either backyard by development directly south of the site at 4 and 6 Sandy Crescent. Any shade cast by the single storey dwelling on the adjoining lot to the east (13 Bluewater Crescent) will be limited to the morning and is unlikely to affect the backyard for the westernmost townhouse. Similarly, shade cast by existing single storey dwelling on the adjoining lot to the west (15 Bluewater Crescent) will be limited to the afternoon and is unlikely to affect the backyard for the easternmost townhouse.</p> <p>Solar access to both backyards may be somewhat restricted by the proposed townhouses, however any impact is unlikely to be substantial given that the townhouses are single storey with a wall height of 3m, sloping upwards away from each backyard at an angle of 22° to a roof height of 6.325m.</p> <p>It is considered that the backyard for each townhouse will have sufficient opportunity for access to sunlight throughout the day and that the proposal satisfies the requirements of Clause 10.4.3 P2.</p>
<p>Given the existing structures on the representor’s and surrounding properties, as well as the nature of the proposed adjoined dwelling plan type, a ‘luminal’ study should be conducted to ensure that, once built, the proposal can satisfy Clause 10.4.4 Sunlight and overshadowing for all dwellings; in terms of both current residences and the proposed adjoined dwellings.</p> <p>Note: The representor suggests that a ‘luminal’ study may show</p>	<p>Clause 8.10 of the Planning Scheme sets out the matters which Council must have regard to when determining applications. This includes the content of any representations received, but only insofar as the content relates to the particular discretions being exercised.</p> <p>Issues regarding overshadowing of the representor’s property or whether adjoining properties meet Clause 10.4.4 A1/P1 are not matters for Council’s consideration as the proposed development is located within the permitted building envelope in respect of all title boundaries and Clause 10.4.4 is only applicable to the subject site. Council does not have the jurisdiction to consider whether or not the ability of existing development on adjoining lots to meet the requirements of this Clause may be compromised by the proposed development. There is also no</p>

<p>that the proposed design would not meet either the Acceptable Solution or Performance Criteria for Clause 10.4.4 Sunlight and overshadowing for all dwellings.</p>	<p>requirement for applicants to submit a ‘luminal’ study (i.e. solar access study or shading diagrams) with their application, unless seeking to demonstrate compliance with an Acceptable Solution for a Clause such as 10.4.3 A2(d), which refers to minimum hours of sunlight during the winter solstice.</p> <p>Regarding compliance with 10.4.4 A1/P1, the planning assessment below demonstrates that the proposed development is considered to satisfy the requirements of Performance Criteria P1 for this Clause.</p> <p>The eastern elevation of the easternmost dwelling contains windows to the combined kitchen/living/dining area, which provide opportunity for solar access during the morning. These windows measure approximately 1.2m x 1.8m and are clear glazed to allow sun into the kitchen/living/dining area. Both windows are setback approximately 5.3m from development on the adjoining lot to the east (13 Bluewater Crescent), which is sufficient separation to minimise risk of overshadowing. In addition to these east facing windows, the front door is bordered either side by glass panels and provides northern sunlight through the hallway, which opens into the main living space.</p> <p>The western elevation of the westernmost dwelling includes west facing glass sliding doors from the combined kitchen/living/dining areas to the alfresco space and backyard. The glass doors measure approximately 2.3m x 2.5m and are clear glazed to allow afternoon sunlight into habitable rooms in the townhouse. Further, the proposed townhouses have been designed with a narrow eaves of approximately 0.5m in order to maximise the opportunity for sunlight to enter the main living spaces of both dwellings via multiple windows in the southern elevation of each townhouse.</p>
<p>The design does not fit with the current dwellings in either Bluewater Crescent or the adjoining Sandy Crescent given all dwellings are single house with proportional, family orientated open spaces that indeed meet both clauses.</p>	<p>Clause 8.10 of the Planning Scheme sets out the matters which Council must have regard to when determining applications. This includes the content of any representations received, but only insofar as the content relates to the particular discretions being exercised.</p> <p>The subject site is located in the General Residential zone under the Planning Scheme. The proposal is for multiple dwelling development (2 x townhouses). This is a Permitted use within the zone. The proposal triggers discretions under Clause 10.4.3 (P2) and 10.4.4 (P1); neither of these discretions require Council to consider whether development is compatible with existing development in the surrounding area. Whether or not the design of the proposed townhouses fits with the pattern of existing residential development in Bluewater and/or Sandy Crescent is not a matter for Council’s consideration.</p>

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (4) Stormwater is to be connected into Council's stormwater drainage network.

Notes: An "Activity within the Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.

Road access and stormwater is to be in accordance with pre-lodgement advice.

Environmental Health

The following environmental health notes were recommended.

Note: This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application was referred to TasWater on 15 July 2020. The response was received on 22 July 2020 and requests conditions to be attached to any permit granted.

PLANNING ASSESSMENT

The subject site is zoned General Residential under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the discretions triggered under the General Residential Zone provisions is provided below.

10.4.3 Site coverage and private open space for all dwellings

<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p style="padding-left: 20px;">(i) 24 m²; or</p> <p style="padding-left: 20px;">(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p style="padding-left: 20px;">(i) 4 m; or</p> <p style="padding-left: 20px;">(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer) ; and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom) ; and</p> <p>(d) is not located to the south, southeast or southwest of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>P2</p> <p>A dwelling must have private open space that:</p> <p>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</p> <p style="padding-left: 20px;">(i) conveniently located in relation to a living area of the dwelling; and</p> <p style="padding-left: 20px;">(ii) orientated to take advantage of sunlight.</p>
<p>Planning Comments: Complies</p> <p>The plans submitted as part of the development application demonstrate that the backyard for each townhouse is immediately accessible from the combined kitchen/living/dining area and alfresco space in each dwelling. Each yard has an area greater than 24m² with a minimum dimension of 4m, is a relatively flat area and is clear of driveways and areas set aside for vehicle parking. However, as the backyards are located to the south of the proposed townhouses, the application requires assessment against Performance Criteria P2 for this Clause.</p> <p>The floor plan for each of the proposed townhouses includes an alfresco area suitable for outdoor dining and entertaining. The alfresco areas open onto backyards of at least 100m² with a variable width of 4m to 7.5m. There is sufficient space within each yard for hanging washing,</p>	

children’s play and outdoor relaxation. The backyard and alfresco areas are conveniently located in relation to the kitchen/living/dining area of each townhouse.

Regarding solar access to this space, the subject site is surrounded by established residential lots containing single dwellings and associated outbuilding development. Due to the apparent migration of the sun across the sky throughout the day, no shade will be cast onto either backyard by development directly south of the site at 4 and 6 Sandy Crescent. Any potential shade cast by the single storey dwelling on the adjoining lot to the east (13 Bluewater Crescent) will be limited to the morning and is unlikely to affect the backyard for the westernmost townhouse. Similarly, any potential shade cast by existing single storey dwelling on the adjoining lot to the west (15 Bluewater Crescent) will be limited to the afternoon and is unlikely to affect the backyard for the easternmost townhouse.

Solar access to both backyards may be somewhat restricted by the proposed townhouses, however any impact is unlikely to be substantial given that the townhouses are single storey with a wall height of 3m, sloping upwards away from each backyard at an angle of 22° to a roof height of 6.325m.

It is considered that the backyard for each townhouse will have sufficient opportunity for access to sunlight throughout the day.

In this manner, the proposal satisfies P2 for this Standard.

10.4.4 Sunlight and overshadowing for all dwellings

<p>A1</p> <p>A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>P1</p> <p>A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).</p>
<p>Planning Comments: Complies</p> <p>The subject site faces directly north and the proposed townhouses are semi-detached, sharing a common eastern/western wall. Each dwelling contains four habitable rooms, three of which are bedrooms. The room relevant for assessment against A1/P1 is the kitchen/living/dining area.</p> <p>Due to the location of the subject site on the southern side of Bluewater Crescent, the combined kitchen/living/dining areas for each townhouse have been positioned at the rear of each dwelling to facilitate access to each private open space/backyard area. It is common for buildings on the southern side of a road to have a similar layout, as backyards provide more privacy for outdoor leisure activities than outdoor living spaces between dwellings and the streetscape. Council records indicate that the adjoining lot to the east, 13 Bluewater Crescent, has a similar layout to the proposed development with a combined kitchen/living/dining area located to rear of the dwelling.</p> <p>As a result of the orientation of the site, location of private open space and associated floor plan for each dwelling, neither of the proposed townhouses contain north facing windows in habitable rooms other than bedrooms. The application requires assessment against Performance Criteria P1 for this Standard.</p> <p>The eastern elevation of the easternmost dwelling contains windows to the combined kitchen/living/dining area, which provide opportunity for solar access during the morning. These windows measure approximately 1.2m x 1.8m and are clear glazed to allow sun into the kitchen/living/dining area. Both windows are setback approximately 5.3m from development</p>	

on the adjoining lot to the east (13 Bluewater Crescent), which is sufficient separation to minimise risk of overshadowing. In addition to these east facing windows, the front door is bordered either side by glass panels and provides northern sunlight through the hallway, which opens into the main living space.

The western elevation of the westernmost dwelling includes west facing glass sliding doors from the combined kitchen/living/dining areas to the alfresco space and backyard. The glass doors measure approximately 2.3m x 2.5m and are clear glazed to allow afternoon sunlight into habitable rooms in the townhouse. Further, the proposed townhouses have been designed with a narrow eaves of approximately 0.5m in order to maximise the opportunity for sunlight to enter the main living spaces of both dwellings via multiple windows in the southern elevation of each townhouse.

In this manner, the proposal satisfies with P1 for this Standard.

The proposal meets the Acceptable Solution for all other applicable Standards of the General Residential zone provisions and relevant Codes.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of LUPAA and must enforce the Planning Scheme under s48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

No policies of Council were identified as being relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for Council other than those ordinarily associated with administering the Planning Scheme.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a and 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

COMMENT

This report is presented for Council's consideration, together with the recommendations contained at the beginning of this report.

It is considered that the proposed multiple dwelling development (2 x townhouses) complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal makes appropriate use of a large residential lot and, taking into consideration the location and orientation of the site, and provides sufficient opportunity for solar access to both the main living space and backyard for each townhouse.

The application is considered to comply with the General Residential Zone provisions and relevant codes for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed multiple dwelling development (2 x townhouses).

6.4 OUTBUILDINGS (GARAGE AND CARPORT) LOCATED AT 28 HAYWOODS LANE, SOMERSET - DA 108/2020

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 27 August 2020
File Reference: 7052866

Supporting Documents: 1. Advertised Documents x 11 Pages
2. Representation x 1 Page
3. Signed Extension of Time Agreement x 1 Page

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for outbuildings (garage and carport) at 28 Haywoods Lane, Somerset subject to the following conditions: -

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a) Proposal Plans as prepared by applicant.
 - b) Garage plans with Drawing Number 06205-003-GR08 Rev. B as prepared by NJA Consulting Pty Ltd for ABSCO Industries and dated 10 May 2018.
- (2) The outbuildings (garage and carport) are only for uses associated with Residential use on the property and are not to be used for the conduct of any commercial or business operations. They are not to be used for habitable purposes.
- (3) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (5) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (6) Stormwater is to be fully contained within the boundaries of the property.

Notes: -

The following is provided for information only and does not constitute condition(s) of permit.

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 108/2020. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 108/2020 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site is located at 28 Haywoods Lane, Somerset and comprises 1034m². It is located within the Low Density Residential zone and contains a single dwelling and associated outbuilding development. The adjoining lots to the north and south are located in the same zone and also contain single dwellings with associated outbuilding development.

Land to the west across Haywoods Lane is zoned Rural Resource and is used for grazing purposes. The adjoining property to the east is a large Rural Living zoned lot containing a dwelling, outbuilding development, land used for grazing purposes and native vegetation.

A locality plan identifying the subject property is provided in Figure 1 below.

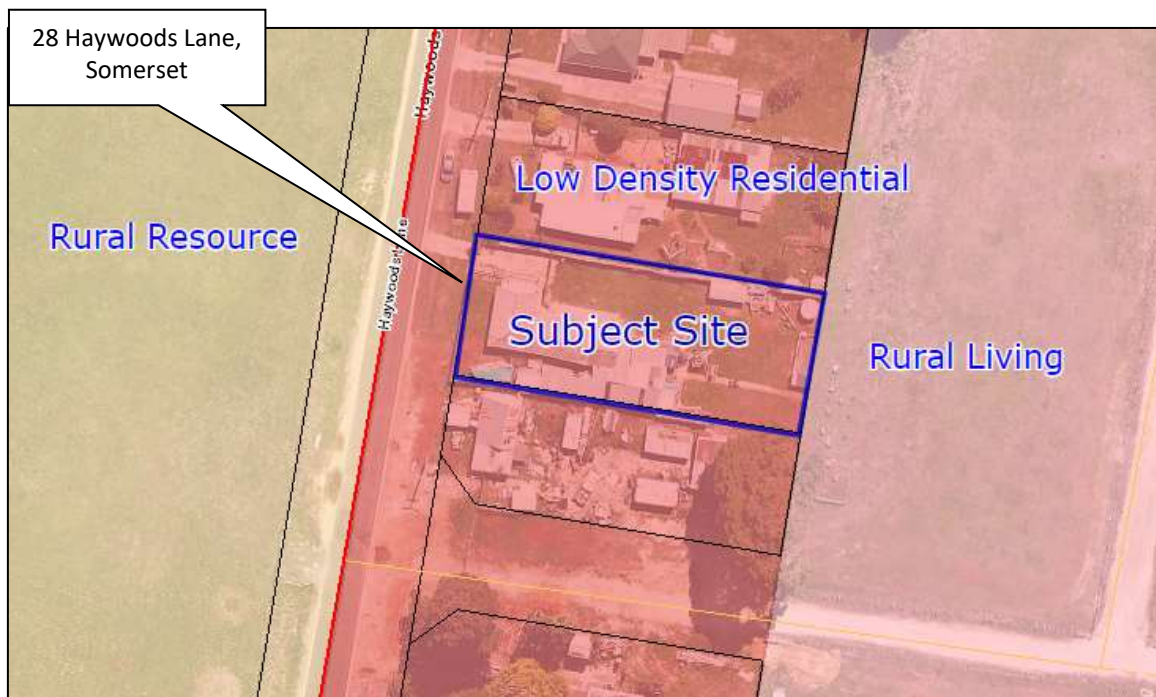


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for outbuildings comprising a garage and carport on a property described as 28 Haywoods Lane, Somerset (CT 215785/1). The property is an established residential lot containing a single dwelling and associated outbuilding development. It is located in a mixed zone area primarily populated by established residential lots of similar size.

The proposed garage has a floor area of 36m² and a maximum height of approximately 3m. Two roller doors are located in the western elevation and the building is clad and roofed in Colorbond. The proposed carport has an area of 20m² with a maximum height of approximately 2.5m. It is open on all sides and is roofed in Colorbond.

The proposed outbuildings are setback at least 35m from Haywoods Lane, 3m from the northern side boundary, 4m from the eastern rear boundary and 6m from the southern side boundary.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period.

The subject property is zoned Low Density Residential under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the clause Suitability of a site or lot for use or development 12.4.1 (P5).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 24 August 2020. One (1) representation has been received.

A map demonstrating the relationship between the subject site and the representor's property is shown in Figure 2.



Figure 2: Relationship between the subject site and the representor's property

The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

Representor – I W Bugg

Issues raised:	Response:
<p>I have an issue with the level of noise which could come from the shed given that the owners of 28 Haywoods Lane currently operate a semi commercial vehicle repair business from their property and adjoining nature strip.</p>	<p>The application is for two outbuildings, being a garage and carport. The proposal is within the <i>Residential</i> use category as the application states that outbuildings are for domestic use/storage purposes.</p> <p>Concerns relating to use of the subject site for commercial purposes are not matters for consideration by Council under the current planning application. The representor's concerns will be referred to Council's Compliance Officer for separate investigation.</p> <p>It is recommended that the following condition be included on any permit issued:</p> <p style="text-align: center;"><i>The outbuildings (garage and carport) are only for uses associated with Residential use on the property and are not to be used for the conduct of any commercial or business operations. They are not to be used for habitable purposes.</i></p>

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (4) Stormwater is to be fully contained within the boundaries of the property.

Notes: An "Activity within the Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.

Environmental Health

The following environmental health notes were recommended.

Note: This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential Use which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the discretions triggered under the Low Density Residential Zone provisions is provided below.

12.4.1 Suitability of a site or lot for use or development

A5	P5
<p>A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if –</p> <p>a. the site has an area of not less than 5000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling</p>	<p>(a) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(i) to accommodate the anticipated stormwater -</p> <p>a. currently entering from beyond its boundaries; and</p> <p>b. from the proposed development;</p> <p>(ii) without likelihood for concentration on adjacent land;</p> <p>(iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;</p> <p>(iv) to manage the quantity and rate of discharge of stormwater to receiving waters;</p> <p>(v) to manage the quality of stormwater discharged to receiving waters; and</p> <p>(vi) to provide positive drainage away from any sewer pipe, onsite sewage disposal system, or building area; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater</p>

Planning Comments: Complies

The subject site comprises 1034m² and is located in an area which is not serviced by Council's reticulated stormwater infrastructure. It is proposed to manage and dispose of stormwater within the boundaries of the site. The application requires assessment against P5 for this Clause.

The majority of the properties on the eastern side of Haywoods Lane have areas of approximately 1000m² and have been developed for residential use. Many of these properties, including lots immediately adjoining the subject site to the north and south, are not connected to reticulated stormwater system.

Existing development on the subject site has site coverage of approximately 270m², or 26% of the site. The proposed outbuildings have a combined building footprint of 56m², increasing site coverage by less than 7%. There is sufficient grassed area on the site to the north, south, east and west of proposed development to manage disposal of stormwater within the title boundaries and clear of existing development on the site.

The proposed development is unlikely to negatively impact existing stormwater arrangements on the subject site and the property is not located within an identified flood prone area. No stormwater is to be directed to any natural drainage line, water body, or watercourse. Further, Council's Engineering Department requires the following condition to be included on any permit issued:

Stormwater is to be fully contained within the boundaries of the property.

In this manner, the proposal satisfies P5 for this Standard.

The proposal meets the Acceptable Solution for all other applicable Standards of the Low Density Residential zone provisions and relevant Codes.

STATUTORY IMPLICATIONS*Land Use Planning and Approvals Act 1993*

The Council is established as a Planning Authority by definition under Section 3(1) of LUPAA and must enforce the Planning Scheme under s48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS**POLICY IMPLICATIONS**

No policies of Council were identified as being relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for Council other than those ordinarily associated with administering the Planning Scheme.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a and 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

COMMENT

This report is presented for Council's consideration, together with the recommendations contained at the beginning of this report.

It is considered that the proposed outbuildings (garage and carport) comply with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The subject site is considered to be sufficient in size to manage stormwater within the boundaries of the site and without negative impact on adjoining properties or existing development on the site.

The application is considered to comply with the Low Density Residential Zone provisions and relevant codes for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed outbuildings (garage and carport).

6.5 EARTHWORKS LOCATED AT 37 TIMOTHY DRIVE, WYNYARD - DA 137/2020

To: Council
Reporting Officer: Graduate Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 27 August 2020
File Reference: 1769671

Supporting Documents: 1. Advertised Documents x 44 Pages
2. Representation x 1 Page
3. Signed Extension of Time Agreement x 1 Page

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, grant approval for earthworks at 37 Timothy Drive, Wynyard subject to the following conditions: -

CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a) Proposal Plans with Job Number 45479 as prepared by PDA Surveyors and dated 23 June 2020.
 - b) Recommendations contained in Report DA137/2019 EARTHWORKS AT 37 TIMOTHY DRIVE, WYNYARD prepared by PDA Surveyors and dated 6 July 2020.
- (2) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (3) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (4) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
- (5) Stormwater is to be fully contained within the boundaries of the property.
- (6) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

Notes: -

The following is provided for information only and does not constitute condition(s) of permit.

- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 137/2019. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal’s website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 137/2019 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013*.

BACKGROUND

The subject site is located at 37 Timothy Drive, Wynyard and comprises 1.522ha. It is a vacant lot located within the Rural Living zone. An unnamed freshwater tributary and waterbody bisects the site. The adjoining lots to the east, south and west contain single dwellings with associated outbuilding development.

Land to the north across Timothy Drive is a large lot primarily used for grazing purposes. It also contains a dwelling and associated outbuilding development. A locality plan identifying the subject property is provided in Figure 1 below.

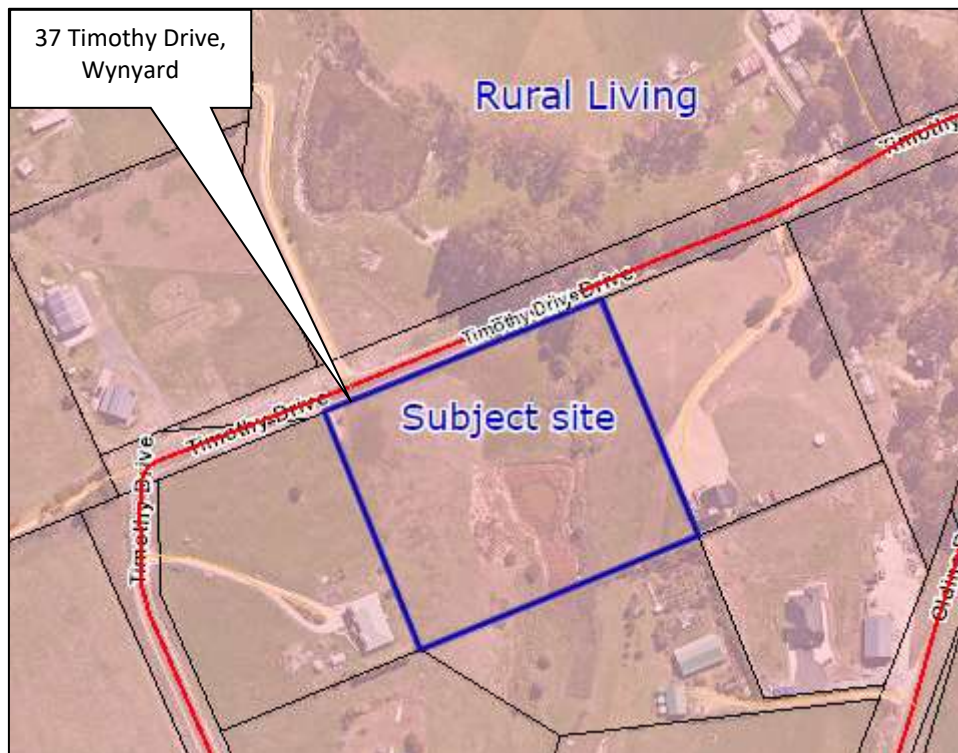


Figure 1: Subject site with zoning

DETAILS

The applicant is seeking approval for earthworks on a property described as 37 Timothy Drive, Wynyard (CT 126400/10). The property is a vacant lot containing an unnamed freshwater tributary and waterbody. It is located in a Rural Living zoned area by established residential lots of similar size.

The application for earthworks includes both retrospective approval of excavation carried out on the site without appropriate approvals, as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme. The proposal has been categorised as a Residential use due to the fact that the works were intended by the owner to improve the aesthetic value of the site. However, it is noted that this application is not seeking approval for future building works. Any future development of the site, such as a dwelling or shed, would require separate planning approval from Council.

The earthworks include 1200m³ of cut with a maximum depth of 2m as well as 1300m³ for a total of 2500m³ of relocated soil. It is proposed to import an additional 100m³ of topsoil onto the subject site to cover exposed soils for slopes < 1:3. For slopes greater than 1:3 it is proposed to install stabilisation measures consisting of a mix of grass seed and composted mulch with either an open weave biodegradable geotextile or spray grass, including binding agent, applied to secure the slope(s).

It is also proposed to install a sediment barrier/siltation fence along the north-western title boundary of the site where the unnamed waterway meets Timothy Drive in order to intercept and collect runoff sediment.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period. The subject property is zoned Rural Living under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within

the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clause: -

- Suitability of a site or lot for use or development 13.4.1 (P3, P4, P5); and
- Development in proximity to a water body, watercourse or wetland E10.6.1 (P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 24 August 2020. One (1) representation has been received.

A map demonstrating the relationship between the subject site and the representors' property is shown in Figure 2.



Figure 2: Relationship between the subject site and the representor's property

The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

Representors – B A & E M Milton

Issues raised:	Response:
<p>Earthworks have already been undertaken without any consultation or consideration of our property at 49 Timothy Drive.</p> <p>No permit has been issued or any inspection of the property before the extraordinary amount of soil was removed or the depth of the excavation.</p> <p>The very large bulldozer which was permitted to come onto the adjacent property caused our residence to vibrate continually while it was in use.</p> <p>We are unsure if the vibration has caused any underlying damage to the structure of our residence.</p> <p>The very depth of soil removed close to our boundary concerns us as this soil is prone to erosion and landslip and is evident on the bank of the property close to the road.</p>	<p>Council was made aware of earthworks undertaken on the applicants' property in late 2019. A check of Council's records indicated that no permits were obtained for these works. Council contacted the applicants and arranged a meeting where it was determined that retrospective approval for the works would need to be sought. The applicants engaged PDA Surveyors to help with this process and to prepare a report detailing the extent of works undertaken.</p> <p>As a result of PDA Surveyor's site investigation and assessment, the application before Council includes both retrospective approval of excavation carried out on the site without appropriate approvals, as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme. This includes measures to mitigate risk of erosion as well as stormwater runoff onto adjoining properties.</p> <p>It is noted that the property is not subject to any landslip designation under the planning scheme.</p> <p>Any permit issued by Council will include a note advising the landowners that the development/use is not to result in the generation of environmental harm or nuisance as defined in the <i>Environmental Management and Pollution Control Act 1994</i>. The application will also be advised to consult with a building surveyor to ensure the development is constructed in accordance with <i>Building Act 2016</i>.</p> <p>Should the representors' have further concerns regarding damage to their property as a result of the earthworks undertaken on the subject site, they may wish to obtain independent advice from a building surveyor and/or solicitor as this matter is considered to be a civil issue.</p>
<p>We did not receive any correspondence until a week after signage was placed on 37 Timothy Drive.</p>	<p>The proposed development was submitted as a discretionary application under s57 LUPAA and was advertised for a period of 14 days in accordance with the requirements of this Act. This included:</p> <ul style="list-style-type: none"> • public notice placed on the frontage of the site on 7 August 2020; • public notice published in the Advocate Newspaper on 8 August 2020; • electronic copy of the application placed on Council's website on 8 August 2020 for a period of 14 days; and

	<ul style="list-style-type: none"> • adjoining owner notices sent to the registered postal address for 15, 49 and 61 Timothy Drive as well as 80 and 82 Oldina Road. <p>Council records show that the adjoining owner notices were posted on 6 August 2020. The notification period commences on the date that the notice is published in the newspaper, not the date adjoining owner notices are received.</p> <p>LUPAA requires a four pronged approach to public notification in order to account for potential issues with one or more advertising methods. The representor has demonstrated awareness that the notification period had commenced, by indicating their awareness of the site notice, and therefore were not disadvantaged by a lack of time to make a representation.</p>
<p>If the owners are proposing to develop the block with a building site in the rear south-west we shall also object if it obstructs our view or devalues our property.</p>	<p>The proposal has been categorised as a Residential use due to the fact that the works were intended by the owner to improve the aesthetic value of the site. However, it is noted that the applicant has advised that development area is not intended as the location of future building works.</p> <p>Any future development of the site, such as a dwelling or shed, would require separate planning approval from Council.</p> <p>Due to the dimensions of the subject site and position of the waterway/waterbody on the lot, any application would most likely require advertising as a discretionary application. As adjoining landowners, the representors would be notified of any new discretionary application submitted for the subject site through the same process described above.</p>

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

- (1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (3) Loading and unloading of vehicles is to be confined to within the boundaries of the property.

(4) Stormwater is to be fully contained within the boundaries of the property.

Notes: An “Activity within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.

ENVIRONMENTAL HEALTH

The following environmental health notes were recommended.

Note: This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Rural Living under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is considered to fall within the Residential Use category which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1)(b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the discretions triggered under the Rural Living zone provisions and relevant codes is provided below.

13.0 Rural Living zone provisions

13.4.1 Suitability of a site or lot for use or development

A3	P3
A site or each lot on a plan of subdivision must be capable of connecting to a water supply – (a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> ; or (b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if– (i) there is not a reticulated water supply; and (ii) development is for – a. a single dwelling; or	(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or (b) It must be unnecessary to require a water supply

<p>b. b. a use with an equivalent population of not more than 10 people per day</p>	
<p>Planning Comments: Complies</p> <p>No water supply is proposed for the site as part of this application. Therefore, the proposal requires assessment against the performance criteria.</p> <p>The application before Council is for earthworks only. It includes both retrospective approval of excavation carried out on the site without appropriate approvals, as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme. The proposal has been categorised as a Residential use due to the fact that the works were intended by the owner to improve the aesthetic value of the site. However, it is noted that the development area is not intended as the location of future building works. Any future development of the site, such as a dwelling or shed, would require separate planning approval from Council.</p> <p>It is not considered that the development subject to this application requires a water supply.</p> <p>The proposal complies with P3(b) for this Standard.</p>	
<p>A4</p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste –</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by onsite disposal if –</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development -</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000l per day; and</p> <p>(iii) the site has capacity for onsite disposal of domestic waste water in accordance with AS/NZS1547:2012 Onsite domestic wastewater management</p>	<p>P4</p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of sewage and trade waste –</p> <p>(i) in accordance with any prescribed emission limits for discharge of waste water;</p> <p>(ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;</p> <p>(iii) without likely adverse impact for the health or amenity of the land and adjacent land;</p> <p>(iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and</p> <p>(v) with appropriate safeguards to minimise contamination if the use or development has potential to –</p> <p>a. indirectly cause the contamination of surface or ground water; or</p> <p>b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of</p>

	<p>sewage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or trade waste</p>
<p>Planning Comments: Complies</p> <p>No waste water treatment system is proposed for the site as part of this application. Therefore, the proposal requires assessment against the performance criteria.</p> <p>The application before Council is for earthworks only. It includes both retrospective approval of excavation carried out on the site without appropriate approvals as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme. The proposal has been categorised as a Residential use due to the fact that the works were intended by the owner to improve the aesthetic value of the site. However, it is noted that the development area is not intended as the location of future building works. Any future development of the site, such as a dwelling or shed, would require separate planning approval from Council.</p> <p>It is not considered that the development subject to this application requires provision for on-site wastewater disposal.</p> <p>The proposal complies with P4(b) for this Standard.</p>	
<p>A5</p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if –</p> <p>a. the site has an area of not less than 5000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p>	<p>P5</p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <p>(i) to accommodate the anticipated stormwater -</p> <p>(ii) without likelihood for concentration on adjacent land;</p> <p>(iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;</p> <p>(iv) to manage the quantity and rate of discharge of stormwater to receiving waters;</p> <p>(v) to manage the quality of stormwater discharged to receiving waters; and</p> <p>(vi) to provide positive drainage away from any sewer pipe, onsite sewage disposal system, or building area; or</p>

<p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling</p>	<p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater</p>
<p>Planning Comments: Complies</p> <p>The application before Council is for earthworks only. It includes both retrospective approval of excavation carried out on the site without appropriate approvals as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme.</p> <p>It is proposed to import an additional 100m³ of topsoil onto the subject site to cover exposed soils where for slopes < 1:3. For slopes greater than 1:3 it is proposed to install stabilisation measures consisting of a mix of grass seed and composted mulch with either an open weave biodegradable geotextile or spray grass, including binding agent, applied to secure the slope(s). It is also proposed to install a sediment barrier/siltation fence along the north-western title boundary of the site where the unnamed waterway meets Timothy Drive in order to intercept and collect runoff sediment.</p> <p>Council’s Engineering Department has undertaken an assessment of the earthworks, including proposed slope stabilisation measures, and requires the following condition to be included on any permit issued:</p> <ul style="list-style-type: none"> • Stormwater is to be fully contained within the boundaries of the property. <p>The proposal complies with P5(a) for this Standard.</p>	

Water and Waterways Code

E10.6.1 Development in proximity to a water body, watercourse or wetland

<p>A1 There is no acceptable solution</p>	<p>P1 Development must –</p> <p>(a) minimise risk to the function and values of a water body, watercourse or wetland, including for -</p> <p>(i) hydraulic performance;</p> <p>(ii) economic value;</p> <p>(iii) water based activity;</p> <p>(iv) disturbance and change in natural ground level;</p> <p>(v) control of sediment and contaminants;</p> <p>(vi) public access and use;</p> <p>(vii) aesthetic or scenic quality;</p> <p>(viii) water quality management arrangements for stormwater and sewage disposal;</p> <p>(ix) modification of a natural drainage channel;</p> <p>(x) biodiversity and ecological function;</p>
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	<ul style="list-style-type: none"> (xi) level of likely risk from exposure to natural hazards of flooding and inundation; and (xii) community risk and public safety; and <p>(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for –</p> <ul style="list-style-type: none"> (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and (ii) any condition or requirement for protection of the waterbody, water course or wetland
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Planning Comments: Complies

The earthworks are located within 30m of unnamed freshwater tributary and waterbody on the subject site. The proposal requires assessment against Performance Criteria P1 for this Standard.

All development is confined within the boundaries of the subject site and the proposal does not include any changes to the direction of natural flow or piping of the waterbody or waterway on the site. It is proposed to install a sediment barrier/siltation fence along the northern title boundary of the site where the unnamed waterway meets Timothy Drive in order to intercept and collect runoff sediment and ensure that hydraulic performance is maintained.

Changes in ground level under this application are limited to existing works already undertaken and additional works required to remediate the site and ensure that stormwater runoff and overland flow from rainfall events does not affect the quality of the waterway. The proposed earthworks are also required to stabilise exposed soils and minimise risk of further erosion of land adjacent to the waterbody and waterway.

As the unnamed freshwater tributary and waterbody are located on private property and are not accessible to the general public, issues pertaining to public access, community risk and public safety, economic development and the conduct of water based activities are largely irrelevant. Similarly, the earthworks do not involve any changes to the appearance of the waterbody or waterway themselves and the development does not involve the installation of any on-site wastewater system. A note will be included on any permit issued as follows:

- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*

Further, the proximity of development to the waterbody and waterway is compatible with the proximity of development to waterways on adjoining property to the south-west at 61 Timothy Drive and the property to the north at 10 Timothy Drive. Both of these properties contain development located within a few metres of a waterway.

The subject site has not been identified as being at risk of any flooding or inundation. Council's Engineering Department has undertaken an assessment of the earthworks, including

proposed slope stabilisation measures, and requires the following condition to be included on any permit issued:

- Stormwater is to be fully contained within the boundaries of the property.

The LISTmap does not identify any threatened flora or fauna in the vicinity of the subject site and the proposed development does not involve any works which directly affect the unnamed freshwater tributary or waterbody. The proposal did not require referral to any other external agency.

The proposal satisfies P1 for this Standard.

The proposal meets the Acceptable Solution for all other applicable Standards of the Rural Living zone provisions and relevant Codes.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of LUPAA and must enforce the Planning Scheme under s48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

No policies of Council were identified as being relevant to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for Council other than those ordinarily associated with administering the Planning Scheme.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a and 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

COMMENT

This report is presented for Council's consideration, together with the recommendations contained at the beginning of this report.

It is considered that the proposed earthworks comply with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal is for both retrospective approval of excavation carried out on the site without appropriate approvals, as well as additional works required to remediate the site and bring the development area into conformity with the planning scheme. It is not considered that provision for water supply or sewerage arrangements is required for the development and that adequate stormwater management arrangements have been proposed.

It has also been demonstrated that the earthworks subject to this application will not significantly affect the unnamed freshwater tributary and waterbody on the subject site, provided the recommendations endorsed as part of the planning permit are followed.

The application is considered to comply with the Rural Residential Zone provisions and relevant codes for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed earthworks.

7.0 MATTER RAISED BY COUNCILLORS

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; 29 (3)

(3) *The Chairperson must not permit any debate of a question without notice or its answer.*

Local Government (Meeting Procedures) Regulations 2015; 30(1) and (2)

(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.*

7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**7.1.1 CR DUNIAM - DOG MANAGEMENT SIGNS****QUESTION**

Cr Duniam asked for an update on when the dog management signs would be erected at beaches within the Waratah-Wynyard municipality.

OFFICERS RESPONSE

Officers advise that all works are currently with a signage contractor for manufacture and install on site. Officers are currently awaiting the necessary approvals response from Crown Land Services to enable this to occur.

7.1.2 CR DUNIAM - CAM RIVER BRIDGE PROPOSAL**QUESTION**

Cr Duniam asked for an update on the status of the new Cam River Bridge proposal.

OFFICERS RESPONSE

The State Government are progressing planning for this project and have advised they will soon engage a consultant to liaise with Burnie City Council, Waratah-Wynyard Council, other key stakeholders and the wider community on the bridge and Murchison intersection design before the end of the year. After this consultation is complete, the aim is to tender for construction of the project (new bridge + intersection) in 2021.

7.1.3 CR BRADLEY - HEPPLES ROAD STAIRS**QUESTION**

Cr Bradley noted the response to her previous question taken on notice regarding the Hepples Road stairs and advised she had since had discussions which raised questions regarding the age of the stairs and asked for the matter to be further reviewed.

OFFICERS RESPONSE

Refer separate report on this agenda.

7.1.4 CR FAIRBROTHER - LAND SLIP B PROVISIONS

QUESTION

Cr Fairbrother asked how many properties in the municipality are within the Slip B Zone. What would the impact be for these properties with the introduction of the Tasmanian Planning Scheme.

OFFICERS RESPONSE

Officers advise that there are two classification systems for assessing landslip risk to development in Tasmania - Proclaimed landslip areas (A and B) and designated landslip areas – High, Medium-high, Medium and Low. Proclaimed landslip areas are the original classification system, with designated landslip areas being developed more recently. The proclaimed landslip areas information was one data source used to develop the designated landslip areas, with Landslip A generally matching with High, and Landslip B typically matching with the Medium designation.

Proclaimed landslip areas are not incorporated into the current Waratah-Wynyard Interim Planning Scheme 2013 (IPS). The IPS instead uses designated landslip areas – High, Medium-high, Medium and Low. The new Tasmanian Planning Scheme will use the same designations and mapping that is used in the IPS. There have been no changes or updates made to these maps, therefore there will be no new lots mapped as Medium landslip risk under the new scheme when compared to the current.

Currently, the *Building Act 2016* still relies upon the proclaimed landslip areas of A and B. This will change when Council adopts their version of the Tasmanian Planning Scheme, and the Building Act will also be based on the designated landslip areas maps – High, Medium-high, Medium and Low.

There are more lots designated as Medium landslip than are proclaimed Landslip B. However, this should not have a financial impact on development at the building stage, as a geotechnical report is required at the planning stage, and the report can be prepared to address both stages of the approvals process. This is happening currently, however the engineers are required to address both landslip classifications. Moving forward, they will only need to address one. Requirements and conditions are set at the planning stage, and then applied at the building stage.

In Boat Harbour, there are currently 89 parcels designated Landslip B and 80 parcels Landslip A.

7.1.5 CR FAIRBROTHER - TOILET SEATS

QUESTION

Cr Fairbrother asked when the project to install toilet seats in public toilets would be completed.

OFFICERS RESPONSE

The first of the new toilet seats were installed in Waratah using the 2019/20 maintenance budget. A recent inspection by a building surveyor has noted that, with the plastic toilet seat installed, the DDA toilets are no longer compliant (level of top of seat is greater than the permissible height from floor). These seats have been removed so the toilets remain compliant with the standard.

