



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

13 December 2021

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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*

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 13 DECEMBER 2021, COMMENCING AT 6:06PM

	From	To	Time Occupied
Open Council	6.06PM	6.24PM	18MINS
Planning Authority	6.24PM	6.29PM	5MINS
Open Council	6.29PM	6.55PM	26MINS
Closed Council	6.55PM	7.08PM	13MINS
Open Council	7.08PM	7.08PM	0MINS
TOTAL TIME OCCUPIED			62MINS

AUDIO 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 recorded, in accordance with the Council Policy '**GOV.017 - Audio Recording of Council Meetings**' to "record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available".

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

1.1 ATTENDANCE

Mayor Robby Walsh
Councillor Maureen Bradley
Councillor Gary Bramich
Councillor Andrea Courtney
Councillor Mary Duniam
Councillor Celisa Edwards
Councillor Kevin Hyland

IN ATTENDANCE

Shane Crawford - General Manager
Samantha Searle - Director Organisational Performance
Corey Gould - Manager Engineering and Projects
Rachael Hogge - Manager Tourism and Marketing
Ashley Thornton – Manager Development and Regulatory Services
Sally Blanc – Executive Officer

1.2 APOLOGIES

Councillor Darren Fairbrother

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 15 November 2021, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

Nil

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

The Mayor noted the 150 year celebrations held in Waratah on 4 December 2021 and thanked the Smith Family, residents and staff who were involved in organising events to celebrate the long history of the town and its key role in the economic development of Tasmania.

The Mayor also noted that a Time Capsule was buried in the Wishing Well in front of the Waratah Museum with the opening to be in 50 years.

4.2 MAYOR'S COMMUNICATIONS

15/11/21	Community Christmas Collection Launch
15/11/21	Council Meeting
16/11/21	Meeting with General Manager
17/11/21	WOW Tourism Award Celebration
21/11/21	Art Exhibition Launch at Artscape
22/11/21	Mayors Message Video – Vinnie's
22/11/21	Yolla Playground Photoshoot
22/11/21	Somerset Community Gardens Photoshoot
22/11/21	Yolla Community Conversation
23/11/21	Meeting with General Manager & Deputy Mayor
25/11/21	Christmas Function
26/11/21	2021 Sustainable Communities Awards Presentation
26/11/21	Tas Talks Radio Interview
29/11/21	Councillor Workshop
30/11/21	Meeting with General Manager
30/11/21	Citizenship Ceremony
2/12/21	Mayors Workshop
3/12/21	LGAT General Meeting
4/12/21	Opening of Philosopher Smith Tribute for 150 th Celebrations in Waratah
6/12/21	Councillor Workshop

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council note the Mayors Communications

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

4.3 REPORTS BY DELEGATES

The Deputy Mayor provided a list of activities attended during the month and made note of Waratah-Wynyards success at the 2021 Keep Australia Beautiful Sustainable Communities Awards, winning the award for population of 5000-15000.

17/11/21	WOW Tourism Award Celebration Tasmanian Women's Council Meeting
18/11/21	Somerset Primary School – Presentation on my role as a Councillor and Deputy Mayor
23/11/21	Meeting with Mayor and General Manager
24/11/21	Aboriginal and Torres Strait Islander Reconciliation Workshop – Campbelltown
25/11/21	Christmas Function
26/11/21	2021 Sustainable Communities Awards Presentation
29/11/21	Tasmanian Library Advisory Board Meeting
03/12/21	LGAT General Meeting
04/12/21	Philosopher Smith 150 th Celebrations in Waratah Somerset Fire Brigade Christmas BBQ
07/12/21	CCA Representatives AGM and General Meeting

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Councillor Attendance Records

Meetings attended during 2021/22 (up to 3/12/21)

	Ordinary Meetings 2021/22 (5)	Special Meetings / AGM 2021/22 (1)	Workshops 2021/22 (11)	Community Conversations 2021/22 (3)	Weeks Leave Approved
Mayor Robert Walsh	4	1	10	3	3
Deputy Mayor Mary Duniam	5	1	10	1	
Cr Maureen Bradley	5	1	9	1	
Cr Gary Bramich	5	1	11	3	
Cr Andrea Courtney	4	1	8	1	
Cr Celisa Edwards	5	1	11	3	
Cr Darren Fairbrother	5	1	10	2	
Cr Kevin Hyland	5	1	11	3	

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Council note the following Workshops

8/11/21	General Manager Performance Review discussion Update and review of Spring Loaded Festival Waratah 150 Year Celebrations update
29/11/21	Property disposal update Fire Service Act Review Subdivision of land East Wynyard LGAT General Meeting agenda CCA Reps Meeting agenda
6/12/21	Parks and Reserves Service Levels discussion Boat Harbour Beach Masterplan update Table Cape Amenities discussion

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

5.0 PUBLIC QUESTIONS AND STATEMENTS**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 R LANGFIELD - WARATAH WEIR REPORT****QUESTION**

Mr Langfield of Waratah asked when he could have a copy of the Pitt & Sherry Engineers Report and the Consequence Category Assessment lodged with Council and, as a matter of urgency, can Council inform the Waratah community of the recommendations and outcomes of the report.

OFFICERS RESPONSE

As previously advised (15/11/21) Council has received a condition assessment of the Waratah Weir as conducted by Pitt and Sherry but are yet to receive the consequence category assessment. As stated previously, once all information is received, actions (if required) can be determined and that is the appropriate time to release the reports and information to the public.

5.2.2 MR R LANGFIELD - WARATAH WEIR**QUESTION**

It has been another month passed since I asked whether the Waratah Wynyard Council received Pitt & Sherry's Engineer's Assessment Report with their recommendations regarding the condition of the Waratah Lake Weir back in July 2021. This was as a result of a Dam Safety Emergency Incident Report being lodged with the DPIPWE Dam Safety Regulator in May 2021 concerning the extremely poor condition of the Waratah Lake Weir.

Since then, the Weir in question actually failed and we almost lost our water supply if not for the quick actions of some of the locals in Waratah. Another Dam Safety Emergency Incident Report was lodged with the DPIPWE Dam Safety Regulator on Sunday 21st November 2021 as a result. You have been forewarned of this obvious and impending disaster since May 2021 and done nothing to remedy the situation.

I even submitted a sketch of a cheap, viable and quick solution in the form of a drop-in re-enforced concrete Weir structure to the GM and Cr Darren Fairbrother. I have heard nothing in feedback.

Water is a basic Human Right.

When will the Weir be replaced?

OFFICERS RESPONSE

The Waratah Weir was damaged on Sunday 21 November, most likely as a result of targeted vandalism. TasWater completed a number of repairs including the addition of stainless steel lockable brackets, manufactured to safeguard the weir from further interference. TasWater are satisfied that measures in place are sufficient for the purposes of maintaining potable water supply.

As previously advised, external reports are still being finalised, and once completed DPIPWE, TasWater and Council will meet to determine the best way forward.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 MS T JONES - 240L BINS

Ms Jones of Wynyard asked if there is a particular reason why all households have 240L bins, could 80L bin be offered at discounted/graduated rates similar to other Council areas where she has previously lived.

The General Manager advised that size of bins, frequency of collection and fees can be set by council. He took question on notice to provide more detailed reasons.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 MR C HUTCHISON - CODE OF CONDUCT

Mr Hutchison of Preolenna made a statement and read sections of the Waratah-Wynyard Council Code of Conduct for the benefit of all councillors present and not present. In particular he noted:

PART 3 – USE OF OFFICE

- (1) The actions of a councillor must not bring the Council or the office of councillor into disrepute.*
- (2) A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.*

PART 7 - RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

1. A councillor:

- (a) must treat all persons fairly;*
- (b) must not cause any reasonable person offence or embarrassment; and*
- (c) must not bully or harass any person.*

PART 8 - REPRESENTATION

- 7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

Mr Hutchison also noted sections of the *Local Government Act 1993*, including:

Section 28. Functions of councillors

(1) A councillor, in the capacity of an individual councillor, has the following functions

(a) to represent the community

b) to act in the best interests of the community;

Mr Hutchison stated that for the majority of 2021 there has been an elephant in the room with real community concern about the personal conduct of at least one Waratah-Wynyard current sitting Councillor and wondered, regardless of the substance of the allegations made, charges laid and ongoing court hearings, if a breach of the code of conduct has occurred?

He noted that often newspaper reporting can be sensationalist and often unfair but there is no escaping the reality that a fortnight ago the Advocate and Mercury Newspapers have published some strong allegations about Councillor Fairbrother. He indicated he would reserve his judgement until the magistrate hands down a decision but in the meantime despite his suggestions to Councillor Fairbrother to consider taking a period of leave of stepping aside pending the outcome of this highly publicised case, he still remains with a role within the Council.

Mr Hutchison stated he did not want anyone to misrepresent his comments, as he thinks Councillor Fairbrother performs the role of decision maker around the table well, however the role of a Councillor is not just the performance on council meeting night but in all public domains, online or in public spaces.

Serious allegations have been directed at Councillor Fairbrother and he hopes that in light of this Councillor Fairbrother can consider a way to manage this situation without bringing the Council into disrepute, for his own sake and for the sake of this municipality.

5.5.2 MR C HUTCHISON - OLDINA RESERVE

Mr Hutchison of Preolenna made a statement on several matters including:

- Noting that he was glad to see the Community Consultation currently occurring on the Cam River Reserve plans around the boat area;
- the Loo with a View proposal and stated that toilets could be built at both Oldina Reserve and the Table Cape Lookout if standard/generic facilities were built instead of that proposed.
- Reiterating his previous comments that the community should be consulted about the Oldina Reserve; he acknowledged his discussions with the General Manager and that plans were not yet ready to be presented to the public. He also noted that his discussions with Sustainable Timbers indicated that they were not interested in the site, did not want to maintain it and would be happy to have someone take over the site.

6.0 PLANNING AUTHORITY ITEMS

PLANNING AUTHORITY OPENED AT 6.24PM

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 REPLACEMENT BRIDGE & ASSOCIATED WORK, CAM RIVER, SOMERSET - DA 192/2021

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 30 November 2021
File Reference: 1
Supporting Documents: 1. Application Documentation 
2. Representation 1 
3. Representation 2 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 192/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The development site is located on land that includes and is adjacent to the Bass Highway and the Cam River Bridge. The project spans across two local government areas. The majority of the bridge replacement is located within the Burnie City Council municipal boundary, however the development portion within the Waratah-Wynyard local government area includes upgrades to the intersection with the Murchison Highway, as well as the abutment of the proposed replacement bridge on the western shore of the Cam River.

Figure 1 below identifies the development area for this project within Waratah-Wynyard local government area with planning scheme zones. Much of the upgrade at the Murchison Highway/Bass Highway junction is located within the Utilities zone identified in yellow on the map and a small portion in the General Residential zone identified in red. These areas are considered to meet exemption clause 5.2.4 of the *Waratah-Wynyard Interim Planning Scheme 2013*, as the upgrades are on behalf of the road authority and do not extend more than 3m outside of the road reserve for the carriageway. Assessment is therefore required for the segment of realignment and abutting of the bridge located in the Environmental Management Zone identified in blue in Figure 1 and the Utilities zone in yellow for the minor incursion.



Figure 1: Zone boundaries and development site

DETAILS

The applicant is seeking approval for the small portion of road realignment between the Murchison Highway junction and Cam River alignment to the new replacement bridge location.

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 Environmental Management and Utilities under the Planning Scheme. The proposal is defined as a Utilities Use Class. This is a Permitted use within the zones, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clauses: -

- 29.3.2 (P1, P2) Discretionary permit use;
- 29.4.3 (P3) Location and configuration of development;
- E4.6.1 (P1) Change in existing ground level or natural ground level;
- E10.6.1 (P1) Development in proximity to a water body, watercourse or wetland;
and
- E10.6.2 (P1) Development in a shoreline area.

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 landowners, 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 November 2021. Two (2) representations have been received. The representations 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.

Representation- Mr Stirling

Issues Raised:	Planning Response:
The location of the bridge on the southern side of the existing bridge may be normal but it is not practical.	Unfortunately, this is not within the scope of the planning authority's assessment. All comments have been provided to the Department of State Growth for their consideration.
The new bridge will remove the river and beach area used by the community, leaving those with nowhere to go.	Access to the beach will not be restricted. The existing bridge is to be removed, so while a section of beach will be lost, a new area will be gained.
The new bridge will encroach into the area used by the car yard on the eastern side of the Cam River. The area may be Crown Land, but it puts the highway closer to the working yard.	This portion of the development is beyond the assessment of the planning authority as it is not within Waratah-Wynyard Council. The scope of this application is assessing only the portion of the upgrade highlighted in Figure 1.
The new bridge will encroach onto the new private units on the western side of the bridge and associated road works being raised will shadow the units close to the road.	The subject units sought planning approval for reduced setbacks to the Bass Highway corridor and were encouraged to liaise with the Department of State Growth in relation to their chosen locations as upgrades were identified in this location of the road corridor.
The new bridge will be higher to allow for major flood events. However, the existing railway bridge is to remain and not be demolished at this stage so will hold water back in a major flood event.	The proposed new bridge location over the river is not located within the Waratah-Wynyard local government area and is not included in this assessment.
The bridge will be higher and allow boats to pass underneath at higher tides. However, again the railway bridge is remaining, and boats will not be able to get under.	Noted.
The new bridge will have 2 bike lanes and don't seem practical when there will be a Coastal Pathway that the cyclist can ride on. There will be more options for cyclists than traffic.	Noted.
A more practical solution would be to demolish the existing rail bridge and build the bridge in this alignment on the northern side of the existing road bridge with the Coastal Pathway combined into the structure. This would not encroach onto the units or interfere with the car yard and would allow both bridges to be higher for boats and the community to continue using this area and provide more room at the Murchison Highway junction.	The planning authority is not responsible for designing the application, their role is to assess the application before them against the Waratah-Wynyard Interim Planning Scheme 2013. However, the feedback has been forwarded to the Department of State Growth.