Other DDA toilets throughout the municipal area have the same issue and officers are currently seeking a cost-effective solution in order to complete the project in a timely manner.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

7.2.1 CR FAIRBROTHER - SETTLEMENT STRATEGY

QUESTION

Can it be explained how the settlement strategy will underpin the development of the planning scheme when the planning scheme has been already developed and sent to the Tasmanian Planning Commission - whilst the strategy is still being worked on?

OFFICERS RESPONSE

There was insufficient time to undertake the Settlement Strategy while drafting the Local Provisions Schedule (LPS) of the Tasmanian Planning Scheme, particularly early in the drafting of the LPS when the State Government was driving very tight timeframes.

Additionally, the drafting and adoption of the Waratah-Wynyard Interim Planning Scheme and now the drafting of LPS have been transitioning processes only, with the State Government advising councils not to incorporate strategic planning changes into the planning scheme drafting.

The LPS preparation timeframes have since become more realistic, and Council is now submitting a revised draft LPS to the planning commission. At the same time Council is now drafting the Settlement Strategy, largely due to the engagement of an additional resource to undertake the project.

Findings and recommendations from the Settlement Strategy will feed into the first review of the Waratah-Wynyard Tasmanian Planning Scheme.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

A summary of question(s) without notice and response(s) will be recorded in the minutes.

8.0 NOTICE OF MOTION

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 16

- (5) *A councillor may give written notice of a motion, together with supporting information and reasons, to be included on the agenda of the next meeting to the general manager at least 7 days before the meeting.*
- (6) *The general manager, after consultation with the chairperson, may refuse to accept a written motion that, in their opinion –*
 - (a) *is defamatory; or*
 - (b) *contains offensive language; or*
 - (c) *is unlawful.*
- (7) *A councillor who has given notice of a motion that has not been refused under subregulation (6) is to move the motion at the meeting, otherwise it lapses.*

8.1 CR FAIRBROTHER - LANDSCAPING BOAT HARBOUR BEACH

PROPOSED MOTION

That Council allocate funding to remove weeds and plant out and beautify the area immediately adjacent to the walkway and port Rd BHB between Cumming Street and the local surf club with suitable plants designated by the parks and gardens supervisor or his delegate.

BACKGROUND INFORMATION

In recent weeks during COVID-19 local residents, along with council, have undertaken projects to enhance the appearance of BHB. It would be appreciated if a small allocation could be made to allow staff of council to enhance the appearance of the entry into the local town.

Local residents have widened the road by removal of overgrown vegetation and finding the original rock wall adjacent to the road as well as cleaning out the stormwater drains that capture run off from rains.





OFFICERS COMMENT

This area is certainly in need of improvement however the timing of plantings and selection of species may need some consideration in order to specify a budgetary amount for Council to consider funding. Given that Boat Harbour Beach is not serviced with a reticulated water supply by TasWater, irrigation of new plantings is not a viable exercise at this point in time. This situation may be able to be improved however in the implementation of the Boat Harbour Masterplan by use of bores or other method to improve open spaces in Boat Harbour. As such, under current constraints, the best time for planting tends to be during the wetter winter months.

Another consideration is the overall landscaping plan for Boat Harbour Beach and consistency with the master plan. This is an exercise that the Parks and Gardens supervisor will participate in when forming up the implementation of the Master Plan for Boat Harbour Beach.

The current Annual plan for 20/21 includes a task to initiate implementation for the Boat Harbour Beach Master Plan (Masterplan – planning, survey and design) in collaboration with the formed working group so it is perhaps best to work towards winter 2021 as the earliest opportunity for landscaping and beautification of this area, subject to budget funding for 21/22.

To summarise, it is suggested to undertake plantings in winter 2021. The type and nature of plantings would currently be constrained by a lack of reliable water source for ongoing maintenance and upkeep of this area unless planned and addressed as part of the Masterplan implementation. Finally, it would seem prudent to involve opportunity for Boat Harbour Beach local residents to have input into planting species options.

MOTION

That Council allocate funding to remove weeds and plant out and beautify the area immediately adjacent to the walkway and port Rd BHB between Cumming Street and the local surf club with suitable plants designated by the parks and gardens supervisor or his delegate.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

To:	Council
Reporting Officer:	General Manager
Responsible Manager:	General Manager
Report Date:	1 September 2020
File Reference:	0.0
Enclosures:	1. Local Roads and Community Infrastructure Grants Letter of Offer

RECOMMENDATION

That Council:

- 1) note the following projects have been allocated funding via the Local Roads and Community Infrastructure Program:**
 - **Improved Car Parking – Anzac Park, Somerset \$101,185**
 - **Pedestrian Refuge - Murchison Highway, Somerset \$34,055**
 - **Virtual Fencing – Sisters Beach \$29,000**
 - **Improved amenities/changerooms - Wynyard Sports Centre \$400,000**

- 2) Amend the budget estimates to reflect the allocation of funding to the abovenamed projects.**

PURPOSE

To note the outcome of the Local Roads and Community Infrastructure (LCRI) grant program.

BACKGROUND

Council received a letter (attached) on 3 July 2020 offering Council an Australian Government Grant under the Local Roads and Community Infrastructure program.

The grant offer was for \$564,684 subject to Council submitting and having approved projects that met the defined criteria for funding.

As per the correspondence, the LRCI Program is aimed at assisting a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities.

Projects must be completed by 30 June 2021.

DETAILS

Council applied for funding towards four projects to total \$564,684 as follows:

1. CAM River Masterplan - Pedestrian Refuge Murchison Highway, Somerset \$34,055

Design and construction of a pedestrian refuge across the Murchison Highway to give residents safe access to the Cam River Recreation Reserve. Construction, earmarked to be near the junction of Simpson Street and Murchison Highway, Somerset, would include a new footpath section, access ramp, pedestrian refuge, signage and road marking.



2. Virtual Fencing – Sisters Beach - \$29,000

Installation of new virtual fencing to stop Tasmanian Devils (among other animals) crossing the road in the Rocky Cape National Park environmentally sensitive area. Virtual Fencing is an active electronic protection system that alerts animals before crossing the road when a vehicle is approaching between dusk to dawn. It is proven to be extremely effective in preventing wildlife-vehicle collisions in Australia and around the world. The device is triggered by vehicle headlights and emits a buzzing sound and flashing light to warn nearby wildlife of approaching vehicles. The devices are not visually intrusive and are currently used in Tasmanian National Parks such as Cradle Mountain.

A 3km section of Sisters Beach Road, between Banksia Park and Lake Llewellyn has been identified for the works.

Reducing the amount of wildlife killed on council roads is an action in council's recently adopted Integrated Community Environmental Plan and supports the Tasmanian Government's Save the Devil Program.

At the 22 June 2020 meeting, Council resolved the following motion:

That Council:

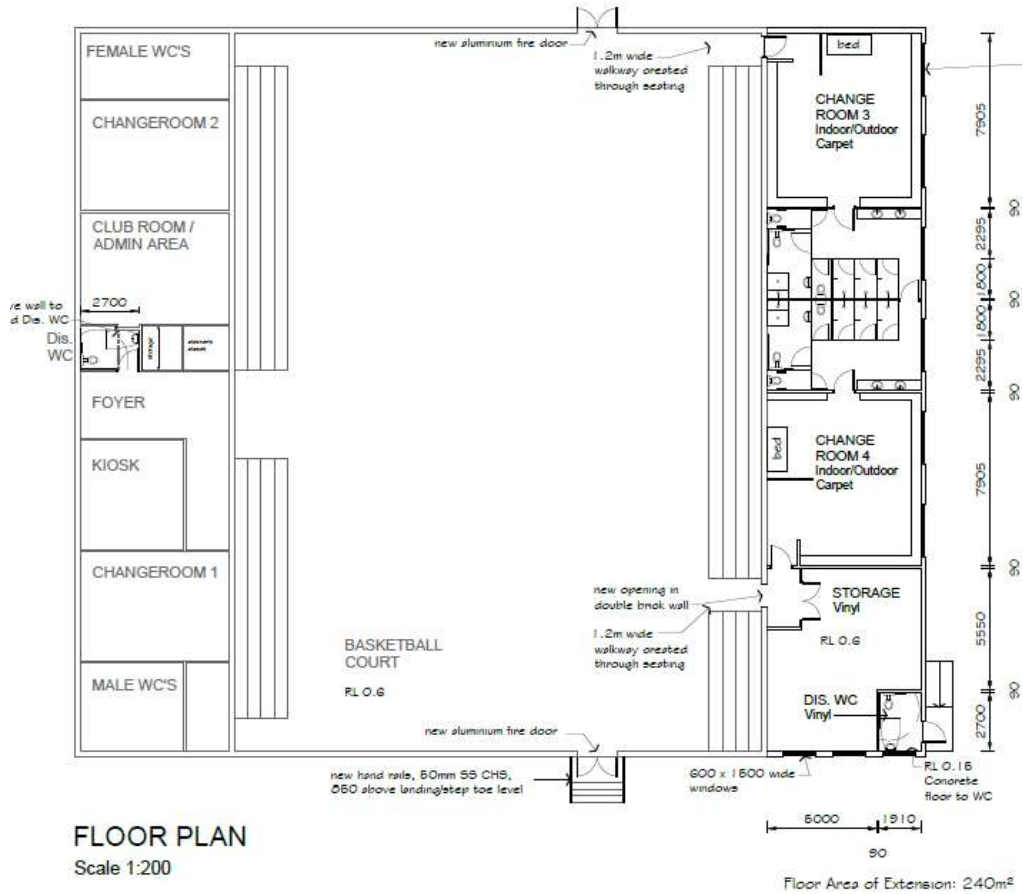
- 1. Give priority to working with the Sisters Beach Community Association to source funding for the installation of virtual fence devices on the Sisters Beach Road between Banksia Park and Lake Llewellyn to ensure this is in place prior to summer 2020; and**
- 2. Consider funding the project, should external funding not be achieved, with a report detailing costs to be provided, no later than September 2020.**
- 3. Improved amenities/changerooms Wynyard Sports Centre \$400,000**

Provision of updated change rooms at Wynyard Sports Centre to provide amenities for male and female sports, increase number of showers and toilets and provide updated DDA compliant facilities. Council is working with the Wynyard Basketball Association and Basketball Tasmania on this project.

The project has a total cost of \$508,300 of which Council will cover the remaining \$108,300 and any additional costs.



SITE PLAN
Scale 1:500



4. Improved Car parking – Anzac Park, Somerset \$101,185

Upgrade to car-parking and footpaths to support the ANZAC Park All-ability Playground currently being designed. Current car-parking is non-compliant and requires upgrades.



Council was advised on 1 September that the proposed Work Schedule (comprised of four project nominations) had been approved and the release of the first payment instalment had also been approved, with an amount equal to 50 per cent of the Nominal Funding Allocation to be paid immediately to allow projects to commence.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

iCEP

Action 38.6 - Supporting Biodiversity - Investigate options for reducing the amount of wildlife killed on Waratah-Wynyard's roads.

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
7.4 Consider and encourage biodiversity through forward thinking and planning.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued, and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

The budget estimates adopted by Council allows for funding of \$564,684 from the LRCI program.

The Wynyard Sports Centre budget allocation was provisional on \$400,000 of the above funding being allocated to the project. Councils contribution to the project is \$108,000.

The Pedestrian Refuge and Virtual fencing are new projects recommended to be added to the capital works program which will result in additional expenditure of \$63,055 in the current financial year, offset by the receipt of the grant.

Operationally, all projects will have an impact on the operational budget, including depreciation and maintenance.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report. Council selected appropriate future projects for funding based on need.

CONCLUSION

The successful funding through the Local Roads and Community Infrastructure program instigated by the Federal Government should be welcomed will be well received in the community.

9.2 CUSTOMER SERVICE CHARTER

To:	Council
Reporting Officer:	Manager Community Activation
Responsible Manager:	Director Community and Engagement
Report Date:	3 September 2020
File Reference:	001
Enclosures:	1. Customer Service Charter

RECOMMENDATION

That Council adopt the Customer Service Charter with immediate effect.

PURPOSE

To ensure that Council has an updated Customer Service Charter in place that is reviewed on a biennial basis. The Customer Service Charter is a document developed to comply with the requirements under Section 339F (4) of the *Local Government Act 1993*.

BACKGROUND

The Customer Service Charter was last officially reviewed in 2018. The Customer Service Charter has undergone substantial consultation and revision and has now been reviewed and updated to more closely align with current trends and requirements.

DETAILS

The Customer Service Charter has been developed to reflect the purpose, scope and standards of Councils commitment to customer service.

The revised Customer Service Charter includes changes to be more consistent with current Customer Service trends and provides a more contemporary approach. The changes to the Customer Service Charter focus on shorter response times, and includes broader definitions of customer interactions, such as requests for service and complaints. The content and intent are consistent with the previous document.

Summary of Changes to the Customer Service Charter.

- “Enquiries” now **Enquiries and Service Requests**.
- Response time for email or written requests from 5 working days to 2 working days
- “Customer Service Requests” now **Customer Rights and Responsibilities**.
- Added **Customer Rights** section.
- Removed “Expectations of Customers”, added **Customer Responsibilities**.
- Added **Request for Service**. This heading is new to this version. It helps define two different principles of Customer Service and Council business that are often misunderstood – the difference between a “request for service” and a “complaint”
- Added a **Definition of a Complaint**. Previously the Customer Service Charter did not define what a complaint is but did attempt to outline the process of handling them.

- Added **Customer Feedback and Complaints** section.
- Added **Complaints Management Process** section. In the previous Customer Service Charter, the complaints management process was not defined.
- Provided a time frame for formal acknowledgement of a complaint.
- Added a process to **Lodge a Complaint**. This was not previously defined in the previous version.
- Added a section on **Internal Review**. This was not previously defined in the previous version.
- Added **Abusive Customers, Vexatious Complaints, Anonymous Complaints, Protection of Customers, what is a Customer is not Happy with the Resolution of a Complaint** – these are new headings and definitions that were not part of the previous Customer Service Charter.
- Removed **Measuring Performance**: An internal audit process will be developed to monitor performance during the first half of 2018 – 2019 as the statement is ambiguous and no longer relevant. Council recognise the importance of capturing and reporting data to help measure performance. This occurs regularly, and this information is reported to Councillors report at least once a year of the number and nature of complaints received in accordance with section 339F(5) of the *Local Government Act 1993*. In addition to this, a quarterly Customer Service Report will be provided to Councillors.

The changes in the Customer Service Charter have been made to reflect a modern approach to Customer Service. Australia Post have adjusted their service delivery models, dramatically affecting mail delivery times in our region, resulting in the need for time frames to be updated.

The new version of the Customer Service Charter endeavours to be a robust, contemporary document that includes the level of detail necessary to support both customers and staff through the Customer Service process.

The new version has more detail to include important definitions, such as what a request for service is and what a complaint is. The response times have been updated to reflect the changes in the broader community and provide framework to operate.

STATUTORY IMPLICATIONS

Statutory Requirements

Statutory Requirements

Local Government Act 1993 S339F(4)

(1) A council must adopt a customer service charter on or before 1 January 2006.

(2) The customer service charter is to –

(a) specify the principles relating to services provided by the council; and

(b) specify a procedure for dealing with complaints relating to services provided by the council; and

(c) include any prescribed matter.

(3) The general manager is to make the customer service charter available –

(a) for public inspection at the public office during ordinary office hours; and

(b) on the council's internet site free of charge; and

- (c) for purchase at a reasonable charge.
- (4) A council is to review its customer service charter at least once every 2 years.
- (5) The general manager is to provide the council with a report at least once a year of the number and nature of complaints received.

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.1 Commit to best practice in community engagement.

GOAL 2: Organisational Support
Desired Outcomes
We cherish fairness, trust and honesty in our conduct and dealings with all.
Our Priorities
2.4 Review and update systems and processes to ensure best practice and customer-centric outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

- Legislative compliance
Not meeting the requirements under the *Local Government Act 1993* S339F(4).
- Reputational Risk
Not meeting the expectations of our internal or external customers.

CONSULTATION PROCESS

The management team had the opportunity to provide input in the revision of the Customer Service Charter. Customer service Officers at Wynyard Council were consulted for input.

CONCLUSION

It is recommended that Council adopt the Customer Service Charter, as outlined in the attachment to this report, and that the Charter become due for review in September 2022.

9.3 POLICY REVIEW - WORK HEALTH AND SAFETY POLICY

To: Council
Reporting Officer: Executive Officer - Governance and Performance
Responsible Manager: Director Organisational Performance
Report Date: 7 September 2020
File Reference: WHS.001
Enclosures: 1. Work Health and Safety Policy

RECOMMENDATION

That Council adopt the revised Work Health and Safety Policy with immediate effect.

PURPOSE

To ensure that Council has an updated Work Health and Safety Policy in place that is reviewed on a biennial basis and meets the current legislative requirements.

BACKGROUND

This Policy has been reviewed to ensure it reflects current and contemporary Work Health and Safety practices.

DETAILS

The purpose of this Policy is to recognise the Council's commitment to its duty of care to provide a safe and healthy work environment.

The Policy applies to all workers including employees, contractors, volunteers, and Councillors. It also applies to visitors and members of the public.

The Work Health and Safety Policy reflects the shared expectations of Council in relation to the health and safety of all workers. In adopting this Policy Council is providing the strategic direction for this important aspect of the workplace.

The revised policy document sees some minor changes in legislative requirements. The policy statement provides detail around the delivery of Work Health and Safety by Council with the content and intent consistent with the previous policy.

STATUTORY IMPLICATIONS

Statutory Requirements

The Work Place Health and Safety obligations of Council are governed by the *Work Health and Safety Act 2012 (TAS)* and *Work Health and Safety Regulations 2012 (TAS)*.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
1.5 Build our knowledge base to apply in decision-making processes.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no additional financial obligations arising from this revised policy. Having a robust Work Health and Safety policy and procedures can assist in providing savings in terms of the operation and a reduction in workers compensation premiums.

RISK IMPLICATIONS

There are identified risks if the position of Council in relation to Work Health and Safety is not clearly articulated to stakeholders in terms of organisational culture.

CONSULTATION PROCESS

This Policy has been reviewed with the Senior Management Team.

CONCLUSION

That Council adopt the revised Work Health and Safety Policy, as outlined in the attachment to this report.

9.4 BOAT HARBOUR BEACH, PORT ROAD LANDSLIDE RESILIENCE WORKS

To: Council
Reporting Officer: Director Infrastructure and Development Services
Responsible Manager: General Manager
Report Date: 8 September 2020
File Reference: Roads
Enclosures: 1. Tasman Geotechnics report - noted October 2019

RECOMMENDATION

That Council:

1. Note completion of the “Hepples Road Complex” recommended works as stated in the Tasman Geotechnics report;
2. Begin planning, consultation and design of recommended works for the “Port Road Complex” as stated in the Tasman Geotechnics report; and
3. Consider funding the “Port Road Complex” works as part of the 2021/22 budget

PURPOSE

To determine Council’s appetite to continue with works to mitigate landslide related movement of Port Road, Boat Harbour Beach.

BACKGROUND

At the October 2019 Council meeting, Council passed the following resolution: -

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR BRAMICH

That Council:

1. Note the attached reports in regard to the existing Port Road Access and preliminary investigations into alternate accesses;
2. Prioritise funding towards making the existing Port Road more resilient to land slide movement ahead of creating an additional access road; and
3. Amend the 2019/20 Annual Plan and Budget estimates to include a new capital expenditure item – Port Road Boat Harbour Drainage - \$125,000

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH		CR COURTNEY

Point 3 of the above resolution has since been achieved to the point of practical completion by a third-party contractor engaged by Council.

In recent times, the matter of considering further works on Port Road to improve resilience against landslide movement has been raised at Council meetings and discussed in Council

workshops. The report prepared by Tasman Geotechnics and noted in dot point 1 of the October 2019 Council meeting offers further recommendations to this end.