Representation- Mr N Watson

Issues Raised:	Planning Response:
Curious why the new bridge is only 2 lanes. Surely knocking down the old bridge is losing an opportunity to have 2 lanes each way with populations growing in would be advantageous to look toward the future.	The planning authority is not responsible for designing the application, their role is to assess the application before them against their Waratah-Wynyard Interim Planning Scheme 2013. However, the feedback has been forwarded to the Department of State Growth.
The old bridge could be used for recreational purposes and a backup should traffic blockage arise.	Noted.

INTERNAL REFERRALS

Engineering Services Department

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

1. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
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. Relevant engineering plans, specifications, calculations and computations are to be prepared or certified by a Chartered Professional Engineer and submitted to the Director Infrastructure & Development for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development.
4. On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied. (Note: Template can be obtained from Council's website.)
5. A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure.
6. Footpaths are to be constructed in accordance with Tasmanian Standard Drawing TSD-R11-v3 Urban Roads Footpaths.
7. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure & Development is to be lodged with Council prior to:
 - (a) the issue of the Maintenance Period Commencement document; or
 - (b) prior to the sealing of the Final Survey Plan.

Note:

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 was referred to the Department of State Growth and Department of Primary Industries Parks Water and Environment (DPIPWE) and no response has been received at the date of writing this report. It is therefore assumed that no further conditions or notes have been required on any permit.

PLANNING ASSESSMENT

The subject site is zoned Environmental Management and Utilities under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Utilities use which is a discretionary use within the Environmental Management zone, and a Permitted use in the Utilities zone. 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 relevant discretionary provisions for the Environmental Management Zone and relevant Codes is provided below.

29.3.2 (P1, P2) Discretionary permit use

<p>A1 Discretionary permit use, other than residential use, must be –</p> <p>(a) on a site that is not located in an area of significant ecological, scientific, cultural or aesthetic value; or</p> <p>(b) consistent with any advice or decision of the relevant entity for a statutory outcome applying for protection, conservation and management of a significant ecological, scientific, cultural, or aesthetic value of the land or adjacent land</p>	<p>P1 Discretionary permit use, other than residential use, must –</p> <p>be required to locate in an area of significant ecological, scientific, cultural or aesthetic value –</p> <p>(i) to provide immediately access to a specific naturally occurring resource;</p> <p>(ii) to facilitate conservation, protection or management of a significant ecological, scientific, cultural or aesthetic value;</p> <p>(iii) to provide opportunity for diversification, innovation, and value-adding to secure a conservation outcome;</p> <p>(iv) to provide utility infrastructure of critical importance for the municipal or regional community or for Tasmania; or</p> <p>(v) to provide significant social, economic or environmental benefit to the Region or Tasmania; and</p> <p>(b) have regard to any advice or decision of the relevant entity for a statutory outcome applying for protection, conservation and management of a significant ecological, scientific, cultural, or aesthetic value of the land or adjacent land</p>
<p>Planning Comments:</p> <p>The proposed new realignment and replacement bridge works do not meet the acceptable solution and therefore must address the performance criteria.</p> <p>The project is part of a larger project identified as the State Growth Cooee to Wynyard Corridor Improvement Plan. The replacement bridge and associated rectification work for the removal of the existing bridge is designed and intended to resist more significant flood events, cater for increased traffic demands and accommodate future sea level rise projections. The proposed bridge work redevelopment will provide an overriding benefit to the region, as without it the north-west would be significantly more isolated and therefore complies with (a) (v).</p>	

The proposal complies with the performance criteria.	
A2 There is no acceptable solution	P2 Use on land with a high level of risk from exposure to a natural hazard must be required to provide an overriding social, economic or environmental benefit to the Region or Tasmania; and (a) no suitable alternate site is available; and (b) a hazard risk assessment in accordance with Code E2 - Bushfire Prone Areas and Code E6 - Hazard Management indicates – (i) there is an insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or (ii) a hazard management plan demonstrates a tolerable level of risk can be achieved and maintained for the type, scale and intensity of the use
<p>Planning Comments:</p> <p>The proposed new realignment and replacement bridge works do not meet the acceptable solution and therefore must address the performance criteria.</p> <p>The project is part of a larger project identified as the State Growth Corridor to Wynyard Corridor Improvement Plan. The replacement bridge and associated rectification work for the removal of the existing bridge is designed and intended to resist more significant flood events, cater for increased traffic demands and accommodate future sea level rise projections. The proposed bridge work redevelopment will provide an overriding benefit to the region, as without it the north-west would be significantly more isolated.</p> <p>There is no alternative site solution available or suitable.</p> <p>The proposal provided a supporting Coastal Erosion and Inundation Hazard Report along with a Natural Values Assessment, indicating that a tolerable level of risk and the design requirements will be of a tolerable level of risk for the duration of the development.</p> <p>The proposal complies with the performance criteria.</p>	

29.4.3 P3 Location and configuration of development

A3 A building or a utility structure must be – (a) not less than 15m below the level of any adjoining ridgeline; (b) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) below the canopy level of any adjacent forest or woodland vegetation; and	P3 (i) a building or structure must – (i) not be visually apparent on a skyline; (ii) not be visually apparent above the adjacent vegetation canopy; (iii) not be visually apparent on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and
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<p>(d) (d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>(iv) not be visually apparent as a result of the reflection of light from an external surface; or</p> <p>(ii) the location of a visually apparent building or structure must –</p> <p>(i) be essential and unavoidable in order to provide an overriding community benefit; or</p> <p>(ii) incapable of change due to an exceptional circumstance.</p>
<p>Planning Comments:</p> <p>The proposed project upgrades are within 30m of the shoreline of the Cam River, and therefore must address the performance criteria.</p> <p>The proposed location of the new bridge realignment and where it will abut to the Waratah-Wynyard local government area on the western side of the Cam River will be directly next to the existing bridge to the south. This will assist with reducing any impact on the visual amenity of the area.</p> <p>The light reflection from the surface of the bridge will be no different to the current bridge in place. The location of the replacement bridge is necessary and unavoidable over the shoreline and is essential as it is providing an overriding community benefit.</p> <p>The proposal complies with the performance criteria.</p>	

E4.6.1 Change in existing ground level

<p>A1 Cut or fill must -</p> <p>(a) not be on land within the Environmental Living zone or the Environmental Management zone;</p> <p>(b) be required to -</p> <p>(i) provide a construction site for buildings and structures;</p> <p>(ii) facilitate vehicular access;</p> <p>(iii) mitigate exposure to a natural or environmental hazard;</p> <p>(iv) facilitate provision of a utility;</p> <p>(v) assist the consolidation or intensification of development; or</p> <p>(vi) assist stormwater management</p> <p>(iii) not result in a modification of surface stormwater water flow to increase –</p>	<p>P1 Cut or fill must -</p> <p>(a) make arrangements for the drainage and disposal of stormwater;</p> <p>(b) make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land;</p> <p>(c) manage drainage and disposal of intersected ground water;</p> <p>(d) safeguard the quality of receiving waters;</p> <p>not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 <i>Land Use Planning and Approvals Act 1993</i> registered on the title of adjacent land providing for the level of constraint; and</p> <p>not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p>
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<p>(i) surface water drainage onto adjacent land;</p> <p>(ii) pooling of water on the site or on adjacent land; or</p> <p>(iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</p> <p>(iv) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(v) manage disposal of intersected ground water;</p> <p>(vi) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with <i>Soil and Water Management on Building and Construction Sites 2009</i>;</p> <p>(vii) Not require a retaining or support structure that would result in an area of influence</p> <p>(viii) within the boundary of adjacent land; and</p> <p>(ix) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised –</p> <p>(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(vii) any condition or requirement it determines are appropriate to protect the utility</p>	<p>(ii) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(iii) any condition or requirement it determines are appropriate to protect the utility</p>
<p>Planning Comments:</p> <p>Cut and fill arrangements are to be located within the Environmental Management zone and are required to support the proposed new bridge abutment works to the embankment in the Waratah-Wynyard Council local government area, being the western side of the Cam River. Therefore, the proposal must address the performance criteria.</p> <p>The proposed upgrades include fully formed kerb and channel drainage infrastructure and is provided to ensure the highway is appropriately serviced and the neighbouring land is appropriately managed.</p> <p>The drainage infrastructure has been designed to ensure it meets the <i>Urban Drainage Act 2013</i> and therefore complies with (a), (c), and (d).</p> <p>The proposed infrastructure upgrades have been designed to ensure that they will not disrupt the stability of existing buildings or properties on adjoining land to the project.</p>	

The application has provided copies of the relevant consent letters and delegations for all of landowner parties involved in the application. There is no need for a Part V agreement due to a retaining structure causing an area of influence on another parcel of land.

The proposed development does not encroach or disturb an underground utility by less than 1m.

Therefore, the proposal complies with the performance criteria.

E10.6.1 P1 Development in proximity to a water body, watercourse or wetland

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

The portion of development requiring assessment against the Code is a small abutment portion of the new bridge, although the majority of the bridge is located within the Burnie City Council municipality. The

assessment is focused on the abutment of the new replacement bridge into the bank on the western portion of the Cam River and the new realignment of this portion toward the upgraded junction. This portion is located within 30m of a water course and therefore must satisfy the performance criteria.

The new abutment of the bridge with the realignment to the west of the Cam River is not considered to contribute to any further impact on the hydraulic performance of the watercourse.

The economic value of the of the watercourse will not be compromised due to realignment change on the western side of the Cam River embankment.

The water-based activities will be able to continue operating and additional beach area will be available between the new abutment and the demolished abutment.

Disturbance and change in ground level are limited to the abutment portion and realignment at the western portion of the Cam River realignment. Disturbance and change in ground level for this junction have provided engineering drawings indicating that the control of sediments will be minimised and managed during construction and will provide updated infrastructure to manage stormwater into the mains system. The embankments will be re-sown after works are completed.

Public access and use for this small portion of the reserve area will be used, however when completed another small portion to the north will be gained. Pedestrian accessibility will be improved with a formal pathway under the new bridge.

The proposal is to support infrastructure of the highway corridor. It is not considered to have an aesthetic or scenic quality where located on the land within Waratah-Wynyard local government area.

There is no modification of a natural drainage channel within the scope of this assessment or the biodiversity or ecological function within the scope of this small realignment area. However, the applicant did provide a supporting Natural Values Assessment for the entirety of the project across both local government areas for consistency.

The level of likely risk from exposure to a natural hazard such as flooding, and inundation has been improved as part of the proposal due to the abutment on the western side of the Cam River being raised above the current abutment and alignment of the highway. The risk to community and public safety is considered to be improved further by the new application.

The proposal complies with the performance criteria.

E10.6.2 P1 Development in proximity to a shoreline area

<p>A1 There is no acceptable solution</p>	<p>P1 Development must –</p> <p>be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;</p> <p>avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;</p> <p>minimise impact on scenic quality of the sea-shore area;</p> <p>minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of –</p>
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	<ul style="list-style-type: none"> (i) nature and operational characteristics of the development; (ii) location; (iii) bulk, size, and overall built form of any building or work; (iv) overshadowing; or (iv) obstruction of views from a public place; and <p>minimise immediate or cumulative adverse effect for –</p> <ul style="list-style-type: none"> (i) tidal, wave, current, or sediment movement processes; (ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms; (iii) vulnerability to erosion and recession; (iv) natural cycles of deposition and erosion; (v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species; (vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water; (vii) coastal water quality; (viii) likely interference or constraint on use of public areas; (ix) any scientific, architectural, aesthetic, historic or special cultural value; (ix) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change; (x) coastal protection and rehabilitation work required to address erosion, instability, regression, or inundation; (xi) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment;
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	<p>(xii) economic activity dependent for operational efficiency on a sea-shore location;</p> <p>(xiii) public safety and emergency services;</p> <p>(xiv) marine navigation and communication systems;</p> <p>(xv) safety of recreational boating; and</p> <p>(xvi) be consistent with the current edition of <i>Tasmanian Coastal Works Manual DPIPWE 2011</i></p>
<p>Planning Comments:</p> <p>The proposed development for the realignment of the replacement bridge on the western portion of the Cam River is located within 30m of a shoreline and therefore must address the performance criteria.</p> <p>The development is required to locate within a shoreline area as there is no alternative. The entirety of the project is identified as the Cooee to Wynyard Improvement Plan. The replacement of the bridge and its subsequent realignment within the Waratah-Wynyard local government area is intended to withstand more significant flooding events, assist with traffic demands and provide a response to sea level rise complying with (a).</p> <p>The proposed realignment will not unreasonably or unnecessarily impact on the potential to access the shoreline, land or water complying with (b).</p> <p>The proposal is for a new alignment of the highway. It is not considered to impact or change the scenic quality of the seashore area or the appearance of the operation characteristics of the highway complying with (c) and (d).</p> <p>The application does not involve works within the tidal wave areas that could progress to sediment movement areas, coastal land or erosion and natural cycles, marine habitat, water course drainage or coastal water quality complying with (e).</p> <p>The proposal will not interfere with the public areas and will make good the existing area to be removed. It is considered that this will not impact further on the cultural values of the area.</p> <p>The proposal is required to mitigate the risks of sea level rise and flooding complying with (e) (x). Much of the coastal protection works are focused within the adjoining municipal area and is not applicable to this assessment. The upgrade is required for operational efficiency and economic activity in the area in addition to catering for improvements in public safety.</p> <p>The proposal complies with the performance criteria.</p>	

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993 (the Act)* and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) under S.48 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.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications to 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 & 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.