DETAILS

The recommendations from the Tasman Geotechnics report recommends as a next priority for the “Port Road Complex” (page 9 &10) that the following occur: -

- Culverts need to be regularly checked and cleared (if blocked). Table drains should be cleared of debris – ONGOING
- Culverts preferably piped all the way to the beach – IN PROGRESS
- Ponds behind rotated block uphill of Ch 680, should be drained to reduce water seepage – OUTSTANDING
- Seepage through the farm dam uphill of Ch 670m needs to be collected and discharged (preferably piped) to the roadside table drains. The dam spillway should be improved, preferably by piping down the slope – OUTSTANDING
- Steep slopes above Port Road between Ch 700m and 900m should be revegetated – OUTSTANDING
- Cattel should be excluded from the steep slopes above Port Road between Ch 700m and 900m – OUTSTANDING

The below 2017 aerial shot, indicatively shows the area of Port Road, Boat Harbour Beach that the above recommendations pertain to: -



Further investigation, design, planning and consultation is required to progress the recommendations from the Tasman Geotechnics report. In this regard, an early stakeholder scan identifies, but does not limit this to the following: -

- Existing landholders – in regard to all suggested recommendations on private property and their impacts
- DPIPWE – For permits for any and all alterations to dams, spillways or other impacts
- COUNCIL – Land use planning permits as required
- General road users – timing and impact of works

STATUTORY IMPLICATIONS

Statutory Requirements

Most works involving dams will require a permit from DPIPWE under the *Water Management Act 1999*, it seems highly likely that in order to modify the existing spillway by piping as recommended this permit requirement will apply.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 6: Transport and Access
Desired Outcomes
Our transport and access network is sustainable, affordable and fit for purpose.
Our Priorities
6.2 Plan for all movements and modes of transport with a fit-for-purpose network.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Strategic Asset Management Plan	
Financial Management Strategy	

Council Strategy or Plan	Date Adopted:
Boat Harbour Beach Master Plan	Adopted August 2019
iCEP	Adopted August 2020

POLICY IMPLICATIONS

Council's Asset Management Policy is relevant in this instance. Preventative works to improve the resilience of Port Road, Boat Harbour Beach against landslide movement are favoured over more expensive reactive repairs.

FINANCIAL IMPLICATIONS

The cost of works to act upon the recommendations of the Tasman Geotechnics report are unknown. Undertaking, design, consultation and planning will give Council a capital works package along with cost to consider for funding. Certainly, preventative works are favoured over reactive works in this instance given the history of landslide movement.

RISK IMPLICATIONS

- Reputational Risk
Undertaking preventative works would mitigate any future reputational risk arisen from road closure due to landslide movement.
- Community and Organisational Safety
Preventative works to improve resilience of Port Road Boat Harbour will improve access reliability and community safety

CONSULTATION PROCESS

Landholders affected by the Tasman Geotechnics recommendations will need to be consulted closely in planning and design a package of works for Council to consider funding.

CONCLUSION

At the October 2019 meeting Council resolved to improve the resilience of the existing Port Road, Boat harbour Beach as opposed to pursuing an alternate access road. Having completed the highest priority recommendations from the Tasman Geotechnics report to this end it is now prudent to consider the next order of priority being the "Port Road Complex" recommendations.

In order to have a properly planned, consulted and design works package to consider for funding at the next annual budget (2021/22) it is paramount that the project planning start now.

9.5 FOSTERS ROAD RENAMING

To:	Council
Reporting Officer:	Manager Digital Innovation
Responsible Manager:	Director Organisational Performance
Report Date:	10 September 2020
File Reference:	FOSTERS_ROAD
Enclosures:	<ol style="list-style-type: none">1. EXCERPT Advocate (1945)2. EXCERPT Advocate (1945)3. EXCERPT Advocate (1978 - 1982)

RECOMMENDATION

That Council note:

1. **Fosters Road name will remain unchanged; and**
2. **Nomenclature have been notified of historical linkages to add/update historical references in placenames database.**

PURPOSE

To investigate the historical accuracy of Fosters Road and the subsequent viability of the renaming of Fosters Road to Forsters Road.

BACKGROUND

Council received a request to investigate the historical accuracy in the naming of *Fosters* Road to find if there was any evidence to suggest it was incorrectly named and signposted given that local knowledge indicated that the *Forster* Family once lived in the vicinity.

DETAILS

Initial internal investigations did not reveal any concrete evidence about the naming history of Fosters Road, however after engaging the Wynyard Historical Society a subsequent meeting with their representative Lyn Hookway was arranged.

After several days of research, Lyn uncovered enough evidence to establish that the Forster Family once had a homestead in the nearby vicinity which was enough evidence to suggest that the road was at some stage incorrectly signposted as Fosters Road.

In response to the outcome of this research, an explanatory letter along with a survey were distributed to all residents currently addressed to Fosters Road, informing them of the situation with a request for them to complete the survey by Friday 28 August. After the deadline, responses were collated with only 2 of the 16 residents in favour of the proposed name change.

The common sentiment in the opposing responses related to the burden of having to update their address with a myriad of institutions e.g. Banks, Insurance companies. There was at least one business owner that explained that the impost and associated cost would be substantially higher for them over a purely residential address.

Given the overwhelming number of opposing responses it is recommended that the road remain named as Fosters Road.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.3 Encourage increased participation by all stakeholders.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

The information provided by the Wynyard Historical Society will be supplied to Nomenclature so that their placenames database can be updated to reflect the findings to give the Forster Family a connection to the road currently named as Fosters Road.

9.6 AWARD OF CONTRACT #747 - SISTERS BEACH RECREATION PARK

To: Council
Reporting Officer: Manager Engineering Services
Responsible Manager: Director Infrastructure and Development Services
Report Date: 4 September 2020
File Reference: 0001
Enclosures: 1. Signed Tender Assessment - Confidential

RECOMMENDATION

That Council:

1. Award contract #747 – Sisters Beach Recreation Park to AJ&M Construction Pty Ltd for \$215,551; and
2. Amend the 20/21 Annual Plan & Budget Estimates such that a further allocation of \$90,830 is provided to the project – Sisters Beach Recreation Park

PURPOSE

To determine Council's position in relation to tender submissions received for the construction of the Sisters Beach Rec Park.

BACKGROUND

The Sisters Beach Working group (SBWG) were formed in August 2019 to work with Council on three projects and determine the priorities for the Sisters Beach Community. The SBWG determined early that the highest priority for Sisters Beach was to re purpose hardstand infrastructure rectification in the public reserve area of Sisters Beach into a combined Skate Park and Basketball facility.

In January 2020, Council passed a resolution to amend the purpose of the budget from *Sisters Beach Hardstand* rectification of drainage and pooling issues as per the below: -

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR DUNIAM

That Council:

1. Adopt the revised design for the Sisters Beach Hardstand area as a multi-use skate and recreation area
2. Note that budget for the project is \$140,000 and council support an application from the Sisters Beach Community Association seeking external funding and in-kind support for \$70,000 to complete the project.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

The Sisters Beach Working group have undertaken community consultation in this regard along with procuring early designs using funding from Council's \$70,000 budget allocation. The budget prepared for delivery of these works involved in-kind contribution from third parties to achieve the desired infrastructure. To this end the group sought and received \$70,000 from Tas Community fund in June 2020 for delivery of the Sisters Beach Recreation Park to add to Council's allocated \$70,000 (nominally \$55,000 remaining for works).

A call for tenders for provision of these works was published in the Advocate Newspaper and on the Tenderlink website on Saturday July 11, 2020 and Council is now in receipt of tenders to consider.

DETAILS

The contract operates as a Lump Sum contract, based upon estimated quantities to deliver the scope of the project. Tender price comparison and assessment of each individual tender, based upon pre-defined tender criteria (as agreed with the SBWG reps), defines the recommendation to Council to award the Contract.

At the close of tenders on 07 August 2020, twenty-eight (28) contractors had accessed the tender documents via Tenderlink and six (6) contractors submitted tenders for the works.

Tender submissions received from;

- AJ&M Construction Pty Ltd
- J Beswick & A Gill Pty Ltd
- Riedle Pty Ltd (Invision Developments)
- RT & NJ Construction Services
- Stubbs Constructions Pty Ltd
- VOS Construction & Joinery

Each tender submission has been evaluated against a range of weighted key selection criteria by a selected tender review committee, the criteria and weightings being: -

- Tender sum – 40%
- Quality of submission, understanding of scope and methodology proposed – 20%
- Relevant company and key personnel experience – 15%
- Resource Capacity – 15%
- Resource capacity including availability – 20%
- Quality management, including WHS, risk & environmental – 15%

The assessment documents have been provided to Councillors as a confidential attachment.

Whilst the recommended tenderer did not submit the lowest tender price, they did provide the most detailed tender submission, outlining clear understanding of the objectives Council is aiming to achieve and detailing experience in undertaking similar works to assure a quality outcome for the community. The assessment documents provided to Councillors as a confidential attachment clearly details the scores achieved by the recommended tendered across the field of key selection criteria.

In considering all other matters associated with the project and tender submission it is recommended that AJ&M Constructions Pty Ltd be awarded the contract with a calculated tender value of \$215,551.

Awarding the tender as recommended will require additional funding of \$90,830. In this instance Council could consider any of the following options: -

- Reduce the scope of the project to fit the funding available;
- Defer the project until additional external funding of \$90,830 can be secured, or;
- Council to make an amendment to the existing budget of \$90,830 and award the contract now.

In this instance it is recommended that Council make an amendment to the existing budget as pricing is likely to increase into the near future if works are delayed or otherwise deferred.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
4.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
3.7 Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

Council's current financial position in relation to award of Contract #747 and subsequent delivery of the works is provided below;

Current Budget assigned to deliver project	\$55,921
Minus year to date spend to obtain permits and certification	\$1,200
Plus, grant funding secured through the Tasmanian Community Fund	\$70,000
Current Budget availability to deliver project	\$124,721
Preferred Tenderer sum to complete the project	\$215,551
Additional funding required to award Contract	\$90, 830

Some external factors seem to have influenced the difference in prices received to the budget allocation made by the SBWG. In this instance original budget estimates were based on quotations involving in-kind contributions received in 2019, preceding the Covid-19 global pandemic and consequent economic impacts upon the construction industry.

Since the onset of the Covid-19 pandemic and subsequent strive from all levels of Government to stabilise the States economy, the building and construction industry has received several sizable grants to drive economic prosperity and regional stabilisation.

The economic stimulus packages to promote recovery from the global Covid-19 pandemic, along with ongoing restrictions to import skills and material from mainland Australia may be contributing factors in price escalation from originally forecast budget estimates preceding the pandemic.

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise any risk to Council. The broad tender assessment, beyond just price, is intended to mitigate risk.

CONSULTATION PROCESS

Significant Community consultation for this project has already been undertaken by the SBWG, no further consultation is required. However, community notification will occur prior to commencement of works in regard to any impacts upon use of the public reserve during construction.

CONCLUSION

The tender submission by AJ&M Constructions PTY LTD for the construction of the Sisters Beach Rec Park is considered the best option available to Council, in taking into consideration all aspects of the tender submission. It is recommended that contract #747 be awarded accordingly.

9.7 AWARD OF CONTRACT #750 - STAIRWAY REPLACEMENT (HEPPLES ROAD)

To: Council
Reporting Officer: Manager Engineering Services
Responsible Manager: Director Infrastructure and Development Services
Report Date: 4 September 2020
File Reference: 750
Enclosures: 1. AusSpan recommendation of works
2. Tender Assessment Cover Page - Confidential

RECOMMENDATION

That Council Award contract #750 - Stairway replacement (Hepples Road) to AJR Construct Pty Ltd.

PURPOSE

To determine Council's position in relation to tender submissions received for the replacement of the stairway at Hepples Road, Boat Harbour.

BACKGROUND

Regular bi-annual inspections of Council's bridge inventory, including pedestrian structures are undertaken by an independent engineering Company specialising in structural analysis of such structures.

As a result of these inspections and subsequent reports to Council it has been identified that the stairway structure at Hepples Road, Boat Harbour is nearing the end of its useful asset life and requires replacement to ensure safe pedestrian passage is maintained. A copy of advice received from Council's bridge inspectors is attached to this report for reference.

A call for tenders for provision of these works was published in the Advocate Newspaper and on the Tenderlink website on Saturday July 18 2020.

Post the advertising of tender, a Councillor question without notice was received at the July 20 Council meeting:

Cr Gary Bramich noted the current tender to repair stairs at Hepples road, Boat Harbour Beach and advised that he could see nothing wrong with the stairs and asked why work being completed. Cr Bradley agreed with the position.

Clarification has been sought from Councils engaged bridge inspection consultant in regard to the useful life remaining of the stairway structure. It is reported (per attached advice) that the in-situ stairway structure at Hepples Road Boat Harbour, inclusive of all superstructure and substructure elements will reach the end of its useful life by 2022/23 and replacement of stairway treads and other elements will not extend the useful life of the substructure.

A further query was raised by Cr Bradley at the August 20 Council meeting:

Cr Bradley noted the response to her previous question taken on notice regarding the Hepples Road stairs and advised she had since had discussions which raised questions regarding the age of the stairs and asked the matter to be further reviewed.

Clarification from the engaged bridge inspection consultant was sought based on updated information regarding the construction date (reported to be circa 2003/04 not 1990). The consultant has responded that their recommendation remained the same and is based upon their inspection of condition of the structure and its elements in the field.

Council is now in receipt of tenders to consider, including alternate tender submissions that do not involve full replacement of the stairway.

DETAILS

At the close of tenders on 14 August 2020, fifteen (15) contractors had accessed the tender documents via Tenderlink and three (3) contractors submitted tenders for the works.

Tender submissions received from;

- CBB Contracting Pty Ltd
- AJR Construct Pty Ltd
- RT & NJ Construction Services

Each tender submission (including the three alternate tenders) has been evaluated against a range of weighted key selection criteria by a selected tender review committee, the criteria and weightings being: -

- Project understanding including quality and completeness of submission – 15%
- Capacity and resources, materials, plant and equipment to complete the works including financial viability – 15%
- Capability and relevant experience of personnel and management – 20%
- Quality management systems, including WHS, traffic, risk and environment – 10%
- Tender Sum – 40%

The assessment summary document has been provided to Councillors as a confidential attachment.

ASSESSMENT OF ALTERNATIVE SOLUTIONS

A cost/risk analysis of the alternate tender options (3) and in consideration of the advice received is provided in the table below;

OPTION	COSTS	ONGOING LIFECYCLE COST	OUTCOME & RISK
Full stairway replacement	\$52,462 (Preferred tender)	\$2,632 P.A. (Based on 20yr predicted asset life)	Removes all elements of structural risk and provides complete renewed asset.
Alternate tender 1 - Replace treads only with full replacement in 2 years	\$39,408 (+\$52,462 replacement in 2 years)	\$22,618 P.A. for 2 years post repairs then: \$2,632 P.A. (Based on 20yr predicted asset life)	Provides only a short-term asset life extension before a full replacement is required
Alternate tender 2 - Replace treads and stringers only with full replacement in 2 years	\$43,454 (+\$52,462 replacement in 2 years)	\$24,642 P.A. for 2 years post repairs then: \$2,632 P.A. (Based on 20yr predicted asset life)	Provides only a short-term asset life extension before a full replacement is required
Alternate tender - Replace treads, stringer and timber top rails only with full replacement in 2 years	\$48,422 (+\$52,462 replacement in 2 years)	\$27,125 P.A. for 2 years post repairs then: \$2,632 P.A. (Based on 20yr predicted asset life)	Provides only a short-term asset life extension before a full replacement is required
Defer works	-	-	Market rates may rise, and stairway elements may fail prior to replacement, possibly leading to public harm or injury

Whilst the recommended tenderer did not submit the lowest tender price, they did provide the most detailed tender submission, outlining clear understanding of the objectives Council is aiming to achieve and detailing experience in undertaking similar works to assure a quality outcome for the community. The assessment summary document provided to Councillors as a confidential attachment clearly details the scores achieved by the recommended tenderer across the field of key selection criteria.

In this instance it is recommended that Council award the contract for full replacement as originally tendered as there are significant financial imposts and/or safety risks associated with either of the alternate tenders or deferment of the works.

In considering all other matters associated with the project and tender submission evaluation it is recommended that AJR Construct Pty Ltd be awarded the contract with a calculated tender value of \$52,643.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

Strategic Plan Reference

GOAL 6: Transport and Access
Desired Outcomes
Pathways to improve liveability now and in the future are provided.
Our Priorities
6.2 Plan for all movements and modes of transport with a fit-for-purpose network.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

Council's Asset Management Policy is relevant in this regard in forming a recommendation which provides Council with the lowest life cycle cost without making trade-offs on safety.

FINANCIAL IMPLICATIONS

Tenders received are lower than the budget allocated by Council. If the recommended tender submission and option of full replacement is awarded there is a forecast saving of \$53,829.

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise any risk to Council. The broad tender assessment, beyond just price, is intended to mitigate risk.

CONSULTATION PROCESS

Community consultation is not a perceived requirement of this project given that it involves renewal of an existing asset; however, community notification will take place prior to works being undertaken.

CONCLUSION

The tender submission by AJR Construct for the replacement of the stairway at Hepples Road, Boat Harbour is considered the best option available to Council, in taking into consideration all aspects of the tender submission, lowest life cycle cost and ensuring public safety risks are addressed. It is recommended that contract #750 be awarded accordingly.

9.8 AWARD OF CONTRACT #751 - CARDIGAN STREET RECREATION GROUND UPGRADES

To: Council
Reporting Officer: Project Manager
Responsible Manager: Director Infrastructure and Development Services
Report Date: 9 September 2020
File Reference: 0911
Enclosures: 1. Contract 751 - Tender Evaluation Worksheet - Confidential

RECOMMENDATION

That Council award Contract #751 – Cardigan Street Recreation Ground Upgrades to CBB Contracting Pty Ltd.

PURPOSE

To determine Council’s position in relation to the tenders submitted for the upgrades to the Cardigan Street Recreation Ground.

BACKGROUND

The Open Space, Sport and Recreation Plan (OSSR), endorsed in 2017, provides key recommendations for the management of open space, sport and recreation in the municipal area. The Somerset Recreation Precinct was highlighted as one of the three key areas that support recreation activities and suggested consolidating sporting venues within the area to co-locate on one or two sites.

Council has endeavoured to pursue this vision but has not been able to due to a substantial increase in residential growth and a subsequent reduction in available land. To progress any further development in the area, the revision of the Somerset Sporting Precinct has been included in the 2020/21 Annual Plan and Budget.

The more immediate need then becomes the Cardigan Street Recreation Ground, which does not currently meet the standards specified by the Football Federation of Tasmania (FFT) and, at times, has poor drainage which creates issues with maintenance and use of the ground. At its June 2020 ordinary meeting, the Council endorsed the Master Plan prepared by Sugden & Gee Pty Ltd which aims to address the issues associated with the site.

The works proposed by this Master Plan suggests a staged approach to delivery. As such, the 2020/21 Annual Plan and Budget has allocated \$215,000 to the first stage of the works, including goal renewal, pitch realignment and associated works.

A call for tenders was made through Councils electronic tendering portal ‘Tenderlink’. At the close of tenders on 4 September 2020, one (1) tenderer provided a submission for the works.

DETAILS

The contract operates as a Lump Sum contract, based upon the anticipated scope of works for the project. Tender prices and assessment of the tender, based upon pre-defined tender criteria, defines the recommendation to Council to award the contract.

The tender received has been assessed against a range of weighted criteria being:

SELECTION CRITERIA		% WEIGHTING
Criteria A	Tender Sum	40
Criteria B	Project understanding including quality and completeness of submission	15
Criteria C	Capacity and resources, materials, Plant and Equipment to complete the works including financial viability	15
Criteria D	Capability and relevant experience of personnel and management.	20
Criteria E	Quality Management Systems, including WHS, Traffic, risk and environmental	10
		100

CBB Contracting Pty Ltd was the only company to submit a tender in this instance. CBB Contracting have a demonstrated experience in the industry, have established safety and management systems in place and have been assessed as competent and capable in the performance of the works for which they have tendered.

The tender submitted from CBB Contracting demonstrated an understanding of the project and had the resources available to complete the project well within the dedicated timeframe.

Whilst only one tender was received, it was still evaluated per the normal process. The tender evaluation was carried out by four (4) Council Officers and reviewed by Council's Director of Infrastructure and Development Services.

CBB Contracting Pty Ltd have submitted a tender with the lump sum price of \$256,212.38 which includes optional activities such as the construction of a fence and gate along the roadside boundary and the installation of conduits in preparation for a future project to relocate and renew the light towers. In relation to the conduits, CBB Contracting provided an alternative to the traditional trenching installation method in the use of directional drilling, which significantly minimises the damage to the playing surface. Given directional drilling is an option for the site, council officers recommend holding this element over to be incorporated into the possible future light tower project. Similarly, the installation of a fence and gate/s along the roadside frontage of the property can occur at any time and is not impacted by the realignment and goal renewal works.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
4.4 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

Council has a budgeted sum of \$215,000 for the goal renewal, pitch realignment and associated works. If the tender is adopted in its initial rights, the estimated total project cost will be \$286,262.38, including overheads and a contingency allowance. This is \$71,262 more than the allocated budget amount.

Council officers have negotiated with CBB Contracting Pty Ltd to lower the lump sum construction cost by removing the optional elements of the roadside boundary fencing and the supply and installation of conduits. In doing so, the total estimated project cost will be \$212,363.37, including overheads and a contingency allowance, which is \$2,636 less than the budget allocation.

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council including time delays and poor quality of work.

The use of experienced contractors coupled with contract documents will minimise the risk to Council.

CONSULTATION PROCESS

The Somerset Soccer Club and the Football Federation of Tasmania have been engaged throughout the development of this project, including in the creation of the Master Plan, and will continue to be consulted during the works.

CONCLUSION

It is therefore recommended that the Council award Contract #751 – Cardigan Street Recreation Ground Upgrades to CBB Contracting Pty Ltd.

9.9 FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2020

To: Council
Reporting Officer: Accountant
Responsible Manager: Director Organisational Performance
Report Date: 9 September 2020
File Reference: 1
Enclosures: Nil

RECOMMENDATION

That the Council note Financial Reports for the period ended 31 August 2020.

PURPOSE

To provide an overview, summarising the financial position of the organisation on a monthly basis.

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Operating Performance by Department
- Cash Position
- Schedule of Investments
- Rates Summary
- Capital Works Summary
- Capital Works Progress

STATUTORY IMPLICATIONS

This special purpose financial report is prepared under *Australian Accounting Standards* and the *Local Government Act 1993*.

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.8 Review and adjust service levels to provide value for money.
2.2 Facilitate effective knowledge management practices.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

COMMENT

The Finance Team lodged the end of year statutory financial reports for audit on the 14 August 2020. The audit is in progress with the final report and audit opinion expected to be made available for formal adoption by Council at the next Council meeting.

Income Statement

The Income Statement shows the performance of Council's recurrent operations.

INCOME STATEMENT as at 31 August 2020		Note	YTD Actual	YTD Budget	% Variance	YTD Variance		Budget
Recurrent Income								
			11,454,195	11,434,382	0%	(19,813)	✓	11,434,382
		1	441,776	400,032	-10%	(41,744)	✓	2,213,600
		2	20,996	28,215	26%	7,219	✗	519,959
			401,112	402,232	0%	1,120	⚠	3,429,944
		3	17,371	24,990	30%	7,619	✗	150,000
			-	-	0%	-	✓	-
			12,335,450	12,289,851	0%	(45,599)	✓	17,747,885
Recurrent Expenditure								
		4	1,007,064	1,075,696	-6%	(68,632)	✓	7,114,361
			(58)	1,405	-104%	(1,463)	✓	527,426
		5	179,676	153,713	17%	25,963	✗	447,749
		6	540,581	780,822	-31%	(240,241)	✓	5,565,142
			744,152	744,152	0%	-	✓	4,466,666
		7	96,894	-	0%	96,894	✗	127,102
			-	-	0%	-	✓	24,307
			41,346	38,048	9%	3,298	✗	275,890
			2,609,654	2,793,836	-7%	(184,182)	✓	18,548,643
Surplus/(Deficit)			9,725,796	9,496,015	-2%	(229,781)	✓	(800,758)
Capital Items								
		8	-	47,053	100%	47,053	✗	4,850,823
			-	-				
			-	-				
Comprehensive Surplus/(Deficit)			9,725,796	9,543,068	2%	182,728		4,050,065

Note	Commentary
1	User Charges - Usage of Council facilities is slowly increasing, the variance is largely attributable to increased Child Care income and Building Fees. No material variance is anticipated at year end against budget.
2	Reimbursements are below budget YTD due to timing of resource sharing and Council facilities electricity reimbursement billing. Expected to be within budget.
3	Interest - With the uncertainty of any rates movements Finance are unable to provide an expectation of performance against budget this early in the year but will advise when new information presents itself.
4	Employee Costs below budget due to timing and profiling estimates. No material variance is anticipated at year end against budget.
5	Remissions and discounts above budget YTD. Whilst early payment discount is extended to 31 October the uptake of ratepayers to 31 August paying rates in full has been higher than expected, in part due to early posting of notices. The total remissions are expected to be consistent with budget profile estimates at 31 October.
6	Materials and Contracts is below budget YTD. The large YTD discrepancy is driven mostly by the timing of receiving invoices, primarily in the waste services area and profiling of outdoor maintenance work in winter months. No material variances to budget have been identified.
7	YTD loss on disposal will be eliminated on processing of revaluations and therefore there are no known material variances to the annual budget at this time.
8	YTD variance for capital grants relates to timing of receipts. The timing of this income type is not known with certainty until grant deeds are signed. All budgeted granted are expected to be received by year end.

Overall Council is operating consistently with budget. It is very early on in the new financial year and whilst there are some YTD variances, these are attributable to timing. No end of year forecast variances have been identified at this stage.

Operating Performance by Department

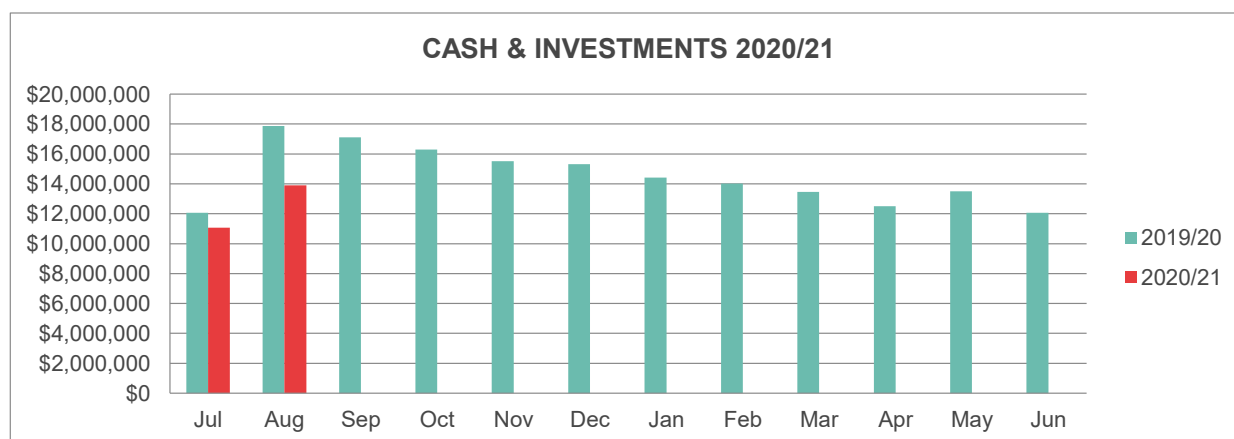
This statement provides an overview of operating performance by department.

NET POSITION BY DEPARTMENT As at 31 August 2020	Note	YTD ACTUAL	YTD BUDGET	ANNUAL BUDGET
Community & Engagement				
Children Services		50,981	5,796	(1,640)
Community Activation		(93,655)	(125,136)	(805,704)
Community Support		(75,349)	(96,391)	(482,794)
Tourism & Marketing		(67,435)	(71,328)	(491,576)
Total Community & Engagement		(185,458)	(287,059)	(1,781,714)
Council & General Managers Office				
Council		(293,130)	(238,028)	(1,296,636)
Total Council & General Managers Office		(293,130)	(238,028)	(1,296,636)
Infrastructure & Development Services				
Asset Services		11,448	(3,067)	44,784
Cemetery		(16,157)	(17,006)	(98,832)
Development Services		(70,362)	(61,622)	(700,403)
Engineering Support Services		266,829	281,852	110,972
Footpaths		(40,403)	(46,124)	(286,870)
Garbage		1,005,719	920,864	12,169
Public Halls		(25,098)	(38,248)	(192,573)
Public Toilets		(37,823)	(39,890)	(223,378)
Reserves		(170,187)	(198,624)	2,546,343
Sports		(126,709)	(132,844)	(503,430)
Stormwater Drainage		741,947	735,152	175,850
Transport		(571,383)	(592,562)	(2,678,103)
Waste		653,614	578,875	(283,335)
Works & Services		(76,513)	(30,223)	(48,265)
Total Infrastructure & Development Services		1,544,921	1,356,533	(2,125,071)
Organisational Performance				
Administration		8,659,462	8,711,622	9,253,486
Total Organisational Performance		8,659,462	8,711,622	9,253,486
Comprehensive Surplus/(Deficit)		9,725,796	9,543,068	4,050,065

Cash Position

The following table provides an outline of Council's cash and investment portfolio as at 31 August 2020. Total cash and investments on hand as at 31 August is \$13.91m.

CASH POSITION			INVESTMENTS	
As at 31 August 2020		\$		\$
Deposits	13,008,026		Commonwealth Bank	896,915
			Investments	
			ING	5,800,000
			ME Bank	5,208,026
			NAB	2,000,000
Petty Cash and Till Floats	1,600		Petty Cash and Till Floats	1,600
Trading Account	896,915			
BALANCE (ALL ACCOUNTS)	<u>13,906,541</u>			<u>13,906,541</u>



Schedule of Investments

The following table provides Council's schedule of investments as at 31 August 2020.

INVESTMENT SCHEDULE As at 31 August 2020							
Institution	Credit Rating	Term (days)	Term Maturity Date	Rate	Investment	Portfolio %	Weighted Average Return
ME Bank	A2	184	4/09/2020	1.35%	1,000,000		
ME Bank	A2	90	14/09/2020	0.90%	1,000,000		
ME Bank	A2	90	11/11/2020	0.65%	500,000		
ME Bank	A2	120	18/12/2020	0.65%	500,000		
ME Bank	A2	60	19/10/2020	0.60%	1,000,000		
ME Bank	A2	At Call		0.00%	208,026		
ME Bank	A2	70	2/11/2020	0.62%	500,000		
ME Bank	A2	95	30/11/2020	0.65%	500,000		
					5,208,026	40.04%	0.79%
ING	A1	180	9/09/2020	1.20%	1,000,000		
ING	A1	180	13/09/2020	1.40%	1,000,000		
ING	A1	182	21/09/2020	1.40%	1,000,000		
ING	A1	180	24/11/2020	1.00%	1,000,000		
ING	A1	90	28/09/2020	0.30%	800,000		
ING	A1	270	7/05/2021	0.60%	1,000,000		
					5,800,000	44.59%	1.01%
NAB	A1+	90	16/11/2020	0.70%	1,000,000		
NAB	A1+	180	21/02/2021	0.75%	1,000,000		
					2,000,000	15.38%	0.73%
Total Investment Portfolio					13,008,026		0.88%
				RBA Cash Rate*	0.250		
				90 Day BBSWs Rate**	0.092		

*source: www.rba.gov.au as at 1 September 2020

**source: <https://www.asx.com.au/data/benchmarks/bbsw-10-day-rolling-history.pdf> as at 1 September 2020

All cash investments are in compliance with Council's Investment Policy (FIN.004).

Rates Summary

The following tables provides the detail of Councils Rates and Charges levied compared with the same time last year. As anticipated with the discount period extended to 31 October the number of rateable properties not paid in full is higher than same time last year.

RATE SUMMARY		2020/21		2019/20	
For the period 1 July 2020 to 30 June 2021		%	\$	%	\$
<i>Notice Issue Date - 24 July 2020</i>					
OUTSTANDING RATE DEBTORS (As at 1 July 2020)	5.00	602,240	4.29	507,597	
ADD CURRENT RATES AND CHARGES LEVIED (including penalties)	95.00	11,454,195	95.71	11,335,885	
GROSS RATES AND CHARGES DEMANDED	100.00	12,056,435	100.00	11,843,482	
LESS RATES AND CHARGES COLLECTED	30.96	3,732,518	63.59	7,531,617	
REMISSIONS AND DISCOUNTS**	6.56	791,298	8.24	975,509	
	37.52	4,523,816	71.83	8,507,126	
ADD PROPERTIES IN CREDIT	(1.44)	173,188	(1.29)	152,930	
UNPAID RATES AND CHARGES * (includes Deferred Rates)	63.91	7,705,807	29.46	3,489,286	
**REMISSIONS AND DISCOUNTS					
		2020/21		2019/20	
Early Payment Discount		178,404		384,432	
Pensioner Rebates		612,894		583,620	
Council Remissions and Abandonments		0		7,457	
		<u>791,298</u>		<u>975,509</u>	
Number of Rateable Properties		7,896		7,808	
Number of Unpaid Rateable Properties		5,252		2,616	
% not fully paid		66.51%		33.50%	

Capital Works Summary

The Capital Works Summary provides a snapshot of the percentage of expenditure against the 2020/2021 Capital Works program. Timing of expenditure is based on the works plan and actual spend, and not reflective of the actual progress of the Capital Work, which is detailed under Capital Program Monthly Progress.

CAPITAL WORKS SUMMARY		Actual	Budget	% Spend of Budget	Forecast	Forecast	Forecast	
As at 31 August 2020		Note	\$	\$		\$ vs Budget	Variance	
Buildings								
Amenities			20,577	47,061	43.72%	47,061	✓	-
Community Facilities			23,771	4,510,169	0.53%	4,510,169	✓	-
Council Operational Buildings			77,944	241,384	32.29%	244,000	⚠	2,616
Total Buildings			122,292	4,798,614	2.55%	4,801,230	✓	2,616
Parks & Open Space								
Childcare			-	60,000	0.00%	60,000	✓	-
Other			654	130,000	0.50%	130,000	✓	-
Other Infrastructure			1,200	127,042	0.94%	127,042	✓	-
Playgrounds			275,762	1,271,414	21.69%	1,271,414	✓	-
Recreational Reserves			15,173	301,340	5.04%	301,340	✓	-
Walkways & Tracks			24,425	2,647,995	0.92%	2,652,344	✓	4,349
Wynyard			3,047	6,000	50.78%	6,000	✓	-
Total Parks & Open Spaces			320,261	4,543,791	7.05%	4,548,140	✓	4,349
Plant & Equipment								
Other Plant & Equipment			1,623	172,783	0.94%	172,783	✓	-
Plant & Vehicle Replacements			21,689	794,641	2.73%	794,641	✓	-
Software & IT Replacements			37,392	251,724	14.85%	251,724	✓	-
Total Plant & Equipment			60,703	1,219,148	4.98%	1,219,148	✓	-
Sporting Facilities								
Camping			-	30,000	0.00%	30,000	✓	-
Indoor Recreational Facilities			42,125	668,041	6.31%	668,041	✓	-
Outdoor Sporting Facilities			67,224	296,321	22.69%	312,159	⚠	15,838
Total Sporting Facilities			109,349	994,362	11.00%	1,010,200	⚠	15,838
Stormwater								
Flood Mitigation Works			10,387	2,400,000	0.43%	2,400,000	✓	-
Other Stormwater Works			6,479	82,397	7.86%	82,397	✓	-
Total Stormwater			16,866	2,482,397	0.68%	2,482,397	✓	-
Transport								
Bridge Renewals			127,031	654,313	19.41%	654,313	✓	-
Footpaths & Kerbs			40,052	195,870	20.45%	195,870	✓	-
Other Transport			142,120	659,594	21.55%	669,304	⚠	9,710
Resheeting			146,822	935,150	15.70%	937,976	✓	2,826
Rural Reseals			40,302	616,057	6.54%	616,057	✓	-
Strategic Projects			-	46,337	0.00%	46,337	✓	-
Urban Reseals			8,245	126,462	6.52%	126,462	✓	-
Total Transport			504,572	3,233,784	15.60%	3,246,319	✓	12,536
Total Capital Works Program 2020/21			1,134,043	17,272,096	6.57%	17,307,434	✓	35,338

The current year program is in its early stages and whilst a small number of forecast variances have been identified on individual jobs, not all capital works jobs have started. No material variations at year end are expected as some capital works are anticipated to come in under budget offsetting any over budget expenditure.

2020/21 Capital Program Monthly Progress Report

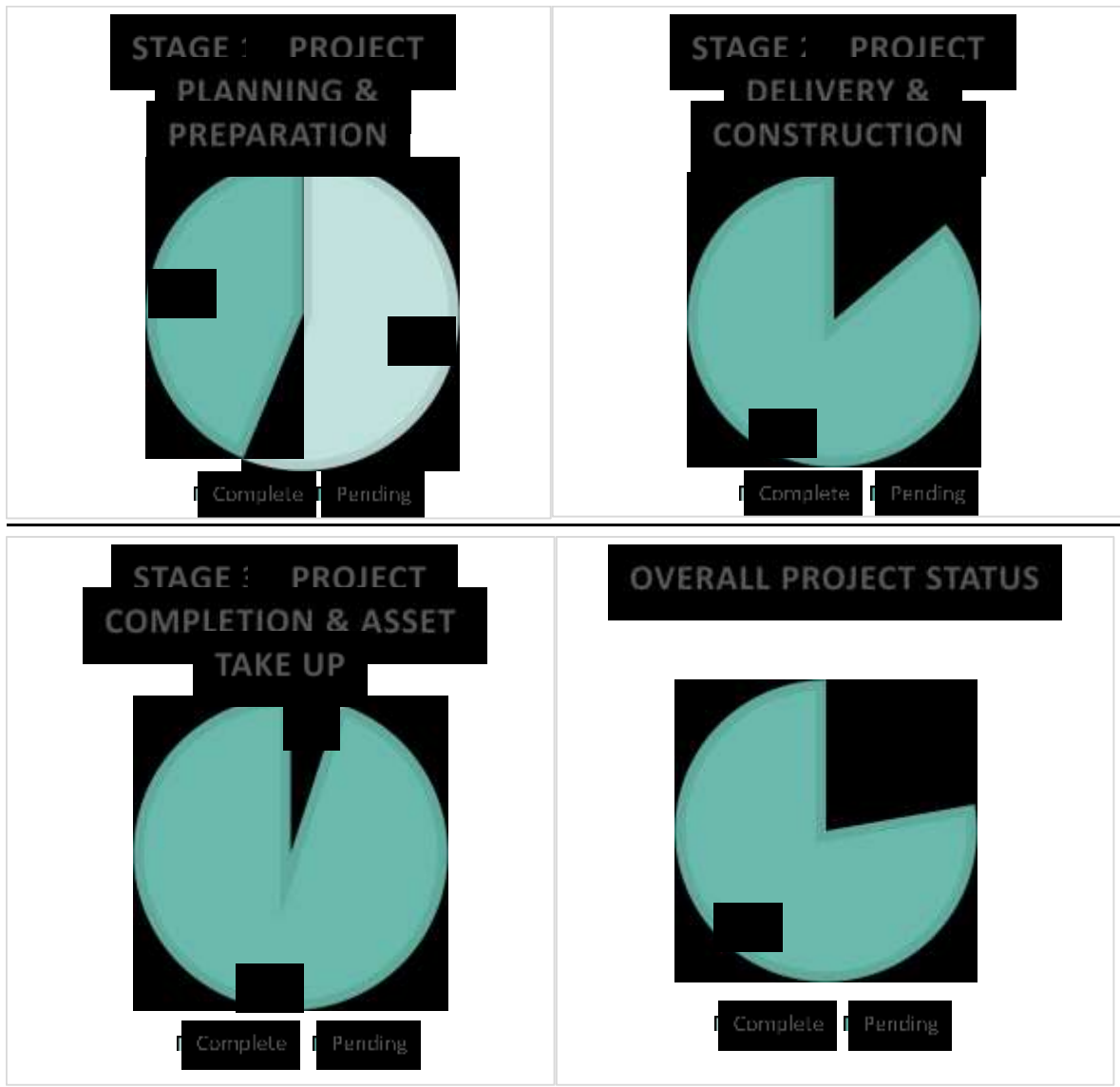
Overall the capital works program is on target for full completion with no foreseeable delays.