RECOMMENDATION

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 replacement bridge (and associated work) complies with either the acceptable solution or satisfy the performance criteria for all applicable standards of the Planning Scheme. The proposed replacement bridge and associated work is limited to the portion of land where the new bridge abutment and realignment of highway will occur.

The application is considered to comply with the Environmental Management zone provisions, the Utilities zone provisions, the Change in Ground Level Code, and the Water and Waterways Code provisions for the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the replacement bridge (and associated works).

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

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 a Replacement Bridge and Associated Work at Cam River, Somerset 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 Drawing Number 12539482-C0015_C0018.dwg, Revision B, sheet number 17-18, as prepared by GHD and dated 19 October 2021.
- (2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (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) 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.
- (5) Relevant engineering plans, specifications, calculations and computations, for the works that will become Council assets, are to be prepared or certified by a Chartered Professional Engineer and submitted to the Director Infrastructure & Development for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure & Development.
- (6) On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template are to be supplied. (Note: Template can be obtained from Council's website). A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure.
- (7) A maintenance bond of 5% of the cost of the civil works that will become Council assets as approved by the Director Infrastructure & Development is to be lodged with Council prior to:
 - (a) the issue of the Maintenance Period Commencement document; or
 - (b) prior to the sealing of the Final Survey Plan.

(8) Footpaths are to be constructed in accordance with Tasmanian Standard Drawing TSD-R11-v3 Urban Roads Footpaths.

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 192/2021. 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.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

6.4 RETROSPECTIVE GAZEBO (CARPORT) AT 13 MOORE STREET, BOAT HARBOUR BEACH - DA 196/2021

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 1 December 2021
File Reference: 7087153
Supporting Documents: 1. Application Documentation 
2. Representation 
3. Representor's Attachments 
4. Signed Extension of Time 

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 196/2021 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site is located at 13 Moore Street, Boat Harbour Beach. The site has an area of 476m². It is located within the Low Density Residential Zone, as are the neighbouring lots on all sides. The site is currently improved with an existing dwelling and associated decking.

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



Figure 1: Subject development site

DETAILS

The applicant is seeking retrospective approval for a gazebo (carport) on property described as 13 Moore Street, Boat Harbour Beach (CT 28/55254).

The development is a lightweight timber framed gazebo with a galvanized dark grey coloured roof. The gazebo measures 4.27m x 3.69m reaching a maximum height of 3.23m to the roof apex.

The proposed gazebo is located within the frontage of the site at 13 Moore Street and is orientated on an angle to the frontage of the site. The gazebo is setback from the frontage 3.669m and 4.03m from the frontage and ranging from 2.25m through to 2.68m from the southern side boundary. This has allowed the existing concrete driveway, access point and garden beds to remain untouched.

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 following clauses: -

- Suitability of a site or lot for use or development 12.4.1 (P1);
- Dwelling Density 12.4.2 (P1); and
- Location and configuration of development 12.4.3 (P1, P2, P4).

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 landowners, 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 8 November 2021. One (1) representation was received. 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

Issues Raised:	Planning Response:
Concerned that the building is already erected without approval.	The application before the planning authority is for a retrospective planning approval.
The engineers and planners have not noticed the retaining wall between 13 Moore Street and 11 Moore Street has been covered by the previous landowner.	This does not currently form part of the planning application for assessment.
The retaining wall has moved 400mm.	Noted.
We tried to install a new retaining wall however the previous owners stalled and sold the property.	Please note, replacement and proposed new retaining walls may require planning permits and subsequent building permits. Please note Council still offer pre-lodgement advice should you have any draft proposal drawings to ascertain if planning permits are required.
The back-fence line of 11 Moore Street survey posts has been removed and post holes have been dug along the boundary. We have WHS safety	Not applicable to the current planning application at 13 Moore Street, Boat Harbour Beach. Council's Compliance Officer has since inspected the property and determined the depth and extent of the works meet exemptions

concern with the holes and had no correspondence from Council or our neighbour on this.	under both the Change In Ground Level Code and the Hazard Management Code and therefore do not require a planning permit. The holes appear to be for boundary fencing, largely a civil issue. A useful link in relation to boundary fences is found at: https://www.legalaid.tas.gov.au/factsheets/boundary-fences/
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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. Vehicular access to and egress from the site is to occur only in a forward motion. A reinforced concrete driveway slab is to be constructed between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09-v3, Urban Roads Driveways and the conditions in a "Activity in Road Reservation Permit".
5. Stormwater from the development is to be connected and discharged into Council's reticulated stormwater drainage network.

Note:

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 proposal was not required to be referred to any external referral bodies.

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 the *Land Use Planning & Approvals Act 1993* 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 relevant discretionary provisions for the Low Density Residential Zone Code and relevant Codes is provided below.

12.4.1 Suitability of a site or lot for use or development

<p>A1</p> <p>A site or each lot on a plan of subdivision must –</p> <p>(a) have an area of -</p> <p style="padding-left: 40px;">(i) not less than 500m² excluding any access strip; or</p> <p style="padding-left: 40px;">(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) contain a building area of not less than 10.0m x 15.0m -</p> <p style="padding-left: 40px;">(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p style="padding-left: 40px;">(ii) clear of any applicable setback from a zone boundary;</p> <p style="padding-left: 40px;">(iii) clear of any registered easement;</p> <p style="padding-left: 40px;">(iv) clear of any registered right of way benefitting other land;</p> <p style="padding-left: 40px;">(v) clear of any restriction imposed by a utility;</p> <p style="padding-left: 40px;">(vi) not including an access strip;</p> <p style="padding-left: 40px;">(vii) accessible from a frontage or access strip; and</p> <p style="padding-left: 40px;">(viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north</p>	<p>P1</p> <p>A site or each lot on a plan of subdivision must</p> <p>(a) be of sufficient area for the intended use or development without likely constraint or interference for –</p> <p style="padding-left: 40px;">(i) erection of a building if required by the intended use;</p> <p style="padding-left: 40px;">(ii) access to the site;</p> <p style="padding-left: 40px;">(iii) use or development of adjacent land;</p> <p style="padding-left: 40px;">(iv) a utility; and</p> <p style="padding-left: 40px;">(v) any easement or lawful entitlement for access to other land; and</p> <p>(b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area</p>
<p>Planning Comments:</p> <p>The subject site is 427m² in area and therefore requires assessment against the performance criteria.</p> <p>The proposal is for a retrospective gazebo structure that will also double as a carport. It will not impact on the residential use of adjoining properties, which are also used for residential use. It will not impact on the access to the site, utilities or adjacent land.</p> <p>The proposal complies with the performance criteria.</p>	

12.4.2 Dwelling Density

<p>A1</p> <p>The site area per dwelling must –</p> <p>(a) be not less than 500m² if the site has –</p> <p style="padding-left: 40px;">(i) connection to a reticulated water supply;</p> <p style="padding-left: 40px;">(ii) connection to a reticulated sewer system; and</p> <p style="padding-left: 40px;">(iii) connection to a stormwater system; or</p> <p>(b) if the site is in a locality shown in the Table to this Clause, not less than the site area for that locality.</p>	<p>P1</p> <p>The number of dwellings on a site must be consistent with the capability of the land for residential use in terms of –</p> <p>(a) a suitable building area;</p> <p>(b) access from a road;</p> <p>(c) provision of a water supply;</p> <p>(d) disposal of sewage;</p> <p>(e) disposal of stormwater; and</p> <p>(f) a tolerable level of risk from a natural hazard.</p>
<p>Planning Comments:</p> <p>The subject site is less than 500m² in area and is being further developed, therefore the proposal must address the performance criteria.</p> <p>Currently the site is developed with an existing dwelling and associated deck, along with the already constructed gazebo structure. There will continue to be only one dwelling on-site and the site is considered of appropriate dimensions and size to cater for the gazebo. The gazebo has been located at the eastern half of the site alongside an existing garden bed.</p> <p>Access from Moore Street will continue to be used from the existing crossover.</p> <p>Water supply provision will continue to be provided from an on-site storage tank.</p> <p>Disposal of sewerage will continue to be disposed of into the mains infrastructure.</p> <p>Disposal of stormwater will continue to be collected and directed to the infrastructure in Moore Street. A condition has been recommended to be placed on any permit to ensure this will continue for the new structure.</p> <p>A hazard risk assessment was not required to support the application due to the structure meeting clause E 6.4.4 (c), given the structure is non-habitable. A tolerable level of risk is considered to be achieved from any risk from a natural hazard.</p> <p>The proposal complies with the performance criteria.</p>	

12.4.3 Location and configuration of development

<p>A1</p> <p>The wall of a building must be setback from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p>	<p>P1</p> <p>The setback of a wall of a building from a frontage must be –</p> <p>(a) consistent with the streetscape; and</p> <p>(b) required by a constraint imposed by –</p> <p style="padding-left: 40px;">(i) size and shape of the site;</p> <p style="padding-left: 40px;">(ii) orientation and topography of land;</p> <p style="padding-left: 40px;">(iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater;</p> <p style="padding-left: 40px;">(iv) arrangements for vehicular or pedestrian access;</p>
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<p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) if the site abuts a road shown in the Table to this Clause, the setback specified for that road.</p>	<p>(v) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;</p> <p>(vi) a utility; or</p> <p>(vii) any lawful and binding requirement –</p> <p>a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or</p> <p>b. an interest protected at law by an easement or other regulation</p>
<p>Planning Comments:</p> <p>The gazebo is located less than 4.5m from the frontage to Moore Street and therefore must address the performance criteria.</p> <p>The proposed gazebo has been setback to ensure it is in line with the existing row of houses at 11 Moore Street and 15 Moore Street, Boat Harbour Beach, to ensure that it is consistent with the streetscape in the area. The gazebo is setback 3.659m from the frontage at the closet point and splays to a setback of 4.03m in the south-eastern corner. It is not uncommon for dwellings along Moore Street to be setback as close as 2m from the frontage to Moore Street.</p> <p>The setback relaxation is required due to the size and shape of the site, the existing development and servicing arrangements on-site, and the orientation and topography of the lot.</p> <p>The proposal complies with the performance criteria.</p>	
<p>A2</p> <p>All buildings must be contained within a building envelope determined by-</p> <p>(a) the applicable frontage setback;</p> <p>(b) if the site is in a locality shown in the Table to this Clause, not less than the setback distance specific from the feature specified;</p> <p>(c) projecting a line at an angle of 45o from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback -</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and –</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls -</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p>	<p>P2</p> <p>Building height and location of a building in relation to a frontage and site boundaries must -</p> <p>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</p> <p>(b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;</p> <p>(c) be consistent with the streetscape;</p> <p>(d) respond to the effect of the slope and orientation of the site; and</p> <p>(e) provide separation between buildings to attenuate impact</p>

<p>iii. overshadowing does not result in -</p> <p>a. less than 2 hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between 9.00am and 3.00pm on 21st June; or</p> <p>b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than 2 hours between 9.00am and 3.00pm on 21st June; or</p> <p>(d) in accordance with any building envelope shown on a sealed plan</p>	
<p>Planning Comments:</p> <p>The development does not fit within the applicable building envelope at the frontage, and therefore the proposal must address the performance criteria.</p> <p>Given the structure is only single storey and the topography climbs to the south, the gazebo is unlikely to contribute to overshadowing of a habitable room or an area used for private open space on the neighbouring property. The shading caused by the gazebo will predominantly be contained within the title boundary.</p> <p>Given the structure is limited to only 3.23m high and is a lightweight timber frame that is not enclosed, the bulk, massing and scale of the small structure is not considered to be contributing a bulk or massing problem in relation to any adjacent buildings. The topography also assists the neighbouring property to the south, view over the top of the structure.</p> <p>The gazebo is located within the frontage of the site, however this remains consistent with the streetscape along Moore Street, as the majority of the properties in the street have built dwellings and associated decks within the frontage of Moore Street, including but not limited to 17, 15, 11, 2, 10, and 12 Moore Street.</p> <p>The location for the gazebo is preferred due to not requiring further earthwork to locate the structure on sloping topography.</p> <p>Separation between buildings remain reflective of that in the Low Density Residential zone of Boat Harbour Beach. The subject gazebo is setback 2.25m at the closest point to the southern side boundary, with the existing dwelling built to the boundary. The deck of the neighbouring property at the south is setback approximately 1.5m from the shared side boundary and therefore the separation between buildings will be approximately 3.75m.</p> <p>The proposal complies with the performance criteria.</p>	
<p>A4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building</p>	<p>P4</p> <p>A garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –</p> <p>(a) not dominate the architectural or visual frontage of the site;</p> <p>(b) be consistent with the streetscape;</p> <p>(c) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and</p> <p>(d) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land</p>

Planning Comments:

The gazebo has been proposed to double up as an undersized carport, and is located within the frontage of the site, therefore the proposal must address the performance criteria.

The development is a lightweight timber structure and is single storey in height, which assists with the structure not dominating the visual frontage of the site.

The gazebo is located within the frontage of the site, however this remains consistent with the streetscape along Moore Street, as the majority of the properties in the street have built dwellings and associated decks within the frontage of Moore Street, including but not limited to 17, 15, 11, 2, 10, and 12 Moore Street.

The frontage setback relaxation is required due to the small shape and size of the lot, the existing dwelling on the site, and the topography of the site will not allow the gazebo in a different location.

No screening is proposed at the frontage of the site, as the development remains consistent with the streetscape of Moore Street.

The proposal complies with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993 (the Act)* and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) under S.48 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.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

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.

The *Land Use Planning and Approvals Act 1993* provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a & 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.