The overall project status completion is provided for each category of the program in the table below.

Section	Total Project Completion (%)
Parks & Open Spaces	22.19
Transport	30.63
Stormwater	20.71
Sporting Facilities	23.89
Buildings	19.38
Plant & Equipment	11.64

Status %	Stage
Between 0% and 25%	Stage 1 - Project Preparation including, design, permits, tender and consultation, construction approval
Between 25% and 75%	Stage 2 - Project construction and delivery
Between 75% and 100%	Stage 3 - Project Completion including asset take up, defects liability period, as constructed drawings

PARKS & OPEN SPACE



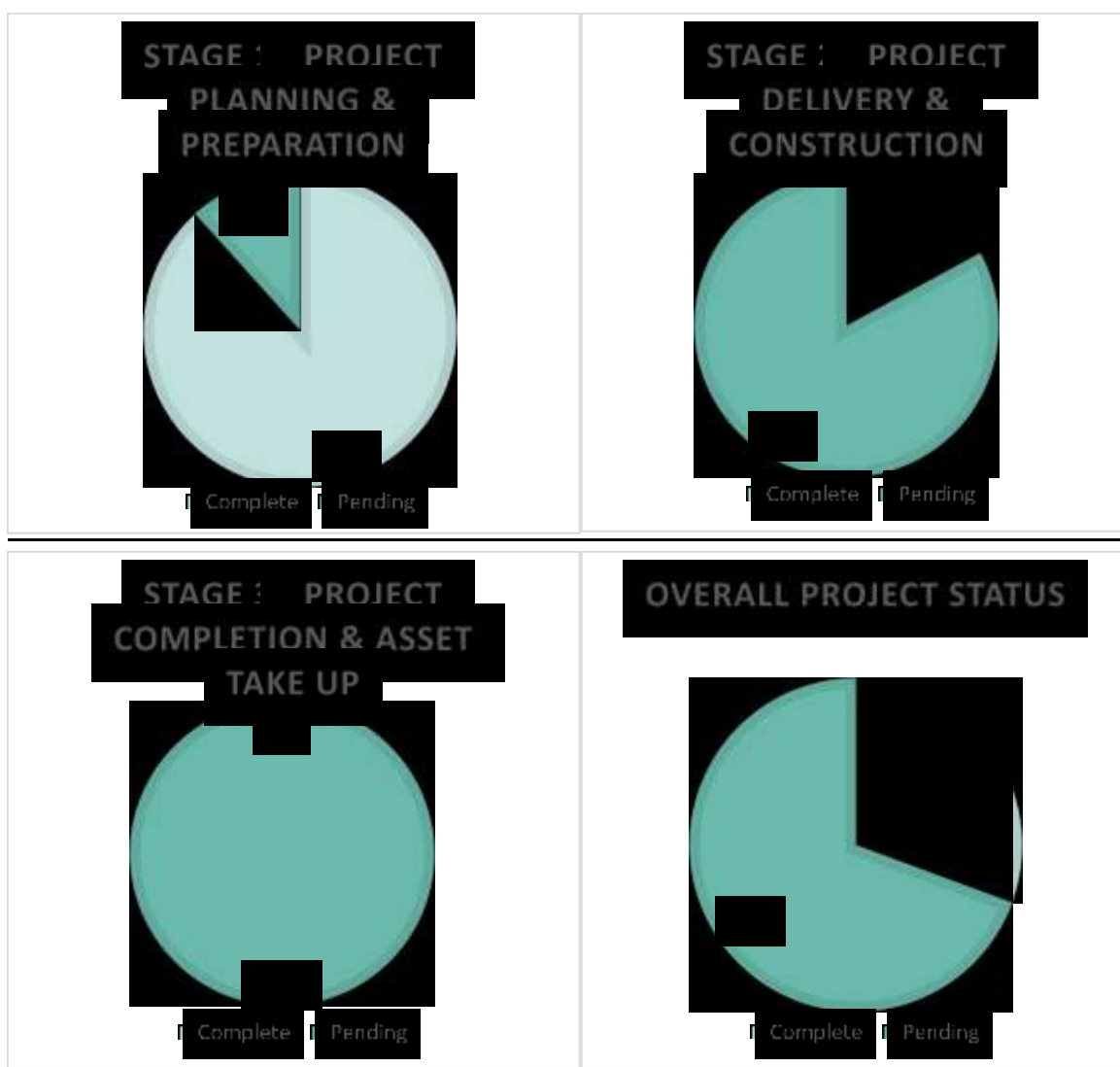
PARKS & OPEN SPACE cont.

Projects	Status(%)
<u>Somerset</u>	
ANZAC Park All Ability Playground*	10.00
Cam River Master Plan Actions	12.50
Zig Zag Track Lighting	20.00
<u>Boat Harbour</u>	
Master Plan - Planning, Survey & Design	12.50
Replace Timber Walkway	0.00
Stairway Replacement (Hepples Rd)	20.00
<u>Sisters Beach</u>	
Skate & Recreation Area	20.00
<u>Waratah</u>	
Camping Ground - Coin Operated Whitegoods & Locking System	25.00
Philosopher Falls Walking Track Repairs	25.00
Waterfall Project Design	7.50
<u>Wynyard</u>	
Coastal Pathway*	1.25
East Wynyard Foreshore Beach Access	75.00
East Wynyard Foreshore Playground	50.00
Skate Park Remediation Works	100.00
Dog Park	2.50
Port Road Walking Track	0.00
Frenchs Road Masterplan Landcare Actions	0.00
Warwyn Child Care Playground Replacement	
<u>Other</u>	
Coastal Geotechnical and Erosion Control Assessments	25.00
Furniture Renewal Program	37.50

Key project milestones/updates:

- Recommended Tenderer has been selected for the Sisters Beach Skate & Recreation Area
- East Wynyard Foreshore Beach Access works are complete
- Recommended Tenderer has been selected for the Stairway replacement at Hepples Road

TRANSPORT



Projects	Status(%)
Strategic Projects	
IGA Junction Public Consultation & Design	23.75
Table Cape & Tollymore Rd Design - Survey & Investigation	0.00
Bridge Renewal	
Port Creek Bridge Replacement	25.00
Rural Reseals	
Buggs Lane (0000 - 0018m) - Surface	25.00
Calder Road (04577 - 06807m) - Surface	
Calder Road (06807 - 07343m) - Surface	25.00
Cummings Street (0000 - 0180m) Boat Harbour - Surface	25.00
Frenchs Road (0000 - 0005m) - Surface	25.00
Gates Road (0000 - 0425m) - Surface	25.00
Marshall's Road (0000 - 0038m) - Surface	25.00
Mount Hicks Road (01135 - 07153m) - Surface	25.00
Murdering Gully Road (0930 - 0958m) - Surface	25.00
Newhaven Drive (0395 - 0617m) - Surface	25.00
Old Mount Hicks Road (0000 - 0038m) - Surface	25.00

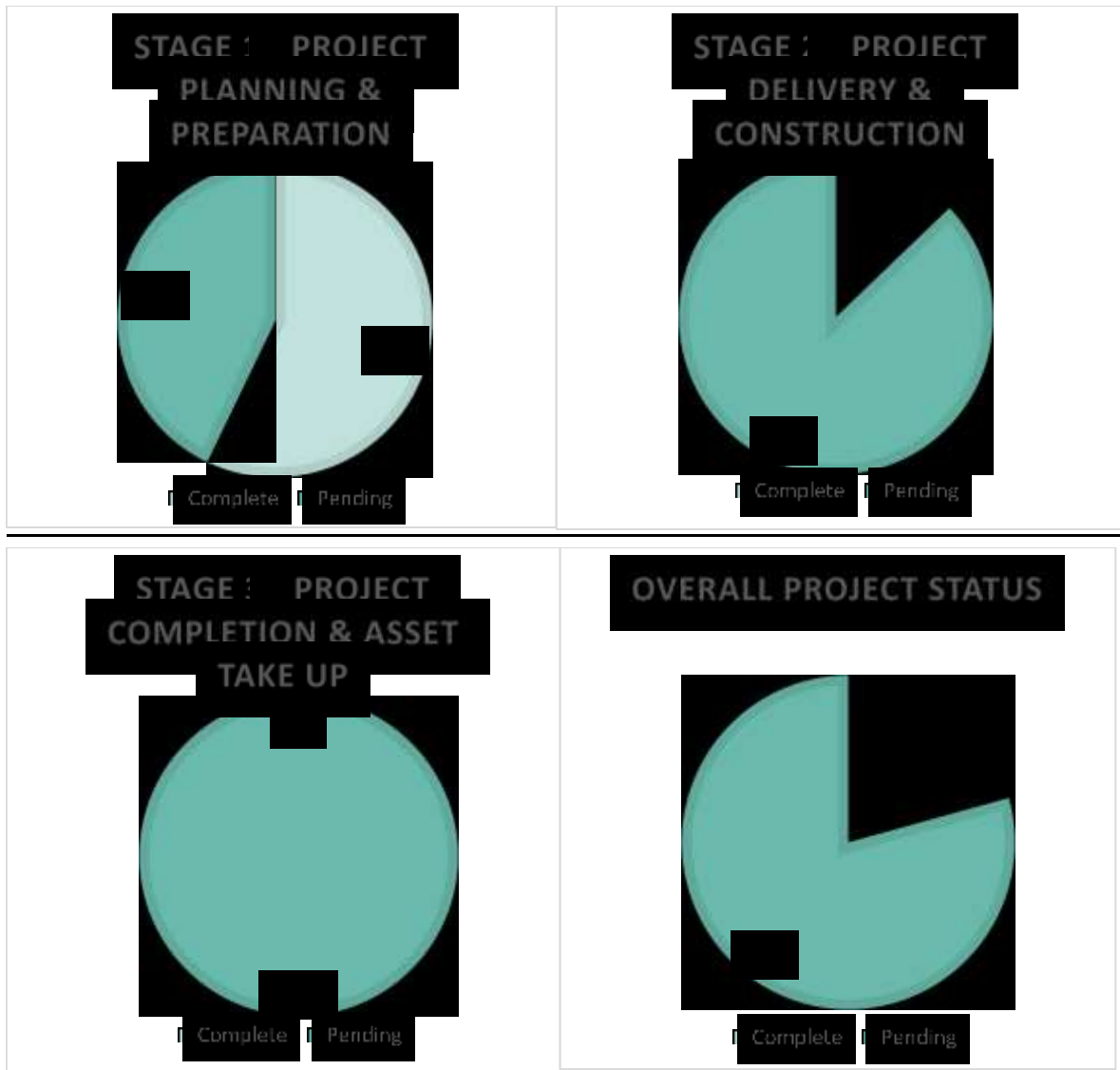
Old Mount Hicks Road (2367 - 2384m) - Surface	25.00
Preolenna Road (02690 - 04959m) - Surface	25.00
Reservoir Drive (1591 - 2292m) - Surface	25.00
Seabrook Road (3431 - 6355m) - Surface	25.00
Sisters Beach Road (0032 - 1623m) - Surface	25.00
<u>Urban Reseals</u>	
Gibbons Street Sec - 1 Surface	25.00
Goldie Street Sec - 9 Surface	25.00
Old Bass Highway Sec - 13 Surface	25.00
Old Cam Road Sec - 2 Surface	25.00
Old Cam Road Sec - 3 Surface	25.00
Simpson Street Sec - 1 Surface	25.00
Simpson Street Sec - 4 Surface	25.00
<u>Footpaths & Kerbs</u>	
Gibbons Street - Footpath Extension (Cul-de-sac Eastern end)	0.00
Frederick Street Footpath	75.00
Gibbons Street Kerb Replacement	0.00
Smith Street Footpath Extension - Waratah	0.00
<u>Resheets</u>	
Aldersons Road (0044 - 0663m) - Surface	25.00
Beatties Road (0000 - 0934m) - Surface	25.00
Chalks Road (0000 - 0324m) - Surface	75.00
Dam Road (0000 - 0796m) - Surface	25.00
Deaytons Lane (0010 - 2171m) - Surface	25.00
Dudfields Road (0030 - 1688m) - Surface	25.00
Elliotts Road (0000 - 0126m) - Surface	75.00
Fists Lane (0000 - 0470m) - Surface	25.00
Fists Lane (0470 - 1532m) - Surface	25.00
Fists Lane (1532 - 1932m) - Surface	25.00
Franks Lane (0000 - 0654m) - Surface	35.00
Humbles Road (0007 - 0240m) - Surface	75.00
Irby Boulevard (0000 - 0052m) - Surface	75.00
Lancaster Road (0000 - 0298m) - Surface	75.00
Lowries Road (1920 - 4473m) - Surface	25.00
Lyons Road (0033 - 1152m) - Surface	25.00
Mount Myrtle Road (0000 - 0416m) - Surface	75.00
Myalla Road (13809 - 14670m) - Surface	25.00
Myalla Road (16660 - 17665m) - Surface	25.00
Old Dam Road (0000 - 0377m) - Surface	25.00
Pecks Road (0015 - 0120m) - Surface	25.00
Reservoir Drive (3765 - 4260m) - Surface	25.00
Reservoir Drive (4260 - 5490m) - Surface	25.00
Reservoir Drive (5490 - 7338m) - Surface	25.00
Rulla Road (4216 - 4668m) - Surface	75.00
Takone Road (13030 - 15618m) - Surface	25.00
Vicevich Road (0026 - 0203m) - Surface	75.00
West Calder Road (06166 - 08366m) - Surface	25.00
<u>Other</u>	
Pedestrian Refuge Falmouth Street, Somerset	72.50
Jackson Street Vulnerable Road User Crossing	25.00
Goldie Street Pedestrian Crossing	25.00
Exhibition Link Vulnerable Road Users Link	25.00
Somerset CBD Masterplan Works	75.00
Wynyard CBD Plaza	45.00

Old Bass Highway - Port Creek Nurses Retreat Sealing Works	0.00
Design Work - Rural Road Safety Priorities	6.25
Port Creek Parking Area	0
Rural Road Culvert Upgrade Program	0

Key project milestones/updates:

- Port Creek Bridge replacement to commence in October
- Pedestrian refuge in Falmouth Street nearly complete – only line marking outstanding

STORMWATER



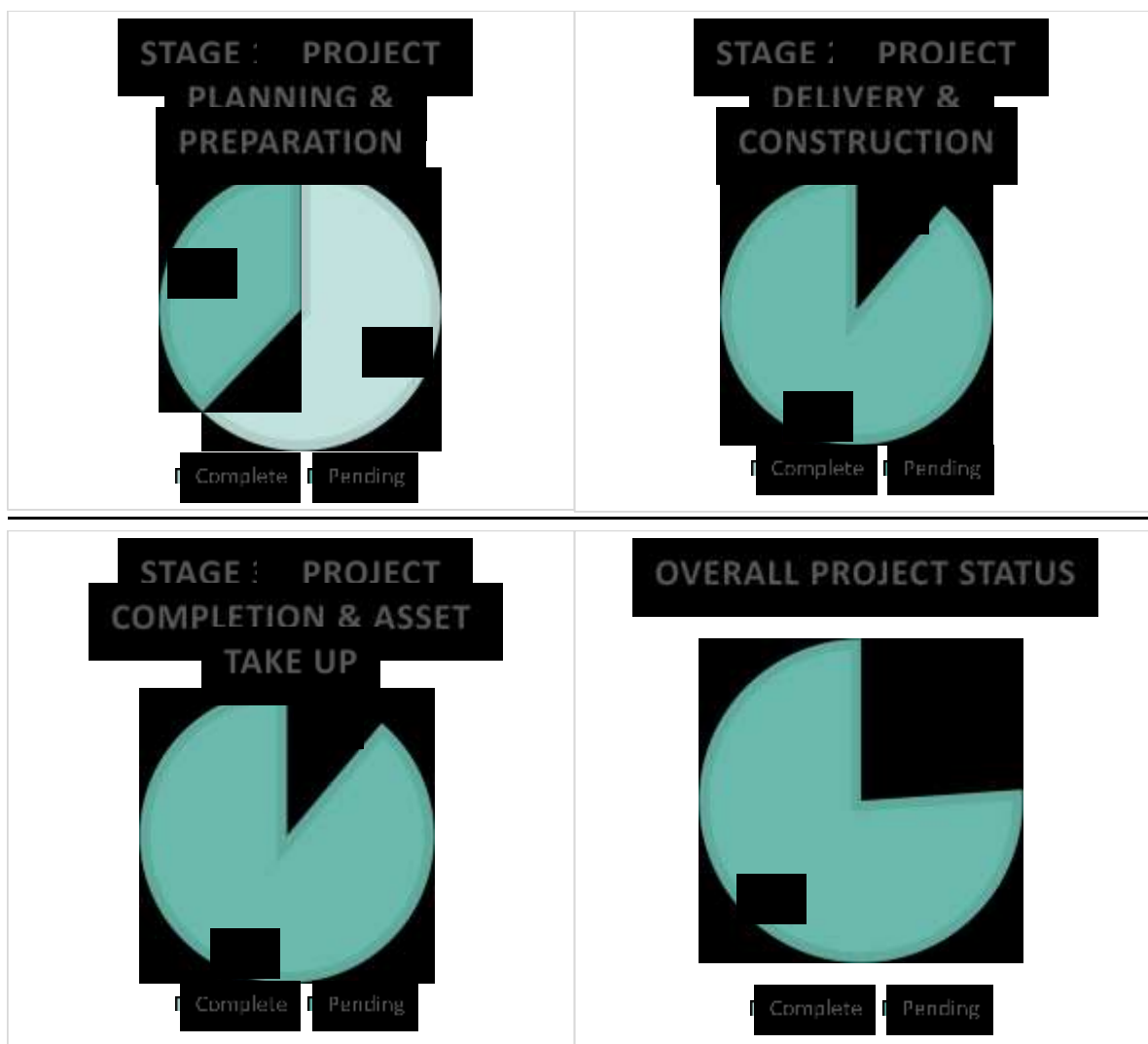
STORMWATER cont.