RECOMMENDATION

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

It is considered that the retrospective development application for a gazebo (carport) complies with either the acceptable solution or satisfies the performance criteria for all applicable standards of the Planning Scheme. The proposal is not dissimilar to the range of setbacks within the streetscape of Moore Street, Boat Harbour Beach, and makes appropriate use of the lot due to the orientation, and size and shape of the existing lot. Overshadowing of adjoining lots due to the gazebo is unlikely to occur due to the natural topography of the street and will have minimal impact on the residential amenity of surrounding properties.

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

MOVED BY	CR HYLAND
SECONDED BY	CR DUNIAM

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 a gazebo (carport) at 13 Moore Street, Boat Harbour Beach 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 14721 as prepared by Weeda Drafting & Building Consultants and dated 19 October 2021.****
- (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) Vehicular access to and egress from the site is to occur only in a forward motion.**
- (6) A reinforced concrete driveway slab is to be constructed between the kerb crossover and the property boundary in accordance with Tasmanian Standard Drawing TSD-R09-**

v3, Urban Roads Driveways and the conditions in a “Activity in Road Reservation Permit”.

(7) Stormwater from the development is to be connected and discharged into Council’s reticulated stormwater drainage network.

Notes: -

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

- This project must be substantially commenced within two years of the issue of this permit.
- An “Activity within the Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- The applicant is advised to consult with a Building Surveyor to ensure the development is constructed in accordance with the *Building Act 2016*.
- The 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*.
- This permit is based on information and particulars set out in Development Application DA 196/2021. Any variation requires an application for further planning approval of Council.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 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, GPO Box 2036, Hobart, 7001.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

PLANNING AUTHORITY CLOSED AT 6.29PM

7.0 MATTERS RAISED BY COUNCILLORS
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7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil received.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE**7.3.1 CR COURTNEY - BINS AT LOOKOUTS/PARKING BAY AREAS**

Cr Courtney asked if rubbish bins were going to be located at the two lookouts/parking bay area along Old Bass Highway in Wynyard. (Cr Bramich also asked that table and chairs be installed).

The General Manager advised that these items were not currently budgeted/planned however items could be included in budget deliberations for 2022/23.

8.0 NOTICE OF MOTION**8.1 CR C EDWARDS - CCTV IN COUNCIL CHAMBERS****BACKGROUND INFORMATION**

While all Council meetings are now digitally recorded (video and audio), the installation of internal CCTV in the Council Chambers will ensure accurate coverage of all Council events and discussions at all times. I emphasise that it is our duty as councillors “to provide for the health, safety and welfare of the community; and to provide for the peace, order and good government of the municipal area”, equally there must be a duty of care towards Councillors in the undertaking of their duties particularly whilst in Chambers.

WWC already provides CCTV coverage in council building areas and outdoor public space, for the safety to assets, people and staff, therefore it would be remiss of council to not serve the same duty of care to our visiting constituents, staff and councillors in the Council Chamber space to provide optimum safety at all times.

OFFICERS COMMENT

CCTV offers a preventative deterrent in regard to safety, but alone will not eliminate all risk.

Currently, Council meetings are live streamed however the footage does not cover visitors in the gallery. It is understood that the intent of the motion is to ensure the gallery is covered by the camera and it is to be used broader than at Council meetings.

If adopted, it is unlikely a CCTV camera could be ordered and installed by the January meeting, however other recording devices can be used. The motion will have unbudgeted costs that can be covered within the operating budget. Other policies and procedures will need to be updated accordingly.

The *Tasmania Listening Devices Act 1991* (Legislation.tas.gov.au) governs the use of CCTV cameras in Tasmania. It should be noted that CCTV camera use is limited to visual surveillance only. Audio surveillance and recording of conversations is not permitted.

MOVED BY	CR EDWARDS
SECONDED BY	CR DUNIAM

That Council install internal CCTV as a workplace health and safety initiative into the Council Chambers on or before the next Ordinary Meeting of Council in January 2022.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 TABLE CAPE AMENITIES - LOO WITH A VIEW PROPOSAL

To:	Council
Reporting Officer:	Manager Tourism and Marketing
Responsible Manager:	Director Community and Engagement
Report Date:	29 November 2021
File Reference:	082019
Enclosures:	1. Loo with a View - An Independent Review October 2021



PURPOSE

For Council to consider and note the report *Loo with A View: Independent Review* and to determine the future direction of this project.

BACKGROUND

Table Cape is a highly trafficked area during the tourist season, in particular in Spring when the surrounding tulip fields are in bloom. The most recent flowering season, aided by the expansion of event offerings, attracted over 20,000 visitors to the area. It is expected these numbers will grow as COVID restrictions are lifted and travel patterns normalise.

In terms of supporting visitor infrastructure, there is currently a lookout (built circa 2010) which has no cover, leaving it exposed in wet and windy weather, some interpretive material identifying geological landmarks and a walking track linking the lookout to the Table Cape Lighthouse. There are opportunities to upgrade these to create a more accessible and engaging experience with greater cultural and place connections.

Table Cape is marketed heavily as a destination and is visited by a host of in-bound tour companies and cruise ship visitors (pre-COVID). The issue of no public amenities at the site has been raised with Council on several occasions in the past by the operators of the Table Cape Lighthouse Tours, bus tour operators and visitors to the area.

The Wynyard Destination Action Plan (2017-2020) identified the development of visitor infrastructure at Table Cape as a high priority for improving the visitor experience. There is an opportunity to create a “wow” moment with visitor infrastructure in this location, making it a must visit location all year round instead of a limited high season – both increasing and spreading the economic benefits of tourism for our region into shoulders seasons.

In April 2018, a Council workshop was held to discuss the initial project concept and seek ‘in principle’ support to move forward with the development of a concept design. In September 2018, Cumulous Studios was engaged to produce a Concept Design for the Loo with a View project.

In May 2019, the State Government instigated the “Reimagining our Regions” project under the T21 Visitor Economy Strategy. The project was led by the Office of the Co-ordinator General in partnership with Tourism Tasmania. The primary objective of the project was to identify product development and investment opportunities that will drive visitor demand into the far north west region of Tasmania. Stage 1 of this project identified the ‘transformation of Table Cape into a ‘must-stop’ hub’ as one of the key priorities.

Council agreed to pursue a business case for the Loo with a View project as an Annual Plan action for 2019/20. Due to the impact of the COVID 19 pandemic, this action was deferred.

At the November 2021 meeting, Council:

- 1. noted the successful Building Better Regions Fund application for the Table Cape Lookout to the value of \$305,333; and*
- 2. authorised the project expenditure of \$655,756, noting Council's contribution toward the project is estimated to be \$350,423.*

The above works include an upgrade to the walking track between the Lookout and the Lighthouse, interpretive signage and augmented reality, widening of the access road to incorporate angled parking and a full bus turning circle, DDA parking and bus parking areas. The proposal will address the current congestion and parking issues at the site which are being exacerbated by significant increases in visitation in recent years.

Also of note is that funding was also provided by the State Government to a private operator for the Table Cape Lightshow Experience, which if it proceeds, will further enhance the visitor experience at the Lighthouse and provide an additional drawcard for the Table Cape site, increasing the demand for public amenities.

These projects, along with other recent and potential developments at Table Cape, provide a supportive environment for the Loo with a View concept to be reconsidered.

DETAILS

In August 2021, Allison Anderson, from Tasmanian consulting firm Episteme, was chosen through a competitive process to produce the attached report. Ms Anderson was considered the best candidate due to her experience as the former Head of Research for Tourism Tasmania, a PhD in Urban Design and Tourism and an extensive background specific to tourism development and destination management projects.

Increased visitor demand and a series of proposed new developments has highlighted the need for public amenities on Table Cape. The current lookout is also inadequate in terms of shelter and does not meet the needs of visitors looking for 'quirky, immersive' experiences that connect them to place.

The cost of building 'standard' amenities at Table Cape is likely to be in the vicinity of \$350,000, given the site challenges. This option would provide an initial capital saving, however, would not deliver any of the economic benefits of a 'destination toilet', and would still incur on-going annual operational costs of close to \$30,000.

A 'destination toilet' would see the design and build of an environmentally friendly, cutting edge facility that delivers not only a solution to both identified problems, but an innovative, immersive and exciting visitor experience that draws increasing visitor numbers and adds money into the local economy through increased visitor spend.

The concept will incorporate the existing lookout into the toilet design, providing greater shelter, accessibility and viewing opportunities. It will highlight the unique nature of the site through connection to indigenous culture, geological facts, maritime history and current agribusiness operations.

Great loos in tourism destinations become talking points, encourage repeat visits and can be a positive indicator of how the host community respects tourists. There is an internationally

growing trend which sees the beautifully designed toilets, toilet blocks and or “loos-with-a-view” becoming the destination themselves.

It is proposed that Council seek submissions through tender for the final design of the infrastructure, noting the recommendations in the attached “Loo With A View Independent Report” that Council should look to be ‘brave in concept and execution’ and consider the ‘instagrammable frame’ in the final design.

It is anticipated capital costs for this project will be funded in the majority through external grants. It should be noted that a ‘standard’ toilet would be unlikely to attract the same funding opportunities as a ‘destination’ toilet incorporating modern, enhanced visitor experiences that are consistent with the Tasmanian brand story.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 5: Economic Prosperity
Desired Outcomes
Tourists and residents visit and appreciate our natural environmental attractions and unique surroundings.
Our Priorities
5.2 Investigate and embrace new economic opportunities.

GOAL 5: Economic Prosperity
Desired Outcomes
Residents and visitors are provided with information and helped to access and appreciate our natural and heritage assets.
Our Priorities
5.7 Support existing and encourage new innovative activities/industries to the area.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
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.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The estimated capital costs for a destination toilet would be sourced externally. On-going annual costs are estimated at approximately \$40,638 - including annual depreciation and a 100% premium on current service levels. A key recommendation in the Episteme report was to ensure if this project proceeds, it is vital Council is able to ensure quality, both in design and ongoing cleaning and maintenance.

ESTIMATED COSTS FOR THE PROJECT AS AT OCTOBER 2021

	Total Cost	Annual Depreciation	Annual Operation and Maintenance	Total Annual Costs
Standard Toilet*	\$348,690	\$6,974	\$21,262	\$28,236
Destination Toilet	\$462,690	\$9,254	\$31,384	\$40,638

*NOTE: Given the location, there are unknowns with a project of this nature and as such a contingency of 20% should be allowed.

A destination toilet would incur higher annual operational costs than a standard toilet but would have the positive benefits of increasing visitation to the area, bringing much needed visitor spend to the local economy.

The *Loo with a View: Independent review* notes that “if done well it will bring returns to the community....there need only be an increase of less than 0.2% in interstate and international overnight visitation per year to cover off on the annual operating costs of the toilet...”. This equates to 215 visitor nights @ \$232 visitor spend.

RISK IMPLICATIONS

Environmental Impact

It is proposed that the concept will follow best practice environmental design principles and be innovative in its design solutions so as to minimise any environmental impact. It would be an added drawcard to be able to highlight the project as being a ‘leader in environmental design’ – and the budget has made allocation for this.

Reputational

The report outlines a genuine risk to Council’s reputation if this project proceeds without consideration being given to the quality of the design, the ability to attract and ‘wow’ visitors, provide a positive user experience and consider both present and future demand in the design. However, the report states that “if done well, this product is a cost-effective opportunity to further build Wynyard and Table Cape’s position in Tourism Tasmania’s imagery and itineraries as a brand-aligned experience.”

CONSULTATION PROCESS

As the site is a conservation reserve, the project would need to be supported by advice from the relevant authority for the land (Parks and Wildlife Service). Consultation with private landowners surrounding the site would also be required.

Burnie Airport Corp would require elevation plans and will also be interested in any lighting proposed.

An Aboriginal Heritage Survey was conducted for Waratah-Wynyard Council in 2010 – covering the area between the Lighthouse and the current lookout site. No aboriginal sites were discovered in the vicinity of the current lookout. That report recommends another Aboriginal site assessment should any other sub-surface ground disturbance beyond the four pillars dug for that site be proposed.

As the project is on an iconic site of significant importance for the local community the project will likely require extensive public consultation to ensure community support.

CONCLUSION

The Loo with a View project offers Council the opportunity to create an attraction that will increase the visibility of Wynyard in a crowded marketplace and provide a genuinely unique and ‘sharable’ experience for visitors. It also offers an innovative solution to the acknowledged need for public amenity and upgraded infrastructure at a popular site that is likely to see increased visitor demand in the future. The project would complement and enhance existing and proposed new developments at Table Cape.

In conclusion, the external report urges Council to consider a number of critical factors with the keys to success the final design being unique, innovative, high quality, environmentally sensitive, culturally connected, inclusive and connected to place.

The report also notes: “Commissioning and selecting a design that contributes to and supports Tasmania’s brand of being unusual, connected, focussed on quality and celebrating brutal beauty will provide significant opportunity to engage with the State tourism marketing body.”

These opportunities would propel Wynyard into the spotlight as a ‘must see’ destination, as the industry as a whole, and more specifically the local economy, rebounds from the significant impacts of COVID-19 in the coming years.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council:



- 1) Note the Loo with a View Independent Review by Episteme dated 1 November 2021; and**
- 2) Authorise officers to identify, and action where possible, external funding opportunities for destination amenities at Table Cape**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.2 BOAT HARBOUR BEACH MASTER PLAN - ANNUAL UPDATE

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	1 September 2021
File Reference:	004.01
Enclosures:	1. BHBSLSC Concept Design  2. Landscape Concept Plan - Draft 

PURPOSE

The Boat Harbour Beach Master Plan (Master Plan) was developed to address community expectations and provide a strategic plan for the area. This report reviews the current status of the Master Plan.