Projects	Status(%)
<u>Flood Mitigation</u>	
Big Creek	12.50
Cotton Street	21.25
Port Creek	16.25
<u>Other Stormwater</u>	
Replace stormwater pipe & manhole Church Street	0.00
Port Road Boat Harbour Drainage	70.00
Stormwater upgrade crn Dodgin & Austin St	0.00
Tyre Park (Waratah) Drainage and Playground Boxing	25.00

Key project milestones/updates:

- Design works on flood mitigation projects well advanced
- Most stormwater works pending summer weather

SPORTING FACILITIES

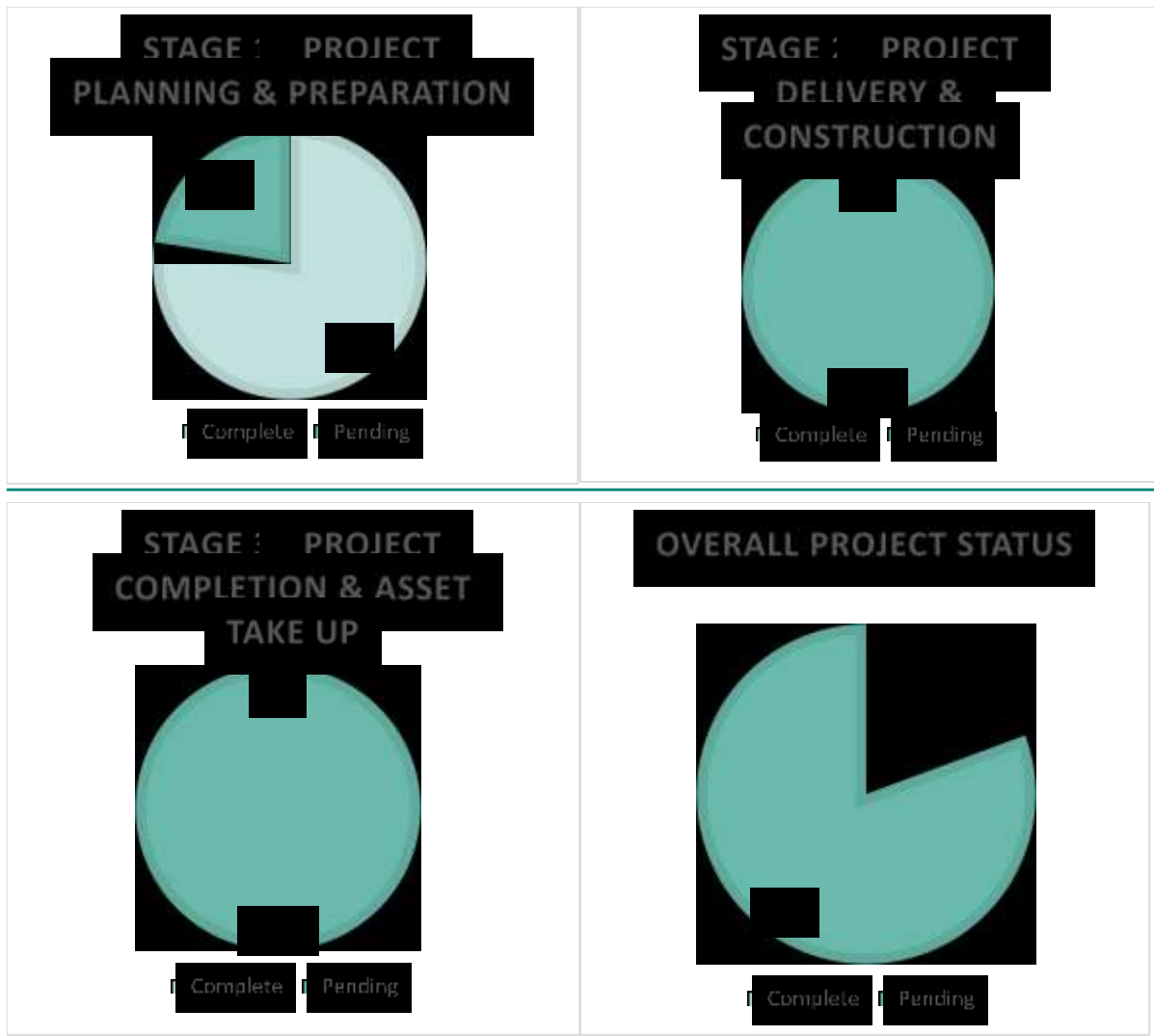


Projects	Status(%)
Somerset Soccer Goal Renewal	25.00
Cardigan Street Pitch and Irrigation Works (Stage 1)	25.00
Demolition of Grand Stand - Wynyard Showgrounds	12.50
Establishment of Freedom Camping Site	2.50
Somerset Indoor Rec Centre - repl skylights in western end (bowls club)	0
Wynyard & Somerset Basketball Rings*	25.00
Somerset Sporting Precinct Design	0.00
Wynyard Recreation Ground Changerooms	100.00
Wynyard Indoor Sports Centre - Changeroom Upgrades*	25.00

Key project milestones/updates:

- Cardigan Street pitch and Irrigation works tenders received

BUILDINGS

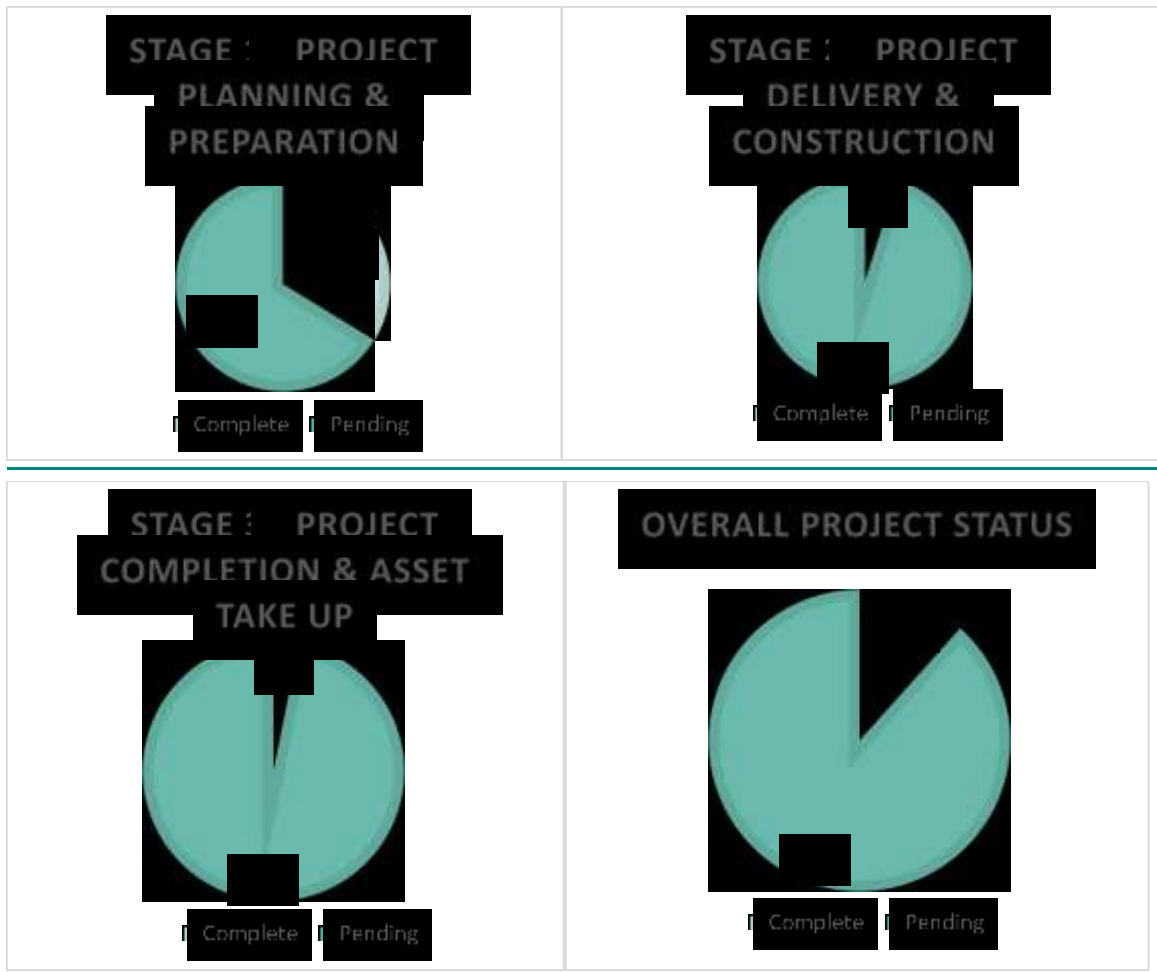


Projects	Status(%)
Community Centre - Sisters Beach Concept Plan	25.00
Council Chambers - concrete paver replacement (Council entry)	25.00
Moorleah Hall - front door replacement	25.00
Multi Use Community Facility (Yacht Club)*	25.00
Sisters Beach - East Blvd Toilets - Stainless Steel lining	2.50
Solar Panel System - Council Chambers	2.50
Toilet seat upgrades - ALL TOILETS	25.00
Waratah Depot - front gutter replacement	25.00

Key project milestones/updates:

- Works have commenced at the Multi-use Community Facility (Yacht Club)

PLANT & EQUIPMENT



Projects	Status(%)
Software & IT Replacements	
Combined Corporate GIS Modernisation	15.00
Corporate System Development - Online Timesheets	30.00
Aerial Photography	25.00
Finance/Assets Software	35.00
Online Booking System	0.00
HR Management System	0.00
IT Replacements	37.50
Plant & Vehicle Replacements	
1002 - Grader - John Deere 772G - D18DX	12.50
1262 - Tip Truck - Hino Dual Cab - B84TI	0.00
1548 - Ride on Lawn Mower - Kubota ZD331 2P - F26CX	0.00
1572 - Mower - Tractor Drawn - Howard Stealth S2 340	0.00
3012 - Mitsubishi Triton Utility 4x4 Dual Cab Diesel - Shane - F57FY	0.00
Hydraulic Grader Blade	0.00
Backhoe Loader No 1 - Waratah - DM9921	12.50
3017 - Ford Ranger Utility 4x2 Flat Tray Diesel - E46PE	0.00

3048 - Holden Colorado Utility 4x4 Flat Tray Diesel - DEPOT - C32SB	0.00
New Plant	
Handheld GPS/Coordinate Recorder	2.5.00
Pipe Inspection Camera	100.00
Other	
Flag Poles - Council Chambers	1.25
Somerset CBD Art	25.00
Depot Trade Waste	0.00
Skate Park Art Boards	25.00
Public Art	1.25
Tulip Festival Flag Replacement	0.00
Outdoor Christmas Tree (Wynyard)	0.00
SES Roller Door Wynyard	0.00
SES 10 Piece Power Tool Set x 2	0.00
SES Emergency Lighting	0.00
Child Care Cot Replacements	0.00
Depot Radio	25.00
Recycling Bins	5.00
Signage Upgrade Program (inc \$10k for walking tracks)	20.00

Key project milestones/updates:

- Aerial Photography likely to occur later in the year following the easing of travel restrictions.

9.10 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	20 August 2020
File Reference:	1202
Enclosures:	1. Letter from Burnie City Council re Notice of Motion - Combined Services

RECOMMENDATION

That Council:

- 1) **Note the monthly Senior Management Report;**
- 2) **Note the letter received by Burnie City Council; and**
- 3) **Note the working group for the Cam River Reserve Masterplan has completed its duties and can be dissolved, with a letter of thanks to be provided to participants**

SUMMARY/PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operations.

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 8 August 2020 to 11 September 2020.

Corporate

- Attended a meeting of the Boat Harbour Beach Working group
- Ongoing discussions with the Wynyard Yacht Club to finalise the lease for the new building
- Joint Executive team meeting with Circular Head Council with a focus on procurement
- Attended the Waratah-Wynyard Council Audit Panel meeting
- With Circular Head Council, met with UrbanEP, a firm engaged to discuss the introduction of a state-wide waste levy
- Attended a presentation from Cradle Coast Authority on an analysis they have completed regarding telecommunications services and costs, as part of their shared services work
- Attended the joint workshop with Circular Head Council on food and organics collection

Community

- Met with New Life Church to discuss their plans for their site, including current projects for which they are seeking external funding
- Attended the LG Professionals North West Branch Meeting and AGM which included guest speaker Christine Turnbull
- Discussion with UPC regarding a proposed Community Benefits Program and an update on the Robbins Island and Jim's Plain Renewable Energy Park Projects
- Met with representatives of the Wynyard Show Society to discuss a range of matters, including the future of the grandstand at the Wynyard Showgrounds
- Met with representatives of the Friends of the Oldina Reserve to discuss the reserve, outcomes of meetings with Sustainable Timbers Tasmania and the Oldina coupe.
- Met with business owners regarding the closure of the Old Bass Highway due to bridge replacement at Port Creek
- Met with residents regarding a specific planning matter
- Met with the organisers of Gone Nuts regarding the 2021 event

Industry

- Attended an update on the tourism Drive Journeys project, specifically the Northern Forage (North/North West) project
- Attended the Local Government Association of Tasmania (LGAT) General Meeting
- Attended a TasWater Owners Representatives briefing session
- Attended a Cradle Coast General Manager's meeting. Items for discussion included a presentation from Nick Sherry, Chair of Youth, Family and Community Connections; discussion on a possible Regional Cat Management Strategy and number of discussion papers from Dulverton Waste Management/Cradle Coast Waste Management Group.
- Attended the Cradle Coast Authority Representatives meeting

Other

- Met with Senator Wendy Askew, to provide an update on the activities of Council
- Attended a Cradle Coast Authority Board Strategic workshop
- Met with Felix Ellis MP, to provide an update on the activities of Council
- Met with Minister Jane Howlett, MP and attended the opening of the new changerooms at the Wynyard Recreation Ground

Burnie City Council Motion

The following Notice of Motion was carried at the Burnie City Council (BCC) Meeting on 21 July 2020.

“THAT the Mayor work directly with the W/W Mayor to establish an inter-council committee with W/W and Burnie City Councillors to develop a plan to combine services prior to the next election”.

Cr Dorsey attended a Waratah-Wynyard Council (WWC) meeting to discuss the motion and asked that Councillors give the matter due consideration. Subsequently WWC Councillors discussed the matter at a workshop.

As per the motion, Mayors Walsh and Kons met and following discussions it was agreed that that no further action would be taken in relation to the above motion. Both Councils indicated a willingness to continue to explore shared services that would provide financial and service delivery gains in the future.

A copy of a letter from Mayor Kons following the meeting is attached.

Spring Loaded Festival

Due to COVID-19 restrictions the Annual Tulip Festival for 2020 has been cancelled in its usual format. In its place, officers have developed a program of events over four (4) weeks called “Spring-Loaded”.

The following events will be held to welcome visitors back to our region:

September	Wonder of Wynyard Exhibition – Leah Sullings – Beauty by Nature –Angela Williams – A Symphony of Soap
Saturday 26 September	Providence Farm Stall – Lunch time performance by Unravelled
Sunday 27 September	Foreshore Market 8am – 2pm East Wynyard Foreshore
Wednesday 30 September	Kids Fun Day – Wynyard Showground Cattle pavilion
October	Wonders of Wynyard Evelyn Antonysen – Finding Peace
Thursday 1 October	Kids Fun Day – Wynyard Showground Cattle pavilion
Friday 2 October	Drive in Movie – Frederick Street Reserve 7pm Scoob 9.20pm A Star is Born
Sunday 4 October	Foreshore Market 8am – 2pm East Wynyard Foreshore Rhodrys Run for Rhys running 40km from Wynyard to Burnie and back raising funds for Cerebral Palsy Tunes in The Tulip – Table Cape Tulip Farm - see website for details
Tuesday 6 October	Movie Time @ The Don: Tulipani: Love, Honour & a Bicycle
Wednesday 7 October	Forget Me Not – Mental Health Week Morning Tea & activities – Waratah
Thursday 8 – 11 October	Spring Loaded at the Lobster Ponds - Devonshire Teas
Friday 9 October	Dixon Pharmacy Gopher Race – Goldie Street Wynyard Buskers, Street Performers Gin Spring Fling – Sandridge Estate 7pm
Saturday 10 October	Wynyard Yacht Club – Tulip Cup Yacht Race Inglis River Providence Farm Stall Presents Aaron Hopper & Theresa Chapman
Sunday 11 October	Foreshore Market 8am – 2pm
Tuesday 13 October	Memory Quilt on Display - Waratah
Wednesday 14 October	Seniors Week – Casual Country Cycling from Wonders of Wynyard
Friday 16 October	Sunrise Champagne Breakfast – Table House Chef Dane Poke Seniors Week – Garden Conversations Wynyard Community Garden Shelter
Saturday 17 October	Walking Wynyard – Start Gutteridge Gardens
Sunday 18 th October	Wynyard Foreshore Market 8am -2pm

Full details are available in an event program which is available at the Council offices and local outlets as well as via Council’s website and social media updates.

ADMINISTRATION – USE OF CORPORATE SEAL

18/8/20	Instrument of Delegation	Powers and Functions under <i>Heavy Vehicle National Law (Tasmania) Act 2013</i> awarded to the General Manager
19/8/20	Retail Agent Agreement	Tas Parks & Wildlife – collection of fees
19/8/20	Final Survey Plan	138 Ballast Pitt Road Wynyard
19/8/20	Final Plan & Schedule of Easements	SD2066 60 Sheppard's Lane Elliot
24/8/20	Grant Deed	Vulnerable Users Program – Goldie St. Wynyard
24/8/20	Grant Deed	Vulnerable Users Program – Jackson St Wynyard
26/8/20	Land Transfer	2045 Preolenna Road, Preolenna

POLICIES TO BE RESCINDED

Nil

WORKING GROUPS

Following a resolution at the July 2019 Council Meeting the following working groups have been/are being established:

	Elected Member Representatives	Responsible Officer(s)	Status
Sisters Beach	Cr Edwards Cr Fairbrother Mayor (ex-officio)	Director Community & Engagement Community Development Officer	The EOI for delivery of public camping in Sisters Beach has commenced and will close on 9 October. A report will be considered at the September meeting for the tender to complete the Rec Park. EOIs are being called for community members to join a stakeholder group to inform the development of a community centre in Sisters Beach.
Wynyard Show Grounds	Cr Bramich Cr Edwards Mayor (ex-officio)	General Manager Recreation Liaison Officer Executive Officer (GM office)	Meetings are on hold whilst individual meetings are held with the Wynyard and Districts Cricket Club, Wynyard Football Club and Wynyard High School
WWC Environmental Plan	Cr Fairbrother Cr Courtney Cr House Mayor (ex-officio)	Project Manager – Infrastructure & Development Services	iCEP has been adopted with a series of actions identified. A timeline is currently being developed for implementation of first year action items. Environmental policy for Council to consider will be developed and consulted with the Working Group.
Cam River Reserve	Cr Duniam Cr House Mayor (ex-officio)	Project Manager – Infrastructure & Development Services	The Cam River Reserve plan has now been adopted by Council with a series of year 1 actions funded for implementation during 2020/21 and the remainder over a five-year period. It is now timely to thank the participants on this group and wind up
Somerset Sporting Precinct	Cr Duniam Cr Hyland Mayor (ex-officio)	General Manager Manager Community Activation Recreation Liaison Officer	Yet to commence – focus has been on resolution of operational issues at Langley Park
ANZAC Park		Director Community & Engagement	Detailed design is currently being reviewed with additional work required to address key requirements prior to consultation occurring,
Boat Harbour Masterplan	Cr Courtney Cr Fairbrother Cr Bradley Mayor (ex-officio)	General Manager Executive Officer (GM office)	Background work is currently being undertaken to gather required reports and information to progress to detailed design for site. The working group will meet again 8 October.