BACKGROUND

In 2016 Council commenced the development of a Boat Harbour Beach Master Plan. Through an expression of interest tender process, Council engaged ERA Planning Pty Ltd to lead a multi-disciplinary consultancy team to undertake analysis and planning through an extensive process involving:

- (a) Principal Consultant and Master Planning – ERA Planning Pty Ltd;
- (b) Architectural and Master Planning – Cumulus Studio; and
- (c) Stakeholder Engagement – Noa Group.

The Boat Harbour Beach Master Plan provides a unifying vision for the area particularly focusing on the management of public spaces around the beach area and the provision of supporting infrastructure and development. In this context, the Master Plan:

- Identifies the overall values of the place which should be protected;
- Examines the role and function of the Boat Harbour Beach area in the context of North West Tasmania;
- Identifies current opportunities and constraints;
- Aligns the interests of all stakeholders toward common goals and achieves cohesiveness in future actions by those stakeholders;
- Gives clarity to the community, business, investors and governance about the future direction for the area; and
- Provides an overarching framework to prioritise investment in the area.

At the commencement of the master planning process the following aims were identified:

- (a) Overall vision for the township based on key directions;
- (b) Develop clear objectives for the future development and character of the town including planning scheme requirements;
- (c) Consider and detail the key environmental constraints of the township;
- (d) Consider and detail key infrastructure constraints including car parking and access;

-
- (e) Establish a plan to improve the quality of the area available for public open space, including pedestrian access, BBQ facilities and play equipment;
 - (f) Identify a settlement boundary having regard to key land constraints and values; and
 - (g) Consider future details work that may be necessary to support implementation.

Extensive public consultation and engagement with key stakeholders was undertaken and the strategic directions identified through the process have guided the preparation of the master plan with feedback shaping the final proposal. Subsequent engagement undertaken via a survey sent to the Boat Harbour Beach community indicated support for public camping with the regulated site location to be determined by the final plan.

The final Boat Harbour Beach Master Plan was endorsed by Council in August 2019 with a working group made up of Councillors, Officers, Boat Harbour Surf Life Saving Club members and members of the public then established to progress the Master Plan.

DETAILS

The Boat Harbour Beach Master Plan can be accessed on the Council's website:

<https://www.warwyn.tas.gov.au/governance/strategies-and-plans/>

A working group was established to drive the actions of the Master Plan. The group is made up of Community Members, Boat Harbour Surf Club representatives, Councillors and Council Officers. To date, work on this project includes:

Reports Completed / Tenders Awarded

- Coastal Engineering and Geotechnical Assessments and recommendations (for seawall and potential reclamation)
- Road and infrastructure design

Development and Design

- Land Survey has been completed
- Design for road infrastructure completed
- Traffic Engineers report completed
- Landscape Design completed

Operational Requirements

Over the coming months the working group will consider the following to present recommendations to Council:

- Building Ownership
- Building Maintenance

Seawall and Land Reclamation

It was agreed by the Boat Harbour Beach Master Plan Working Group (Working Group), that before any decisions could be made regarding project detailed design, that an indication was required from Parks and Wildlife as to whether approval would be forthcoming for

reclamation of land in the Western Bay as per the Master Plan. This decision will impact the final layout and design of the site.

Council officers have had various discussions with Parks and now have an indicative list of environmental impact reports required (this is not a guarantee of approval) to seek approval for Land Reclamation. It should be noted that at a minimum the existing seawall needs significant remediation works. Design for the seawall is currently being prepared and an allocation is included in the 21/22 budget for the seawall replacement.

Community Building

The Boat Harbour Surf Life Saving Club (Club) has been working on design plans for the community building which will also be the new home for the club and will include public toilet facilities. An updated design and cost estimate has now been completed.

Operational and safety matters are being considered as part of the design process. A copy of preliminary designs is attached for information.

Additional Planned Activities

Council Officers and the Working Group are continuing to work on activities to get the project to a shovel ready status which ensures best chance of achieving grant funding. Some of those activities include:

- Continuing to work with Parks to review all leases/licenses in the area.
- Reviewing existing infrastructure to ensure complimentary projects that support this project are considered in unison.
- The development of a plan for a walking track to the west.
- A review of Playground requirements.
- Development of a signage strategy for the area – update and improve existing in line with Council Branding Strategy, review opportunity for additional cultural / historical / environmental signage on walking tracks.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcome:	
We make publicly transparent decisions on spending and future directions while encouraging community feedback.	
1.1	Commit to best practice in community engagement.
GOAL 3: Connected Communities	
Desired Outcome:	
We listen and engage with our community in decision making.	
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.	

3.3	Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.
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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.
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 adopted a range of Master Plans and strategies in consultation with the community outlining future community aspirations which require a capital investment of approximately \$58m over the next 10 years. In addition to the capital outlays, additional recurrent costs will be incurred and will need to be planned for and managed.

At a high level, estimates for the Boat Harbour Beach Master Plan, are considered as follows:

Building	\$4,500,000
Road and Parking Infrastructure	\$2,338,072
Landscaping	\$533,800
Project Management, Design, Overheads	\$589,749
TOTAL PROJECT ESTIMATE	\$7,961,621

The Boat Harbour Beach Master Plan has been allowed for in Councils Financial Management Strategy at a total project value of \$7.350m over the 2023-24 & 2024-25 financial years, with 50% of the capital expenditure expected to be funded with government grants and 50% to be funded from Council reserves. Council will pursue capital co-funding for the project from the state and federal governments with the view to delivering the Master Plan over the next 5 years.

\$391,400 has been approved in the 21/22 financial year to complete repairs to the Western Seawall which is not included in the project estimates above. Similarly, the estimates above do not include demolition costs or for the basketball court or similar as detailed in the landscaping plan.

RISK IMPLICATIONS

There is considerable work to be completed to ensure that all legislative requirements are met, particularly related to environmental matters.

While there is already a high level of support for the Master Plan in the community, when/if the land reclamation is approved to proceed, community consultation will be critical to address concerns that parts of the community will have about the environmental impacts of this project.

It should be noted that external funding of capital works will be key to some components of the project proceeding to construction; Council Officers are preparing for those projects to be “shovel ready” to take advantage of any funding opportunities which may arise.

As part of the completing design and lodging development applications, ownership of assets will be determined and any additional costs to council for maintenance and depreciation will need to be factored into future budgets.

CONSULTATION PROCESS

There was extensive public consultation during the development of the Master Plan, with two rounds of consultation occurring. Following the adoption of the Master Plan, Council established a working group to drive the project. The working group includes key stakeholders, community members, elected members and staff. Officers will work with key stakeholders throughout the development of projects contained within the Master Plan. A communications plan will be developed in the coming months as all initial design work is completed and a final round of public consultation will be completed when the final draft project design is prepared.

CONCLUSION

It is recommended that Council note the review of the Boat Harbour Beach Master Plan actions.

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council:

- 1. Note the progress of implementation of the Boat Harbour Beach Master Plan; and**
- 2. Authorise officers to actively seek external funding for the project.**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.3 DESTINATION ACTION PLAN ANNUAL UPDATE

To: Council
Reporting Officer: Manager Tourism and Marketing
Responsible Manager: Director Community and Engagement
Report Date: 26 November 2021
File Reference: 1
Enclosures: 1. Wynyard DAP final report 2021 

PURPOSE

To provide Council with a final report against the Destination Action Plan priorities.

BACKGROUND

The Wynyard Destination Action Plan (DAP) was developed in 2017 through a joint initiative between the Department of State Growth, the Cradle Coast Authority and the Waratah-Wynyard Council.

DAP's were developed for a number of Tasmanian destinations as an initiative of the Tasmanian Visitor Economy Strategy 2015-2021 (T21) Priority 4: Building capability, capacity and community'.

A core strategy is to recognise that visitors to the Cradle Coast Region are primarily attracted to destinations and experiences. Therefore, the development, marketing and management of the region's destinations are pivotal to the success of the whole region.

The priorities for the Wynyard DAP were established through a series of industry and community workshops led by Wayne Kaylor Thomson – a Consultant engaged by the Cradle Coast Authority. Council contributed \$1,000 towards the project.

From these sessions, a working group consisting of 15 Wynyard business, industry and community members was formed to guide the staged 3-year implementation process.

Council adopted the Destination Action Plan in August 2017.

DETAILS

Progress against the five priority areas summarised in the attached document. Note that all actions for the Wynyard Destination Action Plan 2017 are now either complete or ongoing programs.

Despite initial enthusiasm for the DAP process, interest from the local industry waned after the development phase. Council and other nominated project participants and partners continued to progress priority actions.

Although in recent years the State Government commitment to the DAP implementation phase has shifted focus to other funding priorities within the tourism sector, the existence of the document and the commitment of Council and the Regional Tourism Organisations to prioritising elements highlighted in the regional DAP's make them useful tools for linking future projects and/or funding opportunities to the strategic goals highlighted as community priorities. The outlined progress against these priorities is testament to the continued efforts of Council and the RTO to deliver on community priorities.

Council will continue to refer to the DAP where appropriate for funding opportunities and future strategic planning.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 5: Economic Prosperity
Desired Outcomes
5.1 We understand our local and regional potential, and we plan for and encourage investment in it.
Our Priorities
5.1.1 Investigate and embrace new economic opportunities.

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.

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental 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.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council notes the final update report for the Wynyard Destination Action Plan.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.4 ANNUAL UPDATE OF COUNCIL NATURAL RESOURCE MANAGEMENT AND WEED MANAGEMENT ACTIVITIES

To:	Council
Reporting Officer:	NRM Officer
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	24 November 2021
File Reference:	NRM
Enclosures:	Nil

PURPOSE

To provide an update of the status of specific actions defined in the Waratah Wynyard Council Weed Management Strategy adopted in December 2005 (The Plan) as well as other Natural Resource Management (NRM) activity over the previous 12 months.

BACKGROUND

Waratah-Wynyard Council resource share an NRM officer with Circular Head Council. Since initial appointment as a Weeds Officer the position expanded in October 2015 to one under the broader auspices of natural resource management.

Environmental weed management is now manifested under the overarching natural resource management discipline. Although part of this report relates to weed management within the Waratah Wynyard Municipal area it is written with awareness that weeds do not recognise political boundaries and consequently movement of weeds across individual property or municipal boundaries is sometimes considered in this Council's weed management activities. However, there are tangible benefits from the resource shared model in weed management.

Weed management is not a static discipline with natural and anthropogenic factors influencing planning, actioning and reviewing any defined integrated weed management strategy in an ongoing and often inconsistent basis.

The ***Natural Resource Management*** section articulates the diverse range of issues encompassed within an evolving natural resource management discipline currently being addressed by Council.

The ***Weed Management*** aspect of this report will address progress against the actioning of the five weed management issues captured in the 2005 plan during the past twelve months.

DETAILS

NATURAL RESOURCE MANAGEMENT OVERVIEW

Natural resource management activities undertaken by the NRM officer have again been varied.

They have included continued coastal erosion investigation, liaison and reporting, liaison with Landcare groups, logistical assistance to the Sisters Beach Community Group with discussions with PWS to form a Wild Care group and attend onsite meetings to discuss relevant NRM issues.

The NRM officer liaises with relevant Crown Land Services and PWS officers as a first point of call to discuss environmental issues and seek appropriate solutions as required as well as preparing formal applications for approval for works on Crown land. An example of this is the communication between the NRM officer and PWS officers regarding the development of a Virtual Fence on Sisters Beach Road through the Rocky Cape National Park.

The NRM officer is also a member of the Integrated Council Environmental Plan (iCEP) Steering Committee.

FORUM / WORKING GROUP PARTICIPATION

The NRM officer has actively participated in the following Natural Resource Management forums in the past 2021 calendar year.

- West Coast - Fire Management Area Committee (FMAC) - Continues (Chair)
- Cradle Coast Cat Management Working Group (CCCNWG) - Continues (Chair)
- Cradle Coast – Rice Grass Project Reference Committee - Continues
- Resident Shorebird Monitoring Program, Stanley to Narawntapu National Park.
Ten (10) year program completed in first half of 2021
- Cradle Coast Natural Resource Working Group
- Dogs and Wildlife Forum
- Weed Action Fund – Project Development and Funding Applications with appropriate representatives from Cradle Coast Natural Resource Management, Burnie City Council and Central Coast Council personnel.

COMMUNITY PARTNERSHIP LIAISON

The NRM officer has undertaken liaison with and provides technical advice and project planning participation as required with the following community groups.

- Wynyard Landcare Group
 - Frenchs Road Reserve: ongoing environmental management works.
 - Fossil Bluff: Management Plan Development and ongoing environmental management works.
 - Ballard Avenue Reserve threatened species identification.
 - Goldie Street – Diminished remnant local wetlands system protection strategy.
- Sisters Beach Wildcare Group – Currently active projects.
 - Penny Project (Foreshore erosion mitigation)
 - Playground Project (Replacement and upgrade)
- Oldina Landcare Group (as required)
- Schools and other educational institution environmental interpretation and technical advice provision.

Council continues to sponsor members of local Natural Resource Management groups to attend Landcare conferences with four members from Wynyard Landcare and Sisters Beach Wildcare group attending the two-day State conference in Launceston.

FRENCHS ROAD NATURE RESERVE

The NRM officer continues to liaise with the Wynyard Landcare Group in the review of the MOU with Council.

On-ground works within the Council owned *Frenchs Road Nature Reserve*. With consideration to the value of the volunteer work undertaken by the group periodical reviews of all their activities on Council land is vital.

The Wynyard Landcare group has recently provided Council with an action plan for the Frenchs Road Nature Reserve based on a previously Council resourced *Frenchs Road Nature Reserve Vegetation Management Plan*

The logical incremental implementation of this plan is funded by Council in the 2021 -22 budget.

The outstanding work of the Wynyard Landcare group linked to Council's partnership has recently been recognised with a *Keep Australia Beautiful - Sustainable Communities Award*

FOSSIL BLUFF MANAGEMENT PLAN

The Fossil Bluff Management plan was adopted during 2021 involving protection and enhancement of the natural values of the area amongst over actions.