REPORTS OF OFFICERS AND COMMITTEES

PLANNING PERMITS APPROVED UNDER DELEGATION –AUGUST 2020

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
DA 86/2020	PLA Design Pty Ltd	13 Moore Court Wynyard	Dwelling	4.08.2020	40	D
DA 56/2020	Van Dairy Limited	3 McKays Road Somerset	Food Packaging Warehouse & Signage	4.08.2020	42	D
DA 85/2020	Abel Drafting Services	22 Shepperds Lane Elliott	Dwelling extension & outbuildings (carport & shed)	10.08.2020	42	D
DA 87/2020	PLA Designs Pty Ltd	118 Deep Creek Road Wynyard	Dwelling & Outbuildings x2	10.08.2020	42	D
DA 9/2020	R Cox	16628 Bass Highway Wynyard	Outbuildings (2 x Sheds)	10.08.2020	42	D
DA 82/2020	Kamada Australia Pty Ltd	110 Masons Road Milabena	Demolition of Outbuilding	13.08.2020	42	D
SD2098	Millpond Holdings Wynyard Pty Ltd	23 Millpond Court Wynyard	Subdivision (3 into 4 lots)	20.08.2020	42	D
DA 102/2020	S & D Desailly	538 & 542 Seabrook Road Mount Hicks	Boundary Adjustment	20.08.2020	27	P
DA 90/2020	N & S Bryan	143 Old Bass Highway Wynyard	Change of use – Visitor Accommodation	20.08.2020	21	P
DA 79/2020	Abel Drafting Services	135 Deep Creek Road Wynyard	Temporary dwelling in outbuilding	26.08.2020	42	D
DA 94/2020	Abel Drafting Services	92 Deep Creek Road Wynyard	Dwelling extension (Carport)	26.08.2020	41	D
DA 106/2020	PLA Design Pty Ltd	118 Back Cam Road Somerset	Dwelling & temporary dwelling (in caravan)	26.08.2020	22	P
DA 29/2020	IDW Architecture & Interiors	30B Old Bass Highway Wynyard**	Multiple dwelling development (28 additional units)	27.08.2020	28	P
DA 95/2020	K Swinden	46 Irby Boulevard Sisters Beach	Outbuilding (Carport)	28.08.2020	40	D
DA 93/2020	R Cox	34 Katelyn Drive Wynyard	Outbuilding	31.08.2020	42	D
DA 93/2020	J L & D L Benson	139 Irby Boulevard Sisters Beach	Dwelling Extensions	31.08.2020	42	D

** Application was resubmitted and considered a permitted use. The assessment was reviewed and verified by an independent, external planner

BUILDING PERMITS APPROVED – AUGUST 2020

NPR= No Permit Required under Waratah-Wynyard Interim Planning Scheme 2013 **EXEMPT=**application meets exemptions under LUPA and/or Waratah-Wynyard Interim Planning Scheme 2013

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
2020-90-01	GPJ Consulting	Unit 11a, 2 Dodgin Street Wynyard	Dwelling/retaining wall	17.08.2020	0	DA71/2019
2020-86-01	S G Wright	490 Deep Creek Road Wynyard	Dwelling Addition	25.08.2020	5	DA 70/2019

COUNCIL MEETING ACTIONS

	ITEM	TOPIC	ACTION/STATUS	OFFICER	STATUS
17/9/18	10.1	Freedom Camping	<p>Outstanding motions:</p> <p>3. That Council liaise with the Show Society to lodge a planning application to amend the use of showgrounds to allow self-contained caravans.</p> <p><i>An EOI has been opened for potential operators of a public camping site in Sisters Beach. The EOI closes on 9 October.</i></p>	EMT	To be actioned
10/12/18	9.2	NOM Cr Edwards – PWS Audit of Sisters Beach properties Carried	<p>That Council request Parks and Wildlife complete their proposed assessment audits of beach front properties at Sister Beach by March/April rather than the proposed 30 June deadline.</p> <p>Audit and report still not done by PWS however commitment received now from State Govt to co-fund erosion/landscaping report. Officers currently working with PWS regarding reports and relationship with Council's current erosion investigations.</p>	DIDS	Ongoing
10/12/18	10.1	Wilkinson Street Highway Junction works Amended Motion carried	<p>That Council on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed</p> <p>Directions Hearing was held 3 September 2020 and the matter will be listed for trial at a later date</p>	MPE	Ongoing
18/2/19	10.2	York Street Bus Stop	<p>Motion Passed</p> <p>Progress design for alternative bus stop, with temporary relocation to be agreed with Dept. of Education. Follow-up observations to date have not revealed any specific safety concerns and no further action to date.</p> <p>Pending decision for Wilkinson Street.</p>	MPE	Ongoing
17/2/20	9.9	ROC – Management of Public Reserves Policy and Guidelines	<p>Matter deferred pending discussions with relevant surf clubs</p> <p>Feedback has been received from the BHBSLSC and is being considered alongside the requirements of the Highway, Public Reserves, Parking</p>	DIDS	In Progress

			Areas and Stormwater By-Law 2016, prior to bringing the matter back before the Council. Options are being explored to permit community event-based camping as a last resort and when it complies with conditions under council's existing use of facilities process, the by-law, and to ensure it minimises potential conflict with nearby property owners and businesses		
22/6/20	8.1	NOM – Cr Edwards- Virtual Fencing Sisters Beach Road	Funding has been received for the project through the Local Roads and community Infrastructure Grant program. Work is now progressing to plan the implementation.	GM	Complete
22/6/20	8.2	NOM – Cr Fairbrother – Crown Land	Motion Carried - That Council consider that where areas of Crown land separate a road and a property boundary, for the purposes of planning, that the area be incorporated and or considered as a Part of the road reserve. The Minister has advised that there is a process to resolve this issue, but more detail is required. Council has written to the Department of Primary Industries, Parks, Water and Environment to seek advice on the process to have the land designated as road reserve. Work ongoing.	MDRS	In Progress
20/7/20	8.2	NOM – D Fairbrother – Sisters Beach Access	Motion Carried: That Council undertake an investigation into identifying a preferred secondary access to Sisters Beach Scoping document to be drafted.	DIDS	Yet to commence
20/7/20	9.5	ROC – Calder Road Speed Limits	Motion Carried: That Council seek approval from the Commissioner of Transport to reduce the speed limit on Calder Road from: <ul style="list-style-type: none"> (a) 100km/h to 60km/h, from the Bass Hwy intersection with Calder Road to the existing rail corridor (b) 100km/h to 80km/h from the existing rail corridor to the intersection of Calder Road and Pages Road Letter has been sent to Commissioner of Transport requesting changes and a reply yet to be received.	DIDS	In Progress
17/8/20	7.3.3	CQWON - Cr Duniam – All Ability Playground	Cr Duniam asked for an update on the all ability playground proposed for ANZAC Park. The Director Community and Engagement noted that detailed designs are progressing and will be presented to Councillors at a workshop.	DCE	In progress

			Currently working through scope to ensure all requirements are met. Fairy Godmothers have completed an application for funds from the Tas Community fund -awaiting outcome of application.		
17/8/20	7.3.9	CQWON – Letters of Acknowledgement	<p>Cr Fairbrother asked that a letter be sent to Joan Rylah MP thanking her for her service to the community and council following her resignation from the Tasmanian House of Assembly. He also asked that a letter of support to be sent Felix Ellis MP who is the new incumbent.</p> <p>Letters sent to both parties. The Deputy Mayor and General Manager also met with Felix Ellis MP for an introductory meeting</p>	GM	Complete

9.11 MINUTES OF OTHER BODIES/COMMITTEES

9.11.1 MINUTES OF OTHER BODIES/COMMITTEES - AUDIT PANEL - 25 AUGUST 2020

To: Council
Reporting Officer: Executive Officer - Governance and Performance
Responsible Manager: Director Organisational Performance
Report Date: 25 August 2020
File Reference: 007.17
Enclosures: 1. Waratah-Wynyard Council Audit Panel Minutes - 25 August 2020

RECOMMENDATION

That Council:

1. **Note the Unconfirmed Minutes of the Waratah-Wynyard Council Audit Panel held on 25 August 2020; and**
2. **Note and accept the recommendation made by the Audit Panel Committee that the following items be listed of future audit panel agendas as standing items:**
 - (a) **Staff movements.**
 - (b) **Outstanding audit actions in table format.**
 - (c) **Revaluation schedule in table format.**

PURPOSE

The Audit Panel met on 25 August 2020. The minutes are presented to Council for noting.

BACKGROUND

In February 2014 the Tasmanian State Government passed legislation that requires all Tasmanian Councils to establish an Audit Panel.

Along with the King Island and Circular Head Councils, Council appointed a shared Audit Panel on 3 August 2015.

The common current Audit Panel members are:

- Mr John Howard – Audit Panel Chair (Asset Management expertise)
- Mrs Lisa Dixon – Audit Panel member (Financial expertise)
- Mr Stephen Allen – Audit Panel member (Financial expertise)

The Audit Panel is required to hold at least four meetings per year, with a majority of members constituting a quorum

DETAILS

The Audit Panel met on 25 August on site at the Waratah-Wynyard Council Offices.

The Panel's annual work plan includes undertaking the following at each meeting:

Financial Management

-
- review action taken by Council on previous recommendations from the audit panel, what the action was and the effectiveness of the action

Internal Controls and Risk Management

- Determine whether the council has internal processes for determining and managing material operating risks in the following areas:
 - important accounting judgements or estimates that prove to be incorrect;
 - litigation claims and complaints against the council;
 - fraud, theft and other illegal and unethical behaviour, and
 - significant business risks, such as workplace health and safety and how these are managed by the council.
- Review summary reports from the council's management on all suspect and actual frauds, thefts and material breaches of legislation, ensuring they have been reported to the council and the relevant authorities.

Legislative Compliance & Ethics

- Ensure council policies and procedures are appropriately designed and implemented and effective systems are in place to monitor compliance with council policies and procedures.

The Panel made a formal recommendation that the following items be listed of future audit panel agendas as standing items:

- (a) Staff movements.
- (b) Outstanding audit actions in table format.
- (c) Revaluation schedule in table format.

The formal recommendation is supported by management and it is recommended that Council formally note and accept the recommendation.

Special Focus Items

In addition to the above which are considered at every meeting, the work plan includes focus areas for each meeting.

The Panel reviewed the Financial Statements for the year ended 30 June 2020. Overall the meeting was very positive, and the Panel were complimentary of the standard of the financial statements which were easy to read and understand. There were some small alterations recommended.

The Panel noted that Council had fully integrated the audit office structure in relation to the layout of the financial report. The Panel formally resolved that the Financial Statements be noted with the best of knowledge and that the financials represent the state of affairs of the Waratah-Wynyard Council.

The Panel's next meeting is scheduled for Tuesday 10 November 2020 at the Circular Head Council Offices.

STATUTORY IMPLICATIONS

Statutory Requirements

An Audit Panel is a mandatory requirement under sections 85 of the *Local Government Act 1993*.

Section 85A of the Act details the functions of the Audit Panels to include review Council's performance in relation to financial systems, financial management, governance arrangements, policies, systems and controls as well as all plans required under Part 7 of the Act.

Section 85B of the Act provides for Ministerial Orders to specify requirements for Audit Panels beyond those required under Section 85A.

The *Local Government (Audit Panels) Amendment Order 2015* was issued on 1 January 2016.

STRATEGIC IMPLICATIONS

GOAL 1: Leadership and Governance	
Desired Outcomes	
We maintain and manage our assets sustainably.	
We cherish fairness, trust and honesty in our conduct and dealings with all.	
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.	
We are recognised for proactive and engaged leadership.	
Our Priorities	
1.5	Build our knowledge base to apply in decision-making processes.
1.6	Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.
1.7	Develop leadership that inspires and motivates, and which maintains a strong community and workplace culture.
1.8	Review and adjust service levels to provide value for money.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Governance and working together	<i>Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.</i>

POLICY IMPLICATIONS

The establishment of an Audit Panel provides an independent review mechanism for Council's policies and procedures.

FINANCIAL IMPLICATIONS

Costs associated with the Audit Panel have been minimal, comprising around \$11,000 for payment of fees to independent Audit Panel members.

RISK IMPLICATIONS

The establishment of an independent Audit Panel provides another layer of risk mitigation by providing independent oversight over Council's risk management framework and policy and procedural compliance.

CONSULTATION PROCESS

Not applicable.

COMMENT

It is recommended that Council note the Unconfirmed Minutes of the Waratah-Wynyard Council Audit Panel meeting held on 25 August 2020.

9.11.2 MINUTES OF OTHER BODIES - WARATAH COMMUNITY BOARD - 20 JULY 2020

To:	Council
Reporting Officer:	Community Development Officer
Responsible Manager:	Director Community and Engagement
Report Date:	10 September 2020
File Reference:	0.0
Enclosures:	Nil

RECOMMENDATION

That Council note the Unconfirmed minutes of the Waratah Community Board meeting held on 18 July 2020.

PURPOSE

For Council to note the unconfirmed Minutes of the Meeting of the Waratah Community Board held on 18 July 2020.

BACKGROUND

The Waratah Community Board was established by Council in 2019 and the adoption of the Waratah Community Plan 2018-2021.

DETAILS

The key outcomes from the Waratah Community Board meeting included:

- **Waterfall** – Jenny Evans has produced a costed staged development for the raised walkway which includes a viewing platform near the waterfalls base.
- **Community Facilitator** – Funding from the State Government has not been forthcoming for this position. As an interim measure Councils Community Development Officer will be based at the Waratah Community Hub one day a fortnight
- **Railway Bridge** – The Boards preferred option is for a new pedestrian bridge and viewing platform to be built on the southern side of the historic rail bridge spanning the lake.
- **General Business**
 - The Board has endorsed 4 December, 2021 as the preferred date for celebrating Waratah's 150 years celebrations.
 - Natural Burials at the Waratah Cemetery. Provision of natural burials at this cemetery to be considered in the new cemetery Strategy to be developed by Council officers.
 - Board members met with 15 Waratah residents at the end of the meeting. The Chairman provided a briefing of Board progress to date before taking questions and comments from those present.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.1 Commit to best practice in community engagement.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Tourism	Memorable visitor experiences all year round – The must-see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

It is recommended that Council note the Unconfirmed Minutes of the Waratah Community Board meeting held on the 18th July 2021.

Unconfirmed minutes of the
Waratah Community Board meeting
held at the Athenaeum Hall
at 1.05pm on Saturday 18th July 2020.

- 1. Present**
Tony Schmidt, Rosemary Dick, Anne Dunham, Neil Thorne & Cr. Kevin Hyland.
Council Staff: Shane Crawford, Tracey Bradley & Richard Muir Wilson
- 2. Apologies**
Yvette Ekman
- 3. Declaration of Conflicts of Interest**
Nil
- 4. Presentation**
- 5. Confirmation of the Minutes of the Waratah Community Board**
Moved Rosemary Dick and Seconded by Anne Dunham
“That the minutes of the Waratah Community Board meeting held on the 1st February 2020 are a true and accurate record of the meeting.” CARRIED
- 6. Correspondence**
 - 6.1 Inward
 - Response from Minister for Health’s office was received.
 - 6.2 Outward
 - Letter to the Minister for Health requesting a reconsideration of the decision not to fund the Community Development Facilitator position in Waratah from the proceeds of the sale of the Health Centre.
- 7. Business Arising**
 - 7.1 Council projects for Waratah and budget for 2020/2021
 - Council has budgeted for an \$800K deficit
 - Residential users will no longer incur fees at the Waste Transfer Station in Wynyard.
 - Whyte Hills Lookout, new interpretation material as part of Western Wilds
 - Waratah Camping ground- washers and dryers will be converted to coin operation
 - Repairs to be undertaken on the Philosopher Falls walk.
 - 7.2 Rail Bridge: A presentation was made by the Board to a Council Group Discussion informing Councillors of the preferred option to locate a new pedestrian bridge beside the existing one on the southern side. This has been confirmed by letter.

8. Council Update

8.1 The General Manager outlined several initiatives for Waratah in the current budget. These included:

- A funding submission for a detailed design and costing of the new Waratah Falls Walkway has been budgeted for.
- A funding submission for camping ground amenities has also been approved for pay as you go dryers and washing machines and a new door lock system.
- A review of the Waratah Community Board and Waratah Community Plan will be undertaken later this year, the third year of its operation. Existing Board members are eligible to be reappointed for another three-year term.

9. Waratah Community Plan

9.1. Priority Project 1: Waratah Falls –

Jenny Evans Consulting has produced a costed staged development. Stage 1 provides for an all ability paved walkway from the gazebo to the base of the waterfall incorporating a viewing platform and interpretative material. The estimated cost is \$2.1M. Stage 2 follows the river downstream before crossing and connecting with the old calcifier plant. It then continues uphill to the access road off Anne Street. Stage 3 involves upgrading the existing track on the eastern side to the base of the Falls.

Board members resolved to have Jenny Evans congratulated on her work to date.

9.2. Priority Project 2: Community Development Facilitator and community social services

A recent inspection of the Waratah Community Hub was completed to determine what changes needed to be made to change the facility for community use. Until the Minister for Health decides on funding the Council's Community Development Officer will be based at the Hub on site. A meeting room and office to be established at the same time. Council will continue to work with ADRA and find a space in the building for their clothing.

Board members are invited to inspect the Hub on the 7th August when Council staff will be present.

9.3. Priority Project 3: Railway Bridge Restoration -

Covered in Business Arising 7.2 above.

10. Update from Waratah Tourism Association

10.1 Tony advised that the WTA are yet to meet this year. Future direction to be determined by members.

10.2 Tony requested a copy of the Waratah Falls promotional poster produced by the Manager of Tourism and Marketing be forwarded to Board members

11. General Business

11.1 Celebration of Waratahs 150th anniversary since tin was discovered by James Philosopher Smith at Mount Bischoff. Tracey advised that Councils Community and Events Officer was available to help coordinate the celebrations. Residents and community groups could nominate and be responsible for delivering an activity along similar lines to Burnie Shines.

The Board endorsed Saturday December the 4th 2021 as their preferred day.

11.2 Natural burials

Richard advised that there were no barriers to natural burials in cemeteries under State Government legislation. However, Council would need to approve the introduction of Natural Burials. The issue was with setting aside a dedicated area where burials could take place in a natural setting. Sections of the Waratah cemetery are considered ideal for this purpose as it borders onto forest.

The General Manager informed the meeting that Council are undertaking a review of all its cemeteries and that provision of natural burials could be included in the findings presented to Council.

12. Next Meeting

Next Meeting: late August 2020

13. Meeting Closed 2:30pm

Date	Action	Who
18.07.2020	7.2 Natural Burials. ACTION: Natural burials and a dedicated area to be considered in the new Cemetery Strategy for Waratah Wynyard.	<i>Richard</i>

Board members then met with 15 Waratah residents in the main part of the Athenaeum Hall.

Several issues were raised with the Board. Chairman Cr. Kevin Hyland responded on behalf of the Board.

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

A Council may (by absolute majority resolution) close a meeting or part of a meeting when certain matters are being, or are to be discussed. The grounds for the closure are to be recorded in the minutes of the meeting.

Sub regulation (2) provides the following list of specified matters: -

- (a) personnel matters, including complaints against an employee of the council and industrial relations matters;*
- (b) information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business;*
- (c) commercial information of a confidential nature, that if disclosed, is likely to-

 - (i) prejudice the commercial position of the person who supplied it; or*
 - (ii) confer a commercial advantage on a competitor of the council; or*
 - (iii) reveal a trade secret;**
- (d) contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal;*
- (e) the security of –

 - (i) the council, councillors and council staff; or*
 - (ii) property of the council;**
- (f) proposals for the council to acquire land or an interest in the land or for the disposal of land;*
- (g) information of a personal nature or information provided to the council on the condition it is kept confidential;*
- (h) applications by councillors for leave of absence;*
- (i) relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council;*
- (j) the personal hardship of any person who is resident, or is a ratepayer in, the relevant municipal area.*

A Council may also close a meeting or part of a meeting when acting as a Planning Authority if it is to consider any matter relating to actual or possible legal action taken by, or involving, the council.

Any discussions, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the Council or Council Committee, after considering privacy and confidentiality issues, authorises their release to the public.

The chairperson is to exclude members of the public from a closed meeting, but may invite any person to remain at the meeting to provide advice or information.

The chairperson may authorise the removal of any person from a closed meeting if that person refuses to leave; and request the assistance of a police officer to remove that person.

RECOMMENDATION

That the Council RESOLVES BY AN ABSOLUTE MAJORITY that the matters listed below be considered in Closed Meeting:

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	<i>15 (2)</i>
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	<i>15 (2) (g)</i>
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	<i>15(2)(h)</i>
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	<i>15(2)</i>

11.0 CLOSURE OF MEETING TO THE PUBLIC

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2015; Regulation 15

RECOMMENDATION

That the Council RESOLVES BY AN ABSOLUTE MAJORITY that go into Closed Meeting to consider the following matters:

<i>Matter</i>	<i>Local Government (Meeting Procedures) Regulations 2015 Reference</i>
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

12.0 RESUMPTION OF OPEN MEETING

At pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT

The Chairman announced that pursuant to Regulation 15(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Min. No.	Subject	Decisions/Documents

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT pm.