VIRTUAL DEVIL FENCE – SISTERS BEACH ROAD

The system works through a series of specifically placed beepers triggered by a vehicle head lights. The whistling sound (activate link below) discourages browsing and carnivorous marsupials from the road as vehicles pass.

<https://drive.google.com/file/d/1nqyMmaxJRCzsdqx2CvYRMU0P5PimAOiw/view>

Monitoring continues. A recent inspection was undertaken by the NRM Officer and the supplier of the beepers throughout the State. He noted the practical approach to the

placement of beepers based on a road curve and topography basis rather than a prescribed set distance apart. This was considered a factor in the high success rate at mitigating roadkill within the national park zone.

The virtual fence zone coincides with the recently adopted Ferris natural vegetation management adopted by Council.

The numbers of browsing and carnivorous marsupial road kills are being monitored by local volunteers and information is being provided to the NRM officer.

Seasonal activities of the wildlife combined with an increase in traffic and speed influences on any deaths will be noted and evaluated.

YORK STREET FUEL BREAK DEVELOPMENT AND IMPLEMENTATION PLAN

The York Street fire break zone was completed after discussion with the regional Tasmanian Fire Service planner with consideration to a natural values assessment commissioned by Council. The robust nature of consultation has provided a solution that balances fuel load mitigation requirements and natural values management consideration noted by local community stakeholders.

Before



After



SISTERS BEACH WILDCARE GROUP ACTIVITIES

Council through it's NRM officer has supported and facilitated the formation of the Sisters Beach Wildcare Group which was formalised by the State Government earlier in the year.

The group is energetic with its on ground works associated with the *Penny Project*. Works have been focussed on the mitigation of shoreline collapse at the Sisters Creek estuary.



Frontline coast plants at Sisters Creek mouth after a tidal surge



A test planting of salt tolerant ground cover natives planted by Penny Project working bee participants.



The group, through its key members, have participated in the planning process for the redevelopment of the playground zone and expressed interest in participating in the development of a creek mouth zone integrated management plan.

WEED MANAGEMENT

The weed management issues initially identified to be addressed in overarching Waratah Wynyard Weed Management Strategy 2005 are:

- (i) A co-ordinated approach to weed control
- (ii) Education, awareness and ownership
- (iii) Weed hygiene and the spread of weeds along corridors
- (iv) Weed invasion in coastal areas

(v) Resources and continuity of the weed program

They remain relevant however it is considered that at this time it is appropriate that a sixth issue be reported on. This is:

(vi) The effect of climate change on weeds management.

Although the priority weeds in the WWC municipality continue to be ragwort, pampas grass, gorse, broom and thistle species the momentum for crack willow management has waned as it has become resource starved and some instances where inappropriate mechanical removal of streamside willows has caused catastrophic river bank erosion. This in turn has initiated some tension with respect to removal of willows along stream sides. Crack willow management should continue to be an issue for consideration on Council land but where they are located on moving riverbanks in situations where council has no authority of responsibility to remove them is not council's business to remove them.

Broom - Waratah

Management of broom at Waratah has been aligned with the annual fire hazard reduction management under the auspices of the *Local Government Act*.

Success in reducing the challenging extent of broom, and to a lesser extent gorse, infestations can be attributed to the capacity under the *Local Government Act* to more easily enforce action on private and Government owned land.

Before



After



The photographs above give a clear indication of success with respect to reducing the size of the Waratah township precinct infestation in recent times.

Some occasional and specific locally initiated projects may be funded through a competitive application process.

PROGRESS AGAINST IDENTIFIED WEED MANAGEMENT ISSUES IN 2021

Co-ordinated approach to weed control

A co-ordinated approach to weed management based on integrated action strategies is embraced by Council. The coordination is manifested through the processes of internal and external communication, cooperation and knowledge brokering.

This report focusses on the Waratah Wynyard municipal jurisdiction, however with some aspects, there is a need to consider what is happening in neighbouring municipalities with corridors, into and out of ours. Weeds do not comply with political boundaries and consequently in weed management action planning there is a need to think, and act, regionally.

The coordinated approach goes beyond simply weed management service delivery by Council to an evolving role of facilitating community weed management in areas where the past perceived jurisdictional need for Council to provide resources to undertake work has not been correct or in fact not legal.

Weed management decisions made in the prescribed coordinated approach are now generally evidence based rather than emotively conceived

(i) Internal

The implemented service level model through which Council continues to deliver programmed actions logically. The delivery of weed management through the works department or the new contractor as required continues. This includes routine roadside vegetation (not just weeds) management and vegetation management within the parks and recreation section.

The current structure of the Infrastructure and Development Department continues to enable cross pollination of ideas between the service delivery and natural resource management disciplines of council through planning, or ad hoc, processes as required.

(ii) External

The Natural Resource Management officer continues to identify opportunities for as well as develop and foster formal and informal relationships / partnerships with peers and other relevant stakeholders within the private, public, scientific and not for profit sectors within the region, the State and nationally.

The Natural Resource Management officer recently participated with officers from Burnie and Central Coast Councils with an application to the Tasmanian State Government initiated Weed Action Fund for a regional approach to mapping Spanish Heath (*Erica lusitanica*) on private and government land within the Cradle Coast region.

Success in obtaining WAF funding for Cradle Coast Region Spanish heath infestation coordinates and management assistance on privately owned land within the region has been confirmed this calendar year.

Education, awareness and ownership

The Natural Resource Management officer continues to keep up to date with contemporary weed management intelligence vectored through formal and informal peer group / stakeholder interaction and is receptive to nuances in the science of weed management, micro and macro factors, chemical and non-chemical treatment attitudes and innovations, and public perceptions of what they believe is required.

Partnership development with Biosecurity Tasmania, Cradle Coast NRM, and various government and non-government business enterprises is a useful communication tool for interface between Council with statutory weed management responsibilities. This process has been enhanced by facilitation from CCNRM OFFICERS.

The recently adopted Council iCEP can now underpin sustainable weed management within the Waratah Wynyard municipal jurisdiction.

Further, information is gleaned from the NRM officer attending or presenting at organised technical forums relating to weed management.

Although Council does not provide weed infestation mitigation services for non-Council properties it provides a quasi-weed management extension service at no cost to those who enquire about technical support or weed management direction to individuals or groups within the local community.

The Natural Resource Management Officer talks to schools, TAFE and other educational institutions regarding weed / NRM management issues as requested or required.

WEED HYGIENE AND THE SPREAD OF WEEDS ALONG CORRIDORS

Council Maintained Corridors

Vegetation continues to be maintained on Council road verges through a slashing and or herbicide application program usually on an annual basis. Work is either undertaken by

directly by the works or parks and recreation sections or contractors. These activities do not specifically target weed species and the weed management outcome is generally supplementary to the sight line visibility and storm water run-off objectives in regard to road service provision.

The environmental weed species, Spanish heath, montbretia, slender thistles, Californian stinkweed, ragwort and pampas grass (infestations or individual plants) once identified were sprayed by a contractor. It is noted that the biomass of the montbretia, Spanish heath and Californian stinkweed infestations have been reduced significantly since the targeted annual program began five years ago. Small outbreaks continue but through inspection vigilance of previously recorded infestations coupled with public reporting the program is considered successful.

Non-Council Maintained Corridors

The Natural Resource management officer continues to engage with the appropriate Department of State Growth or public utility officers to ensure that any corridors that they manage have weed management program implementation.

This continues to be challenging as such programs appear to be substantially under resourced and with respect to State managed highways it is very difficult to enforce hygiene protocols for transport vehicles through the Waratah Wynyard Council area.

It has been noted that infestations of non-declared, but non the less environmentally damaging weeds through rail, road and transmission corridors which are not under Council jurisdiction are becoming problematic.

Consideration will be required for integrated management strategy development, facilitation and implementation with Council a key stakeholder.

GENERAL WEED MANAGEMENT ACTIVITIES

The Natural Resource Management Officer coordinates the treatment of environmental weeds infestations that fall outside the normal roadside vegetation management service levels as resources allow.

EMERGING ROADSIDE WEEDS

Infestations of several emerging species along roadside corridors are continually being monitored and treated by Council.

They are:

- Californian Stink Weed - *Navarretia squarossa*
- Montbretia - *Crocsmia X crocosmiiflora*
- Fox Gloves – *Digitalis purpurea*

Californian Stinkweed



Pre-treated and post treated Californian stinkweed on WWC rural road verges.

Council has implemented a continued Californian stinkweed post-Christmas spraying program. In the Calder, Oldina and Elliott districts. The NRM officer contacted the State Government several years ago to the threat from the plant which is a prolific seeding annual. In partnership with a spray contractor it ran trials of different registered herbicides and eventually found an effective solution to a problem weed that was not responding. The management program continues.

Montbretia



A Montbretia spraying program has been undertaken over the last 7 years to reduce the biomass on rural arterial roads with emphasis on the Oldina district. The success rate has been good with the strategy moving to mop up stage.

It has, however been noted that the infestation along the Bass Highway corridor from behind Wynyard to Smithton. The need to reduce the continuation of expansion of the corridor infestation is crucial and will need to be centred around Waratah Wynyard and Circular Head Councils taking a lead role in lobbying the State government to take action.

Fox Gloves



Fox gloves have become a major problem with respect to establishment on secondary road corridors within the Waratah Wynyard (and Circular Head) Council jurisdictions. Addressing this threat to natural and agrarian surroundings will need eradication action from landowners stimulated by Council communication.

The success of addressing the threat over the longer term will require education across communities relating to the lack of understanding that a 'pretty' English garden plant is still sold in nurseries without warning of how it can escape and completely change the ground cover vegetation type of broad expanses of our regional landscape through a lack of understanding.

ESTABLISHED ROADSIDE WEEDS

Pampas Grass



Vigilance with respect to pampas grass needs to continue. Waratah Wynyard Council has in the past worked with property owners from the private sector, Government business enterprise owners and Crown Land officers to reduce major biomass infestations and consequently reduce the spread of seed. Council continues to mop up outbreaking infestations as noted by treating the plants on Council managed land or implementing action where management is not Council's direct responsibility under the Weed Management Act (1999)

Spanish Heath – In TasRail corridor



Spanish Heath – Sprayed



WWC continues with an annual programmed Spanish heath treatment management process. It has also played a leading role partnering with Central Coast, Devonport and Burnie Councils win developing two (2) Spanish heath management programs and winning funding from State Weed Action Fund in the past year.

Sea Spurge

Sea Spurge has been managed by contractor spraying as well as hand pulling by participants in Wynyard Landcare working bees.

This approach has reduced the infestations within the Wynyard urban beach zones substantially and is a credit to the commitment of the members of the Wynyard Landcare group.

The NRM officer is currently investigating an opportunity for a partnership with Gavin Hunter a research scientist with CSIRO Canberra to undertake a biological control program on Sea Spurge on Council managed beaches.



STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
7.5 Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
7.5.2 Mitigate biosecurity risks through landscape restoration and industry collaboration.

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.
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.
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

Council's Environmental Sustainability Policy guides actions reported

ENVIRONMENTAL IMPLICATIONS

There are no environmental 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 should be noted that the number of NRM activities achieved in partnership with community groups is increasing, this is in line with the Council's iCEP strategy.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council note the annual update of Natural Resource Management activity including Weed Management

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.5 DRAFT MOBILE FOOD VENDOR GUIDELINES

To:	Council
Reporting Officer:	Economic Development Officer
Responsible Manager:	Director Organisational Performance
Report Date:	2 December 2021
File Reference:	Governance - Policy - Council Policies
Enclosures:	1. Public Feedback 1 
	2. Public Feedback 2 
	3. Facebook Poll Results 
	4. Mobile Food Vendor Guidelines 

PURPOSE

At the Council meeting on 18 October 2021, Council resolved to take the Draft Mobile Food Vendor Guidelines to public consultation. The consultation period has concluded, and the below report considers the application and use of the Guidelines, as well as feedback Council received during the consultation period. The report highlights changes that have been made in response to the public consultation.

BACKGROUND

Mobile food businesses operate throughout Tasmania under the *Food Act 2003*. While the *Food Act 2003* covers the provision of the sale of safe food and safe food handling, the Act and accompanying guidelines do not regulate where and when mobile food businesses can operate.

Council regularly receives expressions of interest from food vans to trade in the Waratah-Wynyard local government area (LGA).

These requests have prompted Council to review its position regarding when and where these vans can operate. Currently, Council does not have any guidelines in place that allow mobile food vendors to operate from council land, parks, reserves or public roads.

It is recognised that mobile food vending businesses are a legitimate and emerging segment of the food industry in Tasmania, and they can add to the vibrancy of a region. Council must also manage the competing needs and interests of local businesses, residents, consumers and users of the public spaces. For this reason, draft Mobile Food Vendor Guidelines were developed, and a period of community consultation was conducted.

Currently, food vendors are only permitted to operate in the Waratah-Wynyard LGA when operating as part of an event (e.g. Tulip Festival) or to visit businesses to serve the business employees directly and are parked on the business's property.

The Guidelines have been designed to detail the application and permit process, identify pre-approved locations, the number of vendors permitted to trade at each location, explain the booking process, and specify operating conditions each permit holder must comply with. It is anticipated that the Guidelines will be reviewed within 6 to 12 months of operation, considering any feedback from operators or the public regarding the operation of mobile food vendors in Waratah-Wynyard LGA.

Mobile food vendors will be required to book online before occupying any site. Utilising a booking platform will allow Council to track how many mobile food vendors are operating throughout the LGA and which mobile food vendor is trading from each site. This is particularly important from a risk and financial perspective if damage was to ever occur due to a mobile food vendors operation.

The Guidelines will allow Council to set an annual, seasonal (4-month period) and 3-day fee for mobile food vendor permits. These are proposed as follows:

-
- Annual permit \$550.00
 - 4-month permit \$330.00
 - 3-day permit \$110.00

These fees have been determined by considering the Council Officer time required for inspections and administration and other similar municipal areas. Council will monitor the operation of mobile food vendors to ensure they operate in accordance with the Guidelines.

The Guidelines also allows for the cancellation of mobile food vendor permits where the General Manager of the Council is satisfied that the permit holder has breached any of the permit conditions listed on their permit and/ or is not operating in accordance with the Guidelines.

If a mobile food vendor chooses to operate from privately owned or managed land, the mobile food vendor must obtain consent from the property owner/ manager prior to operation. The mobile food vendor must also ensure that mobile food vending is allowable on the site in accordance with the Waratah-Wynyard Interim Planning Scheme. Planning advice should be obtained before operation on private property, as a planning permit may be required depending on the proposed location(s) for mobile food vending.

The introduction of Mobile Food Vendor Guidelines will allow mobile food vendors to trade on Council owned and/or managed land in pre-approved locations throughout the Waratah Wynyard LGA through the issuing of a Mobile Food Vendor Permit.

DETAILS

The purpose of the Guidelines is to provide a framework under which a permit may be granted to allow mobile food vending businesses to operate on council-owned and/or managed land in the Waratah-Wynyard municipal area.

Public consultation for the draft Mobile Food Vendor Guidelines was conducted in accordance with Council's consultation and public participation policy.

The Draft Mobile Food Vendor Guidelines were released for public consultation on 8 November 2021 and were available for comment until 29 November 2021, a total period of 21 days.

The consultation was undertaken in accordance with Council's consultation and public participation policy. The draft Guidelines were placed on the 'Have Your Say' page of Council's website, and the community were encouraged to complete the online feedback form. Identified stakeholders were contacted directly and provided with details on how to give their feedback. Council staff also dropped off flyers to local Wynyard food businesses.

A poll was also conducted via Council's Facebook page to gauge the wider community sentiment. The poll was conducted for seven days, and the following wording was used,

"Council would like you to have your say about whether you are in favour of mobile food vendors operating in our municipality. Vote YES or NO below".

An affirmative vote was received from members of the community through this Facebook poll. **The final result was 451 'Yes' votes and 15 'No' votes.** This can be taken as a general indicator of community support.

During the consultation period, two (2) responses from the public were received. Neither responders identified themselves as business owners. The responses are in the table below and the email submissions attached to this report.

Name	Response
Ron Williams	<i>"I not sure that they would be a good idea for the municipality, we already have plenty of choices to buy food that by adding mobile units as well will create an over supply and create more hardship for existing establishments who have higher overheads."</i>
Karen French	<p><i>"What a wonderful idea - carry on. I dislike saying 'as a ratepayer' (as it makes one feel so damn entitled) because everyone who lives in this municipality whether you pay rates or not can see the work that the council is putting into the ongoing vibrancy of an already beautiful region.</i></p> <p><i>Council and all its employees (from the guy/gal who digs the shovel to the top of the hierarchy) deserve the recognition they deserve for the hard work that we see every day.</i></p> <p><i>Good on you."</i></p>

No submissions were received from existing food businesses. There have been no recommended changes to the Guidelines as a result of the public consultation.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications associated with the introduction of Mobile Food Vendor business in the Waratah-Wynyard municipal area. Tasmanian councils are not required under any legislation to allow Mobile Food Businesses to operate in their municipality, and it is up to each Council to determine how to regulate and monitor mobile food vendor operations.

The Food Act 2003 applies to the provisions of safe handling and sale of food.

The fees will be set by Council annually in accordance with *Section 205 of the Local Government Act 1993* and published as part of the annual fee schedule.

The Waratah-Wynyard General Manager is authorised to permit the selling of items in a public reserve under the *Waratah-Wynyard Highway, Public Reserves, Parking Areas and Stormwater By-Law No. 1 of 2016*.

Section 56C of the Vehicle and Traffic Act 1999 states that a person requires a permit to set up or use a stall, stand or vehicle on a public street for the purposes of selling any goods and that a permit for such activity may be issued by the General Manager.

STRATEGIC IMPLICATIONS

The following operational aims of Council's Strategic Plan were identified and considered in the preparation of the Mobile Food Vendor Guidelines.

Strategic Plan Reference

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

GOAL 1: Leadership and Governance
Desired Outcomes
1.3 We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
1.6.1 Encourage increased participation by all stakeholders.
GOAL 3: Connected Communities
Desired Outcomes
3.5 Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
3.2.1 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.
GOAL 5: Economic Prosperity
Desired Outcomes
5.1 We understand our local and regional potential, and we plan for and encourage investment in it.
Our Priorities
5.3.2 Assess potential capability for economic expansion.
GOAL 5: Economic Prosperity
Desired Outcomes
5.4 Pathways to improve liveability now and in the future are provided.
Our Priorities
5.3.3 Actively manage community and economic growth through community engagement.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
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.
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 Consultation and Public Participation Policy was considered during the community consultation process.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Guidelines will allow Council to set an annual, seasonal (4-month period) and 3-day fee for mobile food vendor permits. These are proposed as follows:

- Annual permit \$550.00
- 4-month permit \$330.00
- 3-day permit \$110

The Guidelines also allows for the cancellation of mobile food vendor permits where the General Manager of the Council is satisfied that the permit holder has breached any of the permit conditions listed on their permit and/ or is not operating in accordance with the Guidelines. Penalties for non-compliance are authorised under the *Waratah-Wynyard Highway, Public Reserves, Parking Areas and Stormwater By-Law No. 1 of 2016*.

RISK IMPLICATIONS

Legal Risk

There is a risk that Crown Land may not formally agree to alter Council's current leases to allow mobile food vendors to operate on their land. Therefore, several of the proposed pre-approved locations are subject to change if approval is not received. In principle agreement has been given for altering the leases.

Reputational Risk

The increased presence of mobile food vendors may be viewed as a threat by existing local businesses. However, mobile food vending is recognised as a legitimate market throughout Tasmania, and Council recognises that mobile food vending businesses can add to the vibrancy of the municipal area. Council must balance managing the competing needs and interests of local businesses, residents, consumers and users of the public spaces.

Other

The risk of damage to Council infrastructure and assets has been considered. While it is evident that there is a risk that damage may occur, the ability to cancel permits, monitor location use, and charge permit holders for the costs of repairing or replacing damaged infrastructure will mitigate these risks.

Traffic congestion and poor traffic management from customers trying access sites is a further risk identified. However, the pre-approved locations in the Guidelines have been deemed suitable due to the availability of parking for the mobile food vendor and space for the general public to park. The location and number of vendors permitted to trade at a time are suggested to have minimal impact on traffic management. It is recognised that these locations may need to be reviewed if the need arises.

The development of the Guidelines will allow Council to regulate and respond to the increasing demand for mobile food vending.

CONSULTATION PROCESS

On 23 August 2021, the Draft Mobile Food Vendor Guidelines were considered and discussed at a Council workshop. On 18 October 2021, as part of the Ordinary Council Meeting, the Draft Mobile Food Vendor Guidelines were approved for public consultation.

The Draft Mobile Food Vendor Guidelines were released for public consultation on 8 November 2021 and were available for comment until 29 November 2021, a total period of 21 days.

The consultation was undertaken in accordance with Council’s consultation and public participation policy. The draft Guidelines were placed on the ‘Have Your Say’ page of Council’s website, and the community were encouraged to complete the online feedback form.

Identified stakeholders were contacted directly and provided with details on how to give their feedback. Council staff also dropped off flyers to local Wynyard food businesses.

A poll was also conducted via Council’s Facebook page to gauge the broader community sentiment. The poll was conducted for seven days, and the following wording was used,

“Council would like you to have your say about whether you are in favour of mobile food vendors operating in our municipality. Vote YES or NO below”.

CONCLUSION

That Council adopt the Mobile Food Vendor Guidelines as presented.

MOVED BY	CR COURTNEY
SECONDED BY	CR EDWARDS


- 1. That Council adopt the Mobile Food Vendor Guidelines as presented; and**
- 2. In accordance with Section 205 of the *Local Government Act 1993*, Council impose the following fees for the 2021-22 financial year:**
 - **Annual permit \$550**
 - **4-month permit \$330**
 - **3-day permit \$110**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.6 CRADLE COAST WASTE MANAGEMENT GROUP - ANNUAL REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 2 December 2021
File Reference: 02
Enclosures: 1. Cradle Coast Waste Management Group - Annual Report 2020-21 

PURPOSE

The purpose of this report is to provide Council with an overview of the activities undertaken by the Cradle Coast Waste Management Group (CCWMG) for the 2021/22 financial year.

BACKGROUND

The CCWMG is responsible for implementing the Cradle Coast Regional Waste Management Strategy 2017-2022.

The CCWMG was formed in 2007 and represents seven northwest Tasmanian municipal councils. After ratification of a revised set of Terms of Reference in 2020, the CCWMG now comprises of General Manager's from the participating Councils. The group is currently chaired by the Central Coast General Manager, Ms Sandra Ayton. The Cradle Coast Waste Services (CCWS) is a consulting arm of the Dulverton Regional Waste Management Authority, providing administration, financial and project management support and waste expertise to the CCWMG.

Each year the CCWMG set an annual plan and budget for the upcoming twelve months aimed at achieving the outcomes of the regional strategy. The four goals of the Strategy are:

1. Waste Diversion;
2. Regional planning and efficiencies;
3. Partnerships; and
4. Community engagement.

The annual plan and budget are funded from a voluntary levy paid by participating Council's (\$5.50 per tonne of waste delivered to landfill in 2021/22).

With the introduction of the State Waste levy proposed for 1 November 2022, it is understood that a transition from the voluntary levy to the equivalent funding from the State based levy will occur during 2022/23.

This report tables the CCWMG's Annual Report 2021/22

DETAILS

The Annual Report provides a snapshot of the activities undertaken by CCWMG and progress against the four Key Performance Indicators:

1. By 2022, divert 50% of all Municipal Solid Waste (MSW) from Local Government landfill facilities across the region.

-
2. By 2022 increase the proportion of recycling bin receiving a pass mark as part of the recycling bin assessments to 90% across the region (based on 2015-16 assessment pass rate at 81%)
 3. By 2022, reduce incidents of illegal dumping at hotspot sites by 25% across the region (upon first establishing baseline data from council reports).
 4. By 2022, member councils to be collecting and reporting a standardised set (for material types, unit etc.) of data in relation to waste and resource activities.

The CCWMG successfully completed projects in the following areas (a detailed list is contained within the Annual Report):

- Education and Promotion
- Recycling Bin Assessments
- Schools Program
- Free Residential, Fluro Tube/Globe, E-Waste and Paint Recycling
- Public Place Bins Subsidy
- Household Hazardous Waste Events



Recycling Hub in Council Offices reception area.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
Our community uses the renewable and natural environment to meet its energy needs and assist in reducing the effects of global warming.
Tourists and residents visit and appreciate our natural environmental attractions and unique surroundings.
Our Priorities
7.1 Provide education to facilitate awareness and appreciation of built and natural assets.
7.5 Facilitate monitoring of pollution trends and events by the relevant authorities in our community environment.

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.
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.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Waste Strategy 2019-2024	Adopted August 2019
iCEP (Integrated Council Environmental Plan 2020-2030)	Adopted August 2020

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications resulting from this report, the Annual Report shows progress towards achieving the CCWMG's vision to *'Deliver sustainable community in the Cradle Coast region of Tasmania by implementing strategies which minimise waste through increases in waste diversion and recovery.*

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 Cradle Coast Waste Management Group Annual Report.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council note the Cradle Coast Waste Management Group Annual Report 2021/22.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.7 PUBLIC LAND DISPOSAL, WARATAH

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	25 November 2021
File Reference:	6997980
Enclosures:	Nil

PURPOSE

This report has been prepared for Council to consider the disposal of land identified as surplus to the community's needs in Waratah.

BACKGROUND

Throughout 2020 Council workshopped several parcels of land throughout the municipal area that is considered surplus to Council needs. Council Officers have been progressing the disposal of land in accordance with those discussions, and it is recommended that these parcels of land now be considered for disposal.

DETAILS

Disposing of land that is surplus to Councils needs ensures that Council resources can be applied to assets that provide greater benefit to the community. The cost of maintaining assets that are underutilised can be saved and funds invested in the land assets can be invested in other community infrastructure.

All parcels of land being considered in this report are listed on the Public Land Register.

A 21-day public consultation process is required to sell public land and it is recommended that Council commence the consultation process to dispose of the land with a formal decision on disposal to be made following the public consultation.

It is unknown how valued public ownership of the parcels is to the residents of the area. The public land disposal process will allow the community to provide feedback prior to Council making a formal decision to sell.

Council is currently selling land for the recovery of rates and charges in the area. The demand for Waratah properties has been strong, indicating that market conditions for the sale of land surplus to Council needs are optimal, with increased interest in land in Waratah.

If Council makes a decision to sell the properties following the public consultation process, market appraisals will be sought to determine an appropriate listing value.

6 Main Street, Waratah



6 Main Street, Waratah is a vacant lot 0.0357 Ha in size. This property is expected to be saleable to an adjoining property owner. One adjoining property is currently under auction and will transfer to new ownership over the coming months.

0 Quiggin Street, Waratah



Quiggin Street, Waratah is 2.8859 HA in size and zoned rural resource.

14 Walker Street, Waratah



14 Walker Street, Waratah is 0.4047 Ha in size.

STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993* Sections 178, 178A and 178B outlines the process for the sale of Public Land as follows:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).
- (6) The council must—
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of—
 - (i) that decision; and
 - (ii) the right to appeal against that decision under [section 178A](#).
- (7) The council must not decide to take any action under this section if—
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under [section 178A](#) has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#).
- (8)

178A. Appeal

- (1) Any person who lodged an objection under [section 178](#) may appeal to the Appeal Tribunal against the decision of a council under [section 178\(6\)](#) within 14 days after receipt of notice of that decision under [section 178\(6\)\(b\)](#) .
- (2) An appeal must be made in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#) .
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
 - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
 - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#) .
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and [section 25 of the Resource Management and Planning Appeal Tribunal Act 1993](#) does not apply.

178B. Determination of appeal

In hearing an appeal against a decision of a council, the Appeal Tribunal may –

- (a) confirm that decision; or
- (b) set aside that decision; or
- (c) set aside that decision and –
 - (i) substitute another decision; or
 - (ii) remit the matter to the council for reconsideration.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.2.1 Review and adjust service levels to provide value for money.

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

Asset Management Policy

Council’s Asset Management Policy states that Council is to:

“ensure that our infrastructure services are provided in an economically optimal way, with the appropriate levels of service to residents, visitors and the environment determined by reference to our financial sustainability”.

Council is often required to make decisions in the best interests of the community in the appropriate allocation of resources. Council's Financial Management Strategy includes the following principles, which are applicable to this decision.

“Principle 1: The community’s finances will be managed responsibly to enhance the wellbeing of residents.

Council will ensure it only raises the revenue it needs and will do so in the most efficient and equitable manner possible. Council will manage community funds according to best practice standards and ensure information regarding its financial management decisions is accessible to the community. Council will ensure it only delivers those services that cannot be delivered more efficiently and effectively by other providers.”

“Principle 4: Resources will be allocated to those activities that generate community benefit.

Council will ensure robust and transparent processes are in place for the allocation and prioritisation of resources through budgetary decision-making, as well as choosing the most effective methods for delivering specific services and projects. Strategies will include a vigorous cost-benefit analysis in preparing and assessing proposals. Council recognises its service obligations to the Waratah Wynyard community in its decision-making.”

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no material financial implications of this report.

The operational costs of land ownership for the parcels of land are minimal and therefore not separately identifiable in Council's accounts. Council does not pay land tax on these properties (they are exempt).

Holding land that is surplus to Council's needs does incur costs in terms of lost opportunity. The land can benefit the community through private ownership with the potential for rates and charges income.

The market will ultimately determine the sale value for each parcel. If Council decides to sell the properties following the public consultation process, market appraisals will be sought to determine an appropriate listing value. Further advice will be provided to Council following the public consultation process if applicable.

RISK IMPLICATIONS

- *Legislative compliance*

When considering the sale of public land, Council must follow the Local Government Act. The recommendation addresses Council's legislative compliance risk in the disposal process.

- *Reputational Risk*

It is unknown how valued public ownership of the parcels is to the residents of the area. The public land disposal process will allow the community to provide feedback that will inform the decision.

Council is currently selling land for the recovery of rates and charges in the area. The demand for those properties has been strong, indicating that market conditions for the sale of Council land are optimal, with increased interest in land in Waratah due to the online auctions. Some Waratah residents may express concern over the turnover of land in the community to new ownership within such a short period.

- *Financial Sustainability*

Council services must be provided in an economical way. Disposing of the land reduces the risk of inefficient assets not being utilised for community benefit. The funds invested in the land assets could be invested in other community infrastructure that is valued by the community.

CONSULTATION PROCESS

Council has considered the sale of land considered to be surplus to the community's needs at a workshop held 29 November 2021.

If the resolution is passed as presented, a 21-day public consultation process will be undertaken prior to a formal decision to sell the land with advertisements to occur from mid-January. This will include displaying a copy of the notice on the land and advertising twice in the local newspaper.

RECOMMENDATION

It is recommended that Council commence the public land disposal process advertising intention to sell in accordance with the *Local Government Act 1993* and report the outcome of the public land disposal process to Council following the 21-day objection period.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council:

1. **Determines its intention to dispose of public land located at 0 Quiggin Street, Waratah (PID 997980), 6 Main Street, Waratah (PID 7003597), and 14 Walker Street, Waratah (PID 7003933);**
2. **Commence the public land disposal process advertising intention to sell the properties in accordance with the *Local Government Act 1993*; and**
3. **Report the outcome of the public land disposal process to Council following the 21-day objection period.**


The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

THE MANAGER INFRASTRUCTURE AND DEVELOPMENT SERVICES LEFT THE MEETING AT 6.52PM

9.8 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2021

To: Council
Reporting Officer: Corporate Accountant
Responsible Manager: Director Organisational Performance
Report Date: 1 December 2021
File Reference: 6
Enclosures: 1. Monthly Capital Report - November 

PURPOSE

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

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Balance Sheet
- Cashflow Statement
- Cash Position
- Rate Summary
- Operating Performance by Department
- Tenders and Contracts
- Capital Works Summary
- Capital Works Report (attached)

DETAILS

Council is currently tracking well against budget with a forecast favourable variance to budget of \$319k. There are several favourable and unfavourable variances across the budget. Commentary on the forecast is provided at both an expenditure type and departmental level further in this report.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

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

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial Management Strategy 2021-2031	Adopted March 2021

POLICY IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental 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

All details are included in the attached reports.

MOVED BY	CR COURTNEY
SECONDED BY	CR HYLAND

That Council note the Financial Reports for the period ended 30 November 2021.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.9 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	16 November 2021
File Reference:	1312
Enclosures:	Nil

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 6 November to 5 December 2021.

Corporate

- Negotiation of Council's new Enterprise Agreement continued with a vote to take place on Monday 13 December 2021;
- Regular discussions and meetings with Burnie City Council regarding the cyber-attack that affected their systems;
- Participated in a joint Executive Management Team meeting with Circular Head Council
- Finalised General Manager's Performance Review
- Met with DPIPWE and TasWater representatives regarding the Waratah weir
- Viewed the National Federation Awards online. In June this year, Council won the Tasmanian Environmental Leadership and Sustainability Award at the Local Government Professionals Tasmania Annual Awards for the Integrated Council Environmental Plan. This qualified Council as a finalist in the running for a LG Professionals National Federation Award. The national award was won by Bayside City Council for their Journey to Carbon Neutrality.

Community

- Met with representatives of the Wynyard Yacht Club to discuss progress of the new building
- Met with a small business owner regarding challenges faced by their business and future opportunities
- Met with representatives of the Wynyard Bowls Club regarding their lease
- Attended the 150 Year Celebrations in Waratah including the official opening of the Philosopher Smith's Trail exhibition

Industry

- Attended the LGAT General Meeting in Hobart
- Attended the Owners Representatives Meeting and Annual General Meeting of TasWater;
- Attended a meeting organised by LGAT and the State Government regarding opening of the state and COVID measures
- Attended the Cradle Coast General Manager’s Meeting incorporating the Cradle Coast Waste Management Group
- Attended the LGAT General Manager’s Conference. Sessions included:
 - The neuroscience behind leadership challenges - Dr Lila Landowski
 - Climate risks and governance for local Government - Sarah Barker
 - Digital Security – Plan, Protect Detect, Respond - Jeff Griffith
 - Update from the Director of Local Government - Craig Limpkin
 - Deputy Secretary of the Department of State Growth – Gary Swain
- Attended the Local Government Professionals Cradle Coast Branch meeting, which included a tour through the new University of Tasmania building in Burnie

Other

- Attended a Board workshop of the Cradle Coast Authority;

ADMINISTRATION – USE OF CORPORATE SEAL

11/11/2021	Final Plan and Schedule of Easements	SD 2095 – 327 Back Cam Road, Somerset – Subdivision (1 and 2 Lots) – PDS Surveyors Pty Ltd
30/11/21	Final Plan and Schedule of Easements	Sd 2080 – 86 Austins Road Myalla – Boundary Adjustment

POLICIES TO BE RESCINDED

Nil

COMMUNITY CONVERSATIONS

Location	Date	Start Time	Number in Attendance
Boat Harbour Beach	26 July 2021	5.30pm	35
Sisters Beach	22 September 2021	5.30pm	2
Yolla	22 November 2021	5.00pm	3
Waratah	19 January 2022	5.30pm	
Wynyard	23 March 2022	5.00pm	
Somerset	18 May 2022	5.00pm	
TOTAL			40

MOVED BY	CR EDWARDS
SECONDED BY	CR BRAMICH

That Council note the monthly Senior Management Report.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.10 COUNCIL LEGISLATIVE AUTHORISATIONS AND DELEGATIONS - BUILDING ACT 2016

To:	Council
Reporting Officer:	Executive Officer - Governance and Performance
Responsible Manager:	Director Organisational Performance
Report Date:	6 December 2021
File Reference:	1312
Enclosures:	Nil

PURPOSE

The purpose of this report is to facilitate a Council review of the authorisations and delegations of legislative powers and functions it has granted or approved to enable officers to undertake the day to day conduct of the Council's business.

BACKGROUND

The Council maintains a register of the delegations it has approved in relation to the exercise of its legislative powers and functions by Council officers.

In 2013 the Local Government Association of Tasmania (LGAT) commissioned a project to ensure Councils are provided with specific information about their legislative obligations that and the extent to which they can delegate the exercise of their legislative powers and performance of their functions and duties to officers.

LGAT engaged the legal firm Simmons Wolfhagen to undertake the requisite research and provide the project outcomes in a form usable by Councils and the database has been continuously updated since as legislation changes.

Due to the recent organisational structure changes within the Development Services team there is a need to review and revise the authorisations and delegations it currently has in place under Section 27(3) and (4) of the *Building Act 2016*.

DETAILS

The primary provisions for delegation of powers and functions are conferred by section 22 of the *Local Government Act 1993*, in the case of a Council, and section 64, in the case of a General Manager.

Some legislation requires that any delegations be made to persons rather than offices, thus the relevant instruments will identify the delegate by name and not by the office held. In these cases it is intended the delegation be granted to more than one individual to address the situation whereby a named delegate may be absent on leave.

This report addresses only those powers and functions that the Council may delegate directly to officers (as is required in some legislation).

Essentially, delegations are a matter for determination at the discretion of a Council, a General Manager or both but ultimately the efficiency and effectiveness of a Council's operations will be reflected in the extent to which its officers are properly empowered to carry out their roles in a timely manner.

Council officers have produced a suite of instruments, covering all prospective authorisations and delegations identified by the LGAT solicitors and those that are exercised will be maintained in a register that is accessible to all staff.

The determinations that can only be approved by Council resolution are listed in Schedule “A” which authorisation is sought for the Council’s common seal to be affixed to relevant instruments.

STATUTORY IMPLICATIONS

Statutory Requirements

Relevant statutes

The following Acts and regulations include powers and functions that apply to local government and which may be delegated to Council officers.

Building Act 2016

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.5 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
1.5.2 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
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.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no significant financial implications associated with this review of Council’s appointments, authorisations and delegations.

RISK IMPLICATIONS

There are no significant risk implications associated with this review of Council’s appointments, authorisations and delegations. Risk of adverse action does exist where the exercise of Council’s legislative powers and functions occurs without proper authorisation or delegation and the purpose of this report is to recommend action that minimises exposure to such risk.

CONSULTATION PROCESS

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

CONCLUSION

The regular review of Council's Delegations Register is essential to ensuring that delegated functions and powers remain current and appropriate.

Adoption of the recommendations in this report will give effect to changes that are in line with information supplied by the LGAT's legal advisors to ensure that Council has appropriate authorisations and delegations in place.

SCHEDULE "A"

Legislation / Requirement	Function or Power	Type	Given By	Given To	Conditions or Restrictions
<i>Building Act 2016</i> S27(3) & (4)	Make information retained pursuant to s.27(2) available to the persons specified in s.27(3), and to provide a copy of that information upon payment of a fee - Records of a Permit Authority.	Delegation	Council	Project Manager (Systems Management)	Nil
<i>Building Act 2016</i> S27(3) & (4)	Make information retained pursuant to s.27(2) available to the persons specified in s.27(3), and to provide a copy of that information upon payment of a fee - Records of a Permit Authority.	Delegation	Council	Building and Compliance Coordinator	Nil
<i>Building Act 2016</i> S27(3) & (4)	Make information retained pursuant to s.27(2) available to the persons specified in s.27(3), and to provide a copy of that information upon payment of a fee - Records of a Permit Authority.	Delegation	Council	Plumbing Compliance Officer	Nil

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council

- 1) in accordance with s.20(3) and s.22 of the *Local Government Act 1993* and other legislative authorities listed in Schedule "A", grant authorisations and approve delegations to the persons listed, subject to the relevant conditions and/or restrictions, of the powers and functions that also appear in Schedule "A" of this report; and
- 2) authorise the Council's common seal to be affixed to instruments that give effect to this decision.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

9.11 MINUTES OF OTHER BODIES/COMMITTEES

Nil received.

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

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>	15 (2)
<i>Confidential Report R15 (2) (f,i) proposals for the council to acquire land or an interest in the land or for the disposal of land; AND relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council East Wynyard Land Subdivision</i>	15 (2) (f,i)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters GM Performance Review</i>	15 (2) (a)
<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)

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR BRAMICH
SECONDED BY	CR COURTNEY

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 6.55PM

<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) (f,i) proposals for the council to acquire land or an interest in the land or for the disposal of land; AND relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council East Wynyard Land Subdivision</i>	15 (2) (f,i)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters GM Performance Review</i>	15 (2) (a)
<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)

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS		CR HYLAND

12.0 RESUMPTION OF OPEN MEETING

At 7.08pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT**RECOMMENDATION**

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

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.08pm.

Confirmed,

MAYOR

24 January 2